

# RIBBLE VALLEY BOROUGH COUNCIL

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Dear Councillor

The next meeting of the **LICENSING COMMITTEE** is at **6.30pm** on **TUESDAY, 19 MARCH 2013** in the **TOWN HALL, CHURCH STREET, CLITHEROE.**

I do hope you will be there.

Yours sincerely

CHIEF EXECUTIVE

To: Committee Members (Copy for information to all other members of the Council)  
Directors  
Press

## AGENDA

### Part I – items of business to be discussed in public

1. Apologies for absence.
- ✓ 2. Minutes of the meeting held on 27 November 2012 – copy enclosed.
3. Declarations of Interest (if any).
4. Public Participation (if any).

### FOR DECISION

- ✓ 5. Response to the Consultation on the Council's Statement of Licensing Policy – Gambling – report of Chief Executive - copy enclosed.
- ✓ 6. Review of Council's Standard Conditions of Licence and Infringement Scheme for Private Hire Operators, Drivers and Vehicles - report of Chief Executive - copy enclosed.
- ✓ 7. Vehicle Testing Arrangements - report of Chief Executive - copy enclosed.

FOR INFORMATION

- ✓ 8. Clitheroe Town Centre Issues – report of Chief Executive – copy enclosed.
- ✓ 9. Minutes of Ribble Valley Safety Advisory Group - copy enclosed.

There will be a short training session after the meeting

## RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

Agenda Item No. 5

meeting date: 19 March 2013  
 title: Response to the consultation on the Council's Statement of Licensing Policy – Gambling  
 submitted by: Chief Executive  
 principal author: Mair Hill

### 1 PURPOSE

1.1 At the meeting on 27 November 2012 Committee reviewed the Council's licensing Statement of Principles on Gambling as required by the Gambling Act 2005. The statement approved by Committee then formed the basis of a consultation exercise.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives –.
- Corporate Priorities -
- Other Considerations -

The Council seeks to be a well-managed Council. Reviewing policies which guide the Council when making decisions contributes to this objective.

### 2 BACKGROUND

2.1 The Gambling Act 2005 (the “**Act**”) gave the Council responsibility for licensing a variety of types of premises for example betting offices and arcades. There are very few premises in the Council's area, which hold such licences, however, many premises licensed under the Licensing Act 2003 also hold permits under the Act for gaming machines.

2.2 The Act requires Councils to have a gambling statement of principles, to publish it every three years and to review it from time to time. The Council's statement took effect on 31 January 2010.

### 3 ISSUES

3.1 There have been no representations since its inception and there have been no responses to the consultation exercise, which took place between 3 December 2012 and 31 January 2013.

The full statement is available on the Council's website, (see [http://www.ribblevalley.gov.uk/info/200230/gambling/871/gambling\\_act\\_2005/4](http://www.ribblevalley.gov.uk/info/200230/gambling/871/gambling_act_2005/4)). Once approved by Committee, the statement will be referred to full Council for approval.

### 4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources – N/A
- Technical, Environmental and Legal – Requirement to keep the statement under review is a statutory requirement.
- Political - None

- Reputation – Reviewing the statement will enhance the Council’s reputation as a well managed Council.
- Equality & Diversity – None

5 RECOMMENDED THAT COMMITTEE

5.1 Approve the Gambling Statement of Policy and refer it to Full Council for approval.

MARSHAL SCOTT  
CHIEF EXECUTIVE

MAIR HILL  
SOLICITOR

BACKGROUND PAPERS

REF: MJH/Licensing Committee/19 March 2013

For further information please ask for Mair Hill, extension 3216

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

Agenda Item No. 6

meeting date: 19 March 2013  
title: Review of Council's standard conditions of licence and infringement scheme for private hire operators, drivers and vehicles.  
submitted by: Chief Executive  
principal author: Mair Hill

## 1 PURPOSE

- 1.1 To inform Committee of the review which has been carried out of the standard conditions of licence and infringement scheme for private hire operators, drivers and vehicles and to seek committee's approval of the revised standard conditions and infringement scheme.
- 1.2 Relevance to the Council's ambitions and priorities
- Community Objectives – The revised conditions and penalty point scheme will promote the Council's aim of being a well managed Council.
  - Corporate Priorities - N/A
  - Other Considerations – N/A

## 2 BACKGROUND

- 2.1 On 20 March 2012, the Head of Legal and Democratic Services was authorised by committee to consult private hire drivers on various proposed changes to the standard conditions which had been discussed at committee. As a result of this consultation, a complete review of the standard conditions and the corresponding infringement scheme has been carried out and the revised versions of each are appended as **Appendix 1 and 2**.

## 3 ISSUES

- 3.1 The revised versions:
- 3.1.1 incorporate all changes which have previously been approved by committee;
  - 3.1.2 update the legislation referred to within the conditions;
  - 3.1.3 simplify and clarify the drafting; and
  - 3.1.4 ensure that all the conditions are included in the infringement scheme and vice versa.

## 4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications
- Resources – Resources will be needed within the Legal and Democratic Services Department to inform the private hire operators, drivers and vehicle proprietors of the revised standard conditions and to ensure that these have been replaced in their operating bases and vehicles.
  - Technical, Environmental and Legal – None
  - Political - None

- Reputation – Revising the conditions will enhance the Council's reputation as a well managed Council.
- Equality & Diversity – None

5 RECOMMENDED THAT COMMITTEE

- 5.1 Approve the revised standard conditions and infringement scheme for private hire operators, drivers and vehicles.

MARSHAL SCOTT  
CHIEF EXECUTIVE

MAIR HILL  
SOLICITOR

BACKGROUND PAPERS

REF: MJH/Licensing Committee/19 March 2013

For further information please ask for Mair Hill, extension 3216

**RIBBLE VALLEY BOROUGH COUNCIL PRIVATE HIRE OPERATOR'S LICENCE**

***The Council has the power to suspend, revoke or refuse to renew any Operator's licence if any of these standard conditions are not complied with.***

**The Private Hire Operator's Licence (the "Licence")**

1. The private hire Operator's licence shall be valid from the date of issue until 31 January of the following year, unless suspended, revoked or surrendered.
2. Upon request the Operator shall produce the Operator's licence to any authorised officer of the Council or Police Officer.

**The Premises**

3. The Operator shall:
  - (a) ensure that a valid planning consent is in force (when planning legislation and/or practice requires it) for the operation, on all the premises from which the operation is to be conducted;
  - (b) obtain and maintain appropriate public liability insurance in respect of any premises, which they use in the course of business. Upon request the certificate shall be produced to any authorised officer of the Council;
  - (c) ensure that the Standard Conditions for private hire Operators, vehicles and drivers are available for inspection by members of the public at the premises;
  - (d) permit any authorised officer of the Council to enter the premises for the purpose of inspecting both the premises and/or any relevant documentation held there;
  - (e) not permit any person who is drunk, or is behaving in a disorderly manner, to enter or remain upon the premises in respect of which the licence is in force; and
  - (f) not permit any person to smoke upon the premises in respect of which the licence is in force.

**Drivers/Vehicles**

4. The Operator shall not employ, engage, instruct or otherwise use as a driver any person who does not have:
  - (a) a current UK VOSA driver's licence;
  - (b) a current private hire or hackney carriage driver's licence and badge; and

- (c) sufficient insurance to protect passengers in the event of claims for death or bodily injury.
- 5. When, in the course of business, the Operator makes provision for the invitation or acceptance of bookings for a private hire vehicle, the Operator shall ensure that all services are provided by vehicles and drivers in respect of which a current and valid licence has been issued by Ribble Valley Borough Council (whether the Operator makes provision by use of private hire vehicle(s) or hackney vehicle(s) and/or driver(s)).
- 6. The Operator shall not service, maintain or repair any private hire vehicle on a public street.

### **Records**

- 7. The Operator shall maintain at the premises particulars of all vehicles operated under their Operator's licence, which shall include the following:
  - (a) The call sign or other identifying mark used on booking records;
  - (b) The licence plate number;
  - (c) The registration number;
  - (d) The name and address of the proprietor;
  - (e) The names and address(es) of driver(s); and
  - (f) The badge number(s) of the driver(s) employ, engaged, instructed or otherwise used by the Operator.

Upon request the above records shall be produced to or made available for inspection to any authorised officer of the Council or to a Police Officer.

- 8. The Operator shall, at the time of booking and before the commencement of each journey, enter on to the record sheets (available from Ribble Valley Borough Council) details of the private hire booking. The details shall include:
  - (a) the time and the date of the booking;
  - (b) the method by which the booking was received, i.e. telephone or personal call;
  - (c) the collection, destination and drop points of the journey;
  - (d) the name of the person making the booking;
  - (e) the registration number, private hire vehicle or hackney carriage licence number or call sign, identifying the vehicle used for the booking; and
  - (f) the name or call sign of the driver.
- 9. If the licence plate number or call sign is used for the records referred to in condition 12 and 13 above, then a record detailing the vehicle registration number and the plate number or call sign allocated to it and/or the drivers



name and the call sign or badge number allocated to them, must be displayed at the Operator's premises.

10. The records shall be kept for a period of not less than twelve months from the date of the last entry or such longer period as required by an authorised officer of the Council and upon request must be produced to and/or made available for inspection to any authorised officer of the Council or to a Police Officer.
11. The Operator must ensure that all computer records are capable of being printed, and must make provision for this to take place upon request by any authorised officer of the Council or Police Officer.

### **Insurance**

12. The Operator shall ensure that an appropriate certificate of motor insurance covers every vehicle operated by him/her under the Licence. The certificate must be produced upon request to any authorised officer of the Council or Police Officer.

### **Information as to charges**

13. An Operator of a private hire vehicle must not invite or accept bookings for any licensed private hire vehicle or control or arrange a journey to be undertaken by such vehicle without first informing the person making the booking, either orally or in writing, of the basis of charge for the hire of the vehicle.

### **Statement of fares**

14. The Operator shall, if so required, ensure that a statement of fares (in a form previously submitted to and approved by the Council) is fitted and maintained in each licensed private hire vehicle operated under the Licence and in the Operator's premises, in such a position as to be clearly visible at all times to the person making the booking. This statement shall clearly show the following:
  - (a) the minimum charge of each hiring (if any);
  - (b) the fare tariff;
  - (c) the retention charge per minute or portion thereof; and
  - (d) any additional charges.

### **Interference with equipment**

15. The Operator shall not interfere with any equipment, including a taximeter, if fitted, attached to or forming part of his licensed private hire or hackney carriage vehicles.

## **Standard of service**

16. The Operator shall provide a prompt, efficient, civil, orderly and reliable service to members of the public at all times and for this shall in particular:
- (a) ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, attend at the appointed time and place;
  - (b) keep clean, adequately heated, ventilated and lit any premises which the Operator provides and to which the public has access, whether for the purposes of booking or waiting;
  - (c) ensure that any waiting area provided by the Operator has adequate seating facilities;
  - (d) ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly;
  - (e) respond fully to any complaints as soon as reasonably possible; and
  - (f) ensure that office staff employed by the Operator act in a civil and orderly manner at all times.

## **Animals**

17. An Operator must not fail or refuse to accept a booking for the vehicle
- (a) if the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and
  - (b) the reason for the failure or refusal is that the disabled person will be accompanied by an assistance dog<sup>1</sup>.
18. A operator must not make an additional charge for carrying an assistance dog which is accompanying a disabled person.
19. If an Operator does not comply with its obligations set out in 21 and 22 above it will be liable to a fine on summary conviction of Level 3 on the Standard Scale, currently **£1,000**.

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<sup>1</sup> "assistance dog" means—

(a) a dog which has been trained to guide a blind person;

(b) a dog which has been trained to assist a deaf person;

(c) a dog which has been trained by a prescribed charity to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects;

(d) a dog of a prescribed category which has been trained to assist a disabled person who has a disability (other than one falling within paragraph (c)) of a prescribed kind.

### **Change of name and address**

20. The Operator shall notify the Council in writing of any change:
- (a) of his address (including any address from which he operates or otherwise conducts his business as an Operator), within seven days of such change taking place; and
  - (b) to the name under which the business operates, during the period of the Licence, seven days before such change takes effect.

### **Convictions**

21. During the term of the licence, the Operator shall as soon as possible but in any event within seven days disclose to the council in writing details of any convictions, or police cautions imposed on him (or if the Operator is a company or partnership, on any of the directors or partners).

**RIBBLE VALLEY BOROUGH COUNCIL PRIVATE HIRE DRIVER'S LICENCE (the  
"Driver's Licence")**

***The Council has the power to suspend, revoke or refuse to renew any Driver's licence if any of these standard conditions are not complied with.***

The following standard conditions are attached to the issue of a Private Hire Driver's Licence (the "Driver's Licence") in the Ribble Valley.

**REQUIREMENTS FOR THE ISSUE OF A DRIVER'S LICENCE**

**Age and qualifications of Driver**

1. An applicant for a Driver's Licence must have attained the age of 21 years and for the twelve months immediately prior to the application either:
  - a. have been the holder of a licence (not being a provisional licence) granted under Part III of the Road Traffic Act 1988 ("RTA") (as amended from time to time or under any successor legislation); or
  - b. be authorised by virtue of Section 99 A(1) or Section 109(1) of the RTA (as amended from time to time or under any successor legislation) to drive a motor car in Great Britain.

**Health of a Driver**

2. A mandatory Group 2 Medical Certificate (which is a requirement of "Fitness to Drive: A Guide for Health Professionals" published in 2006 by The Royal Society of Medicine Press Limited on behalf of the Department for Transport) signed by your own doctor must be produced at the time of the initial application.
3. Applicants over the age of 60 years may be asked to submit themselves for examination by a Medical Practitioner nominated by the Council. The applicant must pay the costs of such an examination.
4. Drivers who are 65 or over will be subject to an annual medical examination.
5. In the event of the onset or worsening of a health condition likely to cause a driver to be a source of danger to the public, when driving either now or in the future they must inform the Council immediately.

Examples of health conditions, which must be reported, are:

- giddiness;

- fainting;
- black-outs;
- Epilepsy;
- Strokes;
- Multiple Sclerosis;
- Parkinson's Disease;
- heart disease;
- Angina;
- Coronaries;
- high blood pressure;
- Arthritis;
- disorder of vision;
- mental illness;
- alcoholism;
- drug taking and
- the loss of a limb or use of a limb.

**THIS LIST DOES NOT INCLUDE ALL THE CONDITIONS THAT MUST BE REPORTED. THESE EXAMPLES ARE GIVEN ONLY TO INDICATE THE TYPES OF CONDITIONS.**

Drivers, who are in doubt about whether or not their health condition is one, which should be reported, should consult their doctor.

**Test of Fit and Proper Person**

All applicants must satisfy the Council that they are a fit and proper person to hold a Driver's Licence. The following issues are considered when applying that test:

**Disclosure and Barring Service check ("DBS check")**

6. All applicants must apply for an enhanced DBS check, the contents of which will form part of the process of assessing whether an applicant is a fit and proper person.

## **Knowledge Test**

7. Save as set out in condition 10 below all applicants must pass the Council's knowledge test before a Driver's Licence will be issued. The knowledge test can be taken either as a written test or as a mobile test in the applicant's vehicle. Applicants must contact the Council to make an appointment to take the knowledge test. An applicant will be allowed no more than four attempts to pass the knowledge test (see also condition 12 below).

## **Steering to Success Course**

8. Save as set out in condition 13 below all applicant's must produce evidence of having passed the steering to success course at Rossendale College.

## **Address on driving licence**

9. Applicants must ensure that their VOSA driving licence shows their current address.

## **THE LICENCE**

### **Duration of Driver's Licence**

10. Save as set out at condition 11 below, and subject to suspension and/or revocation a Driver's Licence will be valid for 12 months from the date of issue.

### **New Applicants for Driver's Licence**

11. New applicants for a Driver's Licence may be issued with a temporary driver's licence, which will be valid for 6 months from the date of issue. Only 1 temporary licence will be issued to each driver.
12. Proof that an applicant is enrolled on the Steering to Success course will be required before a temporary licence is issued.
13. In order to obtain a Driver's Licence once the temporary licence expires an applicant must pass the knowledge test and the Steering to Success course at Accrington and Rossendale College **before** the end of the 6-month period.

## **Suspension/Revocation/Refusal to renew**

14. A Driver's Licence may be suspended, revoked and/or not renewed by the Council

if:

- a. a driver fails to comply with these standard conditions;
- b. a driver is convicted of an offence involving dishonesty, indecency or violence; or
- c. on any other reasonable grounds.

## **DRIVER'S RESPONSIBILITIES**

### **Driver's Badge/Licence**

15. The driver of a Private Hire Vehicle **MUST** wear their Private Hire Vehicle Driver's Badge in a prominent position at all times whilst in the course of their duty.

16. The badge will serve as evidence of the driver's licence and they shall, if requested, show the badge to the hirer of the vehicle, a police officer or any authorised officer of the Council.

17. A badge relates only to the driver it was issued to, it **cannot** be transferred.

18. Upon expiry, revocation or suspension of a Driver's Licence, the driver shall return their badge to the Council within 7 days.

19. A driver must show their Driver's Licence to the operator/proprietor at the beginning of their employment as a private hire driver.

### **Conduct of Driver**

20. The Driver shall:

- a. at all times be clean and respectable in their dress and person and behave in a civil and orderly manner;
- b. ensure that the vehicle driven by them is kept in a clean and tidy condition;
- c. take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by them;
- d. not without the express consent of the hirer, eat or drink in the vehicle;

- e. not smoke in the vehicle or permit any passenger to smoke in the vehicle;
- f. not use a non-hands free mobile phone whilst driving;
- g. not without the express consent of the hirer, play any radio or other sound reproducing instrument or equipment in the vehicle, other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
- h. not cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which they are driving, to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle;
- i. convey a reasonable quantity of luggage on behalf of the hirer and/or passengers;
- j. afford reasonable assistance with loading or unloading luggage;
- k. afford reasonable assistance in removing luggage to or from the entrance of any building, station or place at which they may take up or set down the hirer and/or passenger(s).
- l. if they are aware that the vehicle has been hired, to be in attendance at an appointed time and place, or they have otherwise been instructed by the Operator or proprietor of the vehicle to be in attendance at an appointed time and place, attend at that appointed time and place unless delayed or prevented by sufficient cause.
- m. Not operate the horn of the vehicle as a means of signalling that the vehicle has arrived.

### **Plying for hire**

21. A driver shall not whilst driving or in charge of a Private Hire Vehicle, tout or solicit on a road or other public place any person to hire or to be carried for hire in a Private Hire Vehicle.

22. The driver must not allow the vehicle to stand in such a position as to suggest it is plying for hire, or use a hackney carriage stand.

### **Lost Property**



23. A driver of a Private Hire Vehicle shall, immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left therein.
24. A driver of a Private Hire Vehicle shall, on finding such lost property, take it as soon as possible and in any event within 48 hours if not claimed by its owner, to a Police Station within the district where they should report it to the officer in charge of the station.

### **Passengers**

25. A driver shall not convey or permit to be conveyed in a Private Hire Vehicle, a greater number of persons than that prescribed in the Private Hire Vehicle Licence.
26. A driver shall not convey or allow there to be conveyed in the front seat of a Private Hire Vehicle:
- a. any child below the age of 10 years; or
  - b. more than one person above that age.
27. The driver of a Private Hire Vehicle shall not permit any person to be conveyed in the vehicle without the consent of the hirer.

### **Unauthorised/Uninsured/unlicensed Drivers**

28. No person being unauthorised, uninsured or unlicensed shall drive a private hire vehicle.
29. The holder of a Driver's Licence shall not permit an unauthorised, uninsured or unlicensed person to drive a private hire vehicle.

### **Advertisement**

30. Save with the consent of the Council, a driver of a Private Hire Vehicle shall not place or allow to be placed any printed, written or other matter by way of advertisement on any part of the vehicle.

### **Shortest Route**

31. Subject to any directions given by the hirer, a driver of a Private Hire Vehicle, when hired, shall drive to the hirer's required destination, by the shortest available route.

## **Licence Plate**

32. The Private Hire Vehicle Licence plate provided by the Council, which identifies the vehicle as a Private Hire vehicle, must remain attached to the vehicle by the method and in the position specified in the Private Hire Vehicle **AT ALL TIMES** (including when the vehicle is not in use) and should not be removed unless required to do so by an authorised officer of the Council or by the police.
33. The driver of a Private Hire Vehicle shall not wilfully or negligently cause or suffer any licence plate to be concealed from public view at any time or to be defaced.

## **Licence Conditions**

34. A driver shall at all times when driving a private hire vehicle keep a copy of these Conditions within the vehicle and shall make them available for inspection by the hirer or any other passenger on request.

## **Fare to be demanded**

35. A driver shall not demand from a hirer a fare in excess of any fare previously agreed for that hiring between the hirer and the Operator.
36. A driver shall, if requested by the hirer of a private hire vehicle, provide them with a written receipt for the fare paid.

## **Animals**

37. Under the Equality Act 2010, a driver of a private hire vehicle must not fail or refuse to carry out a booking accepted by the operator:
- a. if the booking is made by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and
  - b. the reason for the failure or refusal is that the disabled person is accompanied by an assistance dog<sup>1</sup>.

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<sup>1</sup> assistance dog" means—

(a) a dog which has been trained to guide a blind person;

(b) a dog which has been trained to assist a deaf person;

(c) a dog which has been trained by a prescribed charity to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects;

(d) a dog of a prescribed category which has been trained to assist a disabled person who has a disability (other than one falling within paragraph (c)) of a prescribed kind

38. An exemption to this obligation can only be given on medical grounds.
39. Failure to comply with this obligation will lead on summary conviction to a fine not exceeding level 3 on the standard scale, currently **£1,000**.
40. A driver shall not convey in a private hire vehicle any animal belonging to or in the custody of himself or the proprietor of the vehicle.
41. A driver shall ensure that any animal carried in the private hire vehicle at the request of the hirer/passenger is properly secured before the journey commences.

### **Accident to Vehicle**

42. If a driver of a private hire vehicle is involved in an accident or incident the driver **MUST** report this to the Council as soon as reasonably practicable, but in any case within 72 hours of the accident or incident. Compliance with this condition does not exempt the driver from his statutory liability to report all accidents to the police.

## **DISCLOSURE OF INFORMATION**

### **Convictions**

43. Any person who holds a Driver's Licence **MUST** disclose to the Council, within **seven days**, in writing full details of any conviction and/or police caution received or imposed on them.

### **Change of Address**

44. Any person holding a Driver's Licence **MUST** notify the Council in writing of a change to their address within seven days.

### **Change of Employment**

45. Any person holding a Driver's Licence **MUST** notify the Council within seven days of the commencement or termination of employment of the name and address of the Operator or proprietor and the date when the employment either started or ended.
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## **RIBBLE VALLEY BOROUGH COUNCIL PRIVATE HIRE VEHICLE LICENCE**

***The Council has the power to suspend, revoke or refuse to renew any vehicle licence if any of these standard conditions are not complied with.***

The following Standard Conditions are attached to the issue of a **Private Hire Vehicle Licence** (the "**Vehicle Licence**") in the Ribble Valley.

### **THE LICENCE**

1. The term of a Vehicle Licence is determined by the age of the vehicle. The Vehicle Licence terms are:
  - a. Vehicles under 3 years old – 12 months;
  - b. Vehicles over 3 years old but less than 7 years old – 6 months; and
  - c. Vehicles over 7 years old – 4 months.
2. A Vehicle License will not be issued for a vehicle, which has a design, and appearance, which may cause a person to believe that the vehicle is a Hackney Carriage.
3. The Council may not issue a licence to a modified vehicle.
4. The proprietor of Private Hire must not allow the vehicle to be used for hire by a person who does not hold a current private hire or hackney driver's licence. To do so is a criminal offence.
5. The proprietor of a Private Hire vehicle shall not permit the vehicle to be used for any illegal or immoral purpose.

### **Return of licence plates**

6. Upon renewal or expiration of a Vehicle Licence the old Vehicle Licence plates (internal and external) must be returned to the Council.
7. If a Vehicle Licence is suspended, revoked or given up the licence plates must be returned immediately to the Council.

### **THE VEHICLE**

#### **Insurance**

38. An exemption to this obligation can only be given on medical grounds.
39. Failure to comply with this obligation will lead on summary conviction to a fine not exceeding level 3 on the standard scale, currently **£1,000**.
40. A driver shall not convey in a private hire vehicle any animal belonging to or in the custody of himself or the proprietor of the vehicle.
41. A driver shall ensure that any animal carried in the private hire vehicle at the request of the hirer/passenger is properly secured before the journey commences.

### **Accident to Vehicle**

42. If a driver of a private hire vehicle is involved in an accident or incident which causes damage to the private hire vehicle which materially affects the safety, performance or appearance of it or the comfort or convenience of persons carried within it, the driver **MUST** report this to the Council as soon as reasonably practicable, but in any case within 72 hours of the accident or incident. Compliance with this condition does not exempt the driver from his statutory liability to report all accidents to the police.

## **DISCLOSURE OF INFORMATION**

### **Convictions**

43. Any person who holds a Driver's Licence **MUST** disclose to the Council, within **seven days**, in writing full details of any conviction and/or police caution received or imposed on them.

### **Change of Address**

44. Any person holding a Driver's Licence **MUST** notify the Council in writing of a change to their address within seven days.

### **Change of Employment**

45. Any person holding a Driver's Licence **MUST** notify the Council within seven days of the commencement or termination of employment of the name and address of the Operator or proprietor and the date when the employment either started or ended.
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8. The proprietor of a vehicle which has a Vehicle Licence **must** ensure that at all times:
- a. the vehicle (and driver) are insured sufficiently to protect passengers in the event of a claim for death or bodily injury (the Council will not accept anything less than a 30 day cover note);
  - b. a copy of the current certificate of motor insurance is kept in the vehicle for inspection.
  - c. they produce the Vehicle Licence and policy of motor insurance for inspection as soon as possible but in any event within 7 days of a request from an authorised officer of the Council or a police officer.

### **Maintenance of Vehicle**

9. A vehicle which has a Vehicle Licence must:
- a. be in a sound and road worthy condition
  - b. be maintained in a safe and clean condition inside and out;
  - c. comply fully with all relevant statutory requirements (including but not exclusively the Motor Vehicles (Construction and Use) Regulations as amended from time to time or its successor legislation;
  - d. be fitted with four road wheels, and an approved spare wheel;
  - e. have at least four doors;
  - f. be capable of seating not less than four nor more than eight full-sized adult passengers;
  - g. be of the right hand drive type;
  - h. be fitted with a roof or covering which can be kept watertight;
  - i. be fitted with wing mirrors;
  - j. contain windows which open and close, at least one on each side of the vehicle;
  - k. contain properly upholstered and covered seats;
  - l. contain furniture and fittings which are clean, well maintained and in every way fit for public service;
  - m. be of such design as to enable the hirer/passenger in it to communicate with the driver;
  - n. be fitted in such a way to enable luggage to be secured if the vehicle is constructed to carry luggage;
  - o. have a proper carpet fitted to the floor;

- p. have the licence plate issued by the Council fixed by a bracket to the rear of the vehicle, which is easily removable;
- q. display an internal licence plate provided by the Council, in the front windscreen so as not to obscure the driver's vision.
- r. (save with the approval of the Council) have glass in its windows with a minimum of 70% light transmission.

**Vehicle Licence plates must remain on the vehicle AT ALL TIMES (including when the vehicle is not in use) and should not be removed except as authorised by an authorised officer of the Council or the police or upon the expiry of the licence.**

### **Alterations to vehicle**

- 10. During the term of the Vehicle Licence, no material alteration or change in the specification, design, condition or appearance of the private hire vehicle shall be made without the approval of the Council.

### **Vehicle Inspections**

#### **Programmed Inspections**

- 11. Vehicle inspections to be carried out as follows:
  - a. Vehicle up to 3 years old - 1 inspection per year;
  - b. Vehicle over 3 years old but not exceeding 7 years old - 2 inspections per year;
  - c. Vehicle over 7 years old - 3 inspections a year;
- 12. All vehicles over 1 year old require a current MOT.
- 13. The vehicle must be submitted for inspection at the place authorised and on dates notified by the Council or at any other time at the Authority's discretion.

#### **Additional Inspections**

- 14. In addition to the provisions above, the proprietor shall permit an authorised officer or agent of the Council to inspect and test a vehicle at all times.
- 15. If following an inspection the officer or agent of the Council is not satisfied with the fitness or condition of the vehicle they shall give notice in writing to the proprietor requiring them to make the vehicle available for further inspection and testing at such reasonable times and place specified in the notice. The Vehicle Licence will be

**suspended** until such time as the officer or agent of the Council is satisfied with the fitness and condition of the vehicle.

16. If the proprietor has failed to ensure that the officer or agent is satisfied within 2 months of service of the notice the **Vehicle Licence will be revoked.**

### **Safety Equipment**

17. A vehicle which has a Vehicle Licence must carry at all times:

- a. a fire extinguisher authorised by the Council; and
- b. a suitable first aid kit containing appropriate first aid dressings and appliances. (the "**Safety Equipment**")

18. The Safety Equipment must be readily visible to the driver, hirer/passengers and third parties and be available for immediate use.

### **Radio Microphone**

19. Any radio microphone installed in the vehicle must be fitted so that its use does not impair the driver's control of the vehicle.

### **Signage**

20. A private hire vehicle must:

- a. not have any lights, plates, signs, advertisements or other fittings, save for those required under conditions or as approved by the Council;
- b. not be equipped with any roof fitting or sign other than a wireless aerial, approved by the Council;
- c. not display the words "Taxi", "Taxi Cab" or "Cab";
- d. display door signs stating "Advanced Bookings Only" and "Not insured unless prebooked". This sign shall only include the name of the Operator and its telephone number. If the words "Taxi", "Taxi Cab" or "Cab" or "for hire" form part of the Operator's name these must be omitted from the sign. These signs must be displayed on private hire vehicles **AT ALL TIMES** (including when the vehicle is not in use).
- e. display a sign stating "no smoking" with a minimum diameter of 70mm inside the vehicle in a position which is clearly visible to the hirer/passengers.



## **Statement of Fares**

21. A Statement of Fares must be submitted to and approved by the Council. (the **"Statement"**)
22. The Statement must include:
  - a. the minimum charge for each hiring;
  - b. the fare tariff;
  - c. the retention charge per minute or portion thereof; and
  - d. any additional charges.
23. If so required, the Statement, must be fitted and maintained, in the interior of a private hire vehicle, so that it is clearly visible at all times to the hirer and/or passengers.

## **Excise Licence**

24. The proprietor of a Private Hire vehicle shall ensure that a current vehicle excise licence (car tax disc) is displayed in the windscreen of the vehicle in the correct position at all times.

## **OBLIGATION TO REPORT/DISCLOSE INFORMATION**

### **Accident/Incident involving the Vehicle**

25. The proprietor of a vehicle which has a Vehicle Licence must report to the Council as soon as reasonably practicable, but in any event within **72 hours** of any accident or incident involving the vehicle
26. Once an accident or incident is reported the Vehicle Licence may be suspended until the vehicle has been submitted to and passed an inspection at the Council's authorised testing centre.
27. Nothing in these conditions shall remove the proprietor's statutory obligation to report all accidents to the police.

### **Transfer of Vehicle**

28. The proprietor of a vehicle, which has a Vehicle Licence, shall report to the Council any transfer or change of ownership of the vehicle within **7 days** of it taking place.

# INFRINGEMENT POINTS SCHEME

## RIBBLE VALLEY BOROUGH COUNCIL'S LICENSING DEPARTMENT

<b>PRIVATE HIRE OPERATORS</b>		
<b>Local Government (Miscellaneous Provisions) Act 1976</b>		
<b>Section</b>	<b>Offence</b>	<b>Points</b>
46(1)(e)	Operating a PH vehicle when the driver is not licensed as a PH driver.	12
46(1)(e)	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle.	12
56(2)	Failing to keep proper records of all bookings or failing to produce them (also breach of operator's standard conditions, see below)	6
56(3)	Failure to keep records of PH vehicles or failing to produce them (also breach of conditions, see below)	6
56(4)	Failing to produce PH Operator's licence on request (also breach of conditions, see below)	4
73(1)(c)	Failure to give information or assistance to an authorised officer or constable.	5
<b>Breach of Private Hire Operator's Licence Standard Conditions</b>		
<b>Paragraph</b>	<b>Offence</b>	<b>Points</b>
3(a)	Failure to ensure valid planning consent is in force (when planning legislation and/or practice requires it) on all the premises from which the operation is conducted	4
3(b)	Failure to obtain appropriate public liability insurance for the premises or to produce the same.	4
3(c)	Failure to keep a copy of the conditions at the premises or to make the same available for inspection by passengers.	4

3(d)	Failure to permit any authorised officer of the Council to enter the premises for the purposes of inspecting both the premises and/or any	4
3(e)	Permitting a person who is drunk, or who is behaving in a disorderly manner, to enter upon the operator's premises	4
3(f)	Permitting a person to smoke within the operator's premises	4
4	Failure to ensure that every driver has a valid UK driver's licence and/or private hire licence and badge.	4
6	Servicing, maintaining or repairing any private hire vehicle on a public street	4
7/11	Failure to properly keep, produce or make available for inspection records of private hire bookings, vehicles, drivers or other documents required to be kept or produced (see LGMP s56(2) & (3) above).	6
12	Failure to ensure that an appropriate certificate of motor insurance covers every vehicle operated by him under the licence.	6
13	Failure to ensure that a person making a booking has been informed of the basis of the charge before inviting or accepting a booking for a licensed private hire vehicle.	4
14	Failure to ensure that a statement of fares is fitted and maintained in each licensed private hire vehicle (when required to do so)	4
16	Failure to provide a prompt, efficient and reliable service to members of the public at all reasonable times.	3
17	Refusal or failure to accept a booking for a private hire vehicle if the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, where the reason for the refusal is that the disabled person will be accompanied by an assistance dog (as defined in the Equality Act 2010)	6
20	Failure to notify the Council of any changes, including change of address from where the business operates within 7 days.	3
21	Failure to disclose in writing within 7 days details of any conviction or police caution imposed on him to the licensing section.	12

<b>VEHICLES</b>		
<b>Private Hire Vehicle Standard Conditions</b>		
<b>Paragraph</b>	<b>Offence</b>	<b>Points</b>
<b>4</b>	Allowing a vehicle to be used for hire by a person who does not hold a current private hire or hackney driver's licence	<b>8</b>
<b>5</b>	Permitting the vehicle to be used for any illegal or immoral purposes.	<b>6</b>
<b>8(a)</b>	No insurance or inappropriate insurance for the vehicle.	<b>12</b>
<b>8(b)</b>	Failure to ensure that a copy of the current motor insurance is kept in the vehicle for inspection.	<b>3</b>
<b>8(c)</b>	Failure to produce the Vehicle Licence and policy or motor insurance for inspection within 7 days of a request from an authorised officer of the Council or a police officer	<b>3</b>
<b>9 (a)-(r)</b>	Operating a vehicle which does not comply with the Council's Vehicle Specification	<b>5</b>
<b>10</b>	Alterations made to a vehicle without the consent of the Council.	<b>2</b>
<b>13</b>	Failure to submit vehicle for inspection at the place authorised and on the dates notified by the Council	<b>3</b>
<b>17(a)</b>	Failure to carry a fire extinguisher authorised by the Council	<b>3</b>
<b>17(b)</b>	Failure to carry an appropriate first aid kit, dressings and appliances.	<b>3</b>
<b>18</b>	Failure to ensure that the Safety Equipment is readily available to the driver, hirer/passengers and third parties or that it is available for immediate use.	<b>3</b>
<b>19</b>	Radio equipment not fitted in accordance with Council requirements.	<b>2</b>

20(a)-(e)	Failure to comply with the Council's requirements as to signage.	5
24	Failure to display a current vehicle excise licence (car tax disc) in the correct place on the vehicle windscreen	3
25	Failure to report an accident/incident involving the vehicle to the Council within 72 hours of its occurrence.	3
28	Failing to notify change or transfer of ownership of the vehicle within 7 days of its occurrence.	3

<b>DRIVERS</b>		
<b>Breach of Private Hire Driver's Standard Conditions</b>		
<b>Section</b>	<b>Offence</b>	<b>Points</b>
2-5	Failure to provide medical certificate or not notifying a medical condition	3
15	Failure to wear a Private hire vehicle driver's badge in a prominent position at all times whilst in the course of their duty.	3
16	Failure to show badge on request to authorised officer of the council or police officers.	2
18	Failure to surrender a driver's licence, badge or plate to the Council on expiry, suspension or revocation.	3
19	Failure to show driver's licence to the proprietor at the beginning of an employment.	2
20(a)	Failure to be clean and respectable in their dress and person and behave in a civil and orderly manner	3
20(b)	Failure to ensure that the vehicle driven by them is kept in a clean and tidy condition	2
20(c)	Failure to take all reasonable steps to ensure the safety of the passengers conveyed in, entering or alighting from the vehicle.	4
20(d)	Drinking or eating in the vehicle without permission of passenger.	2

20(e)	Smoking in the vehicle or allowing any passenger to smoke in the vehicle.	4
20(f)	Using a non-hands free mobile phone whilst driving	3
20(g)	Playing a radio or other sound reproducing instrument or equipment in the vehicle, other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.	3
20(h)	Causing or permitting the noise emitted by any radio or other sound reproducing equipment to be a source of nuisance or annoyance to any person, whether inside or outside of the vehicle.	2
20(j) & (k)	Failure to convey a reasonable quantity of or give assistance with the hirer or passenger's luggage.	3
20(l)	Failure to attend on time for pre-arranged booking without sufficient cause.	2
20(m)	Operating the horn as a means of signalling that the vehicle has arrived.	3
21	Soliciting to hire or accepting hire not pre-booked.	4
22	Allowing the vehicle to stand in such a position as to suggest that it is plying for hire, or using a hackney carriage stand.	2
23-24	Failure to search vehicle after journey or failure to take found property to a police station within the district within 48 hours of finding lost property.	2
25	Conveying a greater number of passengers than prescribed in the Vehicle Licence.	6
26	Conveying a child below the age of 10 or more than one person in the front seat of the vehicle	6
27	Permitting a person to be conveyed without the consent of the hirer	6
28	Driving a private hire vehicle whilst unauthorised, unlicensed and/or uninsured.	5
29	Allowing printed, written or other advertisements to appear on the vehicle without the consent of the Council	3
31	Failure to proceed to destination by the shortest available route.	4

<b>32</b>	Failure to ensure that the licence plate attached to the vehicle in the specified place at all times.	<b>4</b>
<b>33</b>	Concealing or defacing a licence plate.	<b>4</b>
<b>34</b>	Failure to keep a copy of the standard conditions within the vehicle and make them available for inspection by the hirer or passenger.	<b>4</b>
<b>35</b>	Demanding a fare in excess or that previously agreed for that hiring between the hirer and the operator.	<b>4</b>
<b>36</b>	Failure to provide a receipt when requested.	<b>2</b>
<b>37/38</b>	Failure to carry assistance dog without exemption certificate.	<b>5</b>
<b>40</b>	Carrying an animal other than one with passenger.	<b>2</b>
<b>41</b>	Carrying an animal, which is not safely restrained.	<b>3</b>
<b>42</b>	Failure to report an accident or incident within 72 hours.	<b>3</b>
<b>43</b>	Failing to disclose a convictions or police caution within 7 days.	<b>12</b>
<b>44</b>	Failing to notify of change of address within 7 days.	<b>3</b>
<b>45</b>	Failure to notify within 7 days of starting or terminating employment, the name and address of the proprietor and the date when the employment either started or ended.	<b>2</b>

<b>PRIVATE HIRE</b>		
<b>Local Government (Miscellaneous Provision) Act 1976</b>		
<b>Section</b>	<b>Offence</b>	<b>Points</b>
46(1)(a)	Using an unlicensed PH vehicle.	12
46(1)(b)	Driving a PH vehicle without a PH driver's licence.	12
46(1)(c)	Proprietor of a PH vehicle using an unlicensed driver.	8
46(1)(d)	Operating a PH vehicle without a PH operator's licence.	8
46(1)(e)	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle.	12
46(1) e)	Operating a PH vehicle when the driver is not licensed as a PH driver.	8
48(6)	Failure to display a PH vehicle plate.	4
49	Failure to notify transfer of a PH vehicle licence.	3
50(1)	Failure to present PH vehicle for an inspection, as required.	3
50(2)	Failure to inform the Authority where the PH vehicle is stored, if requested.	3
50(3)	Failure to report an accident to the Authority.	3
50(4)	Failure to produce a PH vehicle licence and an insurance certificate.	6
53(3)	Failure to produce a PH driver's licence.	3
54(2)	Failure to wear a PH driver's badge.	3
57	Making false statement or withholding information to obtain a PH driver or operator's licence.	10
58(2)	Failure to return plate after notice given following expiry, revocation or suspension of a PH vehicle licence.	6
61(2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	6
64	Permitting vehicle to wait on a Hackney stand	3
67	Charging more than the meter fare	6
69	Unnecessarily prolonging a journey.	6
71	Interfering with a taximeter.	10



73(1)(a)	Obstruction of an authorised Officer or Constable.	12
3(1)(b)	Failure to comply with a requirement of an authorised Officer or Constable.	8
73(l)(c)	Failure to give information or assistance to an authorised Officer or Constable.	6
<b>Equality Act 2010</b>		
<b>Section</b>	<b>Offence</b>	<b>Points</b>
170-171	Refusal to accept a booking to carry a guide, hearing or other assistance dog in a private hire vehicle.	4

## RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

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Agenda Item No. 7

meeting date: 19 March 2013  
title: Vehicle Testing Arrangements  
submitted by: Chief Executive  
principal author: Mair Hill

### 1 PURPOSE

- 1.1 To inform Committee of the proposals put forward by the Council's testing centre to increase their fees for testing and seek Committee's views on whether they consider it still appropriate to have only one testing centre.
- 1.2 Relevance to the Council's ambitions and priorities
- Community Objectives – The review of testing arrangements will promote the Council's aim of being a well managed Council.
  - Corporate Priorities - N/A
  - Other Considerations – N/A

### 2 BACKGROUND

2.1 Currently, all private hire and hackney carriage vehicles are tested at one independent garage within Ribble Valley. The Council does not set the fee for this it is set by the garage and has been £20 for the last 15 years. The owner of the garage is free to review the fee at any time and has indicated that he may do so. The procedure in other authorities differs. Some have their own testing centre and employees who carry out the tests, others use more than one independent testing centre but some have the same arrangements as the Council with only one independent testing centre

2.2 The Licensing Officer has made enquiries with surrounding authorities and has established that their current fees are as follows:

- Blackburn - £60.90;
- Hyndburn - £52.50;
- Rossendale – Free with MOT;
- Pendle - £35.00; and
- Burnley - £64.50 (Private Hire)  
£81.00 (Hackney Carriage)

The current fee is therefore set at a level, which is reasonable for licence holders.

2.3 There is some guidance on the issues of the number of testing centres in the best practice guidance, which states "*There is sometimes criticism that local authorities provide only one testing centre for their area (which may be geographically extensive). So it is good practice for local authorities to **consider** having more than one testing station. There could be an advantage in contracting out the testing work, and to different garages. In that way the licensing authority can benefit from competition in costs. (The Vehicle Operators and*

*Standards Agency – VOSA – may be able to assist where there are local difficulties in provision of testing stations.” [Emphasis added]*

### 3. ISSUES

3.1 Committee has considered this issue previously and decided that to have more than one centre could give rise to inconsistency between testing centres or put pressure on centres to be more lenient to secure a greater share of the business. However, in light of the potential increase in fees, Committee is asked to consider whether it wishes to retain the current arrangements for testing or whether it requires a more detailed report to be submitted to the next committee meeting to allow it to explore other options.

3.2 Committee should note that there have been no recent complaints raised by licence holders about the service they receive.

### 4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources – Resources will be needed within the Legal and Democratic Services Department to carry out the review of the current arrangements
- Technical, Environmental and Legal – None
- Political - None
- Reputation – Considering revising the current arrangements will enhance the Council’s reputation as a well managed Council.
- Equality & Diversity – None

### 5 RECOMMENDED THAT COMMITTEE

5.1 Consider the current arrangements.

5.2 Confirm whether it is content with the existing testing arrangements or whether it requires a detailed review and report to be prepared and submitted to a future committee.

MARSHAL SCOTT  
CHIEF EXECUTIVE

MAIR HILL  
SOLICITOR

### BACKGROUND PAPERS

REF: MJH/Licensing Committee/19 March 2013

For further information please ask for Mair Hill, extension 3216

## RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

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Agenda Item No. 8

meeting date: 19 March 2013  
title: Clitheroe Town Centre Issues  
submitted by: Chief Executive  
principal author: Mair Hill

### 1 PURPOSE

- 1.1 To inform Committee of issues surrounding Clitheroe's late night economy and the powers which the Council now has under the Early Morning Alcohol Restriction Orders ("EMROs")
- 1.2 Relevance to the Council's ambitions and priorities
- Community Objectives – Consideration of these issues will promote the Council's aim to be a well managed Council.
  - Corporate Priorities -
  - Other Considerations -

### 2 BACKGROUND

- 2.1 As Committee is aware, issues have previously been raised about Clitheroe's late night economy by residents. As Committee is also aware from October 2012 Councils have had the power to make an EMRO under sections 172A to 172E of the Licensing Act 2003. This power enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area if it is satisfied that this would be appropriate for the promotion of the licensing objectives.
- 2.3 EMRO's are designed to address recurring problems such as high levels of alcohol-related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol related anti-social behaviour, which is not directly attributable to specific premises.
- 2.4 In the to do make an EMRO an authority must be satisfied that it has sufficient evidence to demonstrate that its decision is appropriate for the promotion of the licensing objectives. This requirement should be considered in the same manner as other licensing decisions.
- 2.5 The statutory guidance on this issue is enclosed with this report at **Appendix 1**. This sets out the factors to be considered and the procedure to be followed. In particular, paragraphs 13.23 to 13.26 illustrate the evidence, which would need to be gathered and taken into account if an EMRO was to be made.

### ISSUES

- 3.1 In light of the above, Inspector Lister has requested to attend Committee and address members briefly on these issues.

4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications

- Resources – None
- Technical, Environmental and Legal – None
- Political - None
- Reputation –None
- Equality & Diversity – None

5 CONCLUSION

5.1 Committee are asked to consider the information contained in this report and presented by Inspector Lister at Committee.

MARSHAL SCOTT  
CHIEF EXECUTIVE

MAIR HILL  
SOLICITOR

BACKGROUND PAPERS

REF: MJH/Licensing Committee/19 March 2013

For further information please ask for Mair Hill, extension 3216

# 16. Early morning alcohol restriction orders

## GENERAL

- 16.1 This chapter provides guidance to licensing authorities about Early Morning Alcohol Restriction Orders (“EMROs”). The power conferred on licensing authorities to make, vary or revoke an EMRO is set out in sections 172A to 172E of the 2003 Act. This power enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.
- 16.2 EMROs are designed to address recurring problems such as high levels of alcohol-related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.
- 16.3 An EMRO:
- applies to the supply of alcohol authorised by premises licences, club premises certificates and temporary event notices;
  - applies for any period beginning at or after 12am and ending at or before 6am. It does not have to apply on every day of the week, and can apply for different time periods on different days of the week;
  - applies for a limited or unlimited period (for example, an EMRO could be introduced for a few weeks to apply to a specific event);
  - applies to the whole or any part of the licensing authority’s area;
  - will not apply to any premises on New Year’s Eve (defined as 12am to 6am on 1 January every year);
  - will not apply to the supply of alcohol to residents by accommodation providers between 12 am and 6am, provided the alcohol is sold through mini-bars and/or room service; and
  - will not apply to a relaxation of licensing hours by virtue of an order made under section 172 of the 2003 Act.

## THE EMRO PROCESS

- 16.4 An EMRO can apply to the whole or part of the licensing authority’s area. The area may, for example, comprise a single floor of a shopping complex or exclude premises which have clearly demonstrated to the licensing authority that the licensable activities carried on there do not contribute to the problems which form the basis for the proposed EMRO.
- 16.5 If the licensing authority already has a Cumulative Impact Policy (“CIP”) in its Licensing Policy Statement, it should consider the relationship between the CIP and proposed EMRO area, and the potential overall impact on its local licensing policy.

## EVIDENCE

- 16.6 The licensing authority should be satisfied that it has sufficient evidence to demonstrate that its decision is appropriate for the promotion of the licensing objectives. This requirement should be considered in the same manner as other licensing decisions, such as the determination of applications for the grant of premises licences. The licensing authority should consider evidence from partners, including responsible authorities and local Community Safety Partnerships, alongside its own evidence, to determine whether an EMRO would be appropriate for the promotion of the licensing objectives.

- 16.7 When establishing its evidence base, a licensing authority may wish to consider the approach set out in paragraphs 13.23 to 13.26 of this Guidance which includes indicative types of evidence, although this should not be considered an exhaustive list of the types of evidence which may be relevant.

### **INTRODUCING AN EMRO**

- 16.8 An EMRO is a powerful tool which will prevent licensed premises in the area to which the EMRO relates from supplying alcohol during the times at which the EMRO applies. The licensing authority should consider whether other measures may address the problems that they have identified as the basis for introducing an EMRO. As set out in paragraphs 9.38-9.40 of this Guidance, when determining whether a step is appropriate to promote the licensing objectives, a licensing authority is not required to decide that no lesser step will achieve the aim, but should consider the potential burden that would be imposed on premises licence holders as well as the potential benefits in terms of promoting the licensing objectives. Other measures that could be taken instead of making an EMRO might include:

- introducing a CIP;
- reviewing licences of specific problem premises;
- encouraging the creation of business-led best practice schemes in the area; and
- using other mechanisms such as those set out in paragraph [13.39] of this Guidance.

- 16.9 If the licensing authority has identified a problem in a specific area attributable to the supply of alcohol at two or more premises in that area, and has sufficient evidence to demonstrate that it is appropriate for the promotion of the licensing objectives, it can propose making an EMRO. The licensing authority should first decide on the matters which must be the subject of the proposal. These are:

- the days (and periods on those days) on which the EMRO would apply;
- the area to which the EMRO would apply;
- the period for which the EMRO would apply (if it is a finite period); and
- the date from which the proposed EMRO would apply.

In relation to the date when it plans to introduce the EMRO, the licensing authority should note that this may change when it is specified in the final order.

### **ADVERTISING AN EMRO**

- 16.10 The proposed EMRO must be advertised. The licensing authority should include a short summary of the evidence and the manner in which representations can be made in the document, as well as the details of the proposed EMRO. The proposal must be advertised for at least 42 days (a reference in this Chapter to a period of “days” means a period made up of any days and not only working days). The licensing authority must publish the proposal on its website and in a local newspaper. If no newspaper exists, it must be published in a local newsletter, circular or similar document. The licensing authority must also send a notice of the proposal to all affected people in its area. They are:

- holders of (and applicants for) premises licences or club premises certificates to which the proposed EMRO would apply;
- premises users in relation to TENs to which the proposed EMRO would apply;

- those who have received a provisional statement in respect of a premises to which the proposed EMRO would apply.

16.11 Licensing authorities must, moreover, display a notice of the proposal in the area to which the EMRO would apply, in a manner which is likely to bring the proposal to the attention of those who may have an interest in it.

16.12 The licensing authority should also inform responsible authorities in its area and neighbouring licensing authorities of its proposal to make an EMRO. It may also like to consider what further steps could be taken, in any particular case, to publicise the proposal in order to draw it to the wider attention of any other persons who are likely to have an interest in it.

## **REPRESENTATIONS**

16.13 Those who are affected by a proposed EMRO, responsible authorities or any other person have 42 days (starting on the day after the day on which the proposed EMRO is advertised) to make relevant representations. To be considered a relevant representation, a representation must:

- be about the likely effect of the making of the EMRO on the promotion of the licensing objectives;
- be made in writing in the prescribed form and manner, setting out the EMRO to which it relates and the nature of the representation;
- be received within the deadline; and
- if made by a person other than a responsible authority, not be frivolous or vexatious. Chapter 9 of this Guidance gives further advice on determining whether a representation is frivolous or vexatious.

Representations can be made in relation to any aspect of the proposed EMRO. If a licensing authority decides that a representation is not relevant, it should consider informing the person who has made that representation.

16.14 Responsible authorities may wish to make representations, as may affected persons (as set out in the above paragraph).

16.15 Others may also wish to make representations about the proposed EMRO. These persons could include, but are not limited to:

- residents;
- employees of affected businesses;
- owners and employees of businesses outside the proposed EMRO area; and
- users of the late night economy.

## **HEARINGS**

16.16 If a relevant representation or representations are received, the licensing authority must hold a hearing to consider them (unless the authority and anyone who has made representations agree that this is unnecessary). The licensing authority should consider, based on the number of relevant representations received by it and any other circumstances it considers appropriate, whether to hold the hearing over several days, which could be arranged to take place other than on consecutive working days.



16.17 Licensing authorities should be familiar with the hearing process as it has similarities with other processes under the 2003 Act. Further guidance on hearings can be found in Chapter 9 of this Guidance (paragraphs 9.27 to 9.37). However, licensing authorities should note the following key points in relation to a hearing about a proposed EMRO:

- the hearing must be commenced within 30 working days, beginning with the day after the end of the period during which representations may be made;
- the hearing do not have to take place on consecutive working days, if an authority considers this to be necessary to enable it to consider any of the representations made by a party or if it considers it to be in the public interest;
- a licensing authority must give its determination within 10 working days of the conclusion of the hearing; and
- the authority is not required to notify those making representations of its determination so that the determination may be put before the full council of the authority to decide whether or not to make the EMRO.

16.18 The licensing authority will determine the manner in which the hearing will be conducted in accordance with the Licensing Act 2003 (Hearings) Regulations 2005. If a licensing authority determines that a representation is frivolous or vexatious, it must notify in writing the person who made the representation.

16.19 As a result of the hearing, the licensing authority has three options:

- to decide that the proposed EMRO is appropriate for promotion of the licensing objectives;
- to decide that the proposed EMRO is not appropriate for the promotion of the objectives and therefore that the process should be ended;
- to decide that the proposed EMRO should be modified. In this case, if the authority proposes that the modified EMRO should differ from the initial proposal in relation to the area specified, any day not in the initial proposal or the period of any day specified, the authority should advertise what is in effect a new proposal to make an EMRO in the manner described above, so that further representations are capable of being made.

## **FINAL EMRO**

16.20 If the licensing authority is satisfied that the proposed order is appropriate for the promotion of the licensing objectives, its determination must be put to the full council for its final decision.

16.21 The matters set out in the final order must be no different from the matters set out in the proposal to make the order, subject to the caveat described above in paragraph 16.18. The order must be set out in the prescribed form and contain the prescribed content.

16.22 No later than 7 days after the day on which the EMRO is made, the licensing authority must send a notice to all affected persons of the EMRO, and make the order available for at least 28 days on its website and by displaying a notice in the EMRO area. A licensing authority should retain details of the EMRO on its website for as long as the EMRO is in force. It is recommended that the licensing authority advises neighbouring licensing authorities and the Secretary of State that the order has been made, the nature of the order and when (and for how long) it will take effect.

those premises. Such problems generally occur as a result of large numbers of drinkers being concentrated in an area, for example when leaving premises at peak times or when queuing at fast food outlets or for public transport.

13.21 Queuing in itself may lead to conflict, disorder and anti-social behaviour. Moreover, large concentrations of people may also increase the incidence of other criminal activities such as drug dealing, pick pocketing and street robbery. Local services such as public transport services, public lavatory provision and street cleaning may not be able to meet the demand posed by such concentrations of drinkers leading to issues such as street fouling, littering, traffic and public nuisance caused by concentrations of people who cannot be effectively dispersed quickly.

13.22 Variable licensing hours may facilitate a more gradual dispersal of customers from premises. However, in some cases, the impact on surrounding areas of the behaviour of the customers of all premises taken together will still be greater than the impact of customers of individual premises. These conditions are more likely to arise in town and city centres, but may also arise in other urban centres and the suburbs, for example on smaller high streets with high concentrations of licensed premises.

### **Evidence of cumulative impact**

13.23 There should be an evidential basis for the decision to include a special policy within the statement of licensing policy. Local Community Safety Partnerships and responsible authorities, such as the police and the local authority exercising environmental health functions, may hold relevant information which would inform licensing authorities when establishing the evidence base for introducing a special policy relating to cumulative impact into their licensing policy statement. Information which licensing authorities may be able to draw on to evidence the cumulative impact of licensed premises on the promotion of the licensing objectives includes:

- local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
- statistics on local anti-social behaviour offences;
- health-related statistics such as alcohol-related emergency attendances and hospital admissions;
- environmental health complaints, particularly in relation to litter and noise;
- complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;
- residents' questionnaires;
- evidence from local councillors; and
- evidence obtained through local consultation.

13.24 The licensing authority may consider this evidence, alongside its own evidence as to the impact of licensable activities within its area, and consider in particular the times at which licensable activities are carried on. Information which may inform consideration of these issues includes:

- trends in licence applications, particularly trends in applications by types of premises and terminal hours;
- changes in terminal hours of premises;
- premises' capacities at different times of night and the expected concentrations of drinkers who will be expected to be leaving premises at different times.

# MINUTES OF THE RV SAFETY ADVISORY GROUP WEDNESDAY, 20 FEBRUARY 2013 @ 10.30AM

PRESENT:	Terry Longden (Chair)	RVBC
	James Russell	RVBC
	Diane Rice	RVBC
	Chris Shuttleworth	RVBC
	Julie Whitwell	RVBC
	Catherine Moore	RVBC
	Phil Dodd	RVBC
	Dave Mangan	Police
	Graham Lister	Police
	Gary Makin	Police
	Peter Frazer	Fire & Rescue
	Steve Taylor	Ambulance
	Ian Brown	Councillor
	Mary Robinson	Councillor
	Joyce Holgate	Councillor

	ACTION
<p><b>APOLOGIES</b></p> <p>There were no apologies for absence.</p> <p><b>INTRODUCTIONS</b></p> <p>Terry welcomed everyone to the 'new' Safety Advisory Group and gave specific thanks to Chris Shuttleworth for all the work he had put into establishing the former group and in enabling organisers to make their events successful. Each person introduced themselves to the rest of the group.</p> <p>Terry reminded the group that the Core Members present each had individual roles to play on behalf of their organisations. We would not be actively looking for events but would be inviting people to let us know about them so that Core Members could get involved if they felt the need, as defined by their roles.</p> <p><b>THE PROTOCOL</b></p> <p>Terry briefly took the group through the following headings contained in the updated Protocol:</p> <ul style="list-style-type: none"> <li>• General Statement of Event Safety.</li> <li>• The frequency of meetings/sub-groups – full meetings of the group would be held quarterly with meetings of sub-groups being held in between for specific events that required particular input from the group.</li> <li>• Policy for the Safety Advisory Group.</li> <li>• Terms of Reference/Procedures for Dealing with Events – some of these points need checking for accuracy (4.10, 8.1).</li> <li>• Roles and Responsibilities – James requested that 6.4a be moved under 6.5.</li> </ul> <p>DM suggested that reference should be made to the necessity for the Police to charge for their manpower provision in some circumstances for the Police to as well as there being a charge from LCC for road closure orders. Also included should be a paragraph that helps event organisers recognise their</p>	<p>TL</p> <p>TL/OH</p> <p>DM/TL</p>

<p>responsibilities legally in organising an event.</p> <p>TL commented that the arrangements currently being developed in the east of the County to facilitate the Britannia Coco-Nutters event in Bacup make interesting reading. The withdrawal of the Police in supporting events without formal traffic management arrangements will cause some difficulties that need addressing. This to be a matter for joint discussion with LCC.</p> <p>Because of changed guidelines and reorganisations within the Emergency Services organisers can no longer expect Police and Fire personnel to automatically be present at events. It will be a case of self-compliance and enforcement – however the services are willing to work with organisers and provide Memos of Understanding.</p> <p>This also applied to RV Health and Safety visits – guidelines had changed to using a ‘light touch’ but with prosecutions in the event of a complaint or accident. James gave a list of 7 earmarked events where it was the intention for Julie to visit to do audits of Event Plans/Risk Assessments.</p> <p>All members to check the Protocol and advise of any required changes as soon as possible.</p> <p><b>EVENT CALENDAR</b></p> <p>Terry informed the group that an updated version of the Event Calendar would be circulated to the group every Thursday with any new additions highlighted in yellow.</p> <p>All members were invited to submit information about events that were not currently included to either Terry or Olwen so the calendar could be kept up to date.</p> <p>Terry circulated a copy of the on-line information form that would be on the RV website for organisers to complete. Members were again asked to look at this to see if there were any additions they would like to be made before it goes live – again to Terry or Olwen.</p> <p>When an organiser submits the form, they will receive an acknowledgement – and the form will automatically be forwarded to all the core members of the RVSAG for their considerations, hence the request that core members consider the form and request additions as they see fit.</p> <p>Terry requested that each Core Member be responsible for contacting organisers of specific events should they feel the need to be involved with a particular issue.</p> <p>The group considered the list of events currently included on the calendar and made various comments/suggestions.</p> <p>The following events will require a sub-group meeting:</p> <ul style="list-style-type: none"> <li>• 24 – 27 May – Hawkshaw Farm Music Festival.</li> <li>• 5 – 7 July – Beatherders.</li> <li>• 10 August – Clitheroe Food Festival.</li> <li>• Clitheroe Bonfire (date not yet fixed).</li> </ul> <p>The following events will require Event Plans:</p>	<p>DM LCC/TL</p> <p>ALL</p> <p>ALL</p> <p>ALL</p> <p>TL/OH</p>
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- 3 May – Vauxhall Rally.
- 12 May – Sanctuary Cycle.
- 24 – 27 May – Hawkshaw Music Festival.
- 25 – 27 May – Chipping Steam Fair.
- 8 June – Longridge Field Day.
- 5 – 7 July – Beatherders.
- 26 – 28 July – Cloudspotting Music/Arts Festival.
- 10 August – Clitheroe Food Festival.
- 24 August – Chipping Show.
- 14 – September – Hodder Valley Show.
- Clitheroe Bonfire.
- 5 December – Pickwick Night (still not confirmed that going ahead).
- 29 December – RV 10K.

The majority of these are established regular events and Event Plans are likely to already be in existence. Terry will invite the organisers to refresh their plans as required. Terry to make the initial contact with the “new” events about submitting a suitable Event Plan.

The Ribble Valley website is being refreshed to include revised guidelines etc for organisers to follow.

Other comments made regarding specific events included:

- 3 May – Vauxhall Rally – road closures need to be managed carefully – GM will liaise with LCC Highways.
- Linda Jones needs to be informed about motocross events so that residents can be informed. LJ to be included on the calendar distribution list
- Clitheroe Bonfire – this was of particular concern to the Police. The organisers need to understand their roles and responsibilities, particularly with regard to crowd density and access and egress on the site. Langho bonfire can be used as a good example. RVBC need to make a decision regarding the numbers in relation to the Castle Field in consultation with the Police/Fire/Ambulance that needs to be ratified by Community Committee (DM/GL suggested 6000 with Traffic Management or 5000 without). CS reminded the group that from an Emergency Planning point of view the access capacity needs to be worked out bearing in mind that it reduces from a 5 metre width to a 1 metre pavement width. Much more work with the organisers needs to be done on the event – sub-group.
- RV 10K – an excellent event run well without a Police presence - CS says the organiser would be willing to share his learning experiences.

GM

TL/OH

TL

#### DATE OF NEXT CORE MEETING

The next meeting would be held on Thursday 23 May @ 2pm at the Council Depot. Postcode for Satnavs is “BB7 1QD” & location plan is attached.

(Arrange Bonfire sub-group before 21 March for DM.)

The meeting closed at 12.10pm.