

Licensing and Regulatory Committee



St Edmundsbury
BOROUGH COUNCIL

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|--|---|--|--|--|---------------------------------|-----------------|--|-------------------------------|------------|------------------|
| Title: | Agenda | | | | | | | | | |
| Date: | Tuesday 20 June 2017 | | | | | | | | | |
| Time: | 5.00 pm | | | | | | | | | |
| Venue: | Conference Chamber West (F1R09) West Suffolk House Western Way Bury St Edmunds, IP33 3YU | | | | | | | | | |
| Full Members: | <p style="text-align: center;">Chairman To be appointed Vice-Chairman To be appointed</p> <table> <tr> <td><i>Conservative Members (10)</i></td> <td>Sarah Broughton Jeremy Farthing Wayne Hailstone Beccy Hopfensperger Margaret Marks</td> <td>Sara Mildmay-White Richard Rout Clive Springett Peter Thompson Frank Warby</td> </tr> <tr> <td><i>Charter Group Member (1)</i></td> <td>Bob Cockle</td> <td></td> </tr> <tr> <td><i>UKIP Group Members (2)</i></td> <td>Tony Brown</td> <td>Anthony Williams</td> </tr> </table> | <i>Conservative Members (10)</i> | Sarah Broughton Jeremy Farthing Wayne Hailstone Beccy Hopfensperger Margaret Marks | Sara Mildmay-White Richard Rout Clive Springett Peter Thompson Frank Warby | <i>Charter Group Member (1)</i> | Bob Cockle | | <i>UKIP Group Members (2)</i> | Tony Brown | Anthony Williams |
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| <i>Charter Group Member (1)</i> | Bob Cockle | | | | | | | | | |
| <i>UKIP Group Members (2)</i> | Tony Brown | Anthony Williams | | | | | | | | |
| Substitutes: | <table> <tr> <td><i>Conservative Members (4)</i></td> <td>Susan Glossop Ian Houlder</td> <td>Jane Midwood Patricia Warby</td> </tr> <tr> <td><i>Charter Group Member (1)</i></td> <td>David Nettleton</td> <td></td> </tr> <tr> <td><i>UKIP Group Member (1)</i></td> <td>John Burns</td> <td></td> </tr> </table> | <i>Conservative Members (4)</i> | Susan Glossop Ian Houlder | Jane Midwood Patricia Warby | <i>Charter Group Member (1)</i> | David Nettleton | | <i>UKIP Group Member (1)</i> | John Burns | |
| <i>Conservative Members (4)</i> | Susan Glossop Ian Houlder | Jane Midwood Patricia Warby | | | | | | | | |
| <i>Charter Group Member (1)</i> | David Nettleton | | | | | | | | | |
| <i>UKIP Group Member (1)</i> | John Burns | | | | | | | | | |
| Interests – Declaration and Restriction on Participation: | Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest. | | | | | | | | | |
| Quorum: | Five Members | | | | | | | | | |
| Committee administrator: | Christine Brain Democratic Services Officer (Scrutiny) Tel: 01638 719729 Email: christine.brain@westsuffolk.gov.uk | | | | | | | | | |

Public Information



St Edmundsbury
BOROUGH COUNCIL

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|---|---|--|
| Venue: | West Suffolk House Western Way Bury St Edmunds Suffolk IP33 3YU | Tel: 01284 757120 Email: democratic.services@westsuffolk.gov.uk Web: www.stedmundsbury.gov.uk |
| Access to agenda and reports before the meeting: | Copies of the agenda and reports are open for public inspection at the above address at least five clear days before the meeting. They are also available to view on our website. | |
| Attendance at meetings: | The Borough Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. | |
| Public participation: | Members of the public who live or work in the Borough are invited to put one question or statement of not more than three minutes duration relating to items to be discussed in Part 1 of the agenda only. If a question is asked and answered within three minutes, the person who asked the question may ask a supplementary question that arises from the reply. A person who wishes to speak must register at least 15 minutes before the time the meeting is scheduled to start. There is an overall time limit of 15 minutes for public speaking, which may be extended at the Chairman's discretion. | |
| Disabled access: | West Suffolk House has facilities for people with mobility impairments including a lift and wheelchair accessible WCs. However in the event of an emergency use of the lift is restricted for health and safety reasons. Visitor parking is at the car park at the front of the building and there are a number of accessible spaces. | |
| Induction loop: | An Induction loop is available for meetings held in the Conference Chamber. | |
| Recording of meetings: | The Council may record this meeting and permits members of the public and media to record or broadcast it as well (when the media and public are not lawfully excluded). Any member of the public who attends a meeting and objects to being filmed should advise the Committee Administrator who will instruct that they are not included in the filming. | |

Agenda

Procedural Matters

Part 1 - Public

1. Election of Chairman 2017/2018

2. Election of Vice-Chairman 2017/2018

3. Apologies for Absence

4. Substitutes

5. Public Participation

Members of the public who live or work in the Borough are invited to put one question or statement of not more than 3 minutes duration relating to items on Part 1 of the agenda only.

If a question is asked and answered within 3 minutes the person who asked the question may ask a supplementary question that arises from the reply.

A person wishing to speak must register to speak at least 15 minutes before the meeting is scheduled to start. There is an overall time limit of 15 minutes for public speaking which may be extended at the Chairman's discretion.

6. Minutes

1 - 6

To confirm the minutes of the meeting held on 11 April 2017 (copy attached).

7. West Suffolk Food Safety Service Plan 2017-2018

7 - 32

Report No: **LIC/SE/17/006**

8. Training for Private Hire and Hackney Carriage Drivers

33 - 86

Report No: **LIC/SE/17/007**

9. Process for Setting Hackney Fares (Verbal)

To receive a verbal report on the process for setting Hackney fares to be followed.

10. Wheelchair Accessible Vehicles and Assistance Dogs Exemption Processes (Verbal)

To receive a verbal report on the processes that will be applied following applications for exemption from the legislative requirements relating to Wheelchair Accessible Vehicles and Assistance Dogs.

11. Work Programme Update

87 - 90

Report No: **LIC/SE/17/008**

Part 2 – Exempt

NONE

Licensing and Regulatory Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Licensing and Regulatory Committee** held on **Tuesday 11 April 2017** at **5.00 pm** at the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

Chairman Frank Warby

Sarah Broughton
Tony Brown
Wayne Hailstone
Beccy Hopfensperger

Margaret Marks
Sara Mildmay-White
Peter Thompson
Anthony Williams

Substitutes attending:

David Nettleton

Patricia Warby

By Invitation:

John Burns and Susan Glossop

59. **Apologies for Absence**

Apologies for absence were received from Councillors Bob Cockle, Jeremy Farthing and Clive Springett.

Councillor Richard Rout was also unable to attend.

60. **Substitutes**

The following substitutions were declared:

Councillor David Nettleton for Councillor Bob Cockle; and
Councillor Patricia Warby for Councillor Clive Springett.

61. **Minutes**

The minutes of the meeting held on 24 January 2017 were unanimously accepted by the Committee as an accurate record and were signed by the Chairman.

62. **Public Participation**

[Councillor Peter Thompson arrived at 5.05pm during this item]

Mr Stephen Hearn from Star Cars, Haverhill addressed the Committee on Item 5 on the agenda; Adoption of Conditions in Respect of Hackney Carriage and Private Hire Drivers/Vehicles/Operators.

He informed the Committee that "Star Cars are a large Taxi Private Hire Operator with a fleet of 100 vehicles and a workforce which includes 70 passenger assistants, 80 drivers, 15 office/admin staff, including vehicle technicians. Our main concern with the proposed new Taxi regulations relates to the possible implementation of a 6 year restriction on the age of vehicles at first registration. This would severely impact on our business for the following reasons:

- We have a large number of vehicles that are solely used for school contracts and social services work. These typically only work twice a day for only 39 weeks of the year which are fully equipped with tail lift equipment, which by law have to be serviced twice a year. This is already a huge cost in the running of our business. It simply would not be viable to have expensive new mini buses fitted with wheelchair lifts that only work for a couple of hours a day fulfilling our school contracts for transporting children with special needs. To replace the vehicle under your new proposed rules, for second hand 6 year only vehicle fully equipped to our current standard would cost us between £12,000 - £15,000 and a brand new vehicle is £33,000 minimum new.
- Secondly, we have major concerns for some of our owner/drivers whose replacement cars would fall foul of the proposal and cause real hardship for them and their families.
- Thirdly, recruitment is becoming a real problem for many operators and when you add proposals before the Committee on top of the already implemented BTEC courses we struggle to see how new owner/drivers can enter the trade.

Star Cars takes the safety of our vehicles very seriously and we have a fully fitted out workshop along with qualified vehicle technicians who service, repair and maintain our fleet.

We support the proposal to have the MOT and plate test at six month intervals. Committee, please reject the 6 year age limit proposal".

63. **Adoption of Conditions in Respect of Hackney Carriage and Private Hire Drivers/Vehicles/Operators**

The Committee received Report No: LIC/SE/17/004, which sought approval to adopt revised conditions to the existing Taxi Handbook across both licensing authorities in West Suffolk (Appendix 3).

The Licensing Team Leader advised that the proposed handbook provided a "one-stop" document for all licensing requirements in terms of Taxi/Private Hire conditions, licensing drivers, vehicles, operators and the disciplinary codes. She reiterated that the Council was not introducing brand new driver conditions. These had not changed just the Level 2 Certificate, which had

previously been approved by the Committee. The proposed handbook was developed so that all the conditions were in one place.

A formal consultation on the draft revised handbook was undertaken between 6 February and 20 March 2017 and covered both licensing authorities in West Suffolk. Prior to commencing the consultation a working party was established with the purpose of engaging with stakeholders and providing insight to ensure that changes to the conditions was undertaken fairly and robustly.

All formal responses received during the consultation were recorded with informal responses considered by the licensing officers and checked that they were fairly represented in the recorded comments. Formal responses were summarised and attached at Appendix 2.

The Committee was advised that there had been considerable discussion amongst consultees regarding the introduction of a maximum age for licenced vehicles, when a vehicle would be first plated or when an existing plated vehicle needed replacing. Due to the concerns expressed by taxi driver consultees, a compromise had been proposed of a 6 year maximum age with no more than 100,000 miles. Alongside this was an option for drivers to apply to have this condition waived if they applied for an "exceptional quality exemption" meaning they could plate an older vehicle if it had less than 150,000 miles, where the vehicle was considered by the Licensing Authority to be in exceptional quality inside and out; met the required vehicle tests and had a full recorded service history.

The Committee considered the report in detail and taking into account the concerns raised by Mr Stephen Hearn from Star Cars, asked a number of questions to which comprehensive responses were provided. In particular discussions were held on the admin fee charged for a change of address, which was a government recommended price; the mandatory and MOT tests; and the 6 year age limit and 100,000 miles.

In response to questions from Members, the Licensing Team Leader explained that:

- i) It was not unusual to have age limits on vehicles. A number of authorities had introduced age limits. The Council want the very best vehicles on the road.
- ii) There was no end life for taxi vehicles. The proposed 6 year age was suggested by a taxi driver during the consultation. This would mean that the taxi vehicle being registered with the Council for the first time must not be older than 6 years and over 100,000 miles. The reference to mileage could be removed, but there was the waiver option in place.

In response to a question raised by Members, Mr Stephen Hearn from Star Cabs informed the Committee that the average mileage done by taxi drivers per year was between 40,000 – 60,000 miles and 8,000 miles for specialist vehicles.

Councillor Tony Brown proposed that more of an impact assessment should to be carried out as he felt not enough had been done on the proposals. This was seconded by Councillor Anthony Williams, and with the vote being 3 for and 8 against, the proposal was lost.

Councillor Sarah Broughton suggested that low mileage could be an exception to the proposal for specialist vehicles used in the main for school journeys. The Licensing Team Leader felt that this would be a good compromise and further suggested that this could be added to the waiver policy so that specialist vehicles had their own set of conditions.

At the request of members of the Committee, the Committee meeting was adjourned at 5.40pm to enable the Licensing Team Leader, Business Partner (Litigation/Licensing) and the Acting Head for Regulatory Services, to draft additional wording which could be added to the waiver policy for specialist vehicles.

The Committee meeting recommenced at 5.48pm.

The Business Partner (Litigation/Licensing) read out the proposed amended wording to Page 27, Condition 1(e) of the Handbook for the Committee's consideration.

It was then proposed by Councillor Sarah Broughton, seconded by Councillor Sara Mildmay-White and with the vote being 10 for and 1 against, it was

RESOLVED:

That the Hackney Carriage and Private Hire Licensing Handbook as set out in Appendix 3 to Report No: LIC/SE/17/004, be adopted, so that it could be applied by the Licensing Authority, subject to the following amended wording being made to Page 27, Condition 1(e) to read as follows:

Be no more than **6 7** years old ~~with 100k miles or less~~, at the time the first application is made to the Council for a licence.

If the vehicle is older than **6 7** years ~~and no more than 10 years~~ presented on first registration or replacement, **or is a specialist vehicle** in exceptionally good condition both mechanically and cosmetically, this condition may be waived. The vehicle must meet the exceptional quality conditions and applied for using our exceptional quality waiver application.

64. Proposals to declare an Air Quality Management Area designation in Great Barton

The Committee received Report No: LIC/SE/17/005, which reported on the findings of the external consultation on proposals to declare an Air Quality Management Area (AQMA) in Great Barton.

Following discussions held with key stakeholders, a consultation was undertaken with both statutory and non-statutory consultees including the Parish Council, relevant District and County Councillors and all properties within an approximately 300m radius of the proposed AQMA. The consultation took place between 23 January 2017 to March 2017, with 43 responses received.

Attached at Appendix B to the report was a full analysis of responses received, which was broken down into "general" issues or "location specific" issues.

Based on the outcome of the consultation, it was recommended that the Committee approves the declaration of the Air Quality Management Area Designation in Great Barton, as set out in the Order, attached at Appendix A to the report.

The Committee, in particular Councillor Sarah Broughton was pleased to see that this issue was being taken forward.

In response to a question from Members, the Environment Officer confirmed that one of the key issues which would be looked at by the Steering Group would be the possibility of putting in a zebra crossing and removing the traffic lights in Great Barton.

It was proposed by Councillor Sara Mildmay-White, seconded by Councillor Sarah Broughton and with the vote being unanimous, it was

RESOLVED:

That based on the findings of the consultation, the declaration of the Air Quality Management Area designation in Great Barton, as set out in Appendix A to Report No: LIC/SE/17/005, be approved.

The Meeting concluded at 5.54 pm

Signed by:

Chairman

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Licensing and Regulatory Committee



St Edmundsbury
BOROUGH COUNCIL

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|--|--|--------------|
| Title of Report: | West Suffolk Food Safety Services Plan 2017-2018 | |
| Report No: | LIC/SE/17/006 | |
| Report to and date: | Licensing and Regulatory Committee | 20 June 2017 |
| Portfolio holder: | Alaric Pugh Portfolio Holder for Planning and Regulatory Tel: 07930 460899 Email: alaric.pugh@stedsbc.gov.uk | |
| Lead officer: | Richard Smith Team Leader - Commercial Environmental Health Tel: 01284 757626 Email: richard.smith@westsuffolk.gov.uk | |
| Purpose of report: | To consider and support the delivery of a West Suffolk Food Safety Service Plan for West Suffolk required under the Food Law Code of Practice 2017. | |
| Recommendation: | Licensing and Regulatory Committee: The Committee is requested to note the contents of the report and support the delivery of the Food Safety Service Plan. | |
| Key Decision: (Check the appropriate box and delete all those that do not apply.) | Is this a Key Decision and, if so, under which definition? Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/> | |

| | |
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| Consultation: | <ul style="list-style-type: none"> • The Code of Practice does not require regulatory authorities to consult on plans required under the Food Law Code of Practice. • Informal consultation was undertaken with neighbouring regulatory authorities to ensure consistency of approach • Open-ended dialogue with stakeholders is being undertaken as part of service delivery with a specific focus on the Food Safety Service Plan |
| Alternative option(s): | <p>The alternative options were set out below:</p> <ul style="list-style-type: none"> • Not adopt the Plan – This would leave the West Suffolk councils open to regulatory challenge by the Food Standards Agency. |
| Implications: | |
| <i>Are there any financial implications? If yes, please give details</i> | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> • |
| <i>Are there any staffing implications? If yes, please give details</i> | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> • |
| <i>Are there any ICT implications? If yes, please give details</i> | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> • |
| <i>Are there any legal and/or policy implications? If yes, please give details</i> | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> • It is a requirement of the Food Law Code of Practice (April 2017) that regulatory authorities prepare, adopt and review a Food Safety Service Plan for their area. |
| <i>Are there any equality implications? If yes, please give details</i> | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> • No actions identified |
| Risk/opportunity assessment: | <i>(potential hazards or opportunities affecting corporate, service or project objectives)</i> |

| Risk area | Inherent level of risk (before controls) | Controls | Residual risk (after controls) |
|--|---|--|---------------------------------------|
| Statutory Responsibilities | Medium | Delivering the statutory responsibilities will help reduce the inherent level of risk of challenge by stakeholders. | Low |
| Reputational | Medium | The Council's work will help achieve a credible pathway to protecting human health and improving food hygiene standards. | Low |
| Financial | Low | The service is delivered within the 2017-18 council budget provision. | Low |
| Community | Medium | Delivering a Food Hygiene service in accordance with the Food Safety Service Plan will help to protect public health | Low |
| Ward(s) affected: | | All | |
| Background papers: <i>(all background papers are to be published on the website and a link included)</i> | | FSA Framework Agreement on Local Authority Food Law Enforcement; Food Standards Agency Food Law Code of Practice: http://www.food.gov.uk/multimedia/pdfs/enforcement/frameworkagreementno5.pdf | |
| Documents attached: | | Appendix A – Food Safety Service Plan 2017-18 | |

1. Key issues and reasons for recommendation(s)

- 1.1 Through its Food Law Code of Practice (March 2017), the Food Standards Agency requires each regulatory authority to prepare, adopt and regularly review a food safety service plan (Appendix 1). This report presents a West Suffolk Food Safety Service Plan covering both the regulatory and support work undertaken by the Environmental Health Service to protect the public health in Forest Heath and St Edmundsbury in respect of the food chain, whether they work in food business or are a food consumer.
- 1.2 The Code does not prescribe a format for the plan; however, local authorities have adopted a standard template on which this plan is based. The plan includes elements of review of the year just ended as well as setting out the work for the coming year.

2. Stakeholder consultation

- 2.1 The Code does not require local authorities, nor have your officers identified it as common practice in other local authority areas, to consult with stakeholders on their plan prior to adoption by the respective Council. Your officers feel it important, however, that the Council continues to build on its ongoing dialogue with both local food businesses and their customers to ensure that we meet their needs, improve the understanding of the various roles of stakeholders in food safety and also to help improve our services. To do this, your officers will put in place a food safety communications plan.
- 2.2 Given that the plan is an operational document, it will undergo regular review and change in future years. Your officers, therefore, will continue to maintain and enhance dialogue with stakeholders which will help inform any revision to the plan as well as helping to improve the services that the Council delivers.

3. Additional information

- 3.1 The work of the Commercial Environmental Health team, as the designated Food Safety service, contributes to the following corporate priorities:

Priority 1: Increased opportunities for economic growth

The plan ensures that the council's regulatory approach is fair and transparent with regard to regulated businesses in West Suffolk. Further, it actively encourages and supports good businesses to grow by regulating in a proportionate manner and rewarding good practice through such initiatives at Eat Out Eat Well.

Priority 2: Resilient families and communities that are healthy and active

The work of the Service as set out in the plan is undertaken to protect the health of the public by ensuring effective regulation of the food chain to the benefit of consumers.

- 3.2 The proposed plans are in line with the 2017/18 budget identified for this Council function.

- 3.3 The service plan has been drafted in accordance with the Food Standards Agency framework agreement and the Regulator's Code¹ and fulfils local authority obligations under guidance issued by the FSA.

¹ https://www.food.gov.uk/sites/default/files/food_law_code_of_practice_2017.pdf

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf

APPENDIX 1 - West Suffolk Food Safety Service Plan 2017/18

See separate document

Appendix A

**West Suffolk
Food Safety Service Plan
2017/18**

DRAFT

Preface

The Food Standard Agency (FSA) Framework Agreement sets out what the FSA expects from local authorities in their delivery of official controls on food law including within service plans.

The Food Law Code of Practice states that each Competent Authority must have an up-to-date, documented Food Service Plan which is readily available to food business operators and consumers. The Plan must be subject to regular review and clearly state the period of time during which the Plan has effect.

The Plan must cover all areas of food law that the Competent Authority has a duty to enforce and set out how the authority intends to deliver Official Controls within its area. The Plan must include imported food responsibilities and the control arrangements in place. The Plan must include reference to the authority's approach to enforcement including its Alternative Enforcement Strategy for dealing with those premises rated as low risk under the Food Establishment Intervention Rating Scheme set.

Working together, Forest Heath District Council and St Edmundsbury Borough Council have developed this document with due regard to all available regulations, conditions, codes of practice, statutory guidance and practical experience of legislation. Should anything in future publications, legislative/regulatory changes or case law impact upon the content of this service plan document, then it will be taken into account and the document may be updated at a later stage and with due consideration to the resource implications for the Regulating Food Authority.

Since 2011 the West Suffolk councils have adopted several joint policies and strategies and also a shared constitution. This allows the councils to maintain their own local identity where appropriate, whilst simplifying how meetings are conducted, decisions are made, and decision-makers are held to account. The constitution is considered the foundation of every council and the shared document ensures there is a consistent decision-making process throughout all areas of both councils.

Throughout this service plan the term "West Suffolk Councils" and "The Team" should be read as jointly applying to both Councils' Food Authority functions, i.e. Forest Heath District Council and St. Edmundsbury Borough Council. Where the Statement applies to only one of the Councils, it will be stated which one.

This Food Safety Service Plan is meant to be read in conjunction with the Planning and Regulatory Services Business Plan for 2017/18, an extract of which is presented at Appendix 1.

For further information please refer to:

www.food.gov.uk

www.westsuffolk.gov.uk

If you require this information in another format or language, please phone 01284 757400 or email food&safety@westsuffolk.gov.uk to discuss your need.

1.0 VISION, PURPOSE, AIMS AND OBJECTIVES

1.1 Service Vision and Purpose

The Food Safety function is delivered by the Commercial Environmental Health Team, located within the Environmental Health Service in the Planning and Regulatory Services Directorate.

To protect public health and safety and the environment, by carrying out programmed and reactive interventions, investigations and research to detect, eliminate and/or control hazards by applying fair, transparent and proportionate enforcement.

1.2 Range of functions and activities

The range of food safety functions undertaken by the Commercial Environmental Health Team are varied and include the following:

- Programmed interventions/inspections and revisits in food premises for which the West Suffolk councils are the enforcing authority;
- Investigation of complaints concerning food, the full range of food establishments, and food handling practices;
- Providing food safety advice and support to new and existing food business operators, including help by promoting the Food Standards Agency's "Safer Food, Better Business" food safety management system;
- Food sampling in accordance with the programme prepared by the Public Health England and the Eastern Region Food Sampling Group;
- Investigation of suspected and confirmed food poisoning cases and outbreaks, and other notified infectious disease cases;
- Action in respect of Food Alerts issued by Food Standards Agency;
- Acting as "Originating Authority" to food manufacturers and producers within West Suffolk and issuing Health Certificates for those who export foodstuffs;
- Ensuring the removal of unfit food from the food chain by seizure, detention or voluntary surrender;
- Consultees for food safety guidance and policies, planning applications, etc.;
- Food Safety Promotional and Educational Campaigns;
- Health Development in areas related to the functions above, e.g. participation in the Eat Out Eat Well award scheme;
- Checks on inland imported food control at retail, catering and other establishments;
- Registration of all food establishments, including Approvals where appropriate.

1.3 Customers

Our customers are varied, however they mainly include the following:

- All members of the public residing in or visiting West Suffolk;
- Food establishments for which we are the responsible enforcing food authority;
- Public Health England;
- Food Standards Agency;
- Local Authorities;

- Trading Standards;
- Port Health;
- Internal Services.

1.4 Aims and Objectives

In conjunction with the Planning and Regulatory Services Business Plan 2017-18, the West Suffolk councils have responsibilities as Food Authorities.

Our aims are:

- “To work with businesses and consumers to promote and secure high standards of food safety, and minimise risks to the health of residents and visitors, by ensuring that all food processes, premises and food handlers within West Suffolk maintain good levels of hygiene.”
- “To seek to continually improve health, safety and welfare standards and to reduce health inequalities of all individuals working in and visiting places of work within the district.”
- “The protection of public health and safety by carrying out targeted inspections (interventions), enquiries, investigations and research to detect, eliminate and/or control hazards by applying fair, proportionate and transparent enforcement.”

These aims are supported by a number of objectives:

1. Carry out an annual planned programme of food hygiene inspections in accordance with Food Standards Agency framework guidance, codes of practice and relevant statutory requirements.
2. Investigate food and food premises complaints and take appropriate action in accordance with our service standards, procedures and national guidance.
3. Inform businesses of their legal obligations under relevant legislation.
4. Carry out routine microbiological sampling in accordance with national guidance and participate in local, regional and nationally coordinated surveys.
5. Investigate and monitor reports of infections and notifiable diseases in partnership with Public Health England.
6. Respond to food alerts issued by the Food Standards Agency in accordance with local and national guidance.
7. Act as originating authority for certain food businesses and investigate or respond to any enquiries made by other authorities or agencies.

8. Provide advice, assistance, training and development opportunities to both businesses and consumers. Help businesses improve their standards by promoting best practice, self-regulation and enhancing the competence skills of employees.
9. Promote food safety and, where appropriate, participate in local and national campaigns.
10. Provide appropriate training and development opportunities for staff to ensure an appropriate level of competence.
11. Work in partnership with other agencies to help secure and promote good food hygiene.
12. Ensure the work of the Service conforms to West Suffolk Councils policies.

1.5 Links to the Strategic Plan

West Suffolk's Strategic Plan sets out what both councils aim to achieve together, with our partners, local businesses, communities and residents. This means focusing our efforts and resources in the areas that are the biggest priorities for West Suffolk.

Our strategic priorities are:

- Increased opportunities for economic growth;
- Resilient families and communities that are healthy and active;
- Homes for our communities.

We review our Strategic Plan regularly in order to ensure that it remains relevant and is kept up to date. Progress towards delivery of our Strategic Plan is set out in the West Suffolk annual report.

More information on the Strategic Plan can be found on our website:

http://www.westsuffolk.gov.uk/Council/Policies_Strategies_and_Plans/strategic_plan.cfm

1.6 Enforcement Policy

Forest Heath District Council and St. Edmundsbury Borough Council currently have separate written Enforcement Policies. Work is underway to produce a Joint West Suffolk Council's Enforcement Policy, providing a framework for all of the regulatory services delivered by the Councils, including the food safety service.

The policy will reflect recent changes brought about by the Regulators Code which establishes how non-economic regulators should interact with those they are regulating. The new Code requires regulators to:

- Carry out their activities in a transparent way that helps those they regulate to comply and grow;
- Design simple and straightforward ways to engage with and hear the views of those they regulate;

- Base their regulatory activities on risk and share information about compliance and risk; and
- Ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities.

Officers, including those with responsibility for the enforcement of food and health and safety laws, must have regard to the Enforcement Policy when making enforcement decisions.

2.0 **SERVICE DELIVERY**

2.1 Demands on the Food Safety Service

There are 1,864 food establishments approved/registered under food safety legislation in West Suffolk. A profile of registered/approved food establishments classified in accordance with the FSA's main use codes is given in Table 1.

Table 1 - Profiles of registered/approved food establishments in Forest Heath and St. Edmundsbury. Source: M3 Database 04/05/2017

| FSA Category | Number of establishments |
|----------------------------------|---------------------------------|
| Primary producers | 43 |
| Manufactures/Processors | 78 |
| Importers/Exporters | 4 |
| Distributors/Transporters | 55 |
| Retailers | 357 |
| Restaurants and Caterers | 1327 |
| TOTAL | 1864 |

The number of food establishments approved/conditionally approved under EU Regulation 853/2004 is:

Forest Heath: 7 (2016 = 8)
 St. Edmundsbury: 7 (2016 = 10)

Source: M3 database 04/05/2017

The West Suffolk councils have approved establishments that produce meat, fish, dairy and egg products.

West Suffolk attracts many tourists and visitors due to the range of things to do, from outdoor family fun and historical events to live music. Events and activities such as the Bury St Edmunds Christmas Fayre, Newmarket Races, and Forest Live see the Commercial Environmental Health (CEH) Team working with the event organisers and others during the planning and delivery of their events to ensure that the food stored, prepared and served is safe to eat and complies with food safety laws.

The CEH Team perform out-of-hours inspections where this is necessary, e.g. some large outdoor events and Sunday/farmers' markets. Some food businesses that are open for business at night, at weekends or in the early hours of the morning, are identified for occasional inspection at these times.

There are a large number of food businesses associated with and/or operated by the ethnic minorities within the districts - including Chinese/Cantonese, South Asian, Turkish, Greek, Thai, Portuguese and Polish. The majority of food businesses run by these groups are takeaways, restaurants and retail shops. The CEH Team makes use of translated information made freely available by the FSA, e.g. advisory leaflets. Additional translation services may be used where there is a legal requirement to do so, where it is necessary to help ensure that Food Business Operators understand where action needs to be taken to protect against serious risk to public health, or to assist in efficient and effective service delivery. These additional translation services are rarely needed as part of our routine work.

Letters sent to food business operators or customers known to have a poor understanding of English may include sentences in appropriate languages/alphabets advising the recipient of the legal importance of the letter and the need to obtain a full translation.

Several food businesses cater specifically for people who are vulnerable e.g. as a result of age or disability. This is taken into account by appropriate risk scoring criteria used in the risk rating of such premises to determine interventions and inspection frequencies.

The CEH team also actively support the Bury St. Edmunds Christmas Fayre and other events, with the whole CEH team carrying out high-profile interventions at relevant stalls each year.

2.2 Interventions at Food Establishments

The CEH Team aim to ensure that food in the West Suffolk area is fit for human consumption, and that outbreaks of food poisoning and other infectious diseases are controlled. To achieve this, inspections and interventions at food establishments are carried out using a risk-based approach, in accordance with the Food Law Code of Practice. Specialist computer software is used to record all food business establishments. These records are updated daily and are used to administer the programme of risk-based inspections and other interventions.

The Food Law Code of Practice requires that all food establishments should receive an initial inspection. This should normally take place within 28 days of registration or from when the Authority becomes aware that the establishment is in operation. This reflects the importance of ensuring new food establishments are complying with food law.

Food establishments are risk-rated using criteria set out in the Food Law Code of Practice. Establishments receive a risk rating according to:

- the nature of their business, e.g. the risk associated with the type of food handled, processing methods, number and vulnerability of customers; and
- the standard of food safety achieved, i.e. compliance with food safety law.

Establishments may be rated as higher risk either because of the high-risk nature of the food and processing methods at their business, because of the low standards of food safety, or a combination of both. Establishments receive a risk rating ranging from A (highest risk) to E (lowest risk). Unrated establishments include new businesses that are waiting for an inspection to be carried out. Some establishments are outside the risk-based intervention and inspection programme, such as primary producers. The procedure for handling food registrations, including the initial action to be taken where businesses should be registered but are not, is set down in working procedures.

Profiles of the food establishments by risk are shown below in table 2.

Table 2 - Profiles of food establishments according to risk. Source: M3 database 04/05/2017

| Risk Category: | A | B | C | D | E | Unrated* |
|-----------------------|----------|----------|----------|----------|----------|-----------------|
| Number: | 7 | 38 | 238 | 648 | 708 | 230 |

*Unrated consist of either new premises awaiting inspection, outside the inspection programme, or premises requiring database recoding e.g. as a non-food premises.

The minimum intervention frequency as required by the Food Law Code of Practice, and the estimated time per intervention for each risk category, are set out below in table 3.

It should be noted that all estimated times in the following sections are based on our previous experience.

The range of available interventions for food establishments includes inspections, monitoring, surveillance, verification, audit, sampling, education, advice, coaching, information and intelligence gathering. The regulatory burden is minimised by selecting the most appropriate intervention for the risk category of the establishment. Alternative enforcement strategies include the use of questionnaires for lower risk category E food business establishments.

Table 3 – Food Law Code of Practice minimum intervention frequency and locally estimated time per intervention for each risk category.

| Category | Minimum intervention frequency | Estimated time per intervention (hours) |
|-------------------------|---------------------------------------|---|
| A | 6 months | 6 |
| B | 12 months | 6 |
| C | 18 months | 5 |
| D | 24 months | 3 |
| E | Alternative enforcement every 3 years | 2 |
| Unrated / Uncategorised | - | 2 |

The numbers of food interventions due (including outstanding) for 2017/18 by risk category are shown in Table 4.

Table 4 - Number of food interventions due (including outstanding) 2017/18 (2016/17).

| Risk Category | Number Due 2016/17 | Estimated Time to complete (Hours) |
|---------------|--|------------------------------------|
| A | 7 (6-monthly inspection) (4 (6-monthly inspection)) | 84 (48) |
| B | 35 (48) | 210 (288) |
| C | 161 (155) | 805 (775) |
| D | 394 (328) | 1182 (984) |
| E | 422 (309) | 844 (618) |
| Uncategorised | 18 (13) | 36 (26) |
| TOTAL | 1037 (857) | 3161 (2739) |

The food interventions at predominantly lower risk premises that were not completed in 2016/17 will be carried forward into 2017/18 and are shown below in table 5.

Table 5 - Number of food interventions being carried forward into 2017/18 (Figures included in Table 4 above).

| Risk Category | Outstanding | Estimated Time to complete (Hours) |
|---------------|------------------|------------------------------------|
| A | 0 (0) | Included in Table 5 |
| B | 0 (0) | |
| C | 13 (12) | |
| D | 90 (33) | |
| E | 191 (88) | |
| Uncategorised | 9 (3) | |
| TOTAL | 303 (136) | |

Missed lower-risk inspections, arising as a result of access issues such as infrequent and erratic trading or because the team resources were focused on higher-risk premises during a period of staff shortages, will be picked up during 2017/18.

Interventions are undertaken following documented procedures. The date of a primary inspection may be brought forward, e.g. in response to a complaint, a new food registration, a material change in the business, receipt of information from the FSA, an outbreak, or being a seasonal business that may be closed at the time of the next date due. Other interventions are carried out at other times, e.g. in response to customer complaints, alleged cases of food poisoning, food hazard warnings, sampling, revisits and requests for advice.

Most food businesses that supply food direct to the public receive a rating under the Food Hygiene Rating Scheme (FHRS). These ratings range from **0** (urgent improvement necessary) to **5** (very good). Businesses that receive a rating of 0, 1 or 2 have a poor level of compliance with food safety and hygiene law.

Businesses that are broadly compliant with these laws will receive at least a rating of **3** (satisfactory) and currently over 97% in West Suffolk are rated **3-5**. Businesses that have a good level of compliance with food safety law will receive the top rating of **5**.

Interventions will be undertaken more frequently for poorly compliant businesses as their risk-rating is reviewed. These interventions aim to achieve better and sustained compliance rates at poorly compliant food businesses. Revisits of poorly compliant businesses due in 2017/18 will be carried out as necessary.

The recent changes to the Food Law Code of Practice have enabled local authorities to charge for FHRS Re-Scores, though there is currently no requirement to introduce a charge. The councils are currently undertaking research to determine whether to charge for FHRS Re-Scores, and what amount to charge should this be brought in. There are numerous costs/benefits to be considered and these are being discussed at the Suffolk Food Liaison Group meetings.

It is expected that the impending mandatory display of FHRS stickers by businesses will lead to a significant increase in the use of the FHRS Re-Score option by businesses. This would impact on the staff resources currently available within the CEH Team which will be reviewed accordingly.

The Trading Standards Department of Suffolk County Council has responsibility for food standards matters. Liaison arrangements are in place through the Suffolk Food Liaison Group to develop joint work plans and to help ensure that matters of joint interest, such as food labelling, imported food, BSE controls, animal by-products, avian influenza and genetically modified foods are discussed. Joint visits with Trading Standards Officers are made where appropriate. Copies of all food registrations received are forwarded to Suffolk County Council's Trading Standards Department.

2.3 Food hygiene practices/hygiene of premises complaints

Officers investigate food complaints in accordance with documented procedures and, where necessary, liaise with Primary, Originating and Home Authorities during the course of investigations. In determining an appropriate course of action, the CEH Team take into consideration any reports received from the Primary, Home or Originating Authorities, and the food business identified as the cause of the complaint, and will have regard to the Councils' Enforcement Policy.

Table 6 - Food Hygiene Complaints 2016/7 (2015/16)

| Complaint Type | Number | Estimated Time per Task | Estimated Time to complete (Hours) |
|-------------------------------|------------------|--------------------------------|---|
| Unsatisfactory Practices | 44 (51) | 6 | 264 (306) |
| Unsatisfactory Premises | 38 (42) | 6 | 228 (252) |
| Food Complaint (Biological) | 2 (6) | 6 | 12 (36) |
| Food Complaint (Foreign Body) | 14 (15) | 6 | 84 (90) |
| Food Complaint (Labelling) | 0 (1) | 5 | 0 (5) |
| Food Complaint (Other) | 76 (51) | 5 | 380 (255) |
| Food Complaint (Chemical) | 1 (1) | 4 | 4 (4) |
| Food Complaint (Undercooked) | 9 (4) | 6 | 54 (24) |
| Total | 184 (156) | | 1026 (974) |

The increased number of complaints received may be due to improved ease of reporting incidents, for example via the FSA website, or the raising of the general public's food safety awareness.

2.4 Food Sampling Policy

Microbiological food sampling makes an important contribution in protecting the general public and discharging the Councils responsibility in food law enforcement. Microbiological food sampling is used as part of a planned approach to gather information about the microbiological quality, and possible presence of harmful microorganisms, in particular foods which are produced and/or sold locally. Based on this information appropriate action can be taken to protect the consumers.

The councils are committed to providing the resources necessary to carry out a sampling programme. Environmental Health Officers are responsible for undertaking the food sampling functions. The councils have a food sampling programme for microbiological purposes. The food sampling is prioritised to concentrate upon one or more of the following criteria:

- foods which are produced within the Councils' districts;
- the risk ratings of the premises; and
- any local, regional or national coordinated sampling surveys or programmes.

The majority of food samples, including hygiene swabs, are taken informally,

for the purpose of monitoring, surveillance and intelligence gathering. Formal samples will be taken where enforcement action is anticipated and these samples will be taken in full compliance with the legislation, relevant Code of Practice and consideration of the Councils' Compliance and Enforcement Policy.

Official laboratories as designated by the FSA will be used for samples obtained during the sampling programme. For West Suffolk Councils the designated laboratory is the Public Health England Laboratory at Collindale, London. Other samples will be sent to the Council's Public Analyst, Public Analyst Scientific Services Limited.

Samples will be recorded using the Northgate M3 database. The FSA's UK Food Surveillance system (UKFSS) may be used to record samples in the future.

Samples may be taken during manufacturing/production processes for the purposes of ensuring food safety and establishing the effectiveness of the critical controls in the process. The manufacturer will be notified of the result of any such sample analysis or examination.

The Councils do not currently act as a Home Authority or Primary Authority for any food business. Where sampling identifies a problem with food manufactured outside the districts, the relevant primary, home or originating authority will be notified and a copy of the certificate of analysis or examination will be forwarded to them.

Food sampling will not normally be undertaken as a constituent part of food safety inspections. It may take place if, during the inspection, the authorised officer identifies a particular problem that needs further investigation.

Samples of food received as a food complaint may require microbiological examination, chemical analysis or expert identification.

Where a particular premises or food produced in the districts is implicated with a case, or cases, of foodborne disease, food samples may be taken and submitted for examination, for the purpose of identifying any likely source of infection, and controlling any risk to public health. These samples are likely to be formally taken and examined.

Food samples may be taken and submitted as part of a special investigation, e.g. in response to a food hazard warning or other intelligence received about potential food safety and quality issues.

Table 7 - Food Samples 2016/17 against anticipated in 2017/18:

| | Number of Samples | Estimated Time Per Sample | Total Time (Hrs) |
|-----------------------|--------------------------|----------------------------------|-------------------------|
| Actual 2016/2017 | 42 | 2.5 | 105 |
| Anticipated 2017/2018 | 100 | 2.5 | 250 |

2.5 Control and Investigation of Outbreaks and Food Related Infectious Disease

The CEH Team will assess and respond accordingly to reports of communicable diseases, including food-associated illness. The investigation of outbreaks of food poisoning is conducted in liaison with the Consultant in Communicable Disease Control (CCDC), having regard to the Norfolk, Suffolk and Cambridgeshire Joint Communicable Disease Incident/Outbreak Management Plan. Information relating to certain infections will be collected as a matter of urgency and passed to the Anglia Health Protection Team, Public Health England, in accordance with the East of England Standard Approach to Investigating Gastro-Intestinal Disease Cases.

The CEH Team response to a report of communicable disease, including food-associated illness, is undertaken following documented procedures.

Table 8 - Gastrointestinal disease cases notifications 2016/17 against anticipated in 2017/18:

| | Number of Reported Cases (Individuals) | Time Per Case (average) | Total Time (Hrs) |
|-----------------------|---|--------------------------------|-------------------------|
| Actual 2016/2017 | 145 | 2 | 290 |
| Anticipated 2017/2018 | 150 | 2 | 300 |

Joint civil contingency and emergency stand-by arrangements exist to respond to suspected or confirmed outbreaks of infectious disease or food poisoning with either the potential to cause serious harm or death to any person, or debilitating illness or disease to significant numbers of people, or illness or disease to particularly vulnerable populations.

2.6 Food Safety Incidents

Arrangements are in place to receive FSA Food Alerts for Action and take specified action on behalf of consumers.

During 2016/17, 91 food alerts were notified by the FSA. Very few of these required formal action, i.e. dedicated visits to local food establishments. All food alerts are logged and recorded on our specialist database.

Table 9 - Food Alerts Requiring Action 2016/17 against anticipated in 2017/18:

| | Number of Alerts requiring local action | Time Per Case (average) | Total Time (Hrs) |
|-----------------------|--|--------------------------------|-------------------------|
| Actual 2016/2017 | 3 | 4 | 12 |
| Anticipated 2017/2018 | 3 | 4 | 12 |

2.7 Primary Authority and Home Authority Schemes

The Regulatory Enforcement and Sanctions Act 2008 introduced into law the principle of the Primary Authority (PA). All local authorities are required, by law, when considering enforcement action against a business with multiple outlets, to follow advice agreed between the business and its PA. The purpose of these requirements is to achieve greater consistency in enforcement action in large, multi-outlet businesses.

The CEH Team supports the PA and Home Authority (HA) schemes. Where PA partnerships are registered with the Regulatory Delivery (formerly the BRDO), an officer will contact the PA to ensure that proposed actions are not contrary to appropriate advice that the PA has previously issued.

2.8 Advice to Business

The CEH Team are highly successful at supporting businesses and helping them to grow and become a success. The team provides advice to businesses, for example:

- the promotion of information guidance notes to assist businesses comply with the law and good food hygiene practices;
- directing enquiries to relevant sources of competent and reliable advice, e.g. FSA website;
- distribution of FSA and other guidance to businesses relating to specific and topical issues;
- provision of advice to businesses during inspections;
- mailshots; and
- responding to requests for advice from businesses and members of the public.

Table 10 - Requests for Advice 2016/17 against anticipated in 2017/18:
Source: M3 database 05/05/2017

| | Number | Time Per Case (average) | Total Time (Hrs) |
|-----------------------|---------------|--------------------------------|-------------------------|
| Actual 2016/2017 | 248 | 4.5 | 1116 |
| Anticipated 2017/2018 | 275 | 4.5 | 1237.5 |

Many of these enquiries and advice requests take time for the officers to research and compile the advice, with some requiring visits to premises and businesses. For example, people seeking advice about the setting up a small business from home, e.g. home catering, whilst these tend to be low-risk activities they can involve some time in tailoring appropriate and specific advice.

The CEH Team contributes updates to the councils' website pages. These offer a range of information on setting up a new business, Safer Food Better Business, commonly used forms to download, how to make complaints or make an enquiry, general food safety information and a link to the FSA's website for more information.

We recognise the importance of social media to a highly effective means to improve awareness and extend our reach and use Facebook and Twitter.

2.9 Better Business for All

Supported by Regulator Delivery (RD) within the Department for Business Energy and Industrial Strategy (BEIS), we are working with other Suffolk regulatory services and the New Anglia Local Enterprise Partnership (LEP), covering Norfolk and Suffolk, to explore developing a stronger link to the LEP in order to improve the effective and efficient delivery of regulatory services. The core aims of the Better Business for All initiative are to:

- Raise the profile of the regulatory services provided by local authorities;
- Improve the co-ordination of information flows between the various regulators;
- Develop a greater understanding of what businesses need from local regulators;
- Improve stakeholder access to regulatory information and guidance.

2.10 Liaison with other Organisations

The CEH Team has extensive liaison in place with a wide range of other organisations. For food safety matters these include:

- Food Standards Agency;
- Suffolk Food Liaison Group;
- Eastern Region Sampling Group;
- CCDC and the Anglia Health Protection Team, Anglia and Essex Public Health England Centre;
- DEFRA;
- Immigration Compliance and Enforcement Team - East of England (Home Office);
- West Suffolk Council's Planning and Building Control teams (to review relevant applications);
- Trading Standards/Environmental Health Departments nationally as required;
- Care Quality Commission;
- Suffolk Adult Safeguarding Board; and

- Suffolk Regulatory Services and New Anglia Local Enterprise Partnership Working Group.

2.11 Food Safety Promotion

The CEH team promotes food safety using materials made available by the FSA that are intended for businesses or the public. Examples include:

- helping business operators meet regulations on food hygiene through promoting and supporting the FSA's Safer Food
- Better Business packs, and
- the use of FSA materials during Food Safety Week.

We support the annual Crucial Crew events promoting food safety messages to year 10 school children. Nearly 900 children attended the July 2016 Crucial Crew event in Bury St. Edmunds, with over 450 children attending the Mildenhall Crucial Crew event held in February 2017.

2.12 Healthy eating – Eat Out Eat Well

The CEH Team promote the Suffolk Eat Out Eat Well (EOEW) award scheme, encouraging businesses to develop and promote healthier options in their menu's and premises. The team achieve this by promoting the EOEW scheme during routine inspections and other visits, providing information and advice to interested groups and businesses, and by the publication and promotion of EOEW award successes through their social media and corporate media outlets.

By 31 March 2017 West Suffolk Councils had awarded 32 EOEW awards (incorporating 2 Bronze, 14 Silver and 16 Gold). The total number of awards issued in Suffolk was 77.

West Suffolk has set itself an ambitious target to award its 50th EOEW award at the end of August 2017 and will be looking to maximise publicity for this.

3.0 **RESOURCES**

3.1 Financial Allocation

Details of budgetary provision are included as annual Corporate budgets, published annually on our website.

The Councils maintain their own legal services to provide support to service areas. There is also financial provision made to enable the use of external legal services, where appropriate.

3.2 Staffing Allocation

The CEH Team consists of:

| | |
|---|----------|
| Commercial Environmental Health Team Leader | 1.0 fte; |
| Environmental Health Officers | 3.2 fte; |
| Technical Officer | 1.0 fte. |

The Council's current staff allocation is considered sufficient to its responsibilities within the service plan. Additional unplanned work may require reprioritisation within the plan in the event of its occurrence.

The Commercial Environmental Health Team Leader is the Lead Officer for food hygiene and food safety matters, in accordance with the Food Safety Act Food Law Code of Practice.

In addition to the food safety work undertaken by the CEH team, the officers also carry out many other statutory and discretionary duties, including accident investigations, health and safety regulation and enforcement, managing the West Suffolk Safety Advisory Group, active participation in other groups such as the Mid-Anglia Environment Safety and Health Group, skin piercing registration and regulation, smoke free regulation and enforcement.

These additional duties, and those within this Food Safety Service Plan are carried out by a professional team of Environmental Health Officers who have the qualifications, knowledge, skills and experience to undertake such a wide variety of activities.

The Technical Officer post, created in September 2016, is a developmental one. The current Technical Officer has enrolled on a Post-Graduate course at Birmingham University, starting in September 2017, which will enable them to carry out the full range of food safety interventions and enforcement. This course will take two years to complete, with the officer gaining practical experience and training during this period as they carry out their usual duties.

3.3 Staff Development Plan

The councils have a single performance review scheme. As part of the scheme, officers formally discuss and agree individual performance targets and training/personal development plans with their line manager every 12 months. Progress with the plan is reviewed periodically so any issues can be raised and addressed.

Relevant training areas are identified to ensure the requirements for authorised officers in accordance with the Food Law Code of Practice are met. The FSA's Authorised Officer Competency Assessment form is used to help identify training and development needs.

The Team ensures that all enforcement officers are appropriately qualified and receive regular training to maintain and improve their level of competency. All officers are expected to have access to the equivalent of at least 10 hours update training, which is monitored through the team's internal Service Plan. A mixture of both internal and external training is provided for officers to achieve this aim. The Team will take advantage of opportunities for low cost training offered by the Food Standards Agency.

4.0 **QUALITY ASSESSMENT**

4.1 Quality Assessment

The Team has a range of documented procedures which are subject to monitoring and review. In 2015/16 a countywide common procedure template, aligned to the 2015 Food Law Code of Practice, was designed. The documented procedures are due to be reviewed during 2017/18 to reflect changes in the 2017 Food Law Code of Practice and the FHRS brand standard.

4.2 Inter Authority Audits and Peer Review

The principle of inter authority audits (IAA) is fully supported. The CEH Team has previously undertaken inter-authority inspection and quality monitoring, with some benchmarking against our similar neighbouring authorities of Babergh and Mid Suffolk District Councils. Peer review also takes place amongst the team, e.g. discussions during team meetings and joint visits.

4.3 Internal Monitoring Arrangements

The CEH Team is implementing the following arrangements to assist in assessing and improving the quality of the work carried out:

- reviewing the documented work procedures;
- checking samples of post-inspection reports, letters and notices;
- undertaking a number of shadow-inspections or follow-up visits;
- file reviews during team meetings;
- performance reviews during team meetings based on the Food Safety Service Plan and the Environmental Health Service Plan; and
- one-to-one meetings.

The contents of statutory notices will be discussed and agreed with the CEH Team Leader or other colleagues before service, where appropriate.

4.4 Benchmarking

The Food Standards Agency (FSA) publishes on their website the food safety enforcement activity carried out by all local authorities in the UK. This information is collated from the Local Authority Enforcement Monitoring System (LAEMS) statistical returns provided by local authorities and provides a useful tool for benchmarking performance with other local authorities. The FSA also reports this performance data to Government and Europe.

Monitoring performance against the standards set out in the West Suffolk Councils Food Safety Service Plan will be via management meetings and the corporate Balanced Scorecard.

APPENDICES

Appendix 1: Extract from the Planning & Regulatory Services Business Plan 2017-18

| Action / objective | Link to strategic priority | Funding | Timing | Monitoring | Lead Officer and Portfolio Holder(s) |
|---|--|--------------------------------|---------|--|--|
| Through appropriate interventions, advice and enforcement, ensure that all food establishments comply with food safety requirements | Families and communities that are healthy and active | Within existing revenue budget | 2017/18 | Service/Directorate Balanced Scorecard | Richard Smith/ Councillors Pugh & Stanbury |
| Improve the understanding and knowledge of good food hygiene and safe working practices: <ul style="list-style-type: none"> • Advice to businesses • Use of Facebook • Eat Out Eat Well promotion • Participation in Crucial Crew | Families and communities that are healthy and active | Within existing revenue budget | 2017/18 | Service | Richard Smith/ Councillors Pugh & Stanbury |
| Investigate and take action, where appropriate, to deal with infectious and Communicable Diseases | Families and communities that are healthy and active | Within existing revenue budget | 2017/18 | Service | Richard Smith/ Councillors Pugh & Stanbury |

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Licensing and Regulatory Committee



St Edmundsbury
BOROUGH COUNCIL

| | | |
|---|--|--------------|
| Title of Report: | Training for private hire and hackney carriage drivers | |
| Report No: | LIC/SE/17/007 | |
| Report to and date: | Licensing and Regulatory Committee | 20 June 2017 |
| Portfolio holder: | Councillor Alaric Pugh Portfolio Holder for Planning and Growth Tel: 07930460899 Email: alaric.pugh@stedsbc.gov.uk | |
| Lead officer: | Amanda Garnham Licensing Team Leader Tel: 01284 757132 Email: Amanda.garnham@westsuffolk.gov.uk | |
| Purpose of report: | To seek approval to adopt a work procedure and conditions for a Private Hire Licensed plate exemption for executive contracts. | |
| Recommendation: | It is <u>RECOMMENDED</u> that the Licensing and Regulatory Committee: Approve and adopt the proposed guidance and conditions (attached at Appendix 1) so that they can be applied by the Licensing Authority. | |
| Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i> | <i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/> | |
| Consultation: | None required | |

| | | | |
|--|---|---|---------------------------------------|
| Alternative option(s): | | i) Do nothing. There is no current adopted procedure in place to apply for an exemption. This could result in unlicensed vehicles plying for hire and hinder the of protection of the public. | |
| Implications: | | | |
| Are there any financial implications? <i>If yes, please give details</i> | | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> • Within budget | |
| Are there any staffing implications? <i>If yes, please give details</i> | | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> • Planned work with current resources | |
| Are there any ICT implications? <i>If yes, please give details</i> | | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | |
| Are there any legal and/or policy implications? <i>If yes, please give details</i> | | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> • See body of report | |
| Are there any equality implications? <i>If yes, please give details</i> | | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> • See body of report. See body of report | |
| Risk/opportunity assessment: | | <i>(potential hazards or opportunities affecting corporate, service or project objectives)</i> | |
| Risk area | Inherent level of risk (before controls) | Controls | Residual risk (after controls) |
| | Low/Medium/ High* | | Low/Medium/ High* |
| Having no set guidance and procedure adopted makes it easy for any vehicle to apply for an exemption and not have plates on show. Also makes it easy for unlicensed vehicles to ply for hire putting the public at risk. | Medium | Every vehicle applied for an exemption is set at 'executive' standard. All are assessed and must meet a criteria | Low |
| | High | | |
| Ward(s) affected: | | All | |
| Background papers: <i>(all background papers are to be published on the website and a link included)</i> | | http://www.westsuffolk.gov.uk/Business/Regulation_and_Licensing/Licensing/Taxi_licensing/upload/SEBC-Taxi-Handbook-April-17.pdf | |
| Documents attached: | | Appendix 1 – Draft Proposed Conditions and Guidance Appendix 2 – Draft Application Form Appendix 3 – Current Taxi and Private Hire Conditions Handbook | |

1. Key issues and reasons for recommendation(s)

1.1 Background

1.2 The Council licenses the following:

- Hackney Carriage and Private Hire Vehicle Drivers
- Hackney Carriage Vehicles
- Private Hire Vehicles
- Private Hire Operators.

1.3 The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles display an identification plate (licence plate) and drivers of those vehicles wear a driver's badge. The same legislation (s75) also allows St Edmundsbury Borough Council to exempt vehicles from the need to display an identification plate and, where that exemption applies, the requirement to wear a private hire driver's badge.

1.4 The aim of the procedure document is to ensure public safety whilst taking a balanced approach to licensing requirements. Its objective is the provision of an exemption to allow 'executive vehicles' to operate without displaying external identification plates. Please see **Appendix 1** for draft conditions and procedures.

1.5 The displaying of the external identification plate on a licensed vehicle and a driver's badge is important in terms of public safety and reassurance. They indicate to the travelling public that prior to being licensed both the vehicle and the driver have been subjected to checks to ensure their (the public's) safety.

1.6 There are occasions when the requirement to display an external identification plate may have the opposite effect in terms of customer safety and could have commercial implications for the operating business. The display of Local Authority licence plates externally may also deter some corporate customers from using the service; and in some circumstances the identification of the vehicle as a licensed vehicle may allow "high risk" passengers to be more readily targeted putting both them and the driver at risk.

1.7 Currently, the proprietors can apply for a plate exemption but this is only by way of a letter to the Licensing Officers. No checks are made on paperwork or vehicles as such under the current process, although, applicants are mostly executive operators.

2. Conditions

2.1 It is not intended that all private hire vehicles licensed by St Edmundsbury Borough Council should be exempt from the Council's requirement to display an external identification plate, however the Council recognises that there may be circumstances when it would be appropriate for vehicles operating the type of service to be considered suitable for such an exemption.

- 2.2 This conditions/procedure should be read in conjunction with the council's existing conditions relating to private hire vehicles and establishes additional criteria that the Council (and its officers) will take into account when determining applications for a private hire vehicle to be exempt from displaying external identification plates. Please see **Appendix 3**, current taxi and private hire handbook. There is a section on p30 in the handbook about the potential to apply for an exemption under the correct legislation.
- 2.3 Potential applicants will need to demonstrate that the vehicle will be used exclusively for executive clients and/or special occasions. Examples of these journeys Corporate Events, Conferences, Exhibitions and Meetings, Chauffeured services, School Proms, Celebrity and guarded personnel transport service.

3 The Procedure/Guidance Conditions

- 3.1 Exemptions from displaying external identification plates (vehicle licence plates) may be in respect of individual vehicles only. Applications for exemptions relating to a fleet of vehicles will not be allowed.
- 3.2 Each application will be assessed on its own merit and each vehicle will be inspected by an authorised council officer to ensure that it is fit for purpose. Please see **Appendix 2** application form.
- 3.3 Applications for exemption from the requirement to display an external identification plates on the front and rear of a private hire vehicle along with side stickers may be considered where the following requirements are met;
- Vehicles may be of any colour.
 - The vehicle to be exempted is of a high quality both in terms of brand and condition. The Vehicle must also meet with the exceptional quality waiver if it is more than 7 years of age.
 - Vehicles will be larger than the Ford Mondeo class vehicles and will normally be the accepted luxury brands such as Mercedes Benz, BMW, Jaguar, Rolls Royce, Bentley and Lexus. The highest specification executive type cars from other manufacturers may also be considered. American style stretched vehicles may also qualify for exemption.
 - The vehicle will be in an immaculate condition with no visible defects, dents or blemishes to the external bodywork or internal trim.
 - The vehicle is to be used for executive or special occasion work only, good examples of these are:
 - Transport to and from Business Corporate Events, Conferences, Exhibitions and Meetings.
 - Chauffeured services, guarded personnel.
 - School Proms
- 3.4 Applications may only be made by a person holding a private hire operator's licence issued by St Edmundsbury Borough Council.
- 3.5 Where a proprietor wishes to make an application for a vehicle to be exempt from displaying an external identification plate they will be required to complete the appropriate exemption application form and have their vehicle and supporting documents assessed by a Licensing/Enforcement Officer.

- 3.6 Where such supporting documentation is not provided to the satisfaction of the Council the application will be refused. Where a refusal is contested by the Proprietor, they can request a referral to the Licensing Sub-Committee.
- 3.7 Where an application is granted and a vehicle is exempted from displaying its external identification plate an exemption notice will issued as soon as practical after the decision is made
- 3.8 Irrespective of when an exemption notice is granted the initial exemption notice will expire on the same day as the expiration of the vehicles current private hire licence, unless it is otherwise surrendered or revoked. Thereafter any renewed exemption notice will last for a period of time that is coterminous with that vehicle's private hire licence unless either the licence or notice is otherwise surrendered or revoked.
- 3.9 Exemption notices may be renewed annually subject to the vehicle undergoing a re-inspection by a Licensing/Enforcement Officer to ensure that it continues to be fit for purpose.
- 3.10 The authority to determine any application for an exemption notice is by virtue of this procedure is delegated to the Council's Licensing or Enforcement Officer.

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LICENSING GUIDANCE PROCEDURE AND CONDITIONS

Granting Private Hire Plate Exemption



DRAFT

JUNE 2017

Application Process for Granting Private Hire Plate Exemption

- 1. INTRODUCTION**
- 2. PROCESS**

INTRODUCTION

The plate identifying the vehicle as a Private Hire Vehicle is required to be exhibited on the vehicle pursuant to Section 48(6) of the Local Government (Misc. Provisions) Act 1976 shall be securely fixed to the external front and rear of the vehicle in a conspicuous position and in such manner as to be easily visible by an authorised officer of the Council, or a Police Officer.

However, West Suffolk Council's allows proprietors of prestige type vehicles to seek permission to waive the requirement to display plates.

PROCESS

1. Proprietors of prestige type vehicles licensed as Private Hire vehicles, or Private Hire vehicles used in special circumstances, may seek the permission of the Authority to waive the conditions of their licence relating to the display of licence plates.
2. Prestige vehicles remain licensed as Private Hire vehicles and all journeys and contracts must be pre-booked through a licensed Operator, although such vehicles should be used solely to undertake prestige work and should not be dispatched to customers in the ordinary way. Vehicles must not display logos or identification which may indicate that they are used as a taxi or private hire service.
3. Proprietors wishing to obtain an Initial plate exemption will be asked to book an Assessment of their Vehicle and supporting documents for the exemption with the Licensing Officer (or Licensing Enforcement Officer). This will allow the Officer to inspect the vehicle and documents and assess that it fits the criteria for an exemption. If the vehicle is already licensed with one of the West Suffolk Councils, Proprietors must schedule the Assessment **at least** three weeks prior to their vehicle licence renewal date.
4. At the Assessment, the Licensing/Enforcement Officer will complete the Application Form with the applicant, view the applicant's supporting documentation and decide whether or not the Vehicle is deemed to be a prestige type vehicle.
5. The Proprietor will then go on to complete the plate renewal or first grant application form for the licensed plates.
6. In exceptional circumstances, applications may be considered part way through the life of an existing vehicle licence. This is at the discretion of the

Licensing Team Leader. If an exemption is granted, the remaining term of the exemption will run until the vehicle licence end date.

7. If approved, the proprietor will be notified of the successful application and will be issued with the following:
 - i) An agreement letter detailing that the vehicle is exempt from displaying a Exterior Private Hire Plate. The agreement is required to be carried on the vehicle at all times and to be available for inspection by an authorised officer of the Council, a police officer or by the hirer of the vehicle, on request.
 - ii) An windscreen plate for display in the front windscreen of the vehicle denoting that the same information as a Private Hire Vehicle Plate, indicating the exemption.
 - iii) A Private Hire Vehicle Plate to be secured/ fixed inside the boot of the vehicle.
8. If the exemption request is not approved, the Licensing Officer will write to the applicant giving reasons as to why the application has been refused.
9. Proprietors will make an application in the first instance and will not be expected to renew the exemption on an annual basis. However, in addition to the Mechanical Fitness Test the vehicle will need to be assessed by the Licensing/Enforcement Officer to confirm that it still meets the Plate Exempt Standards, prior to the renewal licence and exemption plate being issued (and a Plate Exemption Assessment Form completed).
10. The following conditions will be attached to the licences of private hire vehicles where a plate exemption waiver has been made. These are detailed below:
 - i) Vehicles granted a plate exemption waiver shall be used only for Prestige type hirings and shall not be used for standard private hirings.
 - ii) The Operator receiving a booking for a plate exempted vehicle shall provide the hirer with details of the vehicle registration number and the name of the driver, prior to the hiring commencing. Bookings must be recorded and kept available for inspection for at least 12 months.

- iii) The private hire windscreen identification plate issued by the Council shall be displayed within the front nearside of the windscreen at all times and legible from outside the vehicle.
- iv) The rear vehicle licence plate shall be securely fixed within the boot of the vehicle in a manner which enables it to be easily inspected.
- v) The driver's badge shall be available for inspection by an authorised officer of the Council, a police officer or by the hirer of the vehicle, on request.
- vi) The Council's agreement to a plate exemption is required to be carried on the vehicle at all times and to be available for inspection by an authorised officer of the Council, a police officer or by the hirer of the vehicle, on request.
- vii) The driver of a plate exempted vehicle shall wear professional business attire (smart shirt and trousers)
- viii) The proprietor shall not use the vehicle for private hire purposes other than for chauffeur use (ie. Not for 'normal' airport journeys or daily private hire use)
- ix) The driver and passenger front side window glass and the front windscreen must be clear. However, tinted windows can be fitted to the side and rear window glass of the vehicle provided that they comply with current legislation and allow in the correct amount of light.
- x) The hirer shall not have the facility to settle accounts and / or tender direct payment to the driver by any means. Payment may only be made, either before or after the journey, direct to the Operator or their accounting system.
- xi) No alcoholic drink shall be sold or purchased in or from the vehicle.

11. Bookings must be recorded and kept available for inspection for at least 12 months.

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Plate Exemption Application Form

Appendix 2

1. PLEASE INDICATE APPLICATION STATUS (✓ as appropriate)

New

St Edmundsbury Borough Council/Forest Heath District Council
(please delete)

Renewal

2. VEHICLE DETAILS

VEHICLE LICENCE NUMBER:

EXPIRY DATE:

VEHICLE REGISTRATION NUMBER:

DATE VEHICLE FIRST REGISTERED:

MAKE:

MODEL:

COLOUR:

NUMBER OF PASSENGERS:

3. PROPRIETOR PERSONAL DETAILS (1)

TITLE (✓ as appropriate): Mr Mrs Miss Ms Other (please state):

FORENAMES:

SURNAME:

CURRENT ADDRESS:

4. PROPRIETOR PERSONAL DETAILS (2)

TITLE (✓ as appropriate): Mr Mrs Miss Ms Other (please state):

FORENAMES:

SURNAME:

CURRENT ADDRESS:

Applicants are advised that to make a false statement, knowingly or recklessly or omit any information from this application is an offence punishable on conviction by imprisonment for a term not exceeding two years or a fine to be decided by the Court of both.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see

http://www.westsuffolk.gov.uk/Council/Data_and_information/howweuseinformation.cfm

Signed: _____ **Dated:** / /
(Proprietor 1)

Signed: _____ **Dated:** / /
(Proprietor 2)

FOR OFFICE USE ONLY

DATE EXEMPTION APPLICATION RECEIVED:

Section B

EXEMPTION AGREED

EXEMPTION DECLINED

Section C

If exemption declined, give reasons:

Signed: _____ **Dated:** / /

Section D

Exemption Windscreen Internal Card and Agreement Issued:

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ST. EDMUNDSBURY BOROUGH COUNCIL

HACKNEY CARRIAGE AND
PRIVATE HIRE HANDBOOK



St Edmundsbury
BOROUGH COUNCIL

| | |
|----------------------------|---|
| PORTFOLIO HOLDER: | Alaric Pugh |
| DOCUMENT AUTHOR: | Amanda Garnham, Licensing Department |
| DATE DOCUMENT APPROVED AT: | L&R Committee 11 th April 2017 |

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INTRODUCTION

St Edmundsbury Borough Council licences the following:

Hackney Carriage and Private Hire Vehicle Drivers;
Hackney Carriage Vehicles;
Private Hire Vehicles;
Private Hire Operators.

The relevant legislation includes:

- Local Government (Miscellaneous Provisions) Act 1976
- The Town Police Clauses Act 1847
- Public Health Act of 1875.

In addition to the statutory requirements, the Council has made byelaws relating to Hackney Carriages. All vehicle drivers are required to comply with the Council's conditions and byelaws and also with general motoring legislation.

The Council aims to promote public safety and confidence in the Hackney Carriage and Private Hire trades by maintaining the highest possible standards. All licensed drivers are expected to conduct themselves in a professional and courteous manner at all times.

With the co-operation of the trade the Council will seek to achieve this aim by:

- Ensuring that all Hackney Carriages and Private Hire Vehicles are mechanically maintained to a high standard and regularly inspected.
- Ensuring that all Hackney Carriage and Private Hire Vehicle drivers are fit and proper persons to act as such.

Information provided to the Licensing Officers will be used for health, safety and licensing purposes. Information may be used for other Council functions, where this is permitted by law. The Council is registered under the Data Protection Act 1998 for these purposes.

The Council is under a duty to protect the public funds it administers, and to this end may use the information you provide for the prevention and detection of fraud. We may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Contact details

Licensing Department
St Edmundsbury Borough Council
West Suffolk House
Western Way
Bury St Edmunds
IP33 3YU

Tel: 01284 758050

Email: licensing@westsuffolk.gov.uk

Web: www.westsuffolk.gov.uk

The normal office hours are 8:45am to 5pm Monday to Friday. Appointments are required if you need to see an Officer, otherwise documents and forms can be left with customer services in reception. Please allow 14 days for your applications to be processed.

Payment of Licence Fees

Payments can be made in the following ways:

- By Cheque (payable to St Edmundsbury Borough Council)
- By Debit Card or Credit Card (all credit card payments have a surcharge)

Definitions

| | |
|---------------------------|--|
| 'The Council' | St Edmundsbury Borough Council |
| 'The District' | means the area of the Council in which you are licensed with |
| 'Proprietor' | means the person or persons named in the licence as the proprietor of a hackney carriage or private hire vehicle. |
| 'Hackney Carriage' | has the same meaning as in the Town Police Clauses Act 1847. |
| 'Vehicle' | means the hackney carriage or private hire vehicle in respect of which a licence is issued. |
| 'The Licensee' | means the individual(s) who is/are named on a licence granted by the council. |
| 'Private Hire Vehicle' | means a motor vehicle constructed or adapted to seat fewer than nine passengers other than a hackney carriage, which is provided for hire with the services of a driver for the purpose of carrying passengers. |
| 'Operate' | is defined as meaning in the course of business to make provision for the invitation or acceptance of bookings for a Private Hire Vehicle. |
| 'Drivers Licence' | the term drivers licence is used, without hackney or combine etc. If you were a lay person just reading a particular section it could be unclear – it's not consistent all the way through and sometimes refers to a DVLA licence. |
| 'Plate or Internal plate' | means the licence plates issued by the council to identify a vehicle which has been licensed by it in accordance with the provisions of Section 48 of the Act. |

HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

New applicants can apply for a combined driver's badge. The combined badge allows you to drive both private hire and hackney carriage vehicles.

All new drivers must complete the mandatory Level 2 Certificate in Taxi and Private Hire Driving (or similar qualification) prior to applying for a licence.

How to submit your application

Please refer to the Guidance Notes for step by step instructions on the application process. These can be found on our Council Website http://www.westsuffolk.gov.uk/Business/Regulation_and_Licensing/Licensing/Taxi_licensing/upload/Guidance-Notes-Driver-SEBC-Jan-2017-V2.pdf

Make sure that all the questions on the application form are completed and submit with all original supporting documents and the correct fee. Payment should be made by card or cheque made payable to St Edmundsbury Borough Council.

You can submit your completed application to St Edmundsbury Borough Council which is open Monday to Friday 8.45 am to 5 pm.

Please note:

All documents must be originals; photo copies are not acceptable. Where applicable the applicant must provide, at their own expense, a written English translation of relevant documents/certificates, together with documentary proof that the translation is correct.

1. Applications may be referred to the Licensing Committee for consideration. You will be invited to attend the Committee meeting to speak in support of your application.
2. Where an applicant, at the time of application has not reached 21 years of age the application will be referred to the Licensing Committee for determination.
3. A Driver's Licence usually lasts for three years, although it may be issued for a lesser period at the Council's discretion.

LICENSED DRIVER CONDITIONS – Applies to All Drivers

1. The applicant must be properly authorised to drive motor cars holding either a Group A or Category B licence issued by the DVLA, this includes EU and Northern Irish licences as defined in the Road Traffic Act 1988. The applicant must have held a full national driving licence for a period of 12 months.
2. Drivers will note the provisions of the conditions relating to licensed vehicles. It is important that drivers ensure that the vehicles they drive comply with the said conditions.
3. The Council has a Disciplinary Code, which sets out the principles and procedures by which breaches of statutory provisions, Council's bylaws, or the contravention of any of the Council's Standard Conditions will be dealt with. Serious breaches could result in suspension or revocation of your licence.
4. Every driver of a licensed vehicle is required to be licensed, the only exception being a qualified person testing a licensed vehicle or it's Taximeter.
5. A person acting as the driver of a licensed vehicle without a valid licence, commits a criminal offence, as does the proprietor who actually employs the unlicensed driver.
6. The Council will not grant a driver's licence unless satisfied that the applicant is a fit and proper person to hold a driver's licence for licensed vehicles.
7. The Council may suspend, revoke or refuse to renew a Driver's Licence if since the licence was granted the driver has:-
 - (a) Been convicted of an offence involving dishonesty, indecency or violence; or
 - (b) Been convicted of an offence under, or has failed to comply with, the provisions of the 1847 and 1976 Acts; or
 - (c) For any other reasonable cause.
8. Licensed drivers are required to hand their licences to the proprietor of the licensed vehicle they drive.
9. Private hire Vehicle drivers shall not:-
 - (a) Park the vehicle on any hackney carriage stand for any reason; or
 - (b) Stand or ply for hire or offer the private hire vehicle for immediate hire while on a road or other public place; or
 - (c) Accept an offer for the immediate hire of the private hire vehicle while the driver or the vehicle is on a road or other public place unless the offer is first communicated to him by his/her private hire operator. (In this condition 'road' means any highway and any other road to which the public has access).
10. The driver shall take all reasonable steps to ensure the safety and welfare of all passengers driven by him/her.
11. Where a vehicle is constructed or adapted for the transportation of disabled persons, the driver shall convey the disabled passenger and any aids including

assistance animals, (such animals to be carried free of charge), unless the driver has a council dispensation displayed in the vehicle, or an exemption certificate. Drivers must afford reasonable help to a disabled passenger to aid getting in and out of the vehicle and to or from any building if requested. Medical exemption can be applied for.

12. The driver will treat all members of the public with courtesy and respect.
13. The driver will ensure that all plates, labels and stickers supplied by the Council are displayed and legible at all times.
14. The driver will display his badge at all times when working so that it's visible to members of the public.
15. The driver will only take refreshment in the vehicle at times when it is parked and not in service.
16. The driver will turn any entertainment off or down at the request of any passenger.
17. The driver will carry a reasonable quantity of luggage when requested by any passenger. Drivers must offer all reasonable assistance to load and unload luggage.
18. The driver will check the vehicle for any lost property between each fare, report any lost property to the police at the earliest opportunity.
19. The driver must be punctual and take the shortest available route to the destination unless an alternative route is requested by the passenger whilst observing all relevant highway and traffic laws.
20. The driver will carry a copy of the conditions at all times when the vehicle is in service and make it available to members of the public on request.
21. When carrying any animal at the request of a passenger, ensure that provision is made to ensure the safety of the animal, passenger and the driver.
22. The driver must ensure the vehicle is maintained in a clean and satisfactory condition at all times.
23. The driver must notify the council in writing within seven days:
 - (a) of any criminal offence for which they have been convicted;
 - (b) of any disqualification from driving they have received;
 - (c) of any endorsement on their DVLA licence for a motoring offence;
 - (d) of any material change to their health since their most recent Group II medical submitted to the council;
 - (e) of any change of their address;
 - (f) of any change in their operator;
 - (g) of any accident involving the vehicle whilst they were driving.

24.The driver must not:-

- (a) (i) use any two way radio equipment unless an appropriate licence from the Office of Communications is held by the operator and available for inspection;
- (ii) Use any scanning equipment.
- (iii) Use a mobile phone whilst driving as per the current legislation
- (b) Carry any other person in the vehicle without the express consent of any other passengers carried in the vehicle;
- (c) Provide any alcoholic drinks within the vehicle unless there is an appropriate licence in force;
- (d) Drivers are expected to be smart and clean in appearance at all times. They must maintain a high standard of personal hygiene and dress in clothing and footwear suitable to the public service which is clean, tidy and inoffensive. Flip flops, cropped shorts and tight fitting vest tops are not considered professional attire.

25.The driver must not refuse assistance dogs. Reported refusals will result initially in disciplinary action according to our disciplinary and points guidance. Repeated refusal may result in the driver being prosecuted.

Drivers can apply to the council for an assistance dog exemption certificate. A medical exemption report must come from the driver's own registered GP, for example; severe allergies or asthma related to animals. The driver must display the medical exemption as per council instructions and allow passengers to inspect the exemption on request.

26.The driver must not refuse disabled or wheelchair users. Wheelchair users must be charged the same as non-wheelchair users. Reported refusals or overcharging will result initially in disciplinary action according to our disciplinary and points guidance. Repeated offences may result in the driver being prosecuted. New legislation comes into force on 6 April 2017. An exemption can be applied for under medical grounds. Please contact the Council for more details.
<https://www.gov.uk/government/news/law-change-demands-equal-treatment-for-disabled-taxi-users>

27.The driver must surrender his licence to the Council within 7 days if they receive a driving ban through a conviction.

28. The driver must complete any mandatory training as directed by the Council.

BYELAWS

Made under Section 68 of the Town Police Clauses Act, 1847 and Section 171 of the Public Health Act, 1875 by the St. Edmundsbury Borough Council with respect to hackney carriages in the St Edmundsbury District

1. Throughout these by-laws the expression "the Council" means the St. Edmundsbury Borough Council and "the District" means the St. Edmundsbury District.

PROVISIONS REGULATING THE MANNER IN WHICH THE NUMBER OF EACH HACKNEY CARRIAGE, CORRESPONDING WITH THE NUMBER OF ITS LICENCE SHALL BE DISPLAYED.

2.
 - a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside respectively of the carriage, or on plates affixed thereto;
 - b) A proprietor or driver of a hackney carriage shall:-
 - i. not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - ii. not cause or permit the vehicle to stand or ply for hire with any such plate so defaced that any figure or material particular is illegible.

PROVISIONS REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED

3. The proprietor of a hackney carriage shall:-
 - a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - b) cause the roof or covering to be kept water-tight;
 - c) provide any necessary windows and a means of opening and closing not less than one window on each side;
 - d) cause the seats to be properly cushioned or covered;
 - e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
 - f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
 - g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
 - h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
 - i) first aid box;
 - j) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a hackney carriage shall cause such carriage to be provided with a taximeter so constructed, attached, and maintained as to comply with the following requirements, that is to say -
 - a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;

- b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the by-law in that behalf;
- d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
- f) the taximeter and all fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

PROVISIONS REGULATING THE CONDUCT OF THE PROPRIETORS AND DRIVERS OF HACKNEY CARRIAGES PLYING WITHIN THE DISTRICT IN THEIR SEVERAL EMPLOYMENTS, AND DETERMINING WHETHER SUCH DRIVERS SHALL WEAR AND WHAT BADGES.

5. The driver of hackney carriage provided with a taximeter shall:-
 - a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the by-law in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
 - b) as soon as the carriage is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
 - c) cause the face of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972 and also at any other time at the request of the hirer.
6. A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
7. The driver of a hackney carriage for which stands are fixed by any by-law in that behalf shall, when plying for hire in any street and not actually hired
 - a) proceed with reasonable speed to and station the carriage on one of such stands;
 - b) if a stand, at the time of his arrival is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction;

- d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to move forward so as to fill the place previously occupied by the carriage driven off or moved forward.
8. The driver of the first or leading hackney carriage standing for hire on any such stand as aforesaid shall be ready to be hired by any person.
 9. The driver of a hackney carriage shall, at all times, when standing, plying or driving for hire, conduct himself in an orderly manner, and with civility and propriety towards every person seeking to hire, or hiring, or being conveyed in such carriage, he shall comply with every reasonable requirement of any person hiring or being conveyed in such carriage, and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
 10. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
 11. A driver of a hackney carriage shall not, at any time when driving for hire, smoke tobacco or any other like substance without the permission of the persons hiring and being conveyed in such carriage. For avoidance of confusion, this byelaw has been outdated by new smoking legislation.
 12. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not by calling out or otherwise importune any person to hire such carriage, and shall not make use of the services of any other person for this purpose.
 13. The driver of a hackney carriage, when hired by time or by distance, shall, subject to any directions given by the hirer, proceed to his destination by the shortest available route.
 14. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
 15. The badge which has been provided by the Council and delivered to the driver of a hackney carriage, either with the licence granted to him by the Council or afterwards, he shall, when standing, plying or driving for hire, wear that badge in such position and manner as to be plainly and distinctly visible.
 16. A driver of a hackney carriage shall at all times when standing, plying for, driving for hire, have a copy of these By-laws ready to produce and shall produce the same for perusal and inspection by any person hiring or desiring to hire such carriage at the request of such person.
 17. Every driver of a hackney carriage so constructed as to carry luggage shall when requested by any person hiring or seeking to hire the carriage:-
 - (a) convey a reasonable quantity of luggage;
 - (b) afford reasonable assistance in loading and unloading;
 - (c) afford reasonable assistance in removing it to or from the entrance of any house, station or place at which he may take up or set down such person.

PROVISIONS FIXING THE STANDS OF HACKNEY CARRIAGES

18. Each of the places specified in the following list shall be a stand for such number of hackney carriages as is specified in the list:-

Bury St Edmunds

- (i) The Traverse/Shambles (10 spaces)
- (ii) St Andrews Street (South) (behind Iceland) (2 spaces)

Haverhill

- (i) Bus Station - 5 spaces
- (ii) High Street, opposite Boots the Chemist (4 spaces)
 - (a) not between 10.00 am and 4.00 pm Monday to Friday
 - (b) not between 6.00 am and 6.00 pm on Saturday
 - (c) unrestricted use on Sunday

PROVISIONS FIXING THE RATE OR FARES TO BE PAID FOR HACKNEY CARRIAGES WITHIN THE DISTRICT AND SECURING THE DUE PUBLICATION OF SUCH FARES

19. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage, the rate or fare prescribed by the current fare tariff, the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time. Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance, the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the current table, which it may not be possible to record on the face of the taximeter (as current tariff dated 25th November 2015):-
20. (1) The proprietor of a hackney carriage shall cause a statement of the fares fixed by the By-law in that behalf to be exhibited inside the carriage in clearly distinguishable letters and figures and shall cause such letters and figures to be renewed as often as is necessary to keep them clearly visible.
- (2) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this By-law shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

PROVISIONS SECURING THE SAFE CUSTODY AND REDELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF

21. The proprietor or driver of a hackney carriage shall, IMMEDIATELY after the termination of any hiring, carefully search the carriage for any property which may have been accidentally left therein.

22. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:
- a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to a Police Station in the district and leave it in the custody of the officer in charge of the office on his giving a receipt for it;
 - b) be entitled to receive from any person to whom the property shall be redelivered an amount equal to 5p in the pound of its estimated value (or the fare for the distance from the place of finding to the Police Station whichever is the greater) but not more than five pounds.
23. Every person who shall offend against any of these By-laws shall be liable on summary conviction to a fine not exceeding twenty pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction therefore.

The foregoing by-laws are hereby confirmed by the Secretary of State.

Penalties

Every person who shall offend against any of these Byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the Standard Scale and, in the case of a continuing offence, to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefore.

PRIVATE HIRE VEHICLE OPERATORS' LICENCE

Guidance Notes

1. It is a criminal offence to operate a Private Hire Vehicle within the St Edmundsbury Borough without having a Private Hire Vehicle Operator's Licence.
2. The Council can grant Private Hire Vehicle Operators' Licences upon application to a fit and proper person.
3. The Council may attach to the grant of a licence such conditions as it may consider reasonably necessary.

Conditions

1. An operator shall record details of every Private Hire booking made. The following information shall be recorded in an easily retrievable method (page numbered log or computer database) before the commencement of each journey and shall include the following:
 - The date and time of each booking
 - How the booking was received, i.e. telephone or personal call
 - The time of the pick up
 - Where the journey was from and to
 - The name and address of the hirer
 - The private hire licence plate number of the vehicle allocated the booking

The records shall be kept for one year or such longer period if stated by the Council.

The records shall be produced, on request, to any police officer or authorised officer of the council

2. An operator shall maintain at his premises details of all vehicles operated by him/her, which shall include the following
 - The private hire plate number
 - Vehicle registration number
 - Name and address of the proprietor of the vehicle
 - Name(s) and address(es) of the driver(s) of the vehicle(s)
 - Badge numbers of the driver(s)

The above records shall be produced on request to any authorised officer of the council or Police officer.

3. No operator shall invite or accept a private hire vehicle booking or control or arrange a journey to be undertaken by a private hire vehicle without first making available the charge for the hire of the vehicle to the person making the booking.

4. The operator shall ensure that when a private hire vehicle has been hired, the vehicle shall, unless delayed or prevented attend punctually the appointed time and place.
5. The operator shall keep clean, adequately heated, ventilated and lit any premises which the operator provides to which the public have access, whether for the purpose of booking or waiting,
 - a) Ensure that any waiting area provided has adequate seating facilities,
 - b) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that defects are repaired promptly,
 - c) Ensure any person who is drunk or otherwise misbehaving shall be removed from any licensed operating premises.
6. An operator shall ensure that all drivers and vehicles owned, controlled or operated by them shall be licensed and comply with all the conditions of their drivers licence and or private hire vehicle licence.
7. It is an offence to refuse to carry assistance dogs unless the driver has a medical exemption certificate.
8. Change of address (including any address from which an operator conducts their business) must be notified to the Council within 7 days of such a change taking place.
9. The operator shall within 7 days disclose to the council in writing details of any conviction imposed on him/her during the period of the licence.
10. An Operator shall not include in his/her trading title, or in any advertising whether in publication or by the display of notices or by means of a circular, or business card, any reference to "taxi" or "cab"
11. The Operator shall not cause or permit any driver of a licensed vehicle to park the vehicle on any Hackney Carriage rank for any reason or stand or ply for hire or offer the vehicle for immediate hire while he/she or that Vehicle is on a road or other public place.

Note

THE COUNCIL MAY SUSPEND, REVOKE OR REFUSE TO RENEW THE OPERATORS LICENCE IF ANYOF THESE CONDITIONS ARE NOT COMPLIED WITH.

HACKNEY CARRIAGE VEHICLE LICENCES

Guidance Notes

1. Hackney Carriages are licensed to ply, or stand for hire, within the licensing district for which they hold a Hackney Carriage Licence. Plying means that they can be hailed while on the move, or obtained if stationary and available for hire in the street. A vehicle is standing for hire if it is on a properly appointed hackney carriage stand. The principal feature being that they can carry passengers for hire or reward.
2. The vehicle should not be manufactured or adapted to carry more than eight passengers; this number includes any passengers who may be seated in wheelchairs if the vehicle is capable of transporting such passengers. For any new vehicle application, the vehicle must be wheelchair accessible and be capable of carrying at least one passenger seated in a wheelchair.
3. Once licensed as a Hackney Carriage the vehicle remains a Hackney Carriage until such a time as the licence is surrendered, suspended, revoked, or application for renewal is refused.
4. Only a licensed Driver may drive a Hackney Carriage, and then only if the vehicle is licensed with the same Local Authority that issued his Hackney Carriage Driver's Licence.
5. Hackney Carriage Vehicle Licences are issued subject to the vehicle to which they are assigned being mechanically fit and meeting all the requirements of the Licence Conditions
6. It is a criminal offence to use a vehicle as a Hackney Carriage plying for hire within the St Edmundsbury Borough of Suffolk without having a Hackney Carriage Licence.
7. The Council can grant Hackney Carriage Licences upon application. The Council may attach to the grant of a Hackney Carriage Licence such conditions as it deems necessary.
8. The Council may make conditions as to the type of vehicle that can be used for Hackney Carriage work. These can cover the size, methods of access and egress, colour, number of seats, number of doors and other such specific matters.

Conditions

1. The Vehicle

- a) The proprietor must ensure that the vehicle is safe, comfortable and suitable in type, size and design for use as a Hackney Carriage and the vehicle must either:-
- b) Be a purpose built taxi which conforms to the Conditions of Fitness for the Construction and Licensing of Motor Taxicabs in London as prescribed by the Public Carriage Office; of any colour: or,
- c) Be a saloon, hatchback, estate or MPV/minibus type vehicle

- d) All newly plated vehicles must be a brand new wheelchair accessible vehicle with delivery mileage only at the time the first application is made to the Council for a licence.

2. The vehicle must:-

- a) At all times throughout the period of licensing be in such a condition so as to comply fully with all relevant statutory requirements (including the Council's byelaws and standard conditions).
- b) Have an engine, the normal cubic capacity of which is either:-
 - (i) Not less than 1500cc; (unless an MPV – see separate section) or
 - (ii) Rated by the vehicle manufacturers as being equivalent to 1500cc engine;
 - (iii) In the case of hybrid (electric), or alternative fuelled vehicles the separate power sources must, when added together be rated as being the equivalent of a 1500cc engine.
- c) Be a right-hand drive vehicle.
- d) Have, at least 4 doors in addition to any rear door/tailgate; In the case of MPV/Minibus type vehicles nearside and offside sliding side access doors are allowed.
- e) Be equipped with seat belts of an acceptable type in respect of every seat which can be used for the carriage of passengers.
- f) If an estate, hatchback or MPV/minibus type vehicle, be fitted with a guard rail or other device of a type approved by the Council to prevent luggage entering the passenger area;
- g) Be fitted with either all radial or all cross ply tyres including the spare wheel if manufactured with one fitted, in date tyre sealant repair kit must be present if vehicle is not manufactured with a spare wheel marked with plate number;
- h) Be provided with a taxi meter fitted and working in accordance with both the Byelaws and the Standard Conditions made by the Council regarding taxi meters;
- i) Have a permanent sign on the roof indicating that it is a **TAXI**;
- j) Be fitted with a sign bearing the words "**FOR HIRE**";
- k) Have adequate space for the legs of passengers seated on the rear seat of the vehicle when both the front passenger and driver's seats are adjusted to the position nearest to the rear passenger seat. For a continuous seat, the length of the seat needs to be a minimum of 48" to be licensed for 3 passengers.
- l) Not be in excess of 5334mm (210 inches) in length.

3. The proprietor will:

- a) Keep all parts of the vehicle, its fittings and equipment both internal and external (including mechanical equipment) in an efficient, safe and clean condition and shall comply at all times with all relevant statutory requirements;
- b) Provide an efficient fire extinguisher suitable for use in a motor vehicle, which shall be safely carried in such a position as to be readily available for use at all times. An in date fire extinguisher must be permanently marked with the vehicle plate or registration number and a sign showing location of equipment;
- c) Not alter the appearance of design of the vehicle (including the mechanical parts) without the prior approval of the Council. This would include the installation of safety screens or similar within the vehicle;
- d) Ensure that every driver employed by him to drive a Hackney Carriage is acquainted with, understands and observes the conditions attached to that

particular vehicle licence and the statutory provisions relating to all such Hackney Carriage Vehicle Licences.

- e) It is illegal to smoke in a licensed vehicle at any time (even when it is not being used for hire or reward). Drivers must ensure that a NO SMOKING sign/sticker in each enclosed compartment of the vehicle in which people can be carried.

4. Taximeters

The vehicle will be fitted with a taximeter that is calendar facilitating.

- a) The taximeter must be programmed/calibrated and set to the Council's table of Hackney Carriage Fares as may be in operation at that time. Failure to keep the taximeter up to date with the current Council's table of fares may result in the vehicle licence being suspended.
- b) No tariffs other or greater than those currently fixed by the Council shall be displayed on the face of the taximeter. The taximeter must be sealed.
- c) A current fare/tariff card as issued by the Council showing the full table of Hackney Carriage fares shall be clearly and visibly displayed within the vehicle at all times.
- d) The dial of the taximeter must be kept properly illuminated throughout any part of a hiring which is during the hours of darkness, and also at any other time at the request of the hirer.

5. Roof Sign/For Hire Sign

- a) The vehicle shall be fitted with a permanent sign on the roof bearing the word "TAXI" in black lettering to the front and rear. The words "FOR HIRE" shall appear on either side of the word "TAXI". The sign shall be illuminated in YELLOW to the front and RED to the rear. The roof sign must be not less than 18" and not exceeding 36" in length.
- b) In cases where the roof sign has a minimum base of 60cm (24ins) the rear face of the sign may be used to display the proprietor's business name and/or telephone number. The words "TACSI" or "TAKSI" must not be used.
- c) A separate For Hire sign will be fitted to the vehicle where the roof sign does not bear the words For Hire.
- d) There must be an electrical connection to both the roof and for hire signs causing both signs to be capable of being illuminated. Illumination must be capable of being visible during the day and at night.
- e) The illumination should automatically be extinguished when the taximeter is engaged. Any illumination must not contravene any statutory requirement.

6. Licence Plates and Labels

The Council will provide a plate and a label identifying the vehicle as a Hackney Carriage. The plate will be for the duration of the licence. The plate will be fixed to the rear of the vehicle so as to be clearly visible and the label fixed and displayed inside the vehicle, again clearly visible. The plate shall remain the property of the Council.

7. Passengers

The proprietor /driver of the vehicle shall not carry a greater number of persons than that specified on the licence. Babies and young children of whatever age are persons for the purpose of the licence.

8. First Aid Kit

A first aid kit will be carried in the vehicle to enable the driver to administer basic first aid to themselves only, or to enable those trained in its use to render assistance. First Aid kits should contain sterile bandages and plasters that are in date, marked with plate or registration number and have a sign depicting where the kit is kept within the vehicle.

9. Advertisements – Signs – Notices HACKNEY VEHICLES ONLY

The vehicle shall be free from any sign or notices except as may be required by any statutory provision or required by these conditions. With this proviso advertisements' are permitted on the exterior of Hackney vehicles only. Front doors may carry the contact details of the proprietor. Hackney rear doors may carry commercial advertising. A single product/service may be advertised at any one time. The advert must be suitable for a vehicle in public service and considered by the Council to be in-offensive. The advert shall be no larger than 30cm x 60cm.

10. Temporary Replacement Vehicles

- (a) The provision of a Temporary Replacement Vehicle is limited to cases where the original vehicle is unroadworthy and unsuitable for use as a Hackney Carriage as a result of a non-fault accident.
- (b) On such occasions and only these occasions the Standard Conditions made in relation to the required vehicle livery are waived.
- (c) The maximum length of time that a temporary replacement vehicle can operate as a Hackney Carriage within the District in relation to each particular occurrence is 6 weeks (**42 days**).
- (d) The replacement vehicle must not have a greater passenger seating capacity than the original vehicle.
- (e) Prior to the grant and issue of a temporary Hackney Carriage Vehicle Licence the vehicle must be tested and inspected by one of the Council's Vehicle inspectors.
- (f) All temporary vehicle licences together with licence plates and labels shall remain the property of the Council and must be returned to the Council on the expiry of the licence.
- (g) The vehicle must be, and remain at all times throughout the period of licensing in such a condition as so to comply fully with all relevant statutory requirements and to the Councils byelaws and Standard Conditions.

11. Multi Passenger Vehicles (MPV'S)

This refers to vehicles licensed to carry more than four but less than nine passengers.

The number of passengers which the vehicle is licensed to carry will in all cases be subject to the discretion of the Council.

- (a) The vehicle must have a minimum engine capacity of 1600 cc (this shall include vehicles identified as 1.6 litre models by the manufacturer);
- (b) The majority of seats must be forward facing, (where provided, tip-down seats may face the rear); such seats must be capable of rising automatically when not in use and must not obstruct doorways;
- (c) Access from the doors to the seats (and vice-versa) must be direct without the need for passengers to climb over parts of seats or luggage.
- (d) There must be adequate, secure storage space for all passengers luggage preferably within the vehicle. The arrangements for storing luggage must not obstruct access to the vehicle exits or affect passenger comfort.
- (e) If when the vehicle is fully occupied there is insufficient space within the vehicle for storage of luggage then a roof rack may be fitted providing that (A) the luggage is stored in a purpose built luggage carrier, and, (B) that the roof load does not exceed the maximum weight recommended by the vehicle manufacturers.

12. Wheelchair Accessibility

General

- (a) The Council will not grant a licence to those vehicles that load wheelchairs containing occupants into the rear of the vehicle using ramps.
- (b) Vehicles using either a hydraulic or an electric powered tail lift to load wheelchairs and passengers into the rear of the vehicle are exempt from the above condition.
- (c) Passengers, regardless of any disability, must be able to get in and out of the vehicle with reasonable ease and travel within it in safety and reasonable comfort while remaining seated in their wheelchair, if so required.
- (d) The wheelchair user must on request be able to transfer to a vehicle seat.
- (e) The vehicle must display a sign depicting the universally recognised disabled logo on the door where the passenger will be loaded)
- (f) All vehicles must be capable of complying with the appropriate vehicle licence conditions.

Entry to the Vehicle

- (a) Any doorway used to load wheelchair users must provide adequate height and width to allow passengers to be loaded whilst seated in their wheelchair.
- (b) Any steps, either fixed or retractable, must be permanently secured at the point of entry.
- (c) The surface of all steps must be slip resistant. Step nosing must be designed to minimise risk of tripping and must be in a contrasting colour.
- (d) Steps must be fitted in such a manner that the vehicle cannot be driven off while the step is deployed and in a position where it extends beyond the vertical line of the bodywork.
- (e) Handrails or Handholds must be provided at passenger entrances as an aid when entering or exiting the vehicle.
- (f) The surface of every handrail or handhold must contrast in colour from the surrounding surfaces and be of a slip resistant finish.
- (g) Any ramp must provide a surface of at least 750mm wide and shall have a minimum safe working load of 250kg. The ramp must not exceed 1700mm in length.

- (h) When in use the ramp must be securely located at the point of wheelchair entry. An adequate locking device must be fitted to ensure that the ramp does not slip or tilt when in use.
- (i) Channel ramps must not be used. However, ramps which fold are permitted provided the ramp is rigid when deployed.
- (j) The surface of all ramps must have a slip resistant finish.
- (k) All outer edges must be clearly marked in a contrasting colour.
- (l) Provision must be made for the safe storage of the ramp when not in use.

Wheelchair within the Vehicle

- (a) The wheelchair user must travel in a space designated for that purpose.
- (b) The area required for the wheelchair must be of sufficient size to allow a wheelchair to be moved from outside the vehicle into the designated space without excessive manoeuvring.
- (c) Wheelchair users must either face forwards or backwards whilst travelling in the vehicle.
- (d) All wheelchairs must be securely fastened.
- (e) Passengers occupying a wheelchair must be provided with a seat belt.
- (f) The vehicle must not be driven until both the wheelchair and its occupant have been properly and securely fastened in the vehicle by means of appropriate restraining devices.
- (g) Any unoccupied wheelchair must be properly secured so that it cannot cause injury to passengers when the vehicle is moving.
- (h) A non-slip material must be used for the surface of the flooring in the designated wheelchair space.

In addition the proprietor of every vehicle licensed to carry passengers seated in wheelchairs shall ensure:

- (a) That all drivers of such vehicles have an approved DVSA (DSA previously) practical wheelchair accessible training course. **(The certificate of attendance must be presented to the Council).**
- (b) That any additional equipment such as clamps, ramps and belts, required to cater for wheelchair passengers are carried at all times and are in a fit and serviceable condition.
- (c) That the driver is familiar with the operation of and the functionality of all devices designed to help passengers to get in and out of the vehicle, all drivers should be trained in the use of all relevant belts and other restraint and locking mechanisms.

13. Trailers

- (a) Only vehicles licensed by the Council to carry 6 7 or 8 passengers are permitted to tow a trailer.
- (b) A trailer may only be used for the purpose of conveying the luggage of fare paying passengers whilst they are being conveyed within the vehicle and for no other purpose. All journeys would be those where the vehicle has been pre-booked.
- (c) No trailer may be used in conjunction with either a Hackney Carriage or Private Hire Vehicle unless that trailer has first been inspected and approved by St Edmundsbury Borough Depot for suitability, safety and compliance with all relevant legislation. Fees are payable for each test and inspection.

- (d) Whilst a Hackney Carriage is towing a trailer it is not permitted to use a Hackney Carriage rank.
- (e) Advertisements will be allowed to be displayed on the trailer, as per vehicle conditions.
- (f) A current certificate of insurance must be produced to the Council which covers the use of a trailer and the vehicle licensed to tow it. **Such insurance must extend so as** to cover any luggage carried within the trailer.
- (g) Every trailer must comply in all respects with the requirements of EC94/20 type approval and any Acts and Regulations relating to trailers or parts thereof of which may be in force at the time of licensing.
- (h) An additional vehicle licence plate must be displayed on the outside rear of the trailer. This plate must carry the same details as the plate affixed to the rear of the towing vehicle.
- (i) The maximum gross weight of any trailer shall not exceed 750kg.

14. In-Car Surveillance Systems – (CCTV)

- (a) Vehicle proprietors may install image recording equipment in licensed vehicles.
- (b) An approved installer must carry out the installation in accordance with the manufacturer's instruction and the Council's conditions.
- (c) All image recording equipment must comply with the requirements of current data protection legislation.
- (d) Equipment must be installed in such a way that it will not cause injury to the driver or the passengers. Nor should it obscure the view of the road through the windscreen.
- (e) Equipment must be secure and not interfere with the safe operation of the vehicle.
- (f) All cameras must be installed above the level of the dashboard within the vehicle.
- (g) Recorded images must show the date and time the image was captured and identify the vehicle in which the equipment is installed.
- (h) There must be a sign informing passengers that the vehicle is fitted with surveillance equipment. Guidance is available with the ICO (Information Commissioners Office). The recommended wording on the sign is as follows:-

Passenger Notice

This taxi/private hire vehicle is protected by a **Digital Surveillance Camera**. Any images recorded are held in a secure format and can only be viewed by the Licensing Authority or the Police.

15. Liquid Petroleum Gas (LPG)

LPG conversions are subject to Council approval prior to any conversion work taking place.

16. Vehicle Tests and Inspections

The vehicle shall be inspected and tested as follows:-

- (a) Prior to the granting of the initial licence – taxi test
- (b) Mid term test, six months after issue of licence. This will be your MOT.
- (c) Annually when the licence is due for renewal – taxi test
- (d) At any other time if so requested by the Council up to a maximum of 3 separate occasions during any one period of 12 months.

The taxi test must be carried out at St Edmundsbury's Borough Depot.

Any authorised officer of the Council or any Police Constable has the power to inspect and test, for the purposes of ascertaining its fitness, the vehicle or any taximeter affixed to the vehicle. If the vehicle or equipment fails such an inspection, written notice may be given on the need for further test or inspection and the licence may be suspended until that date or until any faults are rectified. A maximum of 4 weeks is given for repair or the licence shall be deemed revoked.

All Hackney vehicles licensed by the Council will be required to hold a valid MOT certificate from one year old.

17. Accidents

- (a) Any accident to the vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein shall be reported to the Council within 72 hours.
- (b) No vehicle shall be used for the carriage of passengers after suffering an accident until the vehicle has been inspected and approved by the Council.

18. Insurance

- (a) The proprietor must ensure that at all times the vehicle is insured to the satisfaction of the Council both for the requirements of Part VI of the Road Traffic Act 1988 and for the carriage of fare paying passengers (i.e. for Hire and Reward). This shall include third party insurance for personal injuries suffered by passengers.
- (b) The proprietor must produce the Certificate of Insurance or the Cover Note in respect of the insurance cover for inspection prior to the issue of the licence and each time the Certificate of Insurance or Cover Note (if appropriate) is changed, amended, varied, altered or the like.
- (c) The Council will only accept a Certificate of Insurance in either the name of the registered keeper of the vehicle or the name of the legal owner of the vehicle.

19. Transfer of Vehicles

- (a) If the proprietor of the vehicle transfers his interest in the vehicle to another person he must, within **14 days** after such transfer, give written notice to the Council, specifying the name and address of the person to whom the vehicle has been transferred. The proprietor must also inform the new proprietor that it is the new proprietor's responsibility to seek a licence from the Council.
- (b) The prospective Licensee must have purchased the vehicle complete with the vehicle licence. Proof of ownership will be required.

20. Licence Renewal

The proprietor shall, at least **14 days** prior to the date of the licence's expiry, make application to the Council for a renewal of his Hackney Carriage Vehicle Licence. If an application for renewal is not received by the expiry date, the licence will lapse and the vehicle will have to be licensed as a first grant adhering to those conditions. It is a criminal offence to ply for hire in an unlicensed Hackney Carriage.

21. Convictions

All criminal offences, whether they be for driving or motoring or for something totally unconnected with driving/motoring must be disclosed to the Council within 7 days of conviction.

22. Change of Address

The proprietor shall notify the Council in writing of any change of address during the period of the licence, within seven days of such a change taking place. There will be an administrative charge set out in the Council's fee list.

23. Disciplinary Code

The Council has adopted a Disciplinary Code, which sets out the principles and procedures by which breaches of statutory provisions, Council's byelaws, or the contravention of any of the Council's Standard Conditions will be dealt with by the Council.

24. Copies of Byelaws and Conditions

The proprietor shall ensure that copies of the Council's byelaws, these Conditions and the Council's "Drivers' Guidance Notes" are carried in the vehicle at all times and that they are available for inspection by the hirer or any other passenger on request.

25. Inspection of Licences

The proprietor shall, at the request of the Council, produce for inspection the licence either forthwith or at its licensed Council District office, beginning with the day following that on which the request is made.

26. Replacement of Vehicles

Vehicles plated prior to 2008 must be replaced with a vehicle no older than 7 years of age from first registration, exceptional quality waiver for older vehicles can be applied for, please contact the council for more information. Wheelchair accessible vehicles plated after 2008 must be replaced with a vehicle no older than 1 year of age from first registration, fulfilling the same wheelchair accessible criteria.

27. Right of Appeal

Any person aggrieved by the refusal of the Council to grant a Hackney Carriage Licence or by any conditions specified in such a licence, may appeal to a Magistrates' Court.

NOTE: FAILURE TO COMPLY WITH THESE CONDITIONS MAY RESULT IN THE COMMENCEMENT OF CRIMINAL PROCEEDINGS, AND/OR IN THE SUSPENSION OR REVOCATION OF AN EXISTING LICENCE, OR IN THE REFUSAL TO ISSUE A NEW LICENCE.

PRIVATE HIRE VEHICLE LICENCES

Guidance Notes

1. It is a criminal offence to use a Private Hire Vehicle in its own licensed Borough without having a Private Hire Vehicle Licence.
2. It is also a criminal offence to use or permit, to drive, to employ as a driver, to operate, or to operate without a driver's or vehicle licence a Private Hire Vehicle without the requisite licence under the Act.
3. Private Hire Vehicles are licensed to perform pre-booked work only. Such work must be obtained through a licensed Private Hire Operator. They must not ply for hire, wait on a taxi stand, or form an unofficial rank in public view.
4. The vehicle should not be manufactured or adapted to carry more than eight passengers; this number includes any passengers who may be seated in wheelchairs if the vehicle is capable of transporting such passengers.
5. Once licensed as a Private Hire Vehicle the vehicle remains a Private Hire Vehicle until such a time as the licence is surrendered, suspended, revoked, or application for renewal is refused.
6. Only a licensed driver may drive a Private Hire Vehicle and then only if the vehicle is licensed by the same Local Authority that issued his Vehicle Driver's Licence.
7. Private Hire Vehicle Licences are issued subject to the vehicle to which they are assigned being mechanically fit and meeting all the requirements of the Licence Conditions.
8. Private Hire Vehicle includes all types of vehicle, regardless of design, which are used solely for the fulfilling of a pre-booking. The public must not be led to believe that a Private Hire Vehicle is a Hackney Carriage by its appearance or design. Stickers provided by the Council must be displayed on both rear doors advising passengers that the vehicle is to be pre-booked only.

Conditions

1. The Vehicle

- (a) The proprietor must ensure that the vehicle is safe, comfortable and suitable in type, size and design for use as a Private Hire Vehicle and the vehicle must:-
- (b) Not be of such design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage; in particular it must not be a "London type taxi".
- (c) Be a standard saloon, hatchback, estate or MPV/mini-bus type vehicle or be a vehicle constructed or adapted as to facilitate the carriage of a disabled person or persons in a wheelchair within the passenger compartment specifically designed to carry up to but no more than eight passengers.
- (d) Sports saloons, drop head coupes, convertibles or touring cars will not be licensed.
- (e) Be no more than 7 years old, at the time the first application is made to the Council for a licence.

If the vehicle is older than 7 years, presented on first registration or replacement, or is a specialist vehicle in exceptionally good condition both mechanically and cosmetically, this condition may be waived. The vehicle must meet the exceptional quality conditions and applied for using our exceptional quality waiver application form.

The Council may also consider permitting the licensing of a vehicle which is either:

- A classic car being over 25 years old at the time of first application; or
- A vintage car being built between 1919 and 1930 inclusive, additional conditions relating to these vehicles may be added to the permit

2. The vehicle must:

- (a) At all times throughout the period of licensing be in such a condition so as to comply with all statutory requirements (including the Councils standard conditions)
- (b) Have an engine, the normal cubic capacity of which is either:-
 - (i) Not less than 1500cc; or
 - (ii) Rated by the vehicle manufacturers as being equivalent to 1500cc engine;
In the case of hybrid, or alternative fuelled vehicles the separate power sources must, when added together be rated as being the equivalent of a 1500cc engine.
- (c) Be a right-hand drive vehicle.
- (d) Have at least 4 doors in addition to any rear door/tailgate. In the case of MPV/minibus type vehicles nearside and offside sliding side access doors are allowed.
- (e) Be fitted with either all radial or all cross ply tyres including the spare wheel if manufactured with one fitted. An inn date tyre sealant repair kit must be present if vehicle is not manufactured with a spare wheel and marked with the vehicle plate number;
- (f) An estate, hatchback or MPV/minibus type vehicle, must be fitted with a guardrail or other device of a type approved by the Council to prevent luggage entering the passenger area.
- (g) If storage space for luggage is provided under the vehicle's seats, have straps supplied to secure the said luggage whilst the vehicle is in transit.
- (h) Have adequate space for the legs of passengers seated on the rear seat of the vehicle when both the front passenger and driver's seats are adjusted to the

position nearest to the rear passenger seat. For a continuous seat, the length of the seat needs to be a minimum of 48" to be licensed for 3 passengers.

3. The proprietor shall:-

- (a) Keep all parts of the vehicle, its fittings and equipment both internal and external (including mechanical equipment) in an efficient, safe and clean condition and shall comply at all times with all relevant statutory requirements;
- (b) Provide an in date efficient fire extinguisher suitable for use in a motor vehicle, which shall be carried in such a position as to be readily available for use at all times. It shall be permanently marked with the vehicle plate or registration number. A sign should depict where the equipment is being kept.
- (c) As part of Health and Safety at work legislation, a first aid kit should be carried in the vehicle to enable the driver to administer basic first aid to himself only, or to enable those trained in its use to render assistance. Kit must include sterile plasters and bandages and be in date.
- (d) Not alter the appearance or design of the vehicle (including the mechanical parts) without the prior approval of the Council. This would include the installation of safety screens or similar within the vehicle.
- (e) Ensure that every driver employed by him to drive is acquainted with, understands and observes the conditions attached to that particular vehicle licence and the Statutory Provisions relating to all such Private Hire Vehicle Licences.
- (f) It is illegal to smoke in a licensed vehicle at any time (even when it is not being used for hire or reward). There is a requirement to display a NO SMOKING sign in each enclosed compartment of the vehicle in which people can be carried.

4. Taximeters

Private Hire Vehicles are not required by law to be fitted with a taximeter, however, if one is fitted it shall be treated in the same manner as one fitted to a Hackney Carriage and meet the conditions for meters as above.

5. Licence Plates and Labels

As per Hackney Carriage conditions. Private Hire vehicles will display St Edmundsbury Borough Council Labels on the rear doors as stated in Condition no. 8 below.

6. Passengers

As per Hackney Carriage conditions.

7. First Aid Kits

As per Hackney Carriage conditions.

8. Advertisements - Signs – Notices

No advertisements are permitted on Private Hire Vehicles. Labels will be provided by the Council for a fee, bearing the words 'ADVANCE BOOKINGS ONLY – NOT PRE-BOOKED NOT INSURED' .

9. Temporary Replacement Vehicles

As per Hackney Carriage conditions.

10. Multi Passenger Vehicles (MPV'S)

As per Hackney Carriage conditions.

11. Wheelchair Accessibility

As per Hackney Carriage conditions. Mandatory training also applies.

12. Trailers

As per Hackney Carriage conditions.

13. In-Car Surveillance Systems – (CCTV)

As per Hackney Carriage conditions.

14. Liquid Petroleum Gas (LPG)

As per Hackney Carriage conditions.

15. Vehicle Tests and Inspections

As per Hackney Carriage conditions.

16. Accidents

As per Hackney Carriage conditions.

17. Insurance

As per Hackney Carriage conditions.

18. Transfer/Replacement of Vehicles

If a vehicle needs to be replaced due to accident damage or test failure, it must be replaced with a vehicle no older than 7 years of age. Exemptions may be applied for as stated in 1(e) above.

19. Dual Registration

- (a) A vehicle licensed as a Hackney Carriage by any other Local Authority may not be licensed by the Council as a Private Hire Vehicle within the St Edmundsbury Borough District.
- (b) A vehicle licensed as a Private Hire Vehicle by any other local authority may be licensed by the Council as a Private Hire Vehicle within the St Edmundsbury Borough District, if the Council in its absolute discretion thinks fit.

20. Licence Renewal

As per Hackney Carriage conditions.

21. Change of Address

As per Hackney Carriage conditions.

22. Copy of Conditions

As per Hackney Carriage conditions.

The proprietor shall ensure that copies of the Councils byelaws and these conditions are carried in the vehicle at all times and that they are available for inspection by the hirer or any other passenger on request.

23. Section 75(3) Local Government (Miscellaneous Provisions) Act 1976

- (a) The Local Government (Miscellaneous Provisions) Act 1976 requires that a Council must issue a private hire vehicle plate with an identity plate or disc and that proprietor should not use, or permit the use of, that vehicle without displaying the plate as directed by the Council. The Act also gives a District Council the discretion to grant a proprietor a dispensation from displaying the licence plate on their licensed private hire vehicle. Each application for a dispensation will be considered on its own merits. The overriding consideration will be public safety. The clear identification of a licensed vehicle is considered such a safety aspect, particularly when visiting such places as airports, seaports and the centres of large towns.
- (b) Dispensation will not be granted as a matter of course. A clear case for the dispensation will have to be made by the proprietor in writing. In determining an application it will normally be the status of the passenger and the executive of the work that will indicate whether or not the dispensation should be granted. The vehicle must be of a high standard. Application forms are available from the Council.

24. Right of Appeal

Any person aggrieved by the refusal of the Council to grant a Private Hire Vehicle Licence or by any conditions specified in such a licence, may appeal to a Magistrates' Court.

NOTE: FAILURE TO COMPLY WITH THESE CONDITIONS MAY RESULT IN THE COMMENCEMENT OF CRIMINAL PROCEEDINGS, AND/OR IN THE SUSPENSION OR REVOCATION OF AN EXISTING LICENCE, OR IN THE REFUSAL TO ISSUE A NEW LICENCE.

STRETCH LIMOUSINES USED AS PRIVATE HIRE VEHICLES

These conditions made under the Local Government (Miscellaneous Provisions) Act 1976 are specific to a vehicle adapted by lengthening the wheelbase of a standard, factory-built vehicle. For the purpose of these conditions the vehicle is classed as a 'Special Events Vehicle'. They apply in addition to the Authority's standard conditions for Private Hire Vehicles.

Guidance Notes

1. A 'stretch limousine' is a saloon type vehicle that has undergone an increase in length by extending the wheelbase after manufacture. For the purpose of these conditions, it will be restricted to carrying up to, but not exceeding, 8 passengers.
2. An 'American stretch limousine' is a stretch limousine imported from the USA and typically will have been manufactured originally by Lincoln (Ford) or Cadillac.
3. The licensing of any vehicle will be dependent upon the Council being satisfied that the vehicle is suitable in size, type and design for use as a Private Hire (Special Events) Vehicle.
4. In making a judgement of a vehicle's suitability the Council will consider its age, mechanical condition, mileage, appearance, bodywork condition and safety features. When presented for licensing the first time the vehicle must have either European Whole Vehicle type approval or UK Low Volume type approval, or Single Vehicle Approval.
5. The Council will at its discretion consider licensing 'American Stretch Limousines' provided that conversion works have been carried out under the Ford Qualified Vehicle Modifier (QVM) or the Cadillac Master Coachbuilder (CMC) programmes.
6. It will be the vehicle proprietor's responsibility to obtain all necessary documentation to support the provenance of the vehicle to the satisfaction of the Council. All relevant approval certificates, including the American certification must be provided to the Council. It should be noted that a Minister's Approval (MAC) Certificate is not on its own acceptable.
7. The maximum length of the 'Stretch' shall not exceed 120 inches/3048mm.
8. The Council may at its absolute discretion consider licensing vehicles that are left-hand drive (i.e. the steering wheel being on the near side), have some side-facing seats, and have tinted glass.

Conditions

1. No external fitting will be permitted other than an aerial to receive radio or other transmissions.
2. Alcohol may not be sold on a moving vehicle. Any alcohol sold as part of the hire agreement can only be sold under an appropriate premises licence. No person, under the age of 18 years, being conveyed in a stretch limousine shall be allowed to consume alcohol.
3. A proprietor shall ensure that the vehicle is, and remains at all times throughout the period of licensing in such a condition so as to comply with all current standard conditions made by St Edmundsbury Borough Council in relation to Private Hire Vehicle licences. In addition vehicles must comply fully with all relevant statutory requirements and be operated in accordance with the conditions made by St Edmundsbury Borough Council in relation to Private Hire Vehicle Operators licences.
4. All limousines shall be subject to mechanical test and inspection at intervals no greater than 26 weeks during the currency of the licence. Such test and inspection is in addition to Ministry of Transport testing (MOT) and must be at a testing station approved by the Council to carry out such tests and inspections. It should be noted that such tests and inspections may have to be carried out at premises operated by the Vehicle and Operator Services Agency (VOSA).

HACKNEY CARRIAGE AND PRIVATE HIRE DISCIPLINARY CODE

1. The Local Government (Miscellaneous Provisions) Act 1976 provides that where the statutory provisions relating to Hackney Carriage and Private Hire are breached or the conditions attached by the Council to any licence granted by it are contravened then the Council may suspend, revoke or refuse to renew such licence.
2. The Council has adopted a disciplinary code, which sets out the principles and procedures by which such contraventions will be dealt with by the Council. Any matter considered under this policy must also be dealt with in accordance with the Council's Corporate Enforcement Policy.
3. The purpose of the scheme is to give licensees clear guidance about the consequence of non-compliance with the Council's licensing requirements. Licensees who fail to comply with statutory provisions, the Council's bylaws or any other of the Council's licensing requirements will have appropriate action taken against them. Depending on the nature of the contravention such action may take the form of:
 - a) A verbal warning
 - b) Written warning
 - c) Awarding of penalty points
 - e) A simple caution
 - f) Suspension or revocation of licence
 - g) Prosecution
4. The Penalty Points System relating to the code defines breaches to the conditions attached to the licence, (driver, vehicle or operators) together with penalty points which may be awarded in respect of any breach of those conditions.
5. Where appropriate the Council's Licensing Officer has discretion to give a verbal warning for a first offence in any category. Any subsequent offences will be subject to penalty points in accordance with the scheme.
6. Where it is suspected that a licensee has breached statutory provisions, the Council's Bylaws, has contravened any of the Council's Standard Conditions or has been convicted of a criminal offence, whether it be for driving or motoring, or something totally unconnected with driving or motoring the Council will:
 - a) Carry out appropriate investigations;
 - b) Invite the licensee to respond to the allegation;
 - c) Inform the licensee of the outcome of the investigation.
7. Where penalty points are awarded by an authorised Officer for the Council, the licensee will be given 14 days in which to appeal in writing to the Council's Head of Planning and Regulatory Services. If no appeal is lodged within that period, penalty points in accordance with the notice will be recorded against the licensee and endorsed on his/her record.
8. Penalty Points will be removed from the licensee's record three years after the date on which they were recorded.

9. Where a licensee incurs 12 penalty points or more in any three year period the matter will be reported to the Licensing Committee. This report will recommend that the licence be suspended, the length of suspension being a minimum of one day for each point incurred. Once a period of suspension has been served, all penalty points relating to the period of suspension will be set back to 0 but can be considered in future disciplinary hearings if deemed relevant.
10. In circumstances where the Council's authorised Officer having given due consideration to the facts of the case is of the opinion that the imposition of penalty points may not be appropriate, a licensee may be required to appear at a meeting of the Licensing Committee. Such instances would include:
 - a) Breaches of insurance conditions; (licensed private hire vehicles applying for hire);
 - b) A conviction for reckless driving or driving without due care and attention;
 - c) Failure to disclose a conviction (non-vehicle related).
11. Appearance before the Licensing Committee could result in suspension, revocation or refusal to renew a licence. The Licensing Committee may consider the driver to complete the Level 2 Certificate in Taxi/Private Hire Driving.
12. Any person whose licence is suspended, revoked or not renewed in this way may appeal to the Magistrates Court against the Council's decision. Appeals must be lodged with the Magistrates Court within 21 days of notification of that decision.
13. A driving conviction will incur the same number of penalty points as are endorsed on the DVLA licence.
14. **It should be noted that a vehicle licence will be suspended immediately it becomes apparent that a vehicle may not be properly insured.**

INTERPRETATION

15. The penalty point scheme is self-explanatory but the following situations may require further explanation:
 - a) Where licensee is an owner/driver, are both licences suspended when a total of 12 penalty points have accrued, some against the driver's licence and others against the vehicle?

No. The scheme states that, where a licensee incurs **more than** 12 penalty points in period of three years, the licence will be suspended. Penalty points will accrue against either the vehicle **or** the driver licence and any suspension will only apply when 12 points have accrued against one or the other.
 - b) What is the position where a licensee owns multiple vehicles?

Following the same logic, points will accrue against particular vehicle licences and only those licences where the 12 point ceiling is exceeded will be suspended. This may mean that a proprietor owning several vehicles could incur a substantial number of penalty points without ever having a vehicle licence suspended. However, if a profile emerges that a proprietor

has penalty points against all or most of the vehicles in his fleet, the Council could consider whether he/she is a 'fit and proper person' to be a licensee.

- c) What happens when a vehicle is changed?

The licence number remains constant when the vehicle is changed. Therefore, once penalty points are endorsed on a vehicle licence they will remain valid, even if the vehicle is changed in the meantime.

- d) What happens when a vehicle licence is transferred?

In this scenario any penalty points recorded on a vehicle licence would become null and void. It would not be fair or reasonable to transfer the penalty points incurred by one licensee to another.

GROUP 1

PENALTY POINTS SYSTEM RELATING TO HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS

| BASIS OF OFFENCE | POINTS AWARDED |
|--|-----------------------|
| Any action which invalidates the insurance cover for the vehicle | 8 Penalty Points |
| Carrying more passengers than the vehicle is licensed for | 8 Penalty Points |
| Failure to wear a driver's badge | 3 Penalty Points |
| Failure to disclose a driving conviction within 7 days | 4 Penalty Points |
| Failure to notify change of details, e.g. address within 7 days | 2 Penalty Points |
| Smoking or evidence of smoking in a vehicle | 6 penalty points |
| Failure to produce documents when requested | 6 penalty points |
| Failure to behave in a civil and orderly manner (including rude or aggressive behaviour towards the public or council staff) | 6 Penalty Points |
| Breach of any condition not specified above | 6-12 penalty points |

GROUP 2**PENALTY POINTS SYSTEM RELATING TO PRIVATE HIRE/HACKNEY CARRIAGE VEHICLES**

| BASIS OF OFFENCE | POINTS AWARDED | PERSON RESPONSIBLE |
|---|-----------------------|---------------------------|
| Failure to display identification plates correctly | 6 Penalty Points | Driver/Proprietor |
| Failure to display fare tariff correctly (hackney carriage only) | 4 Penalty Points | Driver/Proprietor |
| Failure to display interior label correctly | 4 Penalty Points | Driver/Proprietor |
| Incorrect meter tariffs | 5 Penalty Points | Proprietor |
| Failure to report accident/damage to the vehicle within 72 hours | 3 Penalty Points | Proprietor |
| Failure to carry an in date fire extinguisher or carry in an unsafe/dangerous condition | 3 Penalty Points | Driver/Proprietor |
| Failure to present the vehicle for inspection on request | 3 Penalty Points | Driver/Proprietor |
| Failure to carry vehicle/driver conditions | 2 Penalty Points | Driver/Proprietor |
| Failure to maintain a clean and tidy vehicle | 4 Penalty Points | Driver/Proprietor |
| Failure to notify change of address within 7 days | 3 Penalty Points | Proprietor |
| Breach of any condition not specified above | 3/6 Penalty Points | Driver/Proprietor |

GROUP 3**PENALTY POINTS SYSTEM RELATING TO PRIVATE HIRE VEHICLE OPERATORS**

| BASIS OF OFFENCE | POINTS AWARDED |
|---|-----------------------|
| Failure to produce or allow inspection of any records | 6 Penalty Points |
| Failure to keep records of bookings in the prescribed form | 5 Penalty Points |
| Failure to keep vehicle records | 4 Penalty Points |
| Failure to keep driver records | 4 Penalty Points |
| Failure to notify any conviction/formal caution | 4 Penalty Points |
| Failure to notify a change of operation address within 7 days | 3 Penalty Points |
| Breach of any condition not specified above | 2/6 Penalty Points |

GROUP 4

VARIABLE PENALTY POINTS OR REFERRAL TO LEVEL 2 TRAINING

In circumstances where the contravention is such that it does not fit within groups 1/3 then the appropriate officer, having given full consideration to the facts of the case will, decide on the number of the penalty points to be awarded, or if the driver should be referred for further training in the format of a Level 2 qualification. This would include instances where a complaint was found to be justified relating to:

- a) Over charging.
- b) Refusing to carry a guide or assistance dog or disabled passenger.
- c) Not moving forward on rank as soon as space is available.
- d) Unnecessarily idling in a rank and/or on the highway.
- d) A failure to behave in a civil, orderly, seemly and courteous manner.
- e) Failure to assist any passenger.
- f) Failure to complete any mandatory training as directed by the Council.

Drivers can appeal decisions to be referred for the level 2 qualification in writing to the Head of Department. This will result in a hearing in front of the Licensing Sub-Committee for consideration. Persistent breaches could result in the revocation of the licence and or prosecution under relevant legislation.

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Licensing and Regulatory Committee



St Edmundsbury
BOROUGH COUNCIL

| | | |
|---|--|--------------|
| Title of Report: | Work Programme Update | |
| Report No: | LIC/SE/17/008 | |
| Report to and date: | Licensing and Regulatory Committee | 20 June 2017 |
| Lead officer: | Peter Gudde Service Manager – Environmental Health Services Tel: 01284 757042 Email: peter.gudde@westsuffolk.gov.uk | |
| Purpose of report: | To update the Committee on the current status of its work programme of items for consideration (Appendix 1). | |
| Recommendation: | Licensing and Regulatory Committee: That, Members <u>note</u> the current status of the work programme and the items expected to be brought to the Committee and <u>agree</u> an allocation of Committee Members to participate in the development of policies in the work programme. | |
| Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i> | <i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/> | |
| Documents attached: | Appendix 1 –Work Programme | |

1. Key issues and reasons for recommendations

1.1 Work Programme

- 1.1.1 A rolling work programme, whereby the planned work for the Committee is set out and members are asked to support and to participate, is attached at **Appendix 1** for information. Options for support and participation include commenting on proposals as they are being developed, sitting on task and finish groups and debating draft proposals and then making recommendations for consideration by the appropriate decision-making committee.
- 1.1.2 The work programme leaves space for areas for new work to be added during the year following approval by the Chair of the Committee in consultation with the Portfolio Holder for Planning and Regulatory Services.
- 1.1.3 Members are asked to note the current content of the work programme for and are invited to participate in specifically tabled activities.

Licensing and Regulatory Committee Work Programme (St Edmundsbury Borough Council)

The Committee has a work programme set out below, whereby the planned work for the Committee is set out and members are asked to support and to participate.

The work programme leaves space for areas for new work to be added following approval by the Chair of the Committee in consultation with the Portfolio Holder for Planning and Regulatory Services.

| Description | Lead Member | Details |
|--|---|---|
| 31 October 2017 | | |
| Proposals for Hackney fees | Portfolio Holder for Planning & Regulatory Services | To consider options for Hackney fees in order to approve preferred proposals for stakeholder consultation. |
| Cumulative Impact Policy – Bury St Edmunds town centre | Portfolio Holder for Planning & Regulatory Services | To consider the findings of the consultation on proposals to revise the Cumulative Impact Policy for Bury St Edmunds town centre and make recommendations to Cabinet. |
| Street vending and trading policy | Portfolio Holder for Planning & Regulatory Services | To set out the preparatory arrangements for developing the development of a West Suffolk policy for regulating street vending and trading. |
| 2017 Air Quality Annual Status Report (ASR) | Portfolio Holder for Planning & Regulatory Services | To receive the Council's annual status report in respect of Local Air Quality Management. |
| Work Programme Update | Chairman of Licensing & Regulatory Committee | To receive updates for work to be included on the Work Programme and receive requests for items to be considered for future inclusion subject to approval by the Committee Chair in consultation with the Portfolio Holder for Planning & Regulatory Services. To appoint membership of task and finish groups, as appropriate. |

| Description | Lead Member | Details |
|---|---|--|
| 23 January 2018 | | |
| Street vending and trading policy | Portfolio Holder for Planning & Regulatory Services | To consider the findings of the consultation on proposals to revise the street vending and trading policy and make recommendations to Cabinet. |
| Proposals for Hackney fees | Portfolio Holder for Planning & Regulatory Services | To approve Hackney fees following stakeholder consultation. |
| West Suffolk Licensing Policy Framework: Joint Policies and Strategies on Licensing and Regulatory Responsibilities and Functions | Portfolio Holder for Planning & Regulatory Services | To set out the preparatory arrangements for developing an overarching framework for licensing policies. |
| Work Programme Update | Chairman of Overview and Scrutiny | To receive updates for work to be included on the Work Programme and receive requests for items to be considered for future inclusion subject to approval by the Committee Chair in consultation with the Portfolio Holder of Planning & Regulatory Services. To appoint membership of task and finish groups, as appropriate. |