

## 5. PRESENTATION OF HACKNEY CARRIAGE DEMAND SURVEY

REPORT OF: Lynne Standing  
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Wards Affected: All  
Key Decision No

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### Purpose Of Report

1. The purpose of this report is to state the results of the survey commissioned to establish whether there is a significant unmet demand for hackney carriages.

### Recommendations

2. Members are requested to:
    - a) recommend to the Cabinet Member for Health and Community that the Council continues its policy to limit the number of licensed Hackney Vehicles at 154 based on the results of the survey.
    - b) request that a report be brought before the Licensing Committee by March 2012 setting out the actions required to address the recommendations contained in the survey report.
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### Background

- 3.1 By virtue of the Town Police Clauses Act 1847, The Local Government (Miscellaneous Provisions) Act 1976 and The Transport Act 1985, the Council is required to administer and enforce the activities of Hackney Carriage and Private Hire Operators throughout the district.
- 3.2 A Local Authority has the power to limit the number of hackney carriages within its area, but only if it is satisfied that there is no significant unmet demand for hackney carriage services. Local authorities that restrict the number of hackney carriages are recommended to carry out an unmet demand survey at least every three years.
- 3.3 The survey has now been completed and an extract from the report summarising its findings is attached in appendix 1. A copy of the full report is available in the Members Room.
- 3.4 The Council's legal team have advised that unless the Council formally regularly reviews a policy based on the results of a survey, the Council may be open to legal challenge from persons wishing to apply for a hackney carriage vehicle licence.

### Recommendations in the report

- 4.1 The main conclusion of the report is that there are adequate numbers of hackney carriages and that our current policy of restricting the number of licences to 154 remains appropriate.
- 4.2 The recommendations contained in the report will require further consideration and it is suggested that the Licensing Team explore the

implications of each recommendation and prepare an action plan to discuss at a future licensing committee meeting in March 2012.

### **Policy Context**

5. The commissioning of the unmet demand survey is carried out pursuant to powers conferred by the Local Government (Miscellaneous Provisions) Act 1976 as amended, which places a duty on the Council to carry out its licensing functions in respect of hackney carriage and private hire vehicles.

### **Financial Implications**

6. None.

### **Risk Management Implications**

7. In accordance with the Council's risk management strategy, consideration has been given to the potential risks associated with the recommendations set out in this report. The Council may be open to serious legal challenge and the resulting costs involved from persons wishing to apply for a hackney carriage vehicle licence if they do not adopt a policy based on the results of the recent survey.

### **Equality and customer service implications**

8. The survey finds that there are adequate hackney carriages to meet current customer needs, including an appropriate level of wheelchair accessible vehicles to meet current need and legislative requirements. No other equality impacts have been identified.

### **Background Papers**

9. None.

## 6 Recommendations

### 6.1 Introduction

Following this study of the current situation regarding hackney carriage and private hire operation in the Mid Sussex licensing area, the following recommendations are made.

### 6.2 Rank provision

The three main ranks in the area are those provided privately by Southern at the three key railway stations. This leaves the hackney carriage trade, particularly the independent operation at East Grinstead very vulnerable to changes that are generally outside the control of the licensing authority. It is understood that there are plans, , for revisions at two of these stations although it is accepted that these generally should improve the rank provision rather than worsen it. However, discussion is needed between licensing and Southern to ensure that the station ranks continue to provide the best possible service for the people of Mid Sussex. Whilst it is accepted that this will not give the licensing authority any further control over what Southern might do with its forecourts and permits, it should improve communication and perhaps obviate any sudden change that might otherwise occur from an 'unknown' key player.

Continued discussion must occur between the planning section, licensing section and any clubs in terms of ensuring that any provision for clubs to get their patrons home must be appropriate and within current licensing legislation. Were any new clubs to be proposed within any of the town centres, they should be strongly encouraged to work with the trade to ensure adequate and legal service by appropriate vehicles is provided. The proposed new legislation may allow payment by clubs for marshalls should be considered in this regard.

The two town centre ranks in Haywards Heath and Burgess Hill are generally excellent and must be supported and encouraged. Improvement to the Burgess Hill rank is needed to provide a more direct route from the main supermarket to the rank, with a storage area for trolleys needed at the car park end of the rank alongside proper pedestrian access from this route rather than the more circuitous route round the back of the library.

The trade felt further enforcement was needed particularly at the Perrymount Road, South Road and Commercial Square ranks to ensure they could operate properly. Consideration needs to be given of ways by which the Perrymount Road rank might be brought into use – either by relocation nearer to venues, or by agreement with radio companies that hackney carriages might be encouraged to wait at this location at key times and given priority over radio calls.

Discussion should occur between the hackney carriage trade, the licensing section, West Sussex County Council (Highways) and East Grinstead Town Council to see if a daytime presence of hackney carriages could be possible within the main town area, either by use of the rank near Waitrose, or more likely by movement of this rank to a better location. Trade agreement would be needed, however, as the current

level of vehicles serving East Grinstead seems more allied to the service to the railway station than to the main town, and there may not be sufficient vehicles willing to provide this service. Further trade discussion seemed to suggest that there was no potential for any successful town centre rank in East Grinstead but it would be worth some formal discussion to confirm this was really the case, and in any case better signing would be appropriate.

It is unlikely that the rank in Hassocks would ever generate sufficient business to support a regular hackney carriage service and consideration should be given to removal of this rank.

The rule regarding private hires not being allowed to be within sight of bus or railway stations or ranks is excellent practise and should be encouraged and shared with other authorities.

### 6.3 Service to disabled customers

Service to the disabled in the area appears to be sufficient, with no major complaints or lack of service. Those hackney drivers who are currently providing a good service to the disabled need to be encouraged. There appears to be support for a mixed accessible fleet, with a good proportion of wheel chair accessible vehicles, but no strong support for a 100% wheel chair accessible fleet.

The issue of why no hackney carriages are used on education contracts needs to be considered and discussed between the licensing section, trade and West Sussex County Council as this appears to be a good way that a better service could be provided to those needing this service. It could also provide useful extra revenue to the hackney carriage trade, as well as widening out the style of vehicles available.

### 6.4 Marketing

Local town maps, where provided, should provide accurate information in regard to each rank which is actually used. Consideration should be given to ensuring that tourist information offices have adequate information about how hackney carriage and private hire vehicles can be obtained. This might be in the form of a leaflet which explains the difference but which also clearly ensures (particularly for East Grinstead) that Mid Sussex private hire companies are clearly identified and marketed over and against out of area operators or vehicles.

The opportunity could be taken to provide explanation boards in regard to the hackney carriage service, including sample fares, at the head of each of the day ranks.

### 6.5 Vehicle limit

There is no evidence of significant unmet demand. From this point of view there is **no need for any further hackney carriage vehicle licences in Mid Sussex licensing area.**

The licensing section should ensure that the operational sections of this report remain current. It would be prudent to undertake limited reviews of the balance between supply and demand at the Haywards Heath station rank, between 1800 and 2200 on a Friday evening at some point during February or March 2012. This survey could be undertaken either by a consultant, or by the council, as long as an independent review of the conclusions was made by an external body.

If any attempt was made to instigate active daytime ranks in East Grinstead, or to develop a night service to the Perrymount Road rank, usage levels should be reviewed six months after their introduction to ensure that appropriate changes could be made if their introduction was not having the desired effect.

We would also recommend that consideration be given to the introduction of a livery for hackney carriage vehicles in Mid Sussex that would ensure that, with appropriate marketing and explanation, people in the area knew a Mid Sussex hackney carriage very clearly. This may also assist with the requirement from people for a better fleet as it would give a more uniform look to the hackney carriage fleet, would reduce the confusion in the mind of potential passengers and may help with the reduction of usage of non Mid Sussex vehicles by passengers..

## 6. DRAFT HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

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Wards Affected: All  
Key Decision No

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### Purpose of Report

1. To seek the Committee's views on the content of the Draft policy for the Licensing of Hackney Carriage and Private Hire (Appendix 1) before it goes out to public consultation in October 2011. It is proposed that following consultation it would be reviewed by the Better Services Advisory Group before it is formally adopted by Council.

### Summary

2. Whilst the Council does not currently have a Licensing Policy relating to Hackney Carriage and Private Hire, there are a number of documents and conditions in place to control licensing activities. The proposed licensing policy attached in appendix 1 draws all of the licensing conditions together in one document and recommends the introduction of new conditions to improve standards and improve public safety.

### Recommendations

3. To endorse and or suggest changes to the proposed amendments (A to F) contained in the Draft policy for the Licensing of Hackney Carriage and Private Hire Vehicles before it is issued for public consultation.
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### Background

4. The draft policy for the Licensing of Hackney Carriage and Private Hire Vehicles is being brought to this Committee for their input prior to formal consultation with a wide range of stakeholders. Some initial consultation has taken place with the trade, the results of which are set out in this report. It should be noted that the Draft Policy in appendix 1 has not been altered since the consultation day with the trade to allow Members to consider the views expressed by the trade, details of which are provided below.
5. The purpose of the policy is to set out the terms and conditions that will apply to those seeking licences for the Hackney Carriage or Private hire trade, so as to protect the public and help ensure they receive a good service. The policy brings together all of the various different strands of the Council's existing conditions and practices. The Taxi Licensing Officer and the Solicitor and Deputy Monitoring Officer have reviewed a number of national and local policies and conditions to help us formulate this policy, whilst recognising the nature of the area. A number of proposed changes to licensing conditions

have been put forward to help maintain standards and improve public safety. All existing conditions have been agreed by the Licensing Committee.

- 6 In brief the proposed changes are:
- A. Introducing a livery in the district
  - B. Age restriction on vehicles
  - C. Introducing additional testing for vehicles over 3 years of age twice a year
  - D. A new condition requiring all drivers to have evidence of insurance in the car at all times.
  - E. A new condition on Private Hire drivers' licences restricting drivers from parking near Taxi ranks, stations or appearing to "rank up" on the street.
  - F. Customer Charter - the Charter details the responsibilities of Mid Sussex District Council as the Licensing Authority, and the drivers as frontline service providers.
- 7 On the 14<sup>th</sup> June 2011 twenty Hackney Carriage Drivers (via the Mid Sussex Hackney Carriage Association ) and Twenty Private Hire Operators were invited to a meeting to discuss the new proposals in the Draft Hackney Carriage and Private Hire Licensing Policy as listed above. Three members of the Mid Sussex Hackney Carriage Association and four drivers from two private hire operators' businesses attended.
- 8 Details of proposed changes to the existing conditions and initial feedback from the trade:

**Proposal A: Introducing a livery in the district**

- 8.1 The introduction of a livery, backed up by an education programme, would help to prevent the confusion for members of the public between Hackney Carriage and Private Hire vehicles. Members will be aware that this is important because members of the public who use private hire vehicles without pre-booking are not covered by insurance. It will also have the additional benefit of easily identifying out of area licensed hackney vehicles operating in our district.
- 8.2 Of the neighbouring authorities Hastings Borough Council, Eastbourne Borough Council, Worthing Borough Council, Horsham District Council, Crawley Borough Council and Brighton and Hove City Council all require livery. Wealden, Rother, Adur and Arun District Councils do not.
- 8.3 The Introduction of a livery in the district would require that all Hackney carriage vehicles would be white marked with the MSDC logo, but private hire vehicles could not be white. It is proposed that the requirement would be introduced over a five-year period from the introduction of the Policy in April 2012. Introducing the livery over this period of time would minimise the financial impact on the trade, as many licence holders would change their vehicles in any event within this timescale. However, some keep their vehicles for longer and would need to either change their vehicle sooner than planned or re-spray it. The cost to re-spray a standard saloon type car is between £800- £1000. The cost of the MSDC logo is approximately £12 (per set).

- 8.4 Table 1 provides a profile of the colour of vehicles we currently licence. This shows that all but 15 hackney carriages would need to change colour over time, but only 4 private hire vehicles.

**Table 1**

Number of Hackney Carriage vehicles	Colour	Number Private Hire vehicles
66	Silver	78
15	White	4
11	Red	16
	Purple	1
	Orange	1
1	Maroon	1
14	Grey	22
7	Green	7
1	Gold	3
24	Blue	48
23	Black	47
1	Beige/ cream	1

8.5 Response from the initial consultation meeting with the trade

Those present felt that the introduction of a livery would have a financial impact on the trade and would not improve standards. They considered that imposing tighter conditions to control standards was more suitable for this rural area and suggested an increase in vehicle checks, including a 4-monthly vehicle test on vehicles over 2 years old. They felt that having a livery would not stop the public being confused between the Hackney Carriage and Private Hire vehicles as there is insufficient education amongst the public to know the differences. Officers' response to this is to suggest that the livery requirement be accompanied by publicity so that members of the public are aware of the differences and of the consequences of hailing a private hire vehicle.

**Proposal B: Age restriction on vehicles**

- 8.6 It is proposed that MSDC introduce an age restriction of 4 years on the first application for a licence. This again would be introduced over time: 5 years is suggested in the policy, with vehicles over 7 years not been licensed by us. Whilst it is recognised that all licensed vehicles require regular maintenance, the older a vehicle the more wear and tear it will have and the frequency of maintenance needs to be increased. It is also recognised that newer cars have improved safety features. Restricting the entry age allows for a more modern fleet with greater safety features and reduces the likelihood of badly maintained vehicles.
- 8.7 The profile of the vehicles we currently licence is set out in table 2. It shows that the majority of vehicles are between 5 and 10 years old, and 67 are over 10 years old.



Table 2

Year Registered	Number
1996	2
1997	6
1998	7
1999	10
2000	19
2001	23
2002	36
2003	45
2004	53
2005	53
2006	44
2007	41
2008	12
2009	9
2010	12
2011	1
Total Vehicles	373

8.8 Response from the initial consultation meeting with the trade

The views expressed at the meeting were mixed but the majority felt that the condition rather than the age of the vehicle was the issue and, as noted above, suggested that we introduce vehicle fitness tests every 4 months on all vehicles over 2 years. The president of Mid Sussex Hackney Carriage Association also commented that there would be cost implications for the owners, especially those with deluxe cars.

8.9 Options for discussion

Officers felt that the proposal by the trade to increase the vehicle testing of cars to every four months for vehicles over two years of age would achieve the same outcome, which is to improve the safety of vehicles. Members are asked to consider whether, alongside these additional tests, an upper age limit of ten years should be applied, subject to an exceptions policy where a vehicle can be licensed if it is in "mint condition".

**Proposal C: Introducing additional testing for vehicles over 3 years of age twice a year**

8.10 The Policy proposes the introduction of additional testing for vehicles over 3 years of age twice a year. At present all licensed vehicles up to three years of age are legally required to be tested annually. The additional tests will ensure that any vehicles licensed to carry members of the public are safe and comfortable.

8.11 Response from the initial consultation meeting with the trade

As can be seen from the trade's response to vehicle age restrictions (above), the trade is comfortable with more regular tests of older vehicles, and it is therefore suggested that the draft policy should be amended to introduce vehicle fitness tests every four months on all vehicles over two years of age.

**Proposal D: New condition requiring all drivers to have evidence of insurance in the car at all times.**

8.12 This is proposed so that the Licensing Officer, during his enforcement work, can check to see that drivers are insured and have the correct type of insurance. This is necessary because, whilst we check insurance when the licence is issued, the period of the licence and the period of the insurance cover are generally different and the District Council, unlike the police, cannot access insurance information from any other source, such as DVLC.

8.13 Response from the initial consultation meeting with the trade  
There were no in-principle objections to this, but there were concerns raised about how feasible this would be for operators that insure their vehicles on bulk. One Operator explained that he kept a list of all drivers on his insurance policy, which he notified to the Licensing Officer. It is felt by officers that any practical issues of this nature can be resolved.

**Proposal E: New condition on Private Hire drivers to restrict drivers from parking near Taxi ranks, stations or appearing to “rank up” on the street.**

8.14 Sometimes Private Hire vehicles park in a row, creating an impression of a taxi rank. This condition is intended to help to reduce some confusion from members of the public in identifying which is a Hackney Carriage and which is a Private Hire Vehicle. The condition is already contained in the Private Operator’s licence, but it has on occasion been claimed that individual drivers are not fully aware of the terms of the Operator’s licence. By introducing this into the Private Hire Driver’s licence the driver’s responsibility is set out clearly and there can then be no doubt that they are aware of this condition, which is therefore easier to enforce.

8.15 Response from the initial consultation meeting with the trade:  
Agreed

**Proposal F: Customer Charter**

8.16 The Charter details the responsibilities of Mid Sussex District Council as the Licensing Authority, and the drivers as frontline service providers.

8.17 Response from the initial consultation meeting with the trade:  
Those consulted were satisfied with the Charter and pleased that they were considered to be frontline service providers.

**Policy Context**

9 The Licensing Policy is produced pursuant to powers conferred by the Local Government (Miscellaneous Provisions) Act 1976 as amended, which places a duty on the Council to carry out its licensing functions in respect of hackney carriage and private hire vehicles.

**Financial Implications**

10. None. However some existing licensees may consider the revised conditions too restrictive and not renew their licences.

### **Risk Management Implications**

11. Imposing additional conditions, in particular introducing a livery in the district, may be seen by the Trade as an additional burden which may affect their livelihood and discourage people from applying for a licence. The risks of not making it clearer for members of the public to distinguish between private hire and Hackney carriages encourages passengers to unknowingly use un-booked private hire vehicles on taxi ranks, streets etc. when they are unaware that they will be travelling in vehicles which are not insured to pick up fares which have not been pre-booked.

### **Equality and customer service implications**

12. An equality impact assessment was carried out in the development of this policy and did not identify any negative impacts for customers and those protected by equalities legislation. The policy is intended to protect the public, including those who are vulnerable owing to their age or disability, and through our consultation with a range of stakeholders, including the police, we will seek to ensure we have got the balance right in this respect. Details of stakeholders with whom we will consult are included in the draft policy.

### **Background Papers**

- 13 None



**DRAFT**

MID SUSSEX DISTRICT COUNCIL

HACKNEY CARRIAGE AND PRIVATE HIRE  
LICENSING POLICY

COMMENCES 1<sup>st</sup> April 2012

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## **SECTION 1: AIMS AND OBJECTIVES OF THE POLICY**

### **1.0 Introduction**

1.1 Mid Sussex District Council's (the Council) statement of main purpose is: -

**'Working together for a Better Mid Sussex'**

The Council's Environmental Health Section has an essential role to play in achieving this aim, as its Licensing services seek to secure healthier and safer places for people to work and live. The Environmental Health Section's key objective is to: -

**'Proactively promote and enforce good environmental health, housing and licensing standards, in order to maximise the quality of life for those living in, working in, and visiting Mid Sussex'.**

The Council has a responsibility for licensing hackney carriages and private hire vehicles, drivers and operators within the District. The Hackney Carriage and Private Hire trade are vital when other means of public transport are not available, such as in the more rural areas of the District.

### **1.2 Purpose of the Policy**

The policy covers the licensing of:

- Hackney carriage vehicles (sometimes known as "taxis" in legislation) which are able to wait at ranks and pick up people in the street (ply for hire).
- Private hire vehicles, which can only be booked through an operating centre (pre- booked only) and who otherwise, are not insured for their passengers.

### **1.3 Aims of the policy**

The Council's aim in licensing is to protect the public and to ensure the public have reasonable access to hackney carriage and private hire services. The main purpose is to prevent licenses being given to or used by unsuitable people, taking into account their driving record, their mental and physical fitness to drive and their honesty, and to ensure that they are people who would not take advantage of their position as drivers to abuse or assault the public who use their vehicles.

The Council's powers are used to ensure that hackney carriage and private hire vehicles that operate within the District are safe and operate in compliance with National and European legislation.

This policy has taken into account the Guidance document provided by the Department of Transport -Taxi and Private Hire Vehicle Licensing: Best Practice Guidance October 2006.

#### **1.4 Powers and Duties**

This Statement of Licensing Policy has been produced pursuant to powers conferred by the Local Government (Miscellaneous Provisions) Act 1976 as amended, which places a duty on the Council to carry out its licensing functions in respect of hackney carriage and private hire vehicles.

#### **1.5 Objectives**

The Council seeks to promote the following objectives:

- The protection of public health and safety;
- The establishment of a professional hackney carriage and private hire trade;
- Access to an efficient and effective public transport service; and
- The protection of the environment.

Through the licensing process the Council aims to regulate the hackney carriage and private hire trade in order to promote these objectives.

#### **1.6 Status of the Policy**

In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document and the objectives set out in 1.5 above.

Notwithstanding this policy and any other relevant Council policy, each licensing application or enforcement measure will be considered on its own merits. When it is necessary for the Council to depart from this policy, reasons will be given for so doing.

### **SECTION 2: CONSULTATION**

We intend to consult with the following Statutory Bodies, companies and groups. All of their comments will be considered in finalising the Policy:

- *Local Authorities that border Mid Sussex District Council*
- *West Sussex County Council*
- *The Members of the Council*
- *The hackney carriage and private hire trade licensed by the Council*
- *Parish and Town Councils*
- *Sussex Police*
- *The Members of Parliament for the District*
- *Social Services Child Protection Office*
- *VOSA (Vehicle and Operator Services Agency)*
- *Local Bus and Rail operators*
- *Organisations representing local businesses*
- *Members of the public via the Council's web site, the local libraries and help points*
- *Age UK*
- *Women's Institute*
- *Fawcett Society*

### **SECTION 3: IMPLEMENTATION**

- 3.0** This Policy will come in to force on the 1<sup>st</sup> April 2012 and remain in force for 3 years unless fundamental changes to it are required as a result of legislative changes.

### **SECTION 4:- HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES**

#### **4.1 Limitation of Numbers**

At present the Council limits the number of hackney carriages it licences. The number in Mid Sussex has been restricted since 2003. The level set will be reviewed by the Licensing Committee in September 2011 following a presentation of the findings of the unmet demand survey.

#### **4.2 Specifications and Conditions**

The Council has wide discretion over the types of vehicles that they can licence as hackney carriage or private hire vehicles.

Appendices 2, 3 and 4 set out the minimum standards which will apply in respect all licensed vehicles.

On the 1<sup>st</sup> April 2012 the Council will require all newly licensed Hackney Carriage vehicles to be the colour white.

This would require that all Hackney carriage vehicles would be white and marked with the Mid Sussex District Council logo, and that, to distinguish them from private hire vehicles, the latter could not be white. The purpose of this proposal is to help protect the public. At present it is difficult for the public to distinguish between the two types of vehicles. If a member of the public inadvertently uses a private hire vehicle that has not been pre-booked the vehicle is not insured. The distinction would also help the Council in its role of enforcing licence conditions and identifying out of area licensed hackney vehicles operating in our district, an issue that the Hackney Carriage trade has often raised.

For existing vehicles there will be an implementation plan:

- When an existing proprietor of an existing licensed vehicle (either Hackney or Private Hire) changes his/her vehicle they must comply.
- Within 5 years of the implementation date all licensed vehicles must comply.

From April 2012 the Council will apply an age restriction on licensed vehicles. On first application for a licence, the vehicle must not exceed 4 years of age from the date of initial DVLA registration. Within 5 years of the implementation of this policy vehicles over 7 years will not be licensed.

This would be phased in over a 5 year period. Whilst it is recognised that all licensed vehicles require regular maintenance it is accepted that the older a vehicle the more wear and tear it will have and the frequency of maintenance needs to be increased. It is also recognised that newer cars have improved safety features. Restricting the entry age allows for a more modern fleet with



greater safety features and reduces the likelihood of badly maintained vehicles.

In the case of a vehicle which conforms to the Conditions of Fitness as prescribed by the Metropolitan Police, (i.e. London type hackney carriage purpose built), the vehicle must not normally exceed 5 years of age from date of first registration, and not more than 10 years of age in the case of any subsequent application and not be left-hand drive.

#### **4.3 Vehicle Testing**

All licensed vehicles up to three years of age are to be tested annually. Vehicles over three years of age will be required to be tested every 6 months. The test must take place at a testing station approved by the Council. These requirements are in addition to a MOT which we require for all licensed vehicles over 12 months old. These tests are required to ensure that any vehicles licensed to carry members of the public are safe and comfortable.

#### **4.4 Signage and Advertising**

Within the District, both hackney carriage and private hire vehicles are required to display a plate at the rear of the vehicle. This is a key feature in helping identify vehicles that are licensed by the Council.

Private hire vehicles in the district are also required to display a plate in the windscreen. All signage must comply with conditions specified in Appendices 2 and 3.

#### **4.5 Exception from display of private hire plate**

There are exceptions if a vehicle is used for a wedding ceremony or funeral, Application must be made in writing and a certificate of exception granted before the plate may be removed from the rear of the vehicle and it will then be displayed inside the vehicle to the side of the driver's seat in such a manner so as to be clearly seen when the driver's door is open. All other signs may be removed in these circumstances. The driver's badge must be carried in the vehicle and produced on demand.

#### **4.6 Use of CCTV**

The Council does not consider that the installation and use of CCTV products in licensed vehicles should be compulsory as part of the licensing regime. This aspect is left to the licensed drivers and operators to decide. However if a licensed driver installs CCTV in a vehicle the proprietor of the vehicle must prior to installation provide details of what CCTV equipment is being used and how the data recorded will be stored and for how long. This is to ensure the storage and use of personal data complies with any current legislative requirements.

#### **4.7 Grant and Renewal of Licences**

All hackney carriage and private hire licences will be granted for 12 months from the date of issue. In cases where the licence holder is working under visa conditions attached to their passport the licence will only cover up to the expiry date on the visa.

It is the responsibility of the existing driver to ensure their licence is renewed annually. Application forms, appropriate fees and supporting documentation must be submitted at least 14 days prior to the expiry of the previous licence.

#### **4.8 Stretched Limousines**

At present the Council only licences vehicles that carry up to 8 passengers. We do not licence stretched limousines but this practice will be reviewed if there is a change in the legislation.

### **SECTION 5: DRIVERS**

#### **5.1 Parallel Procedures**

The statutory and practical criteria and qualifications for a private hire driver are in most respects identical to those for a hackney carriage driver. The following sections will therefore apply equally to both private hire and hackney carriage drivers. Appendices 5 and 6 specify the conditions.

#### **5.2 Dual Licences**

The Council will issue separate licences for private hire and hackney carriage drivers. The driver is required to complete both application forms.

#### **5.3 Age and Experience**

A licence to drive a hackney carriage or private hire vehicle will not be granted to a person who is under 18 years of age and has not held a full driving licence for a period of 12 months or longer.

#### **5.4 Driver Test**

Hackney carriage and private hire drivers need to have a good working knowledge of the district.

The Council expects persons applying to become hackney carriage and private hire drivers to be a 'fit and proper person'. This will include the ability to provide a quality service to the public. In order to maintain standards the Council will take steps to determine applicants' fitness. The applicants will be required to undertake the following tests to demonstrate their knowledge of:

- Knowing the local area
- The Hackney Carriage and Private Hire Licensing Law
- Road Traffic Legislation

#### **5.5 Driving Proficiency**

All new drivers must complete successfully a Driving Standards Agency (DSA) assessment. An additional assessment by the DSA is required for drivers of wheelchair accessible vehicles. These assessments show that their driving skills are at a nationally acceptable level.

## **5.6 Medical Examination**

A medical examination by a GP to assess an applicant's fitness to drive a licensed vehicle is required before a licence may be granted. A DVLA Group 2 standard of medical fitness for professional drivers is required.

The form requesting a medical examination for presentation to the GP is within the application pack. The applicant will be responsible for paying the fee for the examination to the relevant GP surgery. On completion of the medical examination, a confidential report will be submitted to the Licensing Office. Existing licence holders over the age of 45 will be required to produce a medical certificate every 5 years. Existing drivers over 65 must be examined annually.

Licence holders must advise the Council of any change or deterioration in their state of health that may affect their driving capabilities.

In the event of doubt as to the medical fitness of any applicant, the Council may require the applicant to undergo and pay for a further medical examination by a nominated GP or Surgery.

## **5.7 Criminal Record Bureau (CRB) Disclosures**

As part of the application process all applicants for a driver's licence are required to disclose on the application form all convictions regardless of whether they would be regarded as spent under the Rehabilitation of Offenders Act 1974.

The failure to disclose a conviction may result in the immediate suspension of the licence pending investigation.

The Council is an approved Criminal Records Bureau (CRB) body; therefore applicants must deal with the Criminal Records Bureau through the Council and will be charged the appropriate fee for any application for Disclosure.

An Enhanced CRB Disclosure of Criminal Convictions will be carried out by the Council every third year upon application for renewal. The Council can also request another disclosure at any time if a further check is considered necessary.

The Council will not divulge personal information disclosed by undertaking the CRB Disclosure checks to any third party. The applicant for CRB Disclosure will receive a separate disclosure report from the CRB. This will be sent to their home address and the Council will receive a copy of the report.

## **5.8 Relevance of Convictions and Cautions**

Please refer to Appendix 8 for the list of relevance of convictions and the criteria for the grounds for refusal to issue or renew a licence. This is also the

criteria used by the Council to consider whether or not to suspend or revoke a driver's licence.

In assessing whether an applicant is a fit and proper person to hold a licence, the Council will consider each case on its merits. They will take account of cautions and convictions, but only in so far as they are relevant to an application for a licence. Upon receipt of a disclosure from the CRB, officers acting under delegated powers will assess whether any cautions or convictions are capable of having relevance to the issue of whether or not an applicant is a fit and proper person to hold a licence.

The Council will have regard to the type and age of the offence and the age of the applicant when the offence occurred, when considering their relevance to an application. The Council will also consider the seriousness of a convicted offence as indicated by the penalty or sentence that was imposed.

The Officers may refer applications to the Licensing Sub-Committee where the applicant's records includes one or more of the following-

- Drunkenness
- Sexual offences
- Violence

## **5.9 Application Procedure and Considerations of Applications**

Please refer to Appendix 9 for the Taxi Licensing Charter.

The Council will consider each application on its own merits once the required completed application and ancillary documents are received.

## **5.10 Conditions of Licence.**

These are set out in Appendices 5 and 6 and are necessary and appropriate for all licensed drivers.

## **Section 6: PRIVATE HIRE OPERATORS**

### **6.1 Requirements**

Any person who operates a private hire service (who is not also a hackney carriage proprietor who permits hackney carriages to be used for private hire) must apply to the Council for a private hire operator's licence.

A private hire operator must ensure that a licensed private hire driver drives every licensed private hire vehicle.

All new applications will be subject to the following checks:

- A fit and proper person to hold an operator's licence by undertaking a CRB check. In the case of a limited company all directors or persons controlling the company will be CRB checked. In the case of a partnership, all partners will be checked.
- Status of office accommodation e.g. planning permission.

### **6.2 Conditions**

The Council has the power to impose such conditions on an operator's licence as it considers necessary. The conditions are set out in Appendix 7.

### **6.3 Insurance**

The operator is required to produce evidence, upon request by an authorised officer of the Council or a Police Officer, that there is a certificate of motor insurance, which covers every private hire vehicle they operate. The operator is also required to have public liability insurance for their base premises.

### **6.4 Licence Duration**

An operator's licence will be granted for a period of 12 months, although licences may be issued for a shorter term. It is the licence holder's responsibility to ensure that their operator's licence is renewed.

### **6.5 Address from which the Operator may operate**

Upon the grant of an operator's licence, the Council will specify the address from which the operator may operate. The operator must notify the Council in writing of any changes to their address during the period of the licence, prior to changing the address. A business cannot legally operate from an address not specified on its licence.

### **6.6 Bases Outside Mid Sussex District Council Area.**

The Council will not grant a Private Hire Operator Licence for an operator with an operating base that is outside Mid Sussex District Council's area. This is to ensure that proper regulation and enforcement measures may be taken.

## **SECTION 7: DISCIPLINARY AND ENFORCEMENT MEASURES**

### **7.1 Enforcement**

The Council's role in the licensing of all drivers, owners and operators of licensed vehicles is to ensure high standards are achieved and this will be done in a consistent and open manner. The standards are defined in legislation, the licence conditions and codes of practice.

The Council will operate a consistent but firm disciplinary and enforcement regime. The Council believes this is the best way of ensuring it undertakes its role of ensuring public safety. The Council will seek to balance the promotion of public safety with the needs of the taxi trade and the individuals working within it. Therefore the Council will only intervene where it is necessary and proportionate to do so, having regard to the objectives set out in section 1.5 of this policy.

Where necessary, enforcement action will be taken in accordance with the principles of the Enforcement Concordat and the Council's Enforcement Policy for Environmental Health. To this end the key principles of consistency, transparency and proportionality will be maintained. Mid Sussex District Council's Environmental Health Enforcement Concordat can be

viewed at [www.midsussex.gov.uk](http://www.midsussex.gov.uk) (Click on Environment and Planning – Environmental Health).

To promote the licensing objectives the Licensing Authority will share information with other enforcement agencies such as UK Border agency, VOSA, Inland Revenue, Police, Trading Standards, Customs and Excise and Benefit Agencies. Information will also be shared with internal departments within the Council, such as Parking Services, Revenue and Benefit and Planning Sections.

When undertaking its enforcement role the Council may liaise with other public bodies such as other Local Authorities and the Police.

## **7.2 Disciplinary Hearings**

Any disciplinary matters that could result in the revocation or suspension of a licence will be referred to the Licensing Sub-Committee, who will decide the appropriate action. There is a right of appeal to the Magistrates Court on all disciplinary decisions made by the Licensing Committee

## **7.3 Scope of Council Powers**

The Council may take any of the steps outlined below upon receipt of evidence that an offence or breach of the conditions has been committed in respect of any of the licences its issues:

- prosecution;
- revocation of the licence;
- suspension of the licence;
- add conditions to an existing licence;
- issuing of warnings or cautions.

Please note this list is not exhaustive and the introduction of a penalty point scheme is under review.

## **7.4 Prosecution**

In accordance with the Environmental Health Enforcement Policy the Council may prosecute licence holders in the following circumstances:

- where the allegation is of a serious nature or is a repeated offence;
- where the Council proposes to caution the licence holder, but the offence is not admitted, nor a caution accepted.

## **7.5 Revocation**

Where a licence holder has been convicted of a serious criminal offence the Licensing Sub-Committee may revoke or suspend the licence.

## **7.6 Suspension**

- a) Vehicles

Hackney carriage vehicles and private hire vehicles must be kept in a safe condition, suitable for the purpose of carrying passengers. Where it is found that a vehicle is not being properly maintained and has defects that may put the public safety at risk then the Council will serve a stop notice on the proprietor of the vehicle. The use of the vehicle will remain prohibited until the defects have been remedied and the vehicle has been inspected by the authorised vehicle fitness centres and has been passed as fit for use as a hackney carriage or private hire vehicle. The testing of the vehicles will be at the proprietor's expense.

#### b) Drivers

The Council may exercise its discretion to suspend a driver's licence. The decision to suspend a driver's licence can be made under delegated powers in exceptional circumstances when it is believed the offence is serious enough that the public safety concerns outweigh the individual's right to work.

The Councillors at a Licensing Sub-Committee hearing may also exercise their discretion to suspend a driver's licence.

##### ➤ Add Conditions to an Existing Licence.

The Licensing Sub – Committee following a hearing may decide that it is appropriate to add to a driver's licence further conditions to their existing licence.

##### ➤ Issuing of Warnings and Cautions

This is a method of addressing less serious offences. The Council will issue warnings and cautions as are appropriate based on all the circumstances.

Cautions may be issued in the following circumstances;

- There is sufficient evidence to justify a prosecution;
- The licence holder admits their guilt;
- The licence holder agrees to be cautioned.

Warnings will be issued by an officer acting under delegated powers or as requested by the Licensing Sub-Committee.

## **SECTION 8: DELEGATED POWERS**

### **8.1 Licensing Committee**

The Licensing Committee is responsible for the management of the licensing regime in the district under the Local Government (Miscellaneous Provisions) Act 1976.

The Licensing Sub Committee will hear all applications and disciplinary matters referred to it by the Licensing Team.

The Council's Business Unit Leader for Environmental Health Services has delegated responsibility, in so far as it relates to hackney carriage or private hire, in respect of the licensing and registration functions of the Council listed in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) for-

- Deciding applications for authorisations, dispensations, exemptions, licences or certificates of approval;
- Serving notices and taking consequential action;
- Issuing simple cautions;
- Instructing the Council's Legal Services to commence legal proceedings;
- Authorising officers to exercise statutory functions (including powers of entry and obtaining warrants);
- Granting, suspending, refusing or revoking licences;
- Instigating prosecution wherever appropriate.

## **SECTION 9: FARES**

### **9.1 Prescribed Rates (only applies to Hackney Carriage)**

A hackney carriage driver must not charge more than the fare rate prescribed by the Council. However there are no provisions within the legislation or this policy, which prevent the driver of a hackney carriage or private hire vehicle from charging less than the fare shown on the meter.

### **9.2 Table of Fares (only applies to Hackney Carriage)**

A table showing the correct prescribed fares must be displayed in each vehicle so that all hirers are able to see it.

### **9.3 Review of the Prescribed Fares (only applies to Hackney Carriage)**

Fare rates will be reviewed by the Council annually if requested by the Mid Sussex Hackney Carriage Association.

### **9.4 Receipts**

If requested by a passenger, a driver must provide them with a written receipt for the fare paid.

## **SECTION 10: OUR COMMITMENT TO EQUALITY**

- 10.1** The Equalities Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination and to



promote equality of opportunity and good relations between persons based on race, gender, disability, age, sexuality (lesbian, gay, bisexual), transgender, pregnancy, religion or belief.

- 10.2** The Council is committed to ensuring that it is delivering services in a non-discriminating way and that equality is at the heart of service provision throughout the Authority. The Council recognises that discrimination and exclusion can occur for many reasons including but not confined to race, language, age, gender, disability and poverty and is fully committed to overcoming such exclusion and discrimination.
- 10.3** In carrying out its duties the Council will have due regard for the need: -
- To eliminate unlawful discrimination
  - To promote equality of opportunity and good relations between people, including those in the groups protected by the Equality Act 2010 and listed in 10.1.
- 10.4** This policy has been subject to an equality impact assessment. In formulating this policy we have in particular had regard to the need to provide for disabled people and to protect vulnerable groups. To that end 20% of hackney carriage vehicles are currently wheelchair accessible and the unmet demand survey recently undertaken indicates that this is sufficient to meet current needs. The conditions relating to licensed vehicles, operators and drivers are intended to protect all passengers, and especially those who are most vulnerable.

**Glossary of Terms**

- 'Licensed Vehicle ' means both a Hackney Carriage and Private Hire Vehicle
- 'Hackney Carriage' means a vehicle licensed for standing or applying for hire
- 'Private Hire Vehicle' means a licensed vehicle constructed or adapted to seat fewer than 9 passengers and which can only carry those passengers who have pre-booked.
- 'Private Hire Vehicle Operator' means a person licensed to make provision for bookings for a private hire vehicle
- 'Certificate of Compliance' means a certificate confirming that a licensed vehicle has passed the Council's vehicle test
- 'Stop Notice' means a notice prohibiting further use of a licensed vehicle until such time as a defect has been remedied to the satisfaction of the Council
- 'Defect Notice' means a notice identifying a defect to a licensed vehicle which must be remedied to the satisfaction of the Council (issued under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976)
- 'Faresmeter' means a device for calculating the fare to be charged in respect of any journey in a hackney carriage or private hire vehicle
- 'Delegated Powers' means the scheme of delegated powers as referred to in the Council's Constitution
- 'The Guidance ' means The Department for Transport- Taxi and Private Hire Vehicle Licensing: Best Practice Guidance October 2006

## MID SUSSEX DISTRICT COUNCIL

### Conditions and guidelines relating to the issue of this Private Hire Vehicle Licence.

**NOTE: - These conditions and guidelines are to be read in conjunction with The Local Government (Miscellaneous Provisions) Act 1976 and any other relevant legislation.**

**All Private Hire Vehicles will not be white in colour. They will be right hand drive.**

**On first application for a Private Hire Vehicle Licence the vehicle must not exceed 4 years of age from the date of initial DVLA registration and not more than 7 years of age in the case of any subsequent applications for renewal of the licence.**

1. Any seats or seating over and above the number for which this vehicle is licensed shall be removed before the vehicle is used to carry passengers for hire or reward.
2. The private hire licence plate provided by the Council for display outside the vehicle must be firmly fixed in a prominent position on the rear exterior surface below the rear window. The plate is to be kept clean and legible at all times.
3. The private hire licence plate provided by the Council for display inside the vehicle must be fixed to the front windscreen of the vehicle in a position where it may be conveniently read by passengers travelling in the vehicle.
4. The proprietor shall ensure that any person driving the vehicle to which this licence relates is the holder of a current private hire driver's licence issued by Mid Sussex District Council.
5. The Proprietor shall ensure that any person employed by him/her or permitted by him/her to use the vehicle as a private hire vehicle is fully conversant with the conditions of his/her driver's licence.
6. The proprietor shall ensure that the driver only carries passengers who have pre-booked their journey(s) via the holder of the Operator's Licence.
7. The proprietor must ensure that the vehicle is capable of satisfying the Council's mechanical and structural inspection at any time during the period for which the licence is in force.
8. Any authorised officer of the Council or any Police Officer shall have power at all reasonable times to inspect and test any private hire vehicle. If not satisfied as to its fitness, the officer may require the vehicle to be further inspected at the testing station approved by the Council. If the vehicle fails to meet the necessary requirements the licence will be suspended until such time as the requirements are met. If the authorised officer or Police Officer is

not so satisfied before the expiration of a two month period the licence shall be deemed to have been revoked.

9. A first aid kit and fire extinguisher must be carried on the vehicle at all times and be readily accessible to the driver. The fire extinguisher should be fitted with a gauge indicating the level of contents. The First Aid Kit and the Fire Extinguisher shall be clearly marked with the licence number of the vehicle.
10. The proprietor or driver shall not carry or permit to be carried in the vehicle any greater number of passengers than the number of persons specified in this licence.
11. The proprietor shall report to the Council as soon as reasonably practicable and in any case within 72 hours of the occurrence thereof, 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.
12. The proprietor shall deposit a copy of the vehicle licence issued by the Council with the private hire operator for whom the vehicle is being used during the time it is so used for that operator.
13. The proprietor shall notify the Council in writing of any change in his/her address within 7 days of such change.
14. The proprietor shall within seven days disclose to the Council in writing details of any conviction including any fixed penalty notice (endorsable or non endorsable), any anti-social behaviour order (ASBO) or any High Court or County Court judgement recorded against their name during the period of the licence and any Police Caution.
15. The proprietor must notify the Council of any change of operator he/she may make.
16. The proprietor or driver shall not tout or solicit on a road or public place any person to hire or be carried for hire in any private hire vehicle. The proprietor shall not cause or procure any other person to tout or solicit on a road or public place any person to hire or be carried for hire in any private hire vehicle.

The vehicle will not be sited on the Highway in company with other licenced Private Hire Vehicles unless it is engaged in collecting or delivering pre-booked passengers.

The vehicle must not stand near or be in sight of a Hackney Carriage Rank, a Railway Station or a Bus or Coach Station.

17. Private hire vehicles may display a yellow roof sign subject to the following conditions:
  - (a) The roof sign may not exceed a size of 46 cm in width and 16 cm in height.
  - (b) The roof sign must include the words "advance bookings only" in letters not less than 2.5cm in height display to front and rear.
  - (c) The name of the company or trading name and/or telephone number may appear on the sign. The size of the lettering shall not exceed a ratio of 1.5 to 1 in relation to the size of the words "advance booking only".

- (d) All lettering displayed on the sign must be black and all words printed in the same font style and same degree of boldness.
  - (e) The words taxi, cab or hire must not appear on the sign, even if it forms part of the company name.
  - (f) If the sign is capable of illumination it shall not be so illuminated until the vehicle is stationary having arrived at a destination for a pre-booking.
- 18 The company name and telephone number may be displayed in the rear windscreen in letters and figures not exceeding 5cm in height. Such letters and figures shall not be illuminated. The words taxi, cab or hire must not appear even if it forms part of the company name.
- 19 The company or trading name and telephone number may be displayed on the external surface of the two front doors:
- (a) The words "advance booking only" must be included in lettering no less than 5cms in height in close proximity to any other wording.
  - (b) The company name or trade name and/or telephone number in lettering no greater than 16cm in height.
  - (c) All wording must be printed in the same font style and same degree of boldness and in a contrasting colour to the background. The words taxi, cab or hire must not appear on the sign even if it forms part of the company name.

When advertisements other than those mentioned as above are displayed on the vehicle then:

- (a) Those advertisements shall be of a permanent nature and
  - (b) Before the advertisements can be displayed on the vehicle prior approval must be sought from the authorised Officer.
  - (c) There shall be displayed the words "Private Hire Vehicle" on the surface of the vehicle in letters not exceeding 16cm in height. This shall be by prior approval by the authorised Officer.
20. No other advertisement save as mentioned in conditions 15, 16, 17, 18 or 19 above may be displayed on the vehicle.
21. Where a vehicle displays any sign permitted by these conditions there shall be displayed in the vehicle, in a position where it may be read by passengers, a notice bearing the following wording:  
**WARNING – YOU MUST HAVE PRE-BOOKED THIS VEHICLE. IT IS AN OFFENCE FOR THE DRIVER TO PICK UP PASSENGERS WITHOUT A PRE-BOOKING HAVING BEEN MADE. IN THE EVENT OF A COMPLAINT PLEASE CONTACT:-HACKNEY CARRIAGE/PRIVATE HIRE LICENSING OFFICER, MID SUSSEX DISTRICT COUNCIL TEL 01444 477335**
22. A vehicle will not be deemed suitable for licensing as a private hire vehicle unless:
- (a) It has at least four doors of which three are readily accessible by the passengers.
  - (b) It is capable of comfortably seating its passengers in addition to the driver and for that purpose:-  
the rear seat of the vehicle shall measure at least 122cm (48") at its widest part and the headroom from the centre of the back seat to the roof lining shall measure at least 86cm (34"); and

- (c) Provision is made for the carriage of luggage that is commensurate with the number of persons that the vehicle is conveying.
  - (d) It is fitted with a seat belt for each passenger seat to conform to the current British Standards.
  - (e) The steering wheel is located on the right side of the vehicle (off side).
  - (f) The engine capacity shall not be less than 1290cc.
  - (g) On reaching the first anniversary of the date of first registration (as shown on DVLA V5 Registration Document) the vehicle becomes subject to annual MOT testing.
23. The proprietor shall ensure that no material alteration or change in the specification, design, condition, appearance or use of the vehicle is made without the approval of the Council at any time whilst the licence is in force.
24. The vehicle and all its fittings and equipment must at all times when the vehicle is in use or available for hire be kept in a safe, tidy and clean condition, maintained in satisfactory mechanical order, body condition and overall appearance and must comply with all relevant statutory requirements. In particular the exterior of the vehicle shall:-
- be free from dents and damage to body parts and trim;
  - be free of areas of rust and/or damaged paintwork;
  - have all factory fitted bumpers and body mouldings in place and be in good order and repair; and
- the interior of the vehicle shall:-
- be free from stains, tears, cuts and/or cigarette burns;
  - have all door and window mechanisms in good working order and the boot and luggage space must be kept clear for use by the passengers with certain exemptions (e.g. spare wheel and jack).
25. A vehicle must not carry any child below the age of twelve years in the front of the vehicle other than in accordance with the Road Traffic Act 1988 and subsequent regulations.
26. All vehicles are required to pass the vehicle inspection /fitness test on initial application to be licensed and thereafter annually up to the age of three years.
- All vehicles three years to five years old shall be required to pass the vehicle inspection /fitness test at six monthly intervals.
- All vehicles over five years shall be required to pass the vehicle inspection/fitness test at four monthly intervals (this will not be required if age restriction on vehicles is introduced).
27. A copy of the current insurance certificate or cover note must be carried in the vehicle at all times. The certificate or cover note must state the names of all drivers entitled to drive the vehicle. Should proof of insurance cover not be available or the driver at the time is not shown on the insurance document then the vehicle licence will be immediately suspended.
28. A Council approved CCTV system may be fitted to the vehicle provided that system complies with current regulations.
29. Where a taxi meter is fitted to the vehicle it must be an approved calendar meter correctly calibrated and sealed by a council authorised company.

- 30 A tariff card showing the current rates of fare must be displayed inside the vehicle in such a position that it can be read by fare paying passengers.
- 31 Where the licensed vehicle is a wheelchair accessible vehicle that is fitted with a lift, that lift must be thoroughly examined every six months and a certificate as to its fitness be produced.
- 32 Where a vehicle is to be powered by LPG (Liquefied Petroleum Gas), before the vehicle is fitted with an LPG Tank, the vehicle must be inspected by the Council's licensing officer, to establish that the position of the tank will not reduce the luggage capacity of the vehicle. All work to a licensed vehicle must be carried out by a qualified LPG Association approved installer, who must hold a valid certificate as an LPG Approved Installer. A copy of this certificate must be produced by the vehicle proprietor to the council prior to the commencement of any installation. On completion of the installation the LPG Conversion Certificate must be produced to the council.
- 33 Licensed vehicles may be fitted with Dark tinted Windows (Manufacturers standard fit) All vehicles are to comply with the Road Vehicle (Construction and Use) Regulations 1986 Regulation 32 (10).
- 34 No licensed vehicle may tow any trailer unless evidence of valid insurance to cover such use for hire and reward has been produced to the Licensing Authority. The vehicle licence plate giving the licence number must be clearly displayed on the rear of any trailer used, this sign being in addition to that on the rear of the vehicle. The contents of such trailer must be secured and covered in a proper manner so as to be water tight. Any trailer used must comply with regulations in all aspects and where required the driver must hold the appropriate towing licence as issued by the Driving Standards Agency.

## MID SUSSEX DISTRICT COUNCIL

### Conditions and guidelines relating to the issue of this Hackney Carriage Vehicle Licence

**NOTE: - These conditions and guidelines are to be read in conjunction with the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, the Transport Act 1985, the current bye-laws in force within the district and any other relevant legislation.**

All Hackney Carriages shall be white in colour and must be right hand drive vehicles.

On first application for a Hackney Carriage Vehicle Licence the vehicle must not exceed 4 years of age from the date of initial DVLA registration and not more than 7 years of age in the case of any subsequent applications for renewal of the licence. Where the vehicle is a London Type Taxi the vehicle must not exceed 5 years of age from the date of initial DVLA registration and not more than 10 years of age in the case of any subsequent applications for renewal of the licence.

1. Any seats or seating over and above the number for which the vehicle is licensed shall be removed before the vehicle is used to carry passengers for hire or reward.
2. All hackney carriages (other than a London type taxi) shall be fitted with an illuminated roof sign showing the word TAXI in letters approximately 50mm - 150 mm high. The company name and telephone number may also be shown. The sign should be displayed transversely on or above the roof of the vehicle. The roof sign shall be wired to the taximeter so as to enable it to be extinguished during the carrying of a fare for which the meter is in operation.

Front door plates must display the MSDC logo, the words "licensed Taxi" and licensed number.

Company or trading name and telephone number may be displayed on the external surface of the two rear doors. The letters may not exceed 16cm in height.

3. The proprietor must fit the external plate supplied by the Council in a prominent position below the rear window on the rear exterior surface of the vehicle. The plate is to be kept clean and legible at all times.
4. The proprietor must fit the internal plate supplied by the Council inside the front windscreen in a prominent position so that it is clearly visible to passengers being carried.
5. The proprietor must ensure that any person driving the vehicle to which this licence relates is the holder of a current hackney drivers licence issued by Mid Sussex District Council.



6. The proprietor must ensure that any person employed by him/her or permitted by him/her to use the vehicle as a hackney carriage is fully conversant with the current bye-laws in force in the district (Copies of the bye-laws are available on request).
7. The proprietor must ensure that the vehicle is capable of satisfying the Council's mechanical and structural inspection at any time during the period for which the licence is in force.
8. Any authorised officer of the Council or any Police Officer will have powers at all reasonable times to inspect and test any hackney carriage or taximeter. If he/she is not satisfied as to the fitness of either or both he may require the vehicle or meter to be further inspected at the testing station approved by the Council. If the vehicle or taximeters fail to meet the necessary requirements the licence will be suspended until such time as the requirements are met. If the authorised officer or Police Officer is not satisfied as to the road worthiness of a vehicle before the expiration of a two month period the licence will be deemed to have been revoked.
9. A first aid kit and fire extinguisher must be carried on the vehicle at all times and be accessible to the driver. The fire extinguisher should be fitted with a gauge indicating the level of contents. The First Aid Kit and the Fire extinguisher shall be clearly marked in a permanent non removable label or marker pen with the licence number of the vehicle.
10. The proprietor or driver of the hackney carriage must not carry or permit to be carried more passengers than the number of passengers specified in this licence.
11. The taximeter will be placed in a position that all letters and figures on the face/display are plainly visible at all times to any passenger being conveyed in the vehicle, and for that purpose the letters and figures must be capable of being suitably illuminated during any period of hiring.
12. The taximeter and all the fittings shall be fitted to the carriage with seals or other appliances so that it is not practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances. The meter shall be an approved calendar meter and be sealed and calibrated by a company authorised by the Council.
13. The proprietor must within seven days disclose to the council in writing details of any conviction including any fixed penalty notice (endorsable or non endorsable), any anti-social behaviour order (ASBO) or any High Court or County Court judgement recorded against their name during the period of the licence, and any Police Caution.
14. A vehicle will not be deemed suitable for licensing as a hackney carriage vehicle unless:-
  - (a) It has at least four doors of which three are readily accessible by the passengers unless a London style cab.
  - (b) It is capable of comfortably seating at least four passengers in addition to the driver and for that purpose.
    - the rear seat of the vehicle shall measure at least 122cm (48") at its widest part and the headroom from

- the centre of the back seat to the roof lining shall measure at least 86cm (34"); and
- (c) Provision is made for the carriage of luggage that is commensurate with the number of persons that the vehicle is conveying.
- (d) It is fitted with a seat belt for each passenger seat to conform to the current British Standards.
- (e) The steering wheel is located on the right side of the vehicle (off side)
- (f) The engine capacity shall not be less than 1290cc.
- (g) On reaching the first anniversary of the date of first registration (as shown on DVLA V5 Registration Document) the vehicle becomes subject to annual MOT testing.
15. The proprietor must ensure that no material alteration or change in the specification, design, condition, appearance or use of the vehicle is made without the approval of the Council at any time whilst the licence is in force.
16. The vehicle and all its fittings and equipment must at all times when the vehicle is in use or available for hire be kept in a safe, tidy and clean condition, maintained in satisfactory mechanical order, body condition and overall appearance and must comply with all relevant statutory requirements. In particular the exterior of the vehicle must:-
- be free from dents and damage to body parts and trim;
  - be free of areas of rust and/or damaged paintwork;
  - have all factory fitted bumpers and body mouldings in place and be in good order and repair; and
- the interior of the vehicle must:-
- be free from stains, tears, cuts and/or cigarette burns;
  - have all door and window mechanisms in good working order and the boot and luggage space must be kept clear for use by the passengers with certain exemptions (e.g. spare wheel and jack).
17. A vehicle must not carry any child below the age of twelve years in the front of the vehicle other than in accordance with the Road Traffic Act 1988 and subsequent regulations.
18. When advertisements other than those mentioned in Condition 2 above are displayed on the vehicle then:
- (a) those advertisements must be of a permanent nature and
- (b) before the advertisements can be displayed on the vehicle prior approval must be sought from the authorised Officer.
- (c) the words "Taxi" must be displayed on the surface of the vehicle in letters not exceeding 16cm in height. This shall be by prior approval by the authorised Officer.
19. All vehicles to be licensed will be required to pass the vehicle inspection /fitness test on initial application and annually up to the age of three years.

All vehicles between three years to five years old will be required to pass the vehicle inspection /fitness test at six monthly intervals

- All vehicles over five years will be required to pass the vehicle inspection/fitness test at four monthly intervals
20. The proprietor must ensure that a copy of the current fare table supplied by the Council is exhibited inside the carriage in such a position that it can be read by fare paying passengers.
  - 21 The proprietor must report to the Council as soon as reasonably practicable and in any case within 72 hours of the occurrence thereof, 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.
  - 22 A copy of the current insurance certificate or cover note must be carried in the vehicle at all times. The certificate or cover note must state the names of all drivers entitled to drive the vehicle.
  - 23 Should proof of insurance cover not be available or the driver at the time is not shown on the insurance document then the vehicle licence will be immediately suspended.
  - 24 A Council approved CCTV system may be fitted to the vehicle provided that system complies with current regulations.
  - 25 Once a wheelchair accessible vehicle is licensed that licence will remain a special issue wheel chair licence at all times.
  - 26 Where a wheelchair accessible vehicle is fitted with a lift, that lift must be thoroughly examined every six months and a certificate as to its fitness be produced.
  - 27 Where a vehicle is to be powered by LPG (Liquefied Petroleum Gas) before the vehicle is fitted with an LPG Tank, the vehicle must be inspected by the councils licensing officer, to establish that the position of the tank will not reduce the luggage capacity of the vehicle. All work to a licensed vehicle must be carried out by a qualified LPG Association approved installer, who must hold a valid certificate as an LPGA Approved Installer. A copy of this certificate must be produced by the vehicle proprietor to the Council prior to the commencement of any installation. On completion of the installation the LPG Conversion Certificate must be produced to the council.
  - 28 Licensed vehicles may be fitted with Dark Tinted Windows (Manufacturers standard fit). All vehicles are to comply with the Road Vehicle (Construction and Use) Regulations 1986 Regulation 32 (10).
  - 29 No licensed vehicle may tow any trailer unless evidence of valid insurance to cover such use for hire and reward has been produced to the Licensing Authority. The vehicle licence plate giving the licence number must be clearly displayed on the rear of any trailer used, this sign being in addition to that on the rear of the vehicle. The contents of such trailer must be secured and covered in a proper manner so as to be water tight. Any trailer used must comply with regulations in all aspects and where required the driver must hold the appropriate towing licence as issued by the Driving Standards Agency.

**HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE FITNESS  
INSPECTION SCHEDULE**

**VEHICLE INSPECTION SCHEDULE**

Upon presentation for inspection, the exterior of the vehicle should be clean so that rust damage, dents and scratches can be clearly identified. Vehicle interiors should also be clean and tidy and free of accumulations of litter and rubbish. Exterior faults should be marked on the Inspection Schedule Sheet.

The vehicle is to be tested to a standard higher than that for a standard Department of Transport Test and testers' attention is drawn to items in the testers' manual that are advisory.

**If in the testers' opinion any items or vehicle defects affects the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein, the items or item should be noted on the inspection schedule and the vehicle failed. Should it be considered by the tester that the vehicle is unsafe to be used to carry members of the public the tester is requested to inform the Council's Safety and Licensing Department on 01444 477335 immediately.**

**(a) EXTERIOR – Rust, Dents and Scratches.**

**(i) Rust**

Any vehicle presented should be free from any significant areas of visible rusting. Although minor blemishes should not constitute a failure, the following general criteria should be followed:

Any vehicle with more than three rust patches of more than 3cms in diameter or a single rust patch of more than 20 sq.cms should be failed.

**(ii) Dents**

Any vehicle with minor dents on three or more panels where such dents are more than 5 cms in diameter length or a single dent of more than 20cms in diameter/length should be failed.

**(iii) Scratches**

Any vehicle with unrepaired scratches down to bare metal on three or more panels, of 5cms in length, or a single scratch of more than 20cms in length, should be failed.

**(iv) Paintwork**

All panels on the vehicle must be painted in colours consistent with the general colour scheme of the vehicle: panels with unmatched colours or in primer should be deemed as "failures".

**(b) INTERIOR**

**(i) Seats**

All seats, including the driver's, must be free from unrepaired cuts, tears or cigarette burns, except of very minor nature. Any repairs must have been carried out in a professional and neat manner.

**(ii) Carpets/Floor Covering**

All carpets and floor covering must be complete and free from cuts, tears or serious staining.

The driver's foot well must be clear and free of any obstructions (e.g. microphone, cash bag, torch etc.).

**(iii) Headlining and other Trim**

All interior trim, including headlining, must be clean, complete, properly fitted and free from serious cuts, tears or major soiling.

**(iv) Window Operation**

All passengers, excepting those occupying a middle seat, must be able to open adjacent windows without difficulty

**(v) Tinted Windows**

The windscreen and the front side windows to either side of the driver's head must not be tinted to a degree that exceeds the limits as laid out in the Road Vehicles (Construction and Use) Regulations 1986, as amended.

**(c) Boot/Luggage Compartment**

When presented for inspection, the boot/luggage compartment should be empty, except for a full size spare wheel, essential tools and first aid kit. The compartment should be clean and any coverings free from major cuts, tears and other damage.

**(d) Taxi Meter**

All hackney carriages must be fitted with a taxi-meter calibrated to the current rate of hire charges.

**(e) Roof Signs**

All vehicles that normally display a roof sign capable of illumination must be presented for the test with that sign in place and in working order. All signs that are capable of being illuminated must illuminate and in the case of a Hackney Carriage the sign must be wired to the taximeter so as to enable it to be extinguished while the meter is in operation. Vehicles with meters/signs not complying shall be failed.

**(f) Auxiliary Electrical Equipment**

All auxiliary electrical equipment fitted to the vehicle (e.g. roof box, radio, aerials etc.) must be securely wired into the vehicle's electrical system and fused where appropriate.

All auxiliary wiring passing through the vehicle's bodywork must be adequately insulated (preferably through a grommetted hole). All auxiliary wiring must be kept away from fuel lines.

**(g) Fire Extinguisher /First Aid Kit**

All vehicles must carry a securely fixed fire extinguisher (fitted with a gauge indicating the level of contents) in a position which is readily accessible to the driver (preferably in the front of the vehicle) and a suitable first aid kit which is carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency. All items must be marked with the vehicle licensed number.

- (h) **Mirrors**  
All vehicles must be fitted with off-side AND nearside door or wing mirrors in addition to an interior mirror.
- (i) **Spare Wheel**  
A spare wheel must be carried on the vehicle and the tyre must be legal. Where the manufacturer does not supply a vehicle with a spare wheel a manufacturer supplied and approved Emergency Tyre Repair Kit may be carried in lieu of a spare wheel and must be used in accordance with the manufacturer's instructions. Where a vehicle has had an LPG conversion and the space provided for the spare wheel is used to locate the gas tank then an Emergency Tyre Repair Kit may be carried in lieu of a spare wheel. All components of the Emergency Tyre Repair Kit must be within its use by date if applicable.
- (j) **Seat Belts**  
All vehicles must be fitted with front and rear seat belts. Proprietors should arrange for their vehicles to be inspected as soon as possible prior to the current fitness certificate expiry date. However in line with M.O.T. tests the Fitness test can be carried out not more than one month before the old certificate expires, the expiry date on the new certificate can be entered as 12 months from the expiry date on the old certificate. To take advantage of this extension to the expiry date, you must show your current certificate to the tester before he/she issues the new one.

**Proprietors are particularly reminded that:-**

- (1) Apart from new vehicles mentioned at 3 below all vehicles over one year old being tested for a hackney carriage certificate and a private hire licence must first have a current MOT certificate.
- (2) The Contractor will be carrying out inspection work only. Under no circumstances will any repair work be undertaken. The Contractor's inspection will not only cover the mechanical condition of the vehicle but also its interior and exterior condition and appearance. All vehicles must obtain a Certificate of Fitness. The certificate will be issued from Mr MOT or Supreme Clutch Services upon vehicles being passed as fit to be licensed.  
  
All vehicles submitted for test must display a current Road Fund Licence.  
  
The inspection fee must be paid when the vehicle is presented for inspection. A receipt will be given.
- (3) No application for either a hackney carriage or private hire vehicle licence will be considered without a Certificate of Fitness. The Certificate of Fitness is valid only for the duration as specified on the certificate.

**Appeal procedures for vehicles failing the Council's fitness test**

Where a vehicle fails the fitness test the vehicle proprietor has a right of appeal.

The proprietor must inform the Licensing Officer in writing within seven days of the original test, that an appeal test is required. The appeal test will be

conditional that the vehicle shall have covered no more than 250 miles and that no repairs or adjustments are made to the item(s) or system(s) which are subject of the appeal.

An Inspector from the Vehicle and Operator Service Agency will conduct the appeal test at the Council's current vehicle testing station.

The vehicle proprietor along with his/her engineer, the tester who failed the vehicle and the owner or a representative of the testing station will be given the opportunity to attend the appeal test.

**The adjudication of the appeal Inspector will be final.**

- NB Proprietors are reminded that a fee will be charged if an appointment is broken or cancelled with less than 48 hours notice.  
In your own interests please ensure that your vehicle is in a clean and roadworthy condition before making the appointment for a test.  
**The above testing is in addition to the requirements for normal MOT Certificates. However, if required Mr MOT and Supreme Clutch Services will issue a VT20 Ministry of Transport Certificate for a reduced fee if requested at the time of the Council Test.**

## MID SUSSEX DISTRICT COUNCIL

### Conditions relating to Private Hire Drivers' Licences

1. Private Hire driver's licences shall be in force for a period of 12 months unless previously suspended or revoked.
2. Each person issued with a driver's licence will be issued with a badge in such form as prescribed by Mid Sussex District Council and when acting as the driver of a licensed vehicle must wear the badge in such position and manner as to be plainly and distinctly visible. The badge must be worn on the person. An additional driver's badge issued by Mid Sussex District Council must be displayed on the interior surface of the front windscreen of the vehicle visible to passengers.
3. The driver must at all times be clean and respectable in his/her dress and person, not dressing in a manner likely to embarrass or offend passengers. Appropriate footwear must be worn during the period of hire and whilst the vehicle is in motion. The drivers must behave in a civil and orderly manner and take all reasonable precautions to ensure the safety of the passengers carried in or getting in or out of the vehicle. The driver must ensure that when driving a licensed vehicle that the vehicle is clean and tidy at all times and that the Private Hire plate is clean and legible.
4. The driver, when hired to drive to any particular destination will, subject to any directions given by the passenger, proceed to that destination by the shortest possible route.
5. The driver will not allow there to be carried in the front of the vehicle:
  - a) any child below the age of 12 years.
  - b) more than one person above that age.
6. **The driver will not permit to be conveyed in the vehicle a greater number of persons than that prescribed in the licence and on the licence plate for the vehicle.**
7. **Drivers must not smoke tobacco or any other smoking mixture in the vehicle.**
8. **Drivers must not eat or drink whilst carrying passengers.**
9. A driver will not whilst hired carry any person or persons other than the hirer or hirers.
10. The driver will upon the expiry (without immediate renewal) revocation or suspension of the licence immediately return to the Council the driver's badge issued to him/her by the Council when the licence was granted.
11. The driver will notify the Council in writing of any change of his/her address during the period of the licence within seven days of such change taking place.



12. (a) The driver must immediately after the termination of any hiring of the vehicle or as soon as practicable thereafter search the vehicle for any property which may have been accidentally left behind by the passenger.  
  
(b) If any property accidentally left in a vehicle by any passengers is found by or handed to the driver he shall deliver it to the custody of the police within 24 hours.
13. The driver of a private hire vehicle will, if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that time and place, unless delayed or prevented by sufficient cause.
14. The driver will within seven days disclose to the Council in writing details of any conviction including any fixed penalty notice (endorsable or non endorsable), any anti-social behaviour order (ASBO) or any High Court or County Court judgement recorded against their name during the period of the licence, and any Police Caution.
15. The licensee will allow the carriage of a disabled passenger's assistance animal (e.g. guide or hearing dog) allowing it to remain with the passenger in the vehicle, and shall not make any additional charge for so doing.
16. Any animal belonging to or in the custody of any passenger, which in the driver's discretion (other than animals referred to in 15), may be carried, should only be carried in such a way as to avoid any distraction to the driver.
17. Drivers must not use a mobile telephone handset or radio communication device whilst the vehicle is moving unless it is capable of hands free operation. Other communication devices may be used if the vehicle is stationary and parked on a highway.
18. A copy of the Private Hire Vehicle and Private Hire Drivers licence must be deposited with the operator for the duration of their employment.
19. The driver will ensure that a copy of the current insurance certificate or cover note is carried in the vehicle at all times.
20. The driver will not park a Private Hire Vehicle on the highway in company with other licensed Private Hire Vehicles unless it is engaged in collecting or delivering pre booked passengers.
21. The driver will not park a Private Hire Vehicle near to or be in sight of a Hackney Carriage Rank, a Railway Station or a Bus Station unless engaged in the collection or delivery of a pre booked passenger.

## MID SUSSEX DISTRICT COUNCIL

### Conditions relating to Hackney Carriage Drivers' Licences

1. A Hackney Carriage driver's licence will be in force for a period of 12 months unless previously suspended or revoked.
2. Each person issued with a driver's licence will be issued with a badge in such form as prescribed by Mid Sussex District Council and when acting as the driver of a licensed vehicle must wear the badge in such position and manner as to be plainly and distinctly visible. The badge must be worn on the person. An additional driver's badge issued by Mid Sussex District Council must be displayed on the interior surface of the front windscreen of the vehicle visible to passengers.
3. The driver must at all times be clean and respectable in his/her dress and person, not dressing in a manner likely to embarrass or offend passengers. Appropriate footwear must be worn during the period of hire and whilst the vehicle is in motion. The driver must behave in a civil and orderly manner and take all reasonable precautions to ensure the safety of persons carried in or getting into or out of the vehicle. The driver must ensure that when driving the licensed vehicle that the vehicle is clean and tidy and that the Hackney plate is clean and legible at all times.
4. The driver, when hired to drive to any particular destination must, subject to any directions given by the passenger, proceed to that destination by the shortest possible route.
5. The driver should not allow there to be carried in the front of the vehicle:
  - a) any child below the age of 12 years.
  - b) more than one person above that age.
6. **The driver will not permit to be conveyed in the vehicle a greater number of persons than that prescribed in the licence and on the licence plate for the vehicle**
7. **Drivers must not smoke tobacco or any other smoking mixture in the vehicle.**
- 9 **Drivers must not eat or drink whilst carrying passengers.**
8. A driver will not whilst hired carry any person or persons other than the hirer or hirers.
9. The driver will upon the expiry (without immediate renewal) revocation or suspension of the licence immediately return to the Council the driver's badge issued to him/her by the Council when the licence was granted.
10. The driver must notify the Council in writing of any change of his/her address during the period of the licence within seven days of such change-taking place.

11. (a) The driver will immediately at the completion of any hiring of the vehicle or as soon as practicable search the vehicle for any property which may have been accidentally left by a passenger.  
  
(b) If any property accidentally left in a vehicle by any passenger is found by or handed to the driver he/she shall deliver it to the custody of the police within 24 hours.
12. The driver of a hackney carriage vehicle will, if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that time and place, unless delayed or prevented by sufficient cause.
13. The driver will within seven days inform the Council in writing details of any conviction including any fixed penalty notice (endorsable or non endorsable), any anti-social behaviour order (ASBO) or any High Court or County Court judgement recorded against their name during the period of the licence, and any Police Caution.
14. The licensee must allow the carriage of a disabled passenger's assistance animal (e.g. guide or hearing dog) allowing it to remain with the passenger in the vehicle, and shall not make any additional charge for so doing.
15. Any animal belonging to or in the custody of any passenger, which in the driver's discretion (other than animals referred to in 14), may be carried, should only be transported in such a way as to avoid any distraction to the driver.
16. Drivers must not use a mobile telephone handset or radio communication device whilst the vehicle is moving unless it is capable of hands free operation. Other communication devices may be used if the vehicle is stationary and parked on a highway.
17. The driver will ensure that a copy of the current insurance certificate or cover note is carried in the vehicle at all times.

## MID SUSSEX DISTRICT COUNCIL

### Conditions and guidelines relating to Private Hire Vehicle Operators' Licences

The premises relating to this licence must be within the boundaries of the Mid Sussex District Council and must have a dedicated land line telephone number(s) that is specific to that address.

Where an operator is also licensed with another authority and has Private Hire Vehicles working in the Mid Sussex District Council area then the operator shall ensure that those vehicles comply with conditions 7 & 16 of this licence.

1. The holder of this licence will keep a clearly legible record of the particulars of any private hire vehicle operated by him/her under the licence, pursuant to Section 56(3) of the Local Government (Miscellaneous Provisions) Act 1976, and contain the following particulars, namely :-
  - Make and type of vehicle
  - Registration No.
  - Owner
  - PHV Licence No.
2. The holder of this licence will keep a clearly legible record of every booking of a private hire vehicle invited or accepted, pursuant to Section 56(2) of The Local Government (Miscellaneous Provisions) Act 1976, and contain the following particulars, namely:-
  - *Date and time of hiring*
  - *Destination*
  - *Name of hirer*
  - *Name of driver*
  - *Vehicle*
3. All records kept by the operator must be retained by him/her for at least twelve months and be readily available for inspection by any authorised officer of the Council or constable at any time.
4. The Operator may not operate more vehicles than the number for which this licence has been issued.
5. This licence authorises the holder to operate private hire vehicles only. It does not give the holder or any other person authority to operate from any premises unless any requisite planning permission has been obtained.
6. This licence must be returned to the Council on suspension, revocation or expiry.
7. A private hire operator will not permit vehicles operated by him/her to be stationed on the highway together unless they are actually at that moment in use for the purpose of carrying passengers for which a hire has been agreed. If it is

necessary for a single private hire vehicle to wait on a road (other than awaiting a pre-booked passenger) it may not stand near or within sight of a hackney carriage rank, a railway station, or a bus or coach station.

8. The holder of this licence is responsible for ensuring that all vehicles operated by him/her are licensed by the Council under Section 48 of the 1976 Act.
9. The holder of this licence is responsible for ensuring that all drivers employed by him/her or driving vehicles operated by him/her are licensed by the Council under Section 51 of the 1976 Act.
10. The holder of this licence is responsible for ensuring that there is in force in relation to all vehicles operated by him/her a policy of insurance or such security as complies with the requirements of the relevant law applicable in Great Britain. A copy of all valid insurance certificates will be held by the operator.
11. This licence must be produced for inspection if requested by any authorised officer of the Council or any constable.
12. The holder of this licence must notify the Council of any convictions recorded against him/her. If the licensee is a company then any of the partners or directors must notify the Council of any convictions recorded against him/her.
13. The holder of this licence must notify the Council of any changes relating to the licence this includes company name, ownership, telephone numbers and premises.
14. When the operator accepts a booking he/she will unless prevented by some reasonable cause ensure that a licensed private hire vehicle attends at the appointed time and place. The vehicle and driver despatched shall both be licensed by Mid Sussex District Council. When the operator accepts a booking he/she shall immediately prior to the commencement of the journey enter all details of the hiring in the form prescribed at 2 above.
15. The operator will retain a copy of the private hire vehicle and private hire driver licences issued by the Council all the time they are controlled or employed by the operator. The operator will notify the council of any changes as and when they occur.
16. The operator will notify the Council of any vehicle and driver which is taken out of his employ as and when they occur. .
17. The operator will not:-
  - a) Tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle; OR
  - b) Cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle.

## Appendix 8

### CONSIDERATION OF GROUNDS FOR REFUSAL TO ISSUE OR RENEW, OR TO SUSPEND OR REVOKE A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE.

Section 51 of Local Government (Miscellaneous Provisions) Act 1976 states that a district council shall not grant a licence to drive a private hire vehicle unless they are satisfied that the applicant is a fit and proper person, in addition to being medically fit and being the holder of a suitable driver licence. Section 59 states likewise in respect of a hackney driver licence.

Each case must be decided on its merits. All applicants must be checked by the police on initial application and then every third year on renewal. Authority for this is given under Section 47 of Road Traffic Act 1991.

Consideration must be given to the Rehabilitation of Offenders Act 1974 and the Human Rights Act 1998. The rehabilitation period depends on the sentence for the original offence. Some sentences carry fixed rehabilitation periods. The main ones are:-

Imprisonment between 6 months and 30 months	10 yrs.
Imprisonment of 6 months or less	7 yrs.
Fine or community service order	5 yrs.
Absolute discharge	6 months
Borstal	7 yrs.
Detention Centre	3 yrs.
Probation Order, Conditional Discharge, Bind Over	1 yr. or until Order expires.
Care or Supervision Order	1 yr. or until Order expires
Order for custody in remand home or approved school	1 yr. after Order expires
Hospital Order	5 yrs. or 2 yrs. after Order expiry

Note: Suspended sentences count as if the term of imprisonment had been served.

A sentence of more than 30 month can never be spent.

#### Servicemen:

Same as in civilian life.

Cashiering, discharge with ignominy or dismissal with disgrace	10 yrs.
Simple dismissal from service	7 yrs.
Detention	5 yrs.

## **GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS**

### **General Policy.**

A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of convictions for at least 3 to 5 years. **The overriding consideration should be the protection of the public.**

The following examples afford a general guide where convictions are admitted.

#### **A) Minor traffic offences**

Convictions for minor traffic offences should not prevent the issue of a licence.

If 6 points or more have been accrued the applicant should be warned as to future conduct. The warning should be recorded.

If an applicant has been disqualified under the totting up procedure he should be warned as to future conduct.

If his DVLA licence shows more than one disqualification for whatever period or reason (other than a drink drive offence) then he should not be issued a licence unless and until a period of at least 2 years free of convictions has elapsed since the expiry of his last period of disqualification.

#### **B) Major traffic offences**

An isolated conviction for reckless driving or driving without due care and attention should not bar the issue of a licence. The applicant should be warned that a second conviction within two years would lead to his licence being revoked.

More than one conviction for a similar type of offence within the last two years should merit refusal and the applicant informed that no further application will be considered until a period of at least two years free from convictions (of any kind) has elapsed.

#### **C) Drunkenness**

##### **(1) With Motor Vehicle**

A serious view must be taken of convictions of driving or being in charge of a vehicle while under the influence of drink.

An isolated incident should not necessarily debar an applicant unless the applicant had been employed in duties as a taxi driver at the time of the offence. In that case the application should be refused.

At least three years should elapse after the restoration of a driving licence, following disqualification for an isolated offence of this nature.

If the applicant has more than one conviction for a drink/drive offence the application should be refused.

If there is any suggestion that the applicant is an alcoholic a special medical examination should be arranged.

If the applicant is found to be an alcoholic a period of five years should elapse after treatment is complete before a further application is considered.

(2) Not in Motor Vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence.

If an applicant has just one conviction for drunkenness (other than with a motor car) then at least two years free of convictions should elapse before the application can be considered.

If an applicant has two convictions for drunkenness (other than with a motor car) then at least five years free of convictions should elapse before the application can be considered.

If an applicant has three or more convictions for drunkenness (other than with a motor car) then the application should be refused.

**D) Drugs**

If an applicant has one conviction for a drug related offence then he should be required to show a period of at least three years free of conviction before the issue of a licence is considered.

If an applicant has two convictions within the previous ten years then he should be required to show a period of at least five years free of convictions.

If applicant has three or more convictions for drug related offences then the application should be refused.

If the applicant is or has been a drug addict then he should be required to wait a period of 5 years after detoxification treatment before re-applying.

**E) Indecency Offences**

If an applicant has a conviction for any sexual offence the application should be refused.

**F) Violence**

Any conviction for violence should be considered very closely.

If the applicant has more than one conviction for violence within the preceding ten years then the application should be refused.

A conviction for Grievous Bodily Harm, Unlawful Wounding, Attempted Murder, Threats To Kill, or similar, should be considered by the severity of the sentence. In other words the rehabilitation periods under the Rehabilitation of Offenders Act 1974 should be used to justify the issue or refusal of a licence.



## **G) Dishonesty**

Taxis and Private hire cars are used frequently for conveying items of property for businesses.

Many foreigners and strangers to an area use the taxi/private hire cars and can therefore be easily tricked into paying more than the legal fares.

A serious view should therefore be taken of any conviction involving dishonesty.

In general a period of at least three to five years free of conviction should be required before entertaining an application.

If the applicant has several convictions of a similar nature then a longer period than the three to five year period should be considered before consideration of the application.

## **GENERAL CONSIDERATIONS**

It is considered that all criminal convictions will be relevant for the purposes of considering whether an applicant is a suitable person to be granted a licence or not, and the only question, in relation to these, that the issuing officer should consider is the amount of time that has elapsed since the offence was committed.

In many cases, one offence committed many years ago should not debar a person from holding a licence, but a more recent offence or a pattern of repeat offending would legitimately give cause for concern.

Spent convictions may be considered although an applicant could not be prosecuted for failing to declare a spent conviction.

In considering whether or not to refuse a licence, the provisions of the Human Rights Act 1998 should be taken into account. If an applicant is refused a licence for any reason whatsoever he/she must be given a notice in writing stating the reason(s) for refusal and information that they have a right of appeal.

The notice should also include the fact that all implications under the Human Rights Act 1998 have been considered.

**PROCEDURE AT THE HEARING BEFORE THE TAXI LICENSING SUB-COMMITTEE**

1. The Chairman will open the hearing and will introduce the members of the Sub-Committee and officers present.
2. The Chairman will then ask the Applicant and/or his /her representative to introduce himself/herself/themselves.
3. The Chairman shall then explain the procedure which will be followed at the hearing.
4. The Licensing Officer will present his/her report to the Sub Committee and call any witnesses, he/she may have. The Chairman will invite members of the Sub Committee and Applicant/Driver/Representative to ask questions of the officer and any witnesses.
5. The Chairman shall invite the Applicant/Representative to a present their case and to call any witnesses on behalf of the Applicant.
4. The Chairman will invite members of the Sub-Committee to put questions to the Applicant and/or witnesses
5. The Chairman shall invite the parties to respond to any points of clarification they require and give further information.
6. The Chairman will invite the Applicant and/or his/her Representative to sum up and confirm they have said all they wish to.
7. After hearing the representations the Chairman will require all parties to withdraw from the room in order to make its determination.
8. Once the hearing is reconvened the Chairman shall inform the parties of the Sub Committees decision and where possible to give, the reasons as to their decision. The Chairman will then inform the Applicant that they will receive

the decision in writing from the Licensing Solicitor and their full information about the person's right of appeal to the Magistrates Court.

## MID SUSSEX TAXI SERVICE CHARTER

### INTRODUCTION

The aim of local authority licensing of the Taxi and Private Hire Vehicle trades is to protect the public. Mid Sussex District Council wants to ensure that the public should have reasonable access to Taxi and Private Hire services, because of the part they play in local transport provision.

There is a need for a balanced approach in licensing to ensure Public Safety, against restrictive conditions that impose unnecessary costs on current and prospective entrants to the trade. Mid Sussex District Council believes that working in partnership is the best way to achieve this balance.

Our Charter details the responsibilities of Mid Sussex District Council as the Licensing Authority, and the drivers as frontline service providers.

### MSDC- STANDARDS OF SERVICE

#### 1. Processing Applications:

It is the responsibility of the licence holder to be aware of the expiry date of their licenses and to ensure that all necessary paperwork is sent to us in good time for the renewal process. We will send a reminder (5 weeks before) to the applicant when a licence is due for renewal.

We require the return of all completed paperwork and the fee with at least 14 days notice. If these timescales are followed, we guarantee the new licence will be processed before the expiry date of your old licence. If we do not receive the paperwork within this time frame, we cannot guarantee the licence being ready in time. You will be unable to work if your licence has expired.

#### 2. Plating:

Plating of Hackney Carriage and Private Hire vehicles will take place on Friday mornings between 10:00 and 12:00. Paperwork for replacement plates must be with us by midday on the previous Monday (Monday of the same week) to guarantee your vehicle being included on a Friday.

In circumstances where companies who supply temporary replacement vehicles cannot always make it on Fridays separate arrangements will be made to plate the temporary vehicle.

#### 3. General level of service:

Whenever you contact us you can expect to be treated with courtesy and consideration, and to have your confidentiality respected.

We will endeavour to:

- Answer your telephone call within 6 rings during normal office hours. If we are unable to deal with your query directly we will put you in touch with someone who can.
- Return your voicemail messages by the end of the next working day and, if necessary, follow up with a full answer to your enquiry within 10 working days.
- Action 95% of all service requests within 5 working days.
- Reply to your letter within 10 working days, or acknowledge your letter within 3 working days explaining why more time is needed.
- Acknowledge e-mails by the end of the next working day and respond in full within 10 working days.

#### 4. Enforcement

The Environmental Health Enforcement Concordat endeavours to ensure the safety and well-being of residents & visitors when using Hackney Carriages and Private Hire vehicles that have been licensed by Mid Sussex District Council.

The Licensing Team undertake spot checks throughout the district, often in conjunction with the Police & Vehicle Inspectorate.

These checks could lead to the suspension of licenses due to serious breaches of licensing conditions and offences under Road Traffic Statutes.

#### 5. Applications

To apply for a Hackney or Private Hire Licence, we supply a driver application pack. All forms included in the pack are available to print off on our website at: <http://www.midsussex.gov.uk>

or

you can contact our Customer Contact Centre on 01444 477335 to request that a pack be sent to you.

#### 6. Complaints

Complaints about the conduct or behaviour of Private Hire Operator/ Licensed Driver or condition of a Hackney Carriage or Private Hire Vehicle licensed by Mid Sussex District Council, should be made in writing.

Details of the incident, including time and date, and the vehicle or driver's details can be forwarded by post or email.

Disciplinary matters arising from complaints will be put before the Licensing Committee to determine sanctions.

### **CONTACT US**

Where: Mid Sussex District Council is located at Oaklands, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS.

When: Our opening hours are Monday to Thursday 8.45 a.m. – 5.15 p.m. and Friday 8.45 a.m. – 4.15 p.m.

Email: [taxilicensing@midsussex.gov.uk](mailto:taxilicensing@midsussex.gov.uk)

Useful telephone numbers:

Main reception:	01444 458166
Out of hours emergency number:	01444 257298
Contact Centre Number:	01444 477335

**Licensed Hackney Drivers, Private Hire Drivers & Private Hire Operators – Standards of service**

The Licensed Hackney Drivers, Private Hire Drivers & Private Hire Operators as frontline service providers have a responsibility to comply with the licence conditions from Mid Sussex District Council to ensure the public safety of all of their passengers.

The vehicles and drivers are subject to stringent tests and conditions, enforced by the Licensing Team, before they are able to obtain a licence. These include a driver knowledge test; vehicle fitness testing on application and renewal; medical fitness checks, Criminal Record Bureau checks (3 yearly) DVLA checks and DSA driving test.

The Private Hire Operators will ensure:

1. Compliance with the Private Hire Operators Licence obtained from Mid Sussex District Council;
2. That their Drivers are customer focussed;
3. That vehicles used by their company are fit for purpose, maintained and clean at all times;
4. That they actively deal with and resolve complaints received from the public.

Licensed Hackney Drivers and Private Hire Drivers will ensure that:

1. They comply with the Drivers' Licence obtained from Mid Sussex District Council;
2. They ensure their vehicle/s are fit for purpose, maintained and clean at all times;
3. They are customer focussed.

## 7. CONSIDERATION OF WORK PROGRAMME 2011/12

REPORT OF: SOLICITOR TO THE COUNCIL AND MONITORING OFFICER  
Contact Officer: Joseph Pearson, Member Administration Officer  
Email: [Joseph.Pearson@midsussex.gov.uk](mailto:Joseph.Pearson@midsussex.gov.uk) Tel: 01444 477225  
Wards Affected: All  
Key Decision: No

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### Purpose Of Report

1. The purpose of this report is for the Licensing Committee to agree its work programme for the forthcoming Council year.

### Recommendations

2. **The Licensing Committee is recommended to agree its work programme for the Council year 2011/12.**

### Background

3. The Licensing Committee in its role of providing policy development advice on matters within their remit, has the ability to set its own work programme. To assist with this process, the Committee receives annually a report setting out a suggested programme of core business for the year. The Committee may review the work programme during the year and add additional matters or, if it wishes, remove items as it considers appropriate.

### Provisional Work Programme

4. In line with the constitution, a suggested outline work programme is attached at Appendix A. This has been developed taking forward work already being undertaken by the Committee and in consultation with Cabinet and Heads of Service to identify areas where policy development advice is required. Members are requested to consider the items on the programme and whether there are any other matters that should be addressed. Additional items must take into account whether the Committee is able to make a positive contribution to the Council's policy development in this area. Members should also reflect on the timing of items to ensure its agendas are not overcrowded, where possible.
5. Opportunities exist for additional matters to be added to the programme during the year and extra meetings can be added to the programme if this is considered to be necessary or desirable.

### Financial Implications

6. This report does not contain any direct financial or other effects at this stage.

### Other Material Implications

7. No other material implications have been identified as arising from this report.

**Licensing Committee**

Date	Item
21 <sup>st</sup> September 2011	Hackney Carriage and Private Hire Licensing Policy
	Licensing Unmet Demand Survey
	Work Programme for the Year
7 <sup>th</sup> December 2011	
10 January 2012	



**Minutes of a Meeting of the Mid Sussex District Council Licensing  
Sub-Committee held on 31<sup>st</sup> March 2011  
from 10:00 a.m. to 4:00 p.m.**

**Present:** Councillors: Bernard Gillbard (Chairman)  
Graham Knight  
Gordon Marples

**Officers in attendance:** Assistant Solicitor, Senior Licensing Officer and Senior  
Member Services Officer.

**Also in attendance:** The Applicant, The Applicant's Representative, Interested  
Parties and the Interested Parties' Representative

**LS.30 SUBSTITUTES AT MEETINGS OF COMMITTEE – COUNCIL PROCEDURE  
RULE 4**

The Sub-Committee noted that the following substitutes had been appointed in  
accordance with Council Procedure Rule 4 – Substitutes at Meetings of  
Committees etc – Councillor Knight for Councillor Dumbovic.

**LS.31 APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Dumbovic.

**LS.32 DECLARATIONS OF INTEREST**

None.

**LS.33 APPLICATION FOR THE VARIATION OF A PREMISES LICENCE – THE  
RAVENSWOOD, HORSTED LANE, SHARPTHORNE, EAST GRINSTEAD,  
WEST SUSSEX, RH19 4HY.**

During the hearing a Member expressed a favourable opinion of the applicant.  
The hearing was adjourned at 11:35 a.m. to be rescheduled for hearing on  
Wednesday 27<sup>th</sup> April 2011 at 10:00 a.m. with a fresh Panel.

**The Panel adjourned at 11:35 a.m. and reconvened at 2:00 p.m.**

**APPLICATION FOR THE GRANT OF A PREMISES LICENCE – CUPPA  
LICIOUS, CENTRAL SQUARE, 30 MIDDLE VILLAGE, HAYWARDS HEATH,  
WEST SUSSEX, RH16 4GH.**

**LS.34 SUBSTITUTES AT MEETINGS OF COMMITTEE – COUNCIL PROCEDURE  
RULE 4**

The Sub-Committee noted that the following substitutes had been appointed in  
accordance with Council Procedure Rule 4 – Substitutes at Meetings of  
Committees etc – Councillor Knight for Councillor Dumbovic.

**LS.35 APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Dumbovic.

## LS.36 DECLARATIONS OF INTEREST

A Member declared a personal interest as he had met the applicant in a social setting.

Paul Thornton, the Senior Licensing Officer introduced the application. He referred to the report. He referred to the application, the background and the application. He said that the only representations received from statutory consultees had been received from Sussex Police who recommended some conditions set out at page 2 of the report. Seven representations from Interested Parties had been received. Four of the representations were from residents who live either directly above or adjoining the retail units. A plan showing the relative locations of the applicant's premises and the residential units was included at page 7 of the report. He said that the issues for consideration were public nuisance and crime and disorder.

There were no questions.

### Submission by Interested Party

Mr Turner referred to a meeting of the Central Area Planning Committee at which an application to extend the hours of use had been granted. He said that in warm weather when doors and windows were open he could hear all the conversations even from within the cafe. He said that with the doors open noise echoed throughout the square. His concern was that smoking, laughing and giggling would be a nuisance factor. He said that they already suffered nuisance from the Co-operative store, which stays open until 9 p.m. He referred to the application and said that it would lead to an increase in car parking and the car park was already a nuisance factor. He found the application unacceptable but said that if it was granted, conditions should be imposed that the doors remain closed, spirits should not be sold and it should be licensed for only a certain number of people. In reply to a question, the Senior Licensing Officer said that there was no fire risk assessment and the Council does not impose one with the License. Mr Turner said that there was no fire exit other than the front door, bars were not generally found in residential areas and it would be a magnet for antisocial behaviour.

The Chairman confirmed that consideration of fire risk was not a matter for the Licensing Panel.

### Submission by Interested Party

Mrs Couchman said that she lived close to a passageway where there had been a problem with young kids sitting out drinking and smoking and she felt that if the application were granted it would encourage this behaviour to start once again. It was very noisy in the square and they did not want the situation to return.

### Question from Members of the Sub-Committee

In reply to Members' questions Mrs Couchman confirmed that the Police Community Support Officers had resolved the situation, the passageway is not gated and the issues she is talking about predate the arrival of the cafe.

### Submission by Interested Party

Mrs Robson said that there had been lots of trouble with teenage boys under the arch; talking and arguing until 1:00 a.m. and she had been unable to get any sleep. She was concerned that the problem would reoccur. She understood that there was a proposal to put tables and chairs on some spare ground and she questioned who would clear up. She expressed concern that deliveries would start at 7:00 a.m. and she questioned whether anyone would be present to accept the deliveries. The applicant confirmed that deliveries would only be within opening hours.

#### Question from a Member of the Sub-Committee

In reply to a Member's question Mrs Robson said that the young people had been attracted to meet under the arch as it was out of the rain.

#### Submission by Interested Party

Mr Midmore queried the need for a wine bar in Bolnore Village. He said that young people had caused a lot of trouble and this would bring back the same problem. The Somerfield store had attracted young people and they had trouble all the time. He felt that they had had enough trouble and only recently had they been able to enjoy peace and quiet.

#### Submission by The Applicant

Mr O' Reardon said that he had been a personal alcohol license holder for over 10 years. He also ran a bar on the Broadway in Haywards Heath that had a good reputation. He said that Cuppa Licious was a meeting place and a focal point of social activity in the village. He said that there was customer demand for alcohol, he would only be selling wine and beer and it would help Cuppa Licious to be a more sustainable business by widening its appeal. He said that they were responsible business operators, the beverages would be consumed on the premises and they would operate the Challenge 21 scheme.

#### Questions from Members of the Sub-Committee

A Member queried the need to open at 8:00 a.m. The applicant said that this would be infrequent and for special events e.g. when the World Cup was taking place on the other side of the world. A Member queried how the alcohol would be stored. The applicant replied that it would be stored in a locked storage cupboard behind the counter. In reply to a Member's question the applicant said that the current opening hours were from 8:00 a.m. to 9:00 p.m. A Member sought clarification about the music. The Applicant replied that this would be background music, which would be no louder than what was currently played and no louder than the music currently played in the Co-op store. He had no anticipation of providing any live music. A Member asked whether all the windows and doors were open in the summer time. The applicant replied that they had an air curtain, similar to the Co-op store. The door of the premises opens inwards. A Member queried noise escape and the applicant replied that it was low-level noise consisting of background music and people chatting. A Member asked whether there were any plans to put chairs and tables outside the premises. The applicant said that he had no such plans. He understood that the Bolnore Residents Association might have some plans to use the land referred to by Mrs Robson but it was not part of his application; the Bolnore Residents Association owned the land. In reply to a Member's question the applicant said that he planned to serve until 9:00 p.m. and close at 9:30 p.m.

A Member queried what was meant by non-amplified music and expressed concern that no level was set. The Senior Licensing Officer suggested that this be removed from the application. He said that the Co-op Store play background incidental music and do not have recorded music on their licence. He said that if the music was not for the primary purpose of entertainment it did not constitute regulated entertainment. A radio or CD playing in the background did not require a licence. The Applicant responded that so long as he was allowed to play music in his premises as the Co-op store and the hairdressers do he had no objection to removing that part of the application.

#### Closing Statement by Interested Party's Representative

Mr Turner said that the closing time agreed by the planning committee was 9:00 p.m. He queried the removal of the amplified music from the licence application. In response the Chairman confirmed that the planning committee conditions took precedence over licensing and therefore the closing time would be 9:00 p.m. and the music proposed does not require a licence. Mr Turner felt that the closing time was too late and that young people leaving the square would cause a disturbance. Mrs Robson added that in summer they would be able to hear people talking even if they were talking quietly.

#### Closing Statement by the Applicant

He said that there was customer demand for a social drink in the cafe in the village. It was a different clientele to his patrons in the Broadway and would not be at the same level. He was happy to talk to anyone if there is a problem; he lives in the village and is keen to keep in communication with the neighbours. He said that that was not an acknowledgement that there would be a disturbance but that if there were any issues he would be happy to discuss them. The premises were in a parade of shops, he supported the village and the grant of the application would broaden the customer base.

**The Panel adjourned at 3:15 p.m.  
and reconvened to deliver their decision at 3:50 p.m.**

#### **RESOLVED**

That the application be granted subject to the following conditions.

1. All staff will be trained in relation to the sale of alcohol; such training to be recorded and refresher training to take place twice a year.
2. A Challenge 21 scheme is to be in place, with appropriate signage to be displayed on the premises in prominent positions. Only photo driving licence, passport or ID card bearing the PASS logo is to be accepted as proof of age.
3. A record of refused sales will be checked & signed weekly by the Designated Premises Supervisor or in his/her absence a member of management
4. To be an active member of the local pub watch scheme
5. The front door to the premises shall be a soft closing door and at no times should be wedged open.

The Licensing Panel were pleased to note that the Applicant made the offer to meet with their neighbours to discuss any issues arising in connection with the business and the Panel encourage the residents to take up this offer should the need arise.

Chairman.

**Minutes of a Meeting of the Mid Sussex District Council Licensing  
Sub-Committee held on 27<sup>th</sup> April 2011  
from 10:00 a.m. to 14:30 p.m.**

**Present:** Councillors: Peter Reed (Chairman)  
Robert Salisbury  
Julian Thorpe

**Officers in attendance:** Assistant Solicitor, Senior Licensing Officer and Senior  
Member Services Officer.

**Also in attendance:** The Applicant, The Applicant's Representative, and Interested  
Parties.

**LS.37 SUBSTITUTES AT MEETINGS OF COMMITTEE – COUNCIL PROCEDURE  
RULE 4**

None.

**LS.38 APOLOGIES FOR ABSENCE**

None.

**LS.39 DECLARATIONS OF INTEREST**

All Members of the panel declared a personal interest in the application as they had visited the venue on a number of occasions for social functions including those organised by the District Council. The applicant was not known to them. Councillor Thorpe added that Dr Denney, one of the interested parties, was on the list at his GP Practice but was not known to him personally.

**LS.40 APPLICATION FOR THE VARIATION OF A PREMISES LICENCE – THE  
RAVENSWOOD, HORSTED LANE, SHARPTHORNE, EAST GRINSTEAD,  
WEST SUSSEX, RH19 4HY.**

Submission by Interested Party

Mr Seagal, speaking on behalf of a number of interested parties sought to have the hearing deferred on the basis that a number of interested parties, who had been present for the original hearing date, were not able to be present. He said that it was important to allow objectors to speak. The applicants were seeking an enhancement to the license and, in his opinion, would not be disadvantaged by a deferment to a more convenient date.

Submission by the Applicant's Representative

Mr Gist said that the applicant would be disadvantaged by a deferment. They had been operating under a misapprehension and since this had come to their attention they had been complying with the terms of the license which did put them at a disadvantage. He added that further delay would prejudice their business plan as they were mainly a wedding venue with a busy spring/summer season. The date of the hearing had been known for three weeks and no suggestion of deferment had been made prior to the hearing.

The Chairman noted that Interested Parties may only speak to their written representations and may not introduce new evidence and queried the need for a deferment for more Interested Parties to be present. Mr Seagal said that written representations did not carry the same weight and did not provide an opportunity for questions.

**The panel retired to consider the request for deferment at 10:30 am and returned at 11:15 am**

The Chairman said that they had fully considered the request and had taken account of the representations made by both parties. A significant number of interested parties were present to make representations, appropriate weight would be given to written representations and no opportunity had been taken earlier to seek a deferment. In the light of these considerations the Panel decided to continue with the hearing.

Paul Thornton, the Senior Licensing Officer introduced the application. He referred to the report. He highlighted that the current license showed the correct times but there were a number of embedded conditions which the hotel management had incorrectly interpreted as allowing trade until 2am. The mistake came to light during a routine visit by an enforcement officer, since when the applicant has traded within the terms of the license and has made the application currently before the Panel. The Environmental Protection Team had received one complaint about noise in 2007. A complaint had also been received on 24 April 2011. Three people had complained about noise nuisance between 11pm and 12 midnight about people shouting and screaming in the car park until 12:45 am. It was currently under investigation. The Environmental Health Team were not currently involved, the Licensing Team investigates in the first instance and if the matter is deemed to require further investigation and recordings the Environmental Health Team would then become involved. In reply to a Member's question the Senior Licensing Officer said that he had no information about how long the justices license had been extant but the date of conversion was 24<sup>th</sup> November 2005.

Submission by Interested Party

Mrs Witheridge said that it was a lovely area and she did not want to see it destroyed by music. She said that she could hear the weddings in the afternoon. The music could be heard around the area. The Ravenswood was a party venue and she could hear the noise. She said that it was a beautiful rural area of Sussex which should not be allowed to become urban in nature; with extended hours there would be more weddings and the area would be destroyed. The problem had been caused by the changing nature of the venue.

Submission by Interested Party

Mrs Grayson said that there was late night noise, she could hear shouting and screaming and the noise of car doors at 12:45am. The noise was unacceptable, especially as she had a 6 year old and 82 year old in the house. She felt that the management should tell their patrons to go home quietly. She said that 80% of the events were noisy. This had an impact on the local community and the area as there was no ambient background noise to soak up the noise. Extended hours would mean later leaving times. The applicants had breached their current

license, trust had been breached. She had complained about the noise to the hotel in the past but this had not been properly dealt with. The noise of events is not properly contained at present and the traffic noise is also relevant due to the rural nature of the area. The noise of people leaving events is invasive and extended hours would push this noise even later into the night. She felt that people had a right to sleep after midnight. She said that the management were more concerned with complaining guests than local residents.

The Chairman noted that traffic noise was not a licensing matter.

#### Submission from Interested Party

Dr Grayson said that the noise nuisance was quite intense. On many evenings the noise of thumping music travelled through the valley. This was particularly bad in the summer and at Christmas. There is a lag period where patrons are leaving an event shouting and screaming and this has a detrimental effect on his job, wife, children and mother-in-law. His doorbell has been rung by a drunken guest and they sometimes cause a nuisance in his garden. He expressed concern that an increase in the hours of the license would lead to the noise getting worse and this would have a bad effect on local residents' physical and mental health. He said that the applicant must not be granted the extension.

In reply to the Chairman's question, Dr Grayson said that he was unable to put a figure on how many times a week this happened and added that he lived a few hundred yards from the applicant's premises.

#### Submission from Interested Party

Mr Seagal said that he would like to reiterate that complaints had been made and had not been properly dealt with. The Chairman asked if these complaints had been made to the Council to which Mr Seagal replied that they had not.

Mr Seagal said that he resided half a mile away from the property but suffered from a substantial amount of noise and disturbance from the property, especially in the summer months. He had brought his property because of the peace and quiet and to enjoy the rural location. The noise nuisance was at its worst during his leisure time on Friday, Saturday and Sunday. In his opinion the premises were not suitable to contain the noise, the music was amplified too much and the pounding base notes prevented him from sleeping. He did not believe that the management were taking sufficient mitigating action. He said that he was woken by people passing; there was no public transport and few taxis. He said that there was no lighting and no footpaths and he was concerned about drink driving and for the welfare of party goers as well as other people on the road. On a couple of occasions patrons from Ravenswood had knocked on his door and he had taken them to Haywards Heath.

The Chairman advised Mr Seagal that this was not a licensing consideration.

Mr Seagal said that all the current problems would be exacerbated by an extension in hours. He did not wish to be in the position of complaining all the time and said the hotel needed to be better managed.

#### Question from Members of the Sub-Committee



A Member asked how long Mr Seagal had been living in his residence. He said that he had been living there for 25 years and although the hotel had always been there, disturbance from the premises had only become a problem in the last five to seven years. He said that he was less affected than some other residents but the premises need to be properly managed to avoid nuisance.

A Member asked how frequently Mr Seagal suffered from the nuisance. Mr Seagal replied that there were fewer events in winter and more ambient noise from wind and rain to soak up the noise; but in the summer it was most Saturday nights. He was not always disturbed; it depended on the wind direction.

A Member sought clarification about Mr Seagal helping intoxicated people. He confirmed that he had helped two people in the last five years and they had come from the Ravenswood.

The Chairman asked why the Council had received only one complaint in 2007 and nothing since. Mr Seagal said that residents had not been rigorous enough in complaining; they hardly knew one another but had been united by this license application. He added that the cause for complaint had always been there. He said that if the license application were to be granted there should be conditions on the license to reduce noise.

#### Submission by Interested Party

Mrs Seagal said that the crux of the matter was that it was noisy. The noise was not enclosed in the function rooms and the management allow noise spillage from the premises.

At the Chairman's request the Senior Licensing Officer clarified the terms of the license.

#### Submission by The Applicant

The Applicant's Representative, Robin Gist, spoke to the written representations submitted at the previous hearing. He referred to the licensing policy and noted the need for a balance between encouraging business and the enjoyment of local residents. He said that in order for Ravenswood to be an effective business it needed to be able to compete in the market and therefore needed the extension. He said that licensing law was not a mechanism for control of individuals once they are away from the licensed premises. He said that Mr MacArthur had been running the premises for the last thirty years and because of administrative errors, made in the past, the application sought to regularise the situation. The essence of the application was that the applicant was seeking an extra hour at the end of the day and a few extra areas in which to play music. It would not lead to extra noise as music was already played in other rooms. The Ravenswood was not a hotel open to the general public but was used for weddings and functions. It was mainly used at the weekends and not used on a daily basis. There was no intention to massively increase the number of functions. He referred to the event schedule of the previous year and said that it was clear that there was not a daily deluge. In the past it had been used for music events more than at present.

He said that the applicant was seeking a minor variation in the license to restore the hours that the business had been operating on due to a misapprehension. Only one complaint was made to the Council in 2007. There were three

complaints made last weekend although he understood that since the last hearing was adjourned six events had taken place. They were seeking a variation to reflect the business practice prior to the mistake being uncovered. The serenity of the surrounding area was not a licensing matter.

He said that he did not question the veracity of the Interested Parties statements but the Ravenswood needed to operate a proper business model. It was a family run business with Mr MacArthur overseeing the business for more than 30 years. Mrs Liddell directs the weddings. They take, and will continue to take, the management of the business very seriously. He said that the issue for consideration was the prevention of public nuisance and noise balanced against business necessity. The Ravenswood takes its responsibility seriously and the license should be granted.

#### Questions from Members of the Sub-Committee

A Member asked when the Ravenswood had become a wedding venue, to which Mr MacArthur said that 20 years ago, the Ravenswood had become a venue for conferences, weddings and parties.

A Member asked about air handling, double doors, sound monitoring equipment, events between Monday and Wednesday, staffing of the end of events and whether guests were managed out of the building. In reply Mr MacArthur gave the following information. There was no air conditioning in the building, the Princess Beatrice suite has self-closing double doors, there is no sound monitoring equipment but Mr MacArthur monitors noise levels himself and the windows are double glazed. Between Monday and Wednesday they host business conferences and an occasional dinner. There is a night porter and senior staff on hand at the end of events, people use taxis or their own transport and the night porter asks people to keep the noise down.

The Chairman asked what noise mitigation measures were currently in place, where the car parking was situated and what their policy was towards under 18s and the intoxicated. Mr MacArthur said that they kept the doors closed except for one small door which leads out onto the terrace where people sit outside. The car parking is at the front of the building and the night porter asks people to leave quietly. They do not host 18<sup>th</sup> birthday parties any longer as they generate too much noise. At weddings the parents come to the bar. The premises display signs regarding under age drinking. Mrs Liddell added that the staff are trained and would seek proof of age if in doubt. Under no circumstances would they serve drinks to patrons who looked as though they had already had enough. Either she or Mr MacArthur were present at all times.

In reply to questions from Mr Seagal, put through the Chair, Mrs Liddell gave the following information. They were not intending to increase the number of events. They used to run Jazz festivals and Beer, Blues and Booze festivals on Sundays in the open air, they no longer do that; they don't play music until 1:00am; they don't host 18<sup>th</sup> birthday parties. They are mindful of their neighbours and focus the business on weddings and conferences.

The Chairman expressed concern about the allegations that complaints to the hotel had not been managed. The applicant said that he had received no such phone calls. If he had he would have dealt with them. He said that his neighbours had never approached him about noise from the premises and during

the application was the first time that he became aware that there was any problem with noise

**The Panel adjourned at 12:30 p.m.  
and reconvened to deliver their decision at 14:25 p.m.**

The Chairman said that it had been a finely balanced decision. He read out the conditions and notified the parties to the hearing of their right of appeal.

**RESOLVED**

That the application be granted subject to the following conditions which we believe will satisfy the licensing objective of prevention of public nuisance.

1. A Noise Management Plan shall be submitted annually on the anniversary of this licence to cover all internal events and the use of the garden and balcony outside the premises. The initial noise management plan shall be submitted within 3 months of the licence being granted.
2. Events already scheduled to take place within 3 months of the date of the licence shall be permitted to take place within this period with the written consent of the Environmental Health Officer. All events within this 3-month window shall be managed in such a way as not to cause a public nuisance.
3. Whilst licensable activity is taking place on the premises all windows and doors shall remain closed.
4. The garden and balcony area at the rear of the premises shall be closed to the guests at 23:00 hours.
5. The music equipment shall have an approved noise limiting device fitted. The approval to be given by the Environmental Health Officer.
6. Signs are to be placed inside and outside the doors to and from the premises and in the car parking area, reminding people to leave the premises quietly. Should any guest fail to comply with this request then all reasonable steps should be taken to ensure that a public nuisance is not created.
7. All staff will be trained to require evidence of the age of any person seeking to buy alcohol and those appearing to be under age of 21 shall be required to produce photographic evidence such as a passport or photographic driving licence or PASS approved documentation.
8. A record for staff training must be maintained and held on the premises for inspection by Sussex Police Officers and accredited staff of Sussex Police and Mid Sussex District Council.

9. Noise from regulated entertainment shall be inaudible within any noise sensitive premises (which includes any residence and which may have one or more windows open to allow for ventilation). The test for fulfilment of this condition shall be that noise from the premises shall be no more than barely audible at the boundary of any noise sensitive premises.
10. The management and staff shall ensure that no drinks are taken outside into the Car Parking and smoking areas.
11. When guests are leaving the premises they should be seen off the premises by a minimum of two members of staff and steps should be taken to ensure the guests leave the premises in a quiet and orderly manner.

Chairman.

**Minutes of a Meeting of the Mid Sussex District Council  
Licensing Sub-Committee held on 28<sup>th</sup> April 2011  
from 10:00 a.m. to 1:20 p.m.**

- Present:** Councillors: Jane Keel  
Gordon Marples  
Robert Salisbury (Chairman)
- Officers in attendance:** Solicitor to the Council and the Senior Licensing Officer
- Also in attendance:** The Applicant and Two Interested Parties – Tryst, King Street, East Grinstead
- The Applicants representatives – Swaad Grill and Curry, Station Road, Burgess Hill  
Two representatives from the Responsible Authority  
Ward Councillor for Burgess Hill Meeds

**LS41. SUBSTITUTES AT MEETINGS OF COMMITTEE – COUNCIL  
PROCEDURE RULE 4**

The Sub-Committee noted that no substitutes had been appointed in accordance with Council Procedure Rule 4 – Substitutes at Meetings of Committees etc.

**LS42. APOLOGIES FOR ABSENCE**

No apologies were received.

**LS43. DECLARATIONS OF INTEREST**

None.

**LS44. APPLICATION TO VARY A CURRENT PREMISES LICENCE: TRYST,  
THE NIGHTCLUB, BASEMENT, ATRIUM CENTRE, KING STREET,  
EAST GRINSTEAD, WEST SUSSEX.**

Paul Thornton, the Senior Licensing Officer explained the application to the Panel and also mentioned the other licensed premises in the area. He confirmed that the application was for 2.00 a.m on Thursday evenings and 2.30 a.m on Friday and Saturday. This was half hour less than the original application for Friday and Saturday night following conversations from the police. He confirmed that there were no police representations.

It was noted that the premises had gone into liquidation in March 2010 and that Mr Hassan had been the licensee since June 2010.

Submission by the Interested Parties

One Interested Party explained about late night noise problems and indicated this problem came from a number of premises.

The second Interested Party raised the question of Planning having different conditions to Licensing. The Chairman explained that they were different regimes and that under Licensing all the Panel were looking at was the prevention of public nuisance, prevention of crime and disorder, prevention of public safety and the protection of children from harm. The amenity aspects that Planning looked at were different considerations.

#### Submission by the Applicant

The Applicant indicated that economic times were tough and in addition to the additional hours he would like the condition stopping entry after 1.00 a.m to be relaxed.

#### **The meeting adjourned for the Panel to consider the application The Panel then reconvened to deliver their decision**

#### **RESOLVED**

That the application be permitted, and that Condition 3. would be relaxed to require door supervisors only after 22.00 hours, but there will be no change to condition 7 and entry after 1.00 a.m would not be permitted. They had noted that this nightclub has a similar condition.

The Panel were also concerned that they had not received any representation from the police. They trusted that, if there were issues at the premises, the police would come back with a review of the licence at an early date.

#### **The meeting adjourned at 10.55 a.m. and reconvened at 11.00 a.m.**

#### **LS45. APPLICATION TO VARY THE PREMISES LICENCE – SWAAD GRILL AND CURRY, 35 STATION ROAD, BURGESS HILL, WEST SUSSEX, RH15 9DE**

Paul Thornton, the Senior Licensing Officer presented his report and explained the times requested and the request for the removal of a door supervisor. He also asked for conditions 4 and 10 to be removed from the licence as obsolete. He explained that the neighbouring premises KBs had a requirement for door supervisors from 22.00 hours and closed at 1.30 a.m on Fridays and Saturdays. Uncle Sams had no licensing since it closed at 11 p.m and Domino's pizza closed at 1.00 am but had no door supervisors.

#### Submission by the Applicant's Representative

The Applicant's representative explained that after 1.00 am it would be better if there were two premises available to serve the customers since this would get them away from the premises quicker. He said that there had never been any problem at the premises and therefore a door supervisor was not necessary. He said that the neighbouring premises did not have door supervisors on duty as far as he could recall.

Mr Yaseen then made a presentation and explained in reply to a question from a Member as to how the business would be run and how any unruly

behaviour would be dealt with. He confirmed that CCTV had been installed in accordance with the requirement in the licence.

#### Submission by the Responsible Authority

The Responsible Authority explained that there had been three visits made to the premises in response to this licence application and not on a single occasion had there been a door supervisor in place. She was concerned that the applicant had little experience in the trade and had not cooperated with the police.

The Responsible Authority then explained that there had been violent incidents in the area within 250 metres of this premises although there were no specific incidents relating to the premises itself. In reply to a question he confirmed that there had been six actual bodily harm incidents and 4 common assaults within 250 metres of the premises. He indicated that 1.30 p.m was ok for Friday and Saturday night. He requested no extension on Sunday to Thursday.

#### Further Submission by The Applicant's Representative

Further representations were made on behalf of the applicant by their representatives who indicated that the Applicant would accept a 1.30 am close for Friday and Saturday, New Years Eve and Bank Holidays and would continue to work with 12 midnight Sunday to Thursday. The Applicant's representative however, required the provision requiring door supervisors to be lifted since these were felt to be unnecessary.

In response to a complaint from the Responsible Authority about reference to the next door premises, the Chairman pointed out that the Panel were looking for equality for enforcement.

**The Panel retired at 12.30 p.m. and reconvened at 1.15 p.m.  
to deliver their decision**

#### **RESOLVED**

That the premises trade for an extra 30 minutes on Friday and Saturday evenings, Bank Holidays, New Year and Christmas Eve. In addition they agreed to Conditions 4 and 10 of the licence to be removed. They agreed the condition in the letter from the Police to be implemented but only from midnight. They also requested the applicants to agree a fire action plan within 3 months of their decision letter.

Chairman.

**Minutes of a Meeting of the Mid Sussex District Council Licensing  
Sub-Committee held on 3<sup>rd</sup> August 2011  
from 2.00 p.m. to 2.50 p.m.**

**Present:** Councillors: Kathleen Dumbovic  
Ginny Heard  
Peter Reed (Chairman)

**Officers in attendance:** Assistant Solicitor to the Council, Senior Licensing Officer and  
Member Administration Officer.

**Also in attendance:** The First and Second Applicant and an Interested Party.

**LS.1 SUBSTITUTES AT MEETINGS OF COMMITTEE – COUNCIL PROCEDURE  
RULE 4**

The Sub-Committee noted that no substitutes had been appointed in accordance with  
Council Procedure Rule 4 – Substitutes at Meetings of Committees etc.

**LS.2 APOLOGIES FOR ABSENCE**

None.

**LS.3 DECLARATIONS OF INTEREST**

None.

**LS.4 APPLICATION FOR THE GRANT OF A PREMISES LICENCE – MACE  
CONVENIENCE STORE, AUTO CARE AND SERVICE, ALBOURNE ROAD,  
HURSTPIERPOINT BN6 9TX**

Paul Thornton, Senior Licensing Officer introduced the application. He referred  
to the report and outlined the application. He also explained the background to  
the premises for which the licence application is for and confirmed that a number  
of conditions had already been agreed between the Applicant and Sussex Police.

Submission by the Interested Party

The Interested Party said that he was very pleased that the garage had been  
regenerated and he congratulated the new owners and wished them every  
success with their business venture.

He then outlined his objections to the application under the licensing objectives,  
as follows:-

Prevention of Crime and Disorder

The Interested Party noted the close proximity of the existing public house to the  
premises of a distance of around 50 metres and expressed his concern about  
people moving on from one establishment to another. He also referred to  
allotments which are situated nearby and experience vandalism and he believed  
that the sale of alcohol would exacerbate off-site crime.



### Prevention of Public Nuisance

The Interested Party also spoke of the likely intrusion into the local residential area of people drinking in the street.

### Protection of Children from Harm

The Interested Party referred to a number of statistics and spoke of his concern with regard to under-age drinking and its effect on youths. He understands that the premises will be operating a Challenge 25 programme but he considered the location not appropriate for children.

### Question from Members of the Panel

In response to a question from a Member, the Applicant confirmed that the premises opened until 10.00 p.m. but that after 6.00 p.m. very few people came in.

The Applicant also confirmed, in response to a question from a Member, that he had undergone Premises Supervisor training two months ago.

In response to a question from a Member, the Applicant explained how he would undertake in-house training of staff. He also confirmed that 24 hour CCTV cameras would be installed at the premises.

A Member enquired whether the CCTV system was already in place and if there is a Door Supervisor on the premises. The Applicant confirmed that the CCTV had not been fitted and if there were any problems on the premises, a Door Supervisor would be employed.

In response to another question from a Member as to the number of staff on duty in the shop, the Applicant confirmed that there would be one full-time and one part-time member of staff. If the premises get busy then there would be two on duty at the same time.

One Member asked the Applicant where he expected the customers to come from. In response the Applicant answered that he thought they would be near neighbours of the premises.

One Member asked the Applicant how busy the shop is. The Applicant said that at the present time it is not very busy as the shop had only been open for a relatively short time. He confirmed that the premises are usually open until 10.00 p.m., but if it is not busy, then the premises closed at 9.00 p.m.

### Response from the Applicant

The Applicant said that he understood the Interested Party's concerns and confirmed that the premises would be operating a Challenge 25 policy, which means no sales of alcohol to under 25's. If the purchaser has no ID then no alcohol would be sold to them. He added that he had been trading at the premises for four months and had never seen drinkers on the road.

The Applicant then confirmed to the Panel that the conditions shown on page 29 of the report had been agreed with Sussex Police over the telephone, not face to face.

**The meeting adjourned at 2.25 p.m.  
and reconvened at 2.48 p.m. for the Panel to deliver their decision**

The Chairman informed the Applicants that their application had been successful, subject to the conditions stated on page 29 of the report.

**RESOLVED**

- (1) Spirits to be stored and displayed behind server;
- (2) digital CCTV and appropriate recording equipment to be installed, operated and maintained throughout the premises internally to cover all public areas with sufficient numbers of cameras as agreed with Sussex Police. CCTV footage will be stored for a minimum of 28 days, and the management will give full and immediate cooperation and technical assistance to the Police in the event that CCTV footage is requested for the prevention and detection of suspected or alleged crime. The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy and will be changed when British Summer Time starts and ends;
- (3) all staff shall be aware of the responsible service of alcohol;
- (4) the premises will operate a Challenge 25 policy whereby any person attempting to buy alcohol who appears to be under 25 will be asked for photographic ID to prove their age. The only forms of ID that will be accepted are passports, driving licences with a photograph or Portman Group, Citizen Card or Validate proof of age cards bearing the PASS mark hologram. The list of approved forms of ID may be amended or revised with the prior written agreement of Sussex Police and the Licensing Authority without the need to amend the licence or conditions attaching to it;
- (5) suitable and sufficient signage advertising the Challenge 25 policy will be displayed in prominent locations in the premises; and
- (6) all staff members engaged, or to be engaged, in selling alcohol on the premises shall receive the following training in age-restricted sales:
  - (i) induction training which must be completed, and fully documented, prior to the sale of alcohol by the staff member; and refresher training thereafter at intervals of no less than 8 weeks;
  - (ii) all age-restricted sales training undertaken by staff members shall be fully documented and recorded. All training records shall be made available to Sussex Police and West Sussex County Council Trading Standards Service upon request; and
  - (iii) the premises shall at all times maintain and operate an age-restricted sales refusals book which shall be reviewed by the Designated Premises Supervisor at intervals of no less than 4 weeks and feedback given to staff as relevant. This refusals book shall be available upon request to police staff, Local Authority staff and Trading Standards.

Chairman.