

# **Licensing Committee**

## **Agenda**

---

**Date:** Monday, 30th September, 2013  
**Time:** 2.00 pm  
**Venue:** Committee Suite 1,2 & 3, Westfields, Middlewich Road,  
Sandbach CW11 1HZ

---

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Apologies for Absence**

To receive apologies for absence.

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a total period of 10 minutes is allocated for members of the public to address the Committee on any matter relevant to the work of the Committee.

Individual members of the public may speak for up to 5 minutes but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers.

Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

4. **Minutes of Previous Meeting** (Pages 1 - 4)

To approve the minutes of the meeting held on 16 July 2013.

5. **Minutes of Licensing Sub-Committees** (Pages 5 - 26)

To receive the minutes of the following meetings:

**Licensing Act Sub-Committee**

4 July 2013

29 July 2013

15 August 2013

22 August 2013

4 September 2013

**General Licensing Sub-Committee**

25 July 2013

16 September 2013

6. **Implementation of the Scrap Metal Dealers Act 2013** (Pages 27 - 40)

To consider the provisions of the Scrap Metal Dealers Act 2013.

7. **NVQ Level 2 Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire)** (Pages 41 - 194)

To consider a proposed NVQ Level 2 Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire).

8. **Practical Driving Assessment For Joint Driver Licence Applicants**  
(Pages 195 - 210)

To consider a proposed practical driving assessment for joint hackney carriage and private hire driver licence applicants.

9. **Statement of Licensing Policy Review** (Pages 211 - 282)

To consider a draft revised Statement of Licensing Policy and the outcome of the consultation exercise.

**THERE ARE NO PART 2 ITEMS**

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Committee**  
held on Tuesday, 16th July, 2013 at Committee Suite 1 & 2, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

**PRESENT**

Councillor P Whiteley (Chairman)  
Councillor W S Davies (Vice-Chairman)

Councillors C Andrew, D Bebbington, H Davenport, I Faseyi, M Hardy,  
A Harewood, D Mahon, M Parsons, M Sherratt and L Smetham

**OFFICERS IN ATTENDANCE**

Fiona Crane, Lawyer  
Kim Evans, Licensing Team Leader  
Aoife Ryan, Lawyer  
Julie Zientek, Democratic Services Officer

**Apologies**

Councillors Rhoda Bailey and G Wait

**7 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**8 PUBLIC SPEAKING TIME/OPEN SESSION**

There were no members of the public present.

**9 MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 23 May 2013 be approved as a correct record and signed by the Chairman.

**10 MINUTES OF LICENSING SUB-COMMITTEES**

RESOLVED – That the minutes of the Licensing Act Sub-Committee meeting held on 24 May 2013 and the General Licensing Sub-Committee meeting held on 3 June 2013 be received.

**11 DRAFT STREET TRADING POLICY**

The Committee considered a report regarding a proposed Borough-wide Street Trading Policy.

Following consideration of the draft policy at the Licensing Committee meeting on 14 January 2013, consultation had been undertaken but no responses had been received.

RESOLVED – That the Street Trading Policy as set out in the appendices to the report be adopted with immediate effect, subject to the word ‘Constable’ being replaced with ‘police officer’ in the tenth bullet point of Appendix C (Street Trading Consent – Conditions).

## **12 PENALTY POINTS SYSTEM FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING**

The Committee considered a report regarding a proposed Hackney Carriage and Private Hire Licensing Penalty Points Policy.

Following consideration of the draft policy at the Licensing Committee meeting on 14 January 2013, consultation had been undertaken and a number of responses had been received.

RESOLVED

- (a) That the Hackney Carriage and Private Hire Licensing Penalty Points Policy as set out in the appendices to the report be approved, subject to the following amendments to the list of offences, breaches and misdemeanours (Appendix A) and the penalty points form (Appendix B):
  - That the words ‘or disrespectful behaviour’ be deleted from offence 34.
  - That offence 54 be amended to read: ‘Obstructing an authorised officer or police officer’
- (b) That the Hackney Carriage and Private Hire Licensing Penalty Points Policy be applied to all licence holders with effect from 1 September 2013.

## **13 REVISED CONVICTIONS POLICY FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS**

The Committee considered a report regarding a proposed revised policy in relation to the suitability of applicants and licence holders where relevant information may give cause for concern.

Following consideration of the draft policy at the Licensing Committee meeting on 5 November 2012, consultation had been undertaken and a number of responses had been received.

RESOLVED

- (a) That the Convictions Policy for Hackney Carriage and Private Hire Drivers as set out in Appendix 1 to the report be adopted, subject to the following amended wording:

### **Proven Complaints of rude or aggressive Behaviour**

In less serious cases a written warning of future conduct may be given. However, if the nature or level of aggression leads the Licensing Authority to be concerned about public safety, this may result in the refusal to renew, suspension, or revocation of a licence.

In all other cases where an alleged offence has been committed and not listed within this Policy, the Licensing Authority will deal with each case on its own merit.

### **Foreign Offences**

Offences from any jurisdiction outside the United Kingdom of Great Britain and Northern Ireland must be declared in full. For applicants not of British Nationality a Certificate of Good Conduct/Behaviour must be provided from their Country of Origin. For applicants who have not lived in the UK for any part of the previous 5 years, a Certificate of Good Behaviour must be provided from all countries in which they have lived.

The Licensing Authority will deal with foreign offences in a similar way to comparable offences under UK law.

- (b) That the Convictions Policy for Hackney Carriage and Private Hire Drivers be applied to all new applicants and to existing licensed drivers in respect of any convictions/ endorsements etc which have not previously been considered.

## **14 STATEMENT OF LICENSING POLICY REVIEW**

The Committee considered a report regarding a draft revised Statement of Licensing Policy.

The Council was required to review its existing statement of Licensing Policy and publish a revised version by no later than 31 January 2014.

### **RESOLVED**

- (a) That the Cabinet Member for Communities and Regulatory Services be recommended to approve for consultation the draft revised Statement of Licensing Policy as set out in Appendix 1 to the report.
- (b) That officers be requested to consider including the local safeguarding adults board in the list of agencies being consulted.

The meeting commenced at 2.00 pm and concluded at 2.40 pm

Councillor P Whiteley (Chairman)

This page is intentionally left blank

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Thursday, 4th July, 2013 at The Tatton Room - Town Hall,  
Macclesfield SK10 1EA

**PRESENT**

Councillor P Whiteley (Chairman)

Councillors Rhoda Bailey and L Smetham

**OFFICERS IN ATTENDANCE**

Sarah Baxter, Democratic Services Officer  
Nikki Cadman, Licensing Officer  
Fiona Crane, Lawyer  
Kim Evans, Licensing Team Leader  
Jim Hopper, Licensing Officer  
Julie Zientek, Democratic Services Officer

**5 APPOINTMENT OF CHAIRMAN**

RESOLVED – That Councillor P Whiteley be appointed Chairman.

**6 DECLARATIONS OF INTEREST**

With regard to the item in respect of the Wilbraham Arms, Julie Zientek, Democratic Services Officer, declared that she knew one of the objectors.

**7 APPLICATION TO VARY A PREMISES LICENCE - WILBRAHAM ARMS, WELSH ROW, NANTWICH**

Note: Having declared that she knew one of the objectors, Julie Zientek, Democratic Services Officer, withdrew from the meeting during consideration of this item and Sarah Baxter, Democratic Services Officer, took her place.

The Sub-Committee considered a report regarding an application to vary the Premises Licence for the Wilbraham Arms, 58 Welsh Row, Nantwich.

The following attended the hearing and made representations with respect to the application:

- two representatives of the applicant
- a solicitor representing the applicant
- local residents
- Councillor A Moran, Ward Councillor

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of:

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy
- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm)
- All the evidence, including the oral representations made at the meeting and the written representations of interested parties, the following course of action had been agreed:

RESOLVED – That the application for a variation be granted as follows:

- Sale and Supply of Alcohol  
Sunday to Wednesday 10:00 to 23.30  
Thursday to Saturday 10:00 to midnight
- Late Night Refreshment  
Sunday to Wednesday 23:00 to midnight  
Thursday to Saturday 23:00 to 00.30
- Opening Hours of the Premises  
Sunday to Wednesday 10:00 to midnight  
Thursday to Saturday 10:00 to 00.30
- All regulated entertainment to be removed from the Premises Licence
- Condition 4 of Annex 2 of the existing Premises Licence to be deleted, so that children under the age of 16 are permitted on the premises after 20.00

The applicant and parties who had made relevant representations were reminded of the right to appeal the decision to the Magistrates Court within 21 days.

**8 APPLICATION TO VARY A PREMISES LICENCE - RIFLEMANS ARMS, MOOR LANE, WILMSLOW**

The Sub-Committee considered a report regarding an application to vary the Premises Licence for the Riflemans Arms, 113 Moor Lane, Wilmslow.

The following attended the hearing and made representations with respect to the application:

- three representatives of the applicant
- a legal representative on behalf of the applicant
- a supporter of the applicant



- a local resident
- a representative of the Environmental Health Service

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of:

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy
- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm)
- All the evidence, including the oral representations made at the meeting and the written representations of interested parties, the following course of action had been agreed:

RESOLVED

- (a) That the application for a variation to the Premises Licence, as amended by the applicant, be granted as follows:
- Sale and Supply of Alcohol (for consumption both on and off the premises)  
Sunday to Thursday 11:00 to 23.30  
Friday and Saturday 11:00 to 00.30  
  
Non Standard timings: to permit the sale of alcohol and such regulated entertainment as authorised hereunder until 01:00 on Sunday and Monday at Bank Holiday Weekends and Christmas Eve and Boxing Day
  - All existing Regulated Entertainment  
Sunday to Thursday 11:00 to 23.30  
Friday and Saturday 11:00 to 00.30
  - Late Night Refreshment  
Sunday to Thursday 23:00 to 23.30  
Friday and Saturday 23:00 to 00.30
- (b) That the opening hours be amended as follows to ensure the orderly dispersal of patrons to promote the licensing objectives:
- Opening Hours of the Premises  
Sunday to Thursday 11:00 to midnight  
Friday and Saturday 11:00 to 01:00
- (c) That the following conditions, volunteered by the Applicant, be attached to the premises Licence:

1. That the access to the beer garden cease at 23.00
2. Regular monitoring of the noise levels to be agreed between the Licensee and the Environmental Health Department

The applicant and parties who had made relevant representations were reminded of the right to appeal the decision to the Magistrates Court within 21 days.

**9 APPLICATION FOR A BETTING PREMISES AT WILLIAM HILL, HIGH STREET, SANDBACH**

The Sub-Committee considered a report regarding an application by William Hill Organisation for a Betting Premises Licence at William Hill, 19/21 High Street Sandbach.

The following attended the hearing and made representations with respect to the application:

- a representative of the applicant
- a solicitor representing the applicant

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of:

- The Gambling Commission's Guidance to Licensing Authorities (September 2012)
- Cheshire East Borough Council's Statement of Gambling Principles
- The licensing objectives
- All the evidence, including the oral representations made at the meeting and the written representations of interested parties, the following course of action had been agreed:

**RESOLVED** – That the application for a Betting Premises Licence be granted, subject to the Mandatory Conditions.

It was noted that parties who had made relevant representations would be reminded of the right to appeal the decision to the Magistrates Court within 21 days.

The meeting commenced at 10.00 am and concluded at 5.15 pm

Councillor P Whiteley (Chairman)

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Monday, 29th July, 2013 at Council Chamber - Town Hall,  
Macclesfield, SK10 1EA

### **PRESENT**

Councillor P Whiteley (Chairman)

Councillors H Davenport and M Hardy

### **OFFICERS IN ATTENDANCE**

Nikki Cadman, Licensing Officer  
Fiona Crane, Lawyer  
Kim Evans, Licensing Team Leader  
Julie Zientek, Democratic Services Officer

### **10 APPOINTMENT OF CHAIRMAN**

RESOLVED – That Councillor P Whiteley be appointed Chairman.

### **11 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **12 APPLICATION TO VARY A PREMISES LICENCE: HORSESHOE INN, SANDBACH ROAD, LAWTON HEATH END, CHURCH LAWTON, ST7 3RA**

The Sub-Committee considered a report regarding an application to vary the Premises Licence for the Horseshoe Inn, Sandbach Road, Lawton Heath End, Church Lawton.

The following attended the hearing and made representations with respect to the application:

- a representative of the applicant
- a legal representative on behalf of the applicant
- a representative of the Environmental Health Service
- Councillor R Bailey, Ward Councillor, representing a local resident and Church Lawton Parish Council

Following the Licensing Officer's introduction of the application, the meeting was adjourned to allow the applicant's representatives to discuss proposed amendments to the operating schedule with Councillor Bailey, the Environmental Health Officer and the Licensing Officer. Councillor Bailey then withdrew the objection on behalf of both objectors, and the

Environmental Health Officer confirmed that she was no longer requesting extra conditions.

RESOLVED – That the application for a variation be granted, subject to agreed amendments to the operating schedule as follows:

The terminal hour for the sale and supply of alcohol:  
Friday and Saturday 08:00 to 01:00

The terminal hour for all Existing Regulated Entertainment:  
Friday and Saturday 08:00 to 01:00

The terminal hour for late night refreshment  
Friday and Saturday 23:00 to 01:00

Opening Hours of the Premises:  
Friday and Saturday 08:00 to 01:30

**13 APPLICATION TO VARY A PREMISES LICENCE: LEGH ARMS,  
BROOK STREET, KNUTSFORD, WA16 8EB**

The Chairman reported that this item had been withdrawn from the agenda prior to the meeting.

The meeting commenced at 10.00 am and concluded at 10.22 am

Councillor P Whiteley (Chairman)

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Thursday, 15th August, 2013 at Committee Room 3 - Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

### **PRESENT**

Councillor P Whiteley (Chairman)

Councillors W S Davies and J Wray

### **OFFICERS IN ATTENDANCE**

Nikki Cadman, Licensing Officer  
Fiona Crane, Lawyer  
Kim Evans, Licensing Team Leader  
Julie Zientek, Democratic Services Officer

### **14 APPOINTMENT OF CHAIRMAN**

RESOLVED – That Councillor P Whiteley be appointed Chairman.

### **15 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **16 NOTICE OF TEMPORARY EVENT: THE WHITE HORSE, 22 PILLORY STREET, NANTWICH, CW5 5BD**

The Sub-Committee considered a report regarding a temporary event notice that had been served in respect of The White Horse, 22 Pillory Street, Nantwich, CW5 5BD and an objection notice that had been received in respect of this temporary event notice.

The following attended the hearing and made representations with respect to the temporary event notice:

- a representative of the applicant
- a representative of the Environmental Health Service

After a full hearing and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of:

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy
- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm)

- All the evidence, including the oral representations made at the meeting and the written representations of interested parties, the following course of action had been agreed:

RESOLVED

- (a) That a counter notice be not given
- (b) That the following condition on the premises licence be imposed on the temporary event notice:

The beer garden/outdoor drinking area shall be closed to customers by 23.30 hours.

The meeting commenced at 2.00 pm and concluded at 3.15 pm

Councillor P Whiteley (Chairman)

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Thursday, 22nd August, 2013 at Committee Suite 1 & 2, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

### **PRESENT**

Councillor P Whiteley (Chairman)

Councillors W S Davies and J Wray

### **OFFICERS IN ATTENDANCE**

Nikki Cadman, Licensing Officer  
Fiona Crane, Lawyer  
Kim Evans, Licensing Team Leader  
Julie Zientek, Democratic Services Officer

### **17 APPOINTMENT OF CHAIRMAN**

RESOLVED – That Councillor P Whiteley be appointed Chairman.

### **18 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **19 APPLICATION FOR A PREMISES LICENCE - HOT SPOT, 46 CREWE ROAD, ALSAGER ST7 2ET**

The Sub-Committee considered a report regarding an application for a Premises Licence for the Hot Spot, 46 Crewe Road, Alsager ST7 2ET.

The following attended the hearing and made representations with respect to the application:

- the applicant
- a solicitor representing the applicant
- a representative of the objector

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of:

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy
- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm)
- All the evidence, including the oral representations made at the meeting and the written representations of interested parties, the following course of action had been agreed:

RESOLVED

- (a) That the application for a premises licence be granted as applied for
- (b) That the following agreed conditions, suggested by the Police Licensing Officer, be attached to the premises licence:

An up to date register will be maintained at the premises by the Premises Licence Holder which records the following information for all individuals working at the premises:

1. Full name
2. Date & Place of Birth
3. National Insurance Number
4. Home Address
5. Start date when work commenced at the premises
6. Finish date when work ceases at the premises
7. A record that the individual has received a copy of the summary of the Premises Licence and when. The register will be kept at the premises at all times and will retain the above information for each individual for a period of at least 12 months after they cease to work at the premises.

Any individual providing Late Night Refreshment to members of the public must be provided with a copy of the summary of the current Premises Licence by the Premises Licence Holder before they are allowed to work in the premises. The Premises Licence Holder must at the time he provides the summary of the Premises Licence specifically draw the attention of every individual to the times when Late Night refreshment is authorised.

If the hours when Late Night Refreshment are authorised by the Premises Licence are varied, for any reason, the Premises Licence Holder must provide every individual working at the premises with a copy of the summary of the varied Premises Licence such that the individual receives that summary on the first occasion they work after the variation takes effect and record when that happens for each individual. The Premises Licence Holder must at the time he provides the summary specifically draw the attention of every individual to the times when Late Night Refreshment is authorised.

The applicant and parties who had made relevant representations were reminded of the right to appeal the decision to the Magistrates Court within 21 days.

**20 APPLICATION TO VARY A PREMISES LICENCE - SWAN WITH TWO NECKS, 65 CHESTERGATE, MACCLESFIELD SK11 6DG**

The Sub-Committee considered a report regarding an application to vary the Premises Licence for the Swan With Two Necks, 65 Chestergate, Macclesfield SK11 6DG.



The following attended the hearing and made representations with respect to the application:

- three representatives of the applicant
- a legal representative on behalf of the applicant
- a local resident
- a representative of the Environmental Health Service

It was noted that, since the publication of the committee report, the proposed extension to regulated entertainment hours had been removed from the application and the part of the application relating to Monday and Tuesday had been withdrawn. As a result of this, the Environmental Health Service and one objector had withdrawn their objections to the application.

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of:

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy
- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm)
- All the evidence, including the oral representations made at the meeting and the written representations of interested parties, the following course of action had been agreed:

### RESOLVED

- (a) That the application for a variation to the Premises Licence, as amended by the applicant, be granted.
- (b) That the following conditions, volunteered by the Applicant, be attached to the premises Licence:
  - 1. No drinks to be taken outside (including in "The Shed") after 01.00 hours
  - 2. No admittance or re-admittance to the premises after 01.00

The applicant and parties who had made relevant representations were reminded of the right to appeal the decision to the Magistrates Court within 21 days.

The meeting commenced at 9.30 am and concluded at 12.10 pm

Councillor P Whiteley (Chairman)

This page is intentionally left blank

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Licensing Act Sub-Committee**  
held on Wednesday, 4th September, 2013 at Council Chamber - Town Hall,  
Macclesfield, SK10 1EA

### **PRESENT**

Councillor P Whiteley (Chairman)

Councillors C Andrew and H Davenport

### **OFFICERS IN ATTENDANCE**

Nikki Cadman, Licensing Officer

Fiona Crane, Lawyer

Julie Zientek, Democratic Services Officer

### **21 APPOINTMENT OF CHAIRMAN**

RESOLVED – That Councillor P Whiteley be appointed Chairman.

### **22 DECLARATIONS OF INTEREST**

In the interests of openness, Councillor C Andrew and Councillor H Davenport declared that they shopped at Tesco supermarkets.

### **23 APPLICATION FOR A PREMISES LICENCE - TESCO EXPRESS, WEST ROAD, CONGLETON CW12 4HB**

The Sub-Committee considered a report regarding an application for a Premises Licence for Tesco Express, West Road, Congleton CW12 4HB.

The following attended the hearing and made representations with respect to the application:

- two representatives of the applicant
- a solicitor representing the applicant
- one local resident and a representative of one local resident
- Councillor G Baxendale, Ward Councillor

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of:

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy

- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm)
- All the evidence, including the oral representations made at the meeting and the written representations of interested parties, the following course of action had been agreed:

RESOLVED - That the application for a premises licence be granted as applied for.

The meeting commenced at 10.00 am and concluded at 11.20 am

Councillor P Whiteley (Chairman)

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **General Licensing Sub-Committee**  
held on Thursday, 25th July, 2013 at The Capesthorne Room - Town Hall,  
Macclesfield SK10 1EA

### **PRESENT**

Councillor P Whiteley (Chairman)

Councillors Rhoda Bailey, A Harewood, D Mahon and J Wray

### **OFFICERS IN ATTENDANCE**

Nikki Cadman (Enforcement Officer)

Fiona Crane (Lawyer)

Vilma Robson (Senior Enforcement Officer)

### **7 APPOINTMENT OF CHAIRMAN**

RESOLVED – That Councillor P Whiteley be appointed Chairman.

### **8 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **9 DECLARATIONS OF INTEREST**

In the interest of openness in relation to agenda item 13, Councillor D Mahon declared that the licence holder was known to him.

### **10 EXCLUSION OF THE PUBLIC AND PRESS**

RESOLVED - That the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A) 4 of the Local Government Act 1972 on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 and public interest would not be served in publishing the information.

### **11 13-14/2 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

The Sub-Committee considered a report regarding the holder of a Joint Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the matter fell within the Council's policy for determination by the Sub-Committee. Accordingly, the hearing had been convened to enable the Sub-Committee to determine whether

the licence holder remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

The licence holder attended the hearing and made representations.

After a full hearing, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED

That the licence holder was a fit and proper person to hold a licence and therefore granted the renewal application for a Joint Hackney Carriage/Private Hire Drivers Licence.

**12 13-14/3 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

The Sub-Committee considered a report regarding the holder of a Joint Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the matter fell within the Council's policy for determination by the Sub-Committee. Accordingly, the hearing had been convened to enable the Sub-Committee to determine whether the licence holder remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

The licence holder, his Solicitor, the complainant and two witnesses attended the hearing and made representations.

After a full hearing, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED

The Sub-Committee determined to revoke the licence holder's Hackney Carriage/Private Hire Drivers Licence.

The licence holder was reminded of the right to appeal the decision to the Magistrates' Court within 21 days.

**13 13-14/4 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

The Sub-Committee considered a report regarding the holder of a Joint Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the matter fell within the Council's policy for determination by the Sub-Committee. Accordingly, the hearing

had been convened to enable the Sub-Committee to determine whether the licence holder remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

After a full hearing, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

The licence holder was not present at the meeting.

RESOLVED

The Sub-Committee determined to revoke the licence holder's Hackney Carriage/Private Hire Drivers Licence with immediate effect on public safety grounds.

The licence holder would be written to reminding him of his right to appeal the decision to the Magistrates' Court within 21 days.

The meeting commenced at 10.00 am and concluded at 3.45 pm

Councillor P Whiteley (Chairman)

This page is intentionally left blank



## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **General Licensing Sub-Committee**  
held on Monday, 16th September, 2013 at The Capesthorne Room - Town  
Hall, Macclesfield SK10 1EA

### **PRESENT**

Councillor P Whiteley (Chairman)

Councillors C Andrew, H Davenport, A Harewood and D Mahon

### **OFFICERS IN ATTENDANCE**

Nikki Cadman (Enforcement Officer)

Fiona Crane (Lawyer)

Vilma Robson (Senior Enforcement Officer)

### **14 APPOINTMENT OF CHAIRMAN**

RESOLVED – That Councillor P Whiteley be appointed Chairman.

### **15 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **16 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **17 EXCLUSION OF THE PUBLIC AND PRESS**

RESOLVED - That the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A) 4 of the Local Government Act 1972 on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 and public interest would not be served in publishing the information.

### **18 13-14/5 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

The Sub-Committee considered a report regarding the holder of a Joint Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the matter fell within the Council's policy for determination by the Sub-Committee. Accordingly, the hearing had been convened to enable the Sub-Committee to determine whether the licence holder remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

The licence holder and a representative from the Police attended the hearing and made representations.

After a full hearing, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED – That the applicant is not a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence, and that the Joint Hackney Carriage/Private Hire Driver Licence be revoked.

The Sub-Committee noted that the applicant would be reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

**19 13-14/6 APPLICATION FOR A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE**

The Sub-Committee considered a report regarding an application for a Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the application fell within the Council's policy for determination by the Sub-Committee. Accordingly the hearing had been convened to enable the Sub-Committee to determine whether the application for a Hackney Carriage/Private Hire Driver's Licence should be granted.

The applicant attended the hearing and made representations in respect of the application.

After a full hearing of the application, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED - That the applicant is not a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence, and that the application for a licence be refused.

The Sub-Committee noted that the applicant would be reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

(The meeting adjourned for lunch from 12.40pm to 1.25pm)

**20 13-14/7 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

The Sub-Committee considered a report regarding a renewal application by the holder of a Joint Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the matter fell within the Council's policy for determination by the Sub-Committee. Accordingly, the hearing had been convened to enable the Sub-Committee to determine whether the licence holder remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

The licence holder attended the hearing and made representations.

After a full hearing, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED – That the applicant is not a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence, and that the application to renew the licence be refused.

The Sub-Committee noted that the applicant would be reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

The meeting commenced at 10.00 am and concluded at 2.35 pm

Councillor P Whiteley (Chairman)

This page is intentionally left blank

**CHESHIRE EAST COUNCIL****Licensing Committee**

---

**Date of Meeting:** 30<sup>th</sup> September 2013  
**Report of:** Public Protection and Health Manager  
**Subject/Title:** Implementation of the Scrap Metal Dealers Act 2013

---

**1.0 Report Summary**

- 1.1 This report introduces the new provisions of the Scrap Metal Dealers Act 2013 which comes into force on 1 October 2013.

**2.0 Recommendation**

- 2.1 Using the principles anticipated to be recommended to Council by Constitution Committee the Licensing Committee recommends Council:
- 2.1.1 To approve the scheme of implementation and Delegations in Appendix 2
- 2.1.2 To approve policy on the Suitable Person Test to be employed by Cheshire East Council as outlined in Appendix 1.
- 2.1.3 To approve fees and charges in relation to Scrap Metal Dealers licensing activities.

**3.0 Reasons for Recommendations**

- 3.1 To ensure that the Council meets its obligations under the Scrap Metal Dealers Act 2013.
- 3.2 To provide a transparent and consistent approach to the Suitable Persons Test.
- 3.3 To provide a transparent basis on which fees and charges have been set.

**4.0 Wards Affected**

- 4.1 All

**5.0 Local Ward Members**

- 5.1 All

**6.0 Policy Implications**

- 6.1 Contained within the report.

- 6.2 Section 13.0 of the report and Appendix 1 describe the policy to be implemented in relation to 'Suitable Person Test'.
- 6.3 Appendix 3 contains details of how the 2013 Fees for Scrap Metal Dealers have been developed and further supports information contained within Section 19.0.

## **7.0 Financial Implications**

- 7.1 Contained within the report.
- 7.2 Fees will be set locally by Cheshire East Council on a cost recovery basis, but local authorities will have a duty to have regard to guidance issued by the Secretary of State outlining what should be considered by them when setting the fee and what activities the fee can cover.

## **8.0 Legal Implications**

- 8.1 The current legislation, (the Scrap Metal Dealers Act 1964) requires scrap metal dealers to register. The Scrap Metal Dealers Act 2013 is designed to provide a more robust scheme of monitoring the scrap metal industry. A scheme of delegation needs to be put in place to allow for full implementation of the Scrap Metal Dealers Act 2013, by the time the first applications under it are made to the Council. All current registered scrap metal dealers will be required to make application to the council for a licence between 1<sup>st</sup> and 15<sup>th</sup> October 2013. Guidance indicates that these applications should be determined by 1<sup>st</sup> December 2013.
- 8.2 The current function, under the Scrap Metal Dealers Act 1964, is specified in Regulations as a Council ("non executive") function. The Scrap Metal Dealers Act 2013 repeals the 1964 legislation and implements the new licensing system. It was expected that Regulations would be made to specify that this function is a Council function, or a local choice function, i.e. one where the council can decide whether it wants the function to be a council (non executive) or an executive function. The implementation regulations, which were made at the beginning of September, do not make any statement to this effect. The latest information is that the Department of Communities and Local Government will make it a local choice function, but will not be consulting on regulations for this until October 2013, which is after the first tranche of licence applications are received.
- 8.3 In the absence of regulations making a function a Council (non-executive) function, the default position is that it is an Executive function. However, all other licensing functions are currently Council (non-executive) functions and whilst it is still likely that regulations will be issued to this effect in respect of the licensing of Scrap Metal Dealers, it should be noted that Section 17 of the Interpretation Act 1978 already provides that where an Act repeals and re-enacts, with or without modification, a previous enactment, then unless the contrary intention appears, in so far as any subordinate legislation made or other thing done under the enactment so repealed, or having effect as if so made or done, could have been made or done under the provision re-enacted,

it shall have effect as if made or done under that provision. The effect of this is that the new regulatory provisions should, even if no new confirmatory Regulations emerge, be capable of being done through the Council's non-Executive framework.

- 8.4 It is therefore recommended that decisions on fees and charges and policy need to be delegated to the Licensing Committee.
- 8.5 The Scrap Metal Dealers Act 2013 states that in determining licences the licensing authority has to be satisfied that the applicant is a suitable person to hold a licence. It requires the Council to give an applicant for a licence the opportunity of a hearing if the Council sends that person a notice to indicate that the Licensing Authority is minded to refuse the licence. The applicant can then make written or oral representations at a hearing.

## **9.0 Risk Management**

- 9.1 Relying on the interpretation Act 1978 to decide this is a non-executive function does carry some small risk, but a course of action has to be determined prior to regulations making the position certain.

## **10.0 Background**

- 10.1 Metal theft has, over the last few years had a significant impact on communities, businesses and councils themselves. This experience and the expectation that high metal prices will continue to encourage metal theft and onward sale created a drive to reform the regulation of scrap metals dealers and the development of specific legislation.
- 10.2 The Scrap Metal Dealers Act 2013 replaces the previous registration system for scrap metal dealers created by the 1964 Scrap Metal Dealers Act to create a new licensing regime. The Act maintain local authorities as the principal regulator but gives them the power to better regulate these industries by allowing them to refuse to grant a licence to 'unsuitable' applicants and a power to revoke licences if the dealer becomes 'unsuitable'.
- 10.3 The Act provides that an application for a licence must be accompanied by a fee. The fees will be set locally by each local authority on a cost recovery basis, but local authorities will have a duty to have regard to guidance issued by the Secretary of State which will outline the issues that can be considered by them when setting the fee and what activities the fee can cover. This fee will be an essential component of the new regime as it will provide local authorities with the funding they need to administer the regime and ensure compliance.
- 10.4 The Act incorporates the separate regulatory scheme for motor salvage operators under the Vehicles (Crime) Act 2001 into this new regime. This is to replace the current overlapping regimes for the vehicle salvage and scrap metal industries to a single regulatory system that reflects the current scope of the scrap metal industry.

## **11.0 Definitions under the Act**

### **11.1 *Scrap Metal Dealer***

A dealer is defined under S21(2) of the Act as someone carrying on a business which consists wholly or in part of buying or selling scrap metal, whether or not the metal is sold in the form in which it is bought. However, where a manufacturing business that sells scrap metal as a by-product of the processes it uses, or because it has a surplus of materials is not captured by this definition (S21(3)).

Within this broad definition there is also a need to have consideration to further criteria to establish the applicability of the Act. Generally where the sale of the metal is incidental to the main type of work or business undertaken then a licence will not be needed.

A dealer also includes someone carrying on a business as a motor salvage operator. This is defined as a business that;

- Wholly or in part recovers salvageable parts from motor vehicles for reuse or resale and then sells the rest of the vehicle for scrap;
- Wholly or mainly involves buying written off vehicles and then repairing and selling them off;
- Wholly or mainly buys or sells motor vehicles for the purpose of salvaging parts from them or repairing them or selling them off.

### **11.2 *Scrap Metal Collectors***

A collector is defined (S22(4)) as a person who carries on a business as a scrap metal dealer otherwise than at a site, and regularly engages in the course of that business in collecting waste materials and old, broken, worn out or defaced articles by means of door to door visits.

### **11.3 *Scrap Metal Site***

A site is defined in the Act (S22(9)) as 'any premises used in the course of carrying on a business as a scrap metal dealer (whether or not metal is kept there)'. Due to the wording of the definition this means that someone who trades in scrap metal and is thus defined as a dealer under S21(2) will need a site licence for their office even if they do not operate a scrap metal store or yard.



## **12.0 Applications & Licences**

12.1 Section 1 of the Act requires that a scrap metal dealer is required to obtain a licence in order to carry on business as a scrap metal dealer; failure to do so is a criminal offence punishable on summary conviction with a fine not exceeding level 5 on the standard scale.

12.2 Section 2 details the two types of licence available. These are a site licence and a mobile collectors licence where the applicant does not carry on the business at a designated site.

- A site licence will be issued by the local authority in whose area a scrap metal site is situated. All sites within the local authority area where a licensee carries on a business as a scrap metal dealer have to be identified and a site manager has to be named for each site. This licence allows the licensee to transport scrap metal to and from those sites from any local authority area.
- A collectors licence allows the licensee to operate as a collector in the area of the issuing local authority. It does not allow the collector to operate in any other local authority area, so a separate licence has to be obtained from each council the collector wishes to operate in. The licence does not authorise the licensee to operate a site; to do so, they will need a site licence from the relevant local authority. There is no restriction as to the location where the collector may transport and sell their metal.

12.3 It is important to note that a dealer can only hold one type of licence in any one local authority area and they will need to ensure that they apply for the correct licence to continue their operations.

12.4 Licences are issued for a period of three years.

## **13.0 Suitable Person Test**

13.1 Section 3 of the Act requires that the licensing authority has to be satisfied that an applicant is a suitable person to carry on business as a scrap metal dealer. In making this decision Cheshire East Council will have regard to any relevant information including whether any relevant enforcement action has been taken against the applicant or whether the applicant has been convicted of a relevant offence.

13.2 Appendix 1 provides further detail on the information that Cheshire East Council will take into account as part of the 'Suitable Person Test'.

## **14.0 Attaching Conditions to Licences**

14.1 Where a licensee of site manager has been convicted of a relevant offence the authority has the opportunity to apply conditions to any licence that is issued.

The legislation provides for two specific conditions;

- a) That a dealer must not receive scrap metal except between the hours of 09.00 and 17.00 on any day;
- b) That all scrap metal received must be kept in the form in which it is received for a specified period, not exceeding 72 hours, beginning with the time that it is received.

## **15.0 Display of Licences**

- 15.1 Section 10 requires that the licensee display a copy of their licence. It is a criminal offence punishable on summary conviction where a licensee does not meet display requirements
- 15.2 For site operators this must be in a prominent place in an area accessible to the public.
- 15.3 For mobile collectors display must be in a manner which enables the licence to be easily read by a person outside the vehicle.

## **16.0 Further Duties for Licensed Scrap Metal Dealers**

- 16.1 Section 11 places a requirement on scrap metal dealers, site managers and employees who have been delegated the responsibility to do so, to verify the identity of the person they are receiving metal from and the persons address. This verification must be done by reference to data, documents or other information obtained from a reliable or independent source, such as the Identity and Passport Service, the Driver and Vehicle Licensing Agency (DVLA), a bank or utility company etc. The Secretary of State will prescribe in regulations the data or documents which are sufficient, or otherwise as the case may be for verifying identity.
- 16.2 It will be an offence not to obtain and verify the seller's identity as part of the transaction. The offence will apply to the scrap metal dealer, the site manager and any person, who under arrangements made by either the scrap metal dealer or the site manager, has responsibility for fulfilling this requirement on behalf of the business.
- 16.3 Section 13 sets out the record keeping requirements in respect of any scrap metal received by a scrap metal dealer in the course of their business. Information that is required to be recorded includes the type of metal being purchased; the time/date of the transaction; personal information on the seller; who is acting on behalf of the dealer and proof of the non-cash transaction. Failure to comply with the requirements of this section is an offence.

## **17.0 Revocations, Variations and Refusals**

- 17.1 Section 4 provides the licensing authority with the discretion to revoke a licence on particular grounds, including where the local authority is no longer satisfied that the licensee is a suitable person to carry on the business as a scrap metal

dealer. The revocation of a licence can only be carried out by a local authority as the licensing authority.

- 17.2 Section 4 also allows the licensing authority to vary a licence; imposing those conditions stipulated in paragraph 14.1 above if a licensee is convicted of a relevant offence.
- 17.3 If the licensing authority proposes to refuse an application for the grant or variation of a licence, or intends to revoke a licence it must give the applicant or licensee a notice which sets out what the authority proposes to do and the reasons for it. The notice must state that the applicant may make representations against any of these decisions within 14 days.

## **18.0 Scheme of Delegation**

- 18.1 A report to Constitution Committee on 19<sup>th</sup> September recommended that “subject to the detail being worked up and approved by Licensing Committee on 30 September, Constitution Committee recommends to Council that:

2.1.1 in so far as it is necessary as a matter of local choice, this function is specified as a non-executive function; and

2.1.2 procedures and a scheme of delegation be set up to implement the Scrap Metal Dealers Act 2013 and to determine applications for licenses under the Act consider and approve, taking account of the following principles:

- policy is delegated to the Licensing Committee
  - the ability to set fees and charges is delegated to the Licensing Committee
  - a member decision making body (e.g. a licensing sub-committee) shall determine any applications where the applicant has indicated he/she is taking advantage of their opportunity for a hearing (i.e. after a notice has been given under Section 7 of the Act by the licensing authority stating it proposes to refuse the application, the applicant may ask for a hearing and the opportunity to make written or oral representations)
  - a member decision making body only may initiate a revocation of a licence.
  - a member decision making body only may impose conditions on a licence.
  - An officer should be empowered to make decisions in respect of approvals of licences and may refuse a licence in circumstances where the applicant has not expressed the wish to make representations within the specified time after a notice has been served under Section 7 stating the licensing authority proposes to refuse the application.”
- 18.2 The recommendation of Constitution Committee will be reported to the Licensing Committee at the meeting.
- 18.3 Using the above principles it is recommended that Licensing Committee make a recommendation to Council to approve the Delegations as in Appendix 2, and

to approve a policy and approve fees and charges. The recommendation for the future is to delegate all these issues to Licensing Committee, but because of the short timescale at this implementation stage it is necessary for Council to approve these matters.

## **19.0 Fees and Charges**

- 19.1 The Act provides that an application for a licence must be accompanied by a fee. The fees will be set locally by each local authority on a cost recovery basis, but local authorities will have a duty to have regard to guidance issued by the Secretary of State which will outline the issues that can be considered by them when setting the fee and what activities the fee can cover. Appendix 3 provides relevant information.
- 19.2 When setting fees the authority cannot take into account any costs associated with enforcement activity against unlicensed scrap metal dealers including Closure Notices, applications for Closure Orders and applications for warrants or the defence of Appeals.
- 19.3 The following fees have been calculated for Scrap Metal Dealers Licences;
- Site Licence: £160.00  
Collectors Licence: £160.00
- 19.4 Fees and charges will be reviewed within the initial three year licensing period to ensure that they accurately reflect the full costs associated with the provision of the service including the renewal process. At the current time it has been necessary to estimate the amount of time each element of the licensing regime will take and apportion costs accordingly. However, to support any future review of fees and charges for this area of work, more detailed time recording work will be undertaken across a sample of licence applications to ensure greater accuracy.
- 19.5 A separate income account has been created to capture the income received by the scrap metal dealers licensing regime and to support the calculation of future licensing fees.

## **20.0 Public Register**

- 20.1 Section 6 places a duty on the local authority to supply any such information as requested relating to a scrap metal licence to any other local authority in England and Wales, the Environment Agency and to police forces.
- 20.2 Section 7 requires that a register of licences issued under the Act should be maintained by the Environment Agency. Local authorities will provide the appropriate information on all licences issued in their geographic areas in order that this register can be updated regularly.
- 20.3 This register will be made openly accessible to the public and will include: the name of the authority which issued the licence; the name of the licensee; any

trading name; the type of licence; the site(s) covered by the licence and the expiry date of the licence.

- 20.4 Contact with the Environment Agency in relation to protocol for the creation and maintenance of public registers indicates that currently no fee has been set for this service. This issue will need to be reviewed in line with any future review of fees and charges.

## **21.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

Name: Tracey Bettaney

Designation: Public Protection and Health Manager

Tel No: 01270 686596

Email: [tracey.bettaney@cheshireeast.gov.uk](mailto:tracey.bettaney@cheshireeast.gov.uk)

## Appendix 1

### Policy Notes: Suitable Person Test

Section 3 of the Act states that the authority must not issue a licence unless it is satisfied that the applicant is a suitable person to carry on business as a scrap metal dealer – ‘the suitability test’. This would apply to;

- Individuals;
- All partners within a partnership business;
- Directors, shadow directors or company secretaries in the case of a Company.

In considering suitability the authority will consult with;

- Any other Local Authority (if an application has been made or a licence issued to the same applicant);
- The Environment Agency;
- Cheshire Constabulary (The Police) or any other relevant Police Force.

Factors that the authority will take into account in determining suitability include;

- Whether the applicant or any site manager has been convicted of any relevant offence(to be laid out in regulations due to be laid before Parliament in September 2013);
- Whether the applicant or any site manager has been the subject of any relevant enforcement action;
- Any previous refusal for issue of or renewal of a scrap metal licence;
- Any previous refusal of an environmental permit or registration;
- Any previous revocation of a scrap metal licence;
- Whether the applicant has demonstrated that there will be adequate procedures to comply with the Act.

As part of the application process the authority will request that the applicant provide a Basic Disclosure certificate with their completed application which would offer transferable information for them to use for applications to other local authorities. This offers the possibility of providing a fair, transparent and objective means of identifying matters that might lead the authority to conclude that an applicant is not a suitable person to hold a scrap metal dealers licence.

There is no requirement under the Act for applicants to provide a Basic Disclosure certificate and the deemed licence for previously registered dealers will not lapse if it

is not supplied with the application. However refusing to supply a certificate would be grounds for the authority to consider what further information it needed to judge whether the applicant was suitable. Refusing to provide a Basic Disclosure certificate would also be grounds under paragraph 4(2) of Schedule 1 for the local authority to decline to proceed with the application.

In order to ensure that a Basic Disclosure is as current as possible the authority will only accept certificates that are up to three months old.

**Appendix 2****Scheme of Implementation and Delegations****Delegations to Licensing Committee, General Licensing Sub-Committee and Officers**

<b>Function</b>	<b>Full Committee</b>	<b>Sub-Committee</b>	<b>Officers – Head of Public Protection and Enforcement unless otherwise stated</b>
Power to approve policy in relation to the Scrap Metal Dealers Act 2013	Power to set policy		
Power to set fees and charges in relation to scrap metal dealers licences	Power to set fees and charges		
Power to licence (first grant, renewal and application to vary) regarding a site licence and a collectors licence under the Scrap Metal Dealers Act 2013		To determine applications where the applicant has indicated s/he is taking advantage of the opportunity for a hearing under Section 7 of the Act or where conditions are proposed by officers	To grant a licence and to refuse a licence in circumstances where the applicant has not expressed the wish to make representations within the specified time after a notice has been served under Section 7 stating the licensing authority proposes to refuse the application
Power to revoke or vary a licence under the Scrap Metal Dealers Act 2013		The power to revoke or vary a scrap metal dealers licence	
Power to issue a Closure Notice under the Scrap Metal Dealers Act 2013		Power to issue a Closure Notice	
Termination of a Closure Order		Power to terminate a Closure Order	



Application to a Justice of the Peace for a Closure Order			Power to make application for a Closure Order
Power to institute criminal proceedings under the Scrap Metal Dealers Act 2013			Power to Head of Legal Services and Monitoring Officer to institute criminal proceedings

## Appendix 3

### Policy Notes: Fees and Charges

Fees and charges for a licence under the Scrap Metal Dealers Act 2013 will be set locally by the Licensing Authority. In determining the fee to be applied the authority will have regard to the following processes;

- All activities required with the processing and granting a licence such as considering applications and assessing the suitability of the applicant.
- The costs of staff associated with supporting the service including senior staff with managerial responsibility for the service.
- Support provided by other parts of the council to the licensing team such as legal services and any recharges there might be for rooms, heating and lighting from the centre of the authority.
- The cost of providing advice and guidance to applicants on what will be a new process.
- Carrying out inspections and ensuring compliance with the law.
- Training for staff and councillors in the requirements of the new legislation.
- Costs associated with consulting other agencies and bodies when considering if an application is a suitable person.
- Working with any partners to ensure compliance.
- Making and reviewing any policies in relation to the operation of the new licensing regime.
- Issuing the licence.
- Any officer time spent providing information for inclusion in the register of dealers.
- Costs associated with Hearings to include communication with applicants/representatives; preparation and issue of information; report preparation; Member expenses for hearing attendance; room hire; printing and dissemination of agenda materials; legal services costs; and officer costs associated with actually running the hearing itself.

## **CHESHIRE EAST COUNCIL**

### **REPORT TO: Licensing Committee**

---

<b>Date of Meeting:</b>	30 <sup>th</sup> September 2013
<b>Report of:</b>	Miss K Evans – Licensing Team Leader
<b>Subject/Title:</b>	NVQ Level 2 Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire)
<b>Portfolio Holder:</b>	Cllr Les Gilbert - Communities and Regulatory Services Portfolio Holder

---

#### **1.0 Report Summary**

- 1.1 To provide Members with information on the NVQ Level 2 Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire).

#### **2.0 Recommendation**

- 2.1 That Members note the information and determine to:
- i. authorise the Licensing Team Leader to consult with the existing licensed trade and public (via the Council's web-site); or
  - ii. to take no further action

#### **3.0 Reasons for Recommendations**

- 3.1 The Licensing Committee has delegated authority to determine such matters.

#### **4.0 Wards Affected**

- 4.1 All

#### **5.0 Local Ward Members**

- 5.1 All

#### **6.0 Policy Implications**

- 6.1 None

#### **7.0 Financial Implications (Authorised by the Chief Operating Officer)**

- 7.1 The cost of any course will be met by the licensed driver. There may be funding available to undertake the course. However, this will vary depending on the educational institution applied to and the personal circumstances of the student.

- 7.2 If Members authorised consultation to take place, the Licensing Team would write to all existing drivers to seek their views. This will result in a number of letters being sent with an approximate cost of £800.00.

## **8.0 Legal Implications (Authorised by the Interim Monitoring Officer/Head of Legal Services)**

- 8.1 Section 46 of the Town Police Clauses Act 1847 provides a Local Authority with the power to issue Hackney Carriage driver's licences. Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 ('the 1976 Act') provides the same power to issues licences to drive private hire vehicles.
- 8.2 The provisions of section 59 (1) (a) (in relation to hackney carriage drivers licences) and section 51 (1) (a) (in relation to private hire drivers licences) of the 1976 Act state that a council shall not grant a licence 'unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence'.
- 8.3 What constitutes fit and proper is not defined in the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976. Similarly, there is no judicially approved test of fitness and propriety.
- 8.4 Factors relevant to the suitability of an individual to act as a licensed driver were set out in the case of McCool v Rushcliffe Borough Council (1998) (and followed in Leeds City Council v Hussain (2002)) where Lord Bingham stated:

One must, as it seems to me, approach this case bearing in mind the objectives of this licensing regime which is plainly intended, among other things, to ensure so far as possible that those licensed to drive private hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest, and not persons who would take advantage of their employment to abuse or assault passengers.

- 8.5 To assist the Licensing Authority in determining whether an applicant is fit and proper a number of processes are conducted, namely:
- Completion of the Council's application form
  - Satisfactory enhanced Disclosure and Barring Certificate (formerly CRB)
  - Satisfactory driving record
  - Medical assessment
  - Btec Level 2 Certificate in the introduction to the role of the Professional Taxi and Private Hire Driver (the Btec qualification)

## **9.0 Risk Management**

- 9.1 Thorough consideration of all the information prior to making a decision will reduce any risk of a successful challenge.

## 10.0 Background

- 10.1 On the 5<sup>th</sup> November 2012 the Licensing Committee gave Officers the delegated authority to review, update and amend the driver knowledge test, including the consideration and implementation of an appropriate numeracy/language skills test.
- 10.2 Following that decision, the Licensing Team researched the testing arrangements of a number of Licensing Authorities across the country. This research included our neighbours at Cheshire West and Chester, Stoke-on-Trent and colleagues at Manchester City Council.
- 10.3 Consequently, the Licensing Team researched the qualifications available and the following courses were identified:
1. Btec Level 2 Certificate in the introduction to the role of the Professional Taxi and Private Hire Driver (the Btec)
  2. NVQ Certificate in Road Passenger Vehicle driving (Taxi and Private Hire Driver) (the NVQ)
- 10.7 The main difference between the qualifications is that the Btec is designed for those who are new to the licensed trade and the NVQ is designed for those who are already licensed drivers and therefore goes further into the knowledge needed to gain the qualification and is considered a vocational qualification.
- 10.8 On the 16<sup>th</sup> July 2013 the Licensing Committee resolved that all new applicants would be required to undertake the Btec before a licence would be granted. This requirement replaced the need to undertake the Council's own knowledge test.
- 10.9 Members also requested that further information be provided on the NVQ and proposals submitted for requiring existing drivers to complete the course.
- 10.10 The NVQ would include the following units:
- **Unit 1:** Ensure health and safety of the taxi and private hire driver and passengers
  - **Unit 2:** Drive a taxi or private hire vehicle in a professional manner
  - **Unit 3:** Provide professional customer service in the taxi and private hire industries
  - **Unit 4:** Provide a safe and legal vehicle for transporting passengers by taxi and/or private hire
  - **Unit 5:** Provide a transport service in the taxi and private hire vehicle industries for customers who require assistance
  - **Unit 6:** Provide a service to customers using a wheelchair in an accessible taxi or private hire vehicle
  - **Unit 7:** Transport parcels, luggage and other items in the taxi and private hire industries

- **Unit 8:** Transport children and young persons by taxi, private hire or chauffeuring
- Unit 9: Carry fare paying passengers within the framework of the private hire industry
- Unit 10: Carry fare paying passengers within the regulatory framework of the taxi industry
- Unit 11: Process fares and charges for private hire passengers
- Unit 12: Process fares and charges for taxi passengers
- Unit 13: Plan routes in the taxi and private hire industries
- Unit 14: Develop and maintain work skills and knowledge in the community transport, chauffeur and taxi and private hire vehicle industries
- Unit 15: Manage and administer small businesses in the community transport, taxi or private hire vehicle industries
- Unit 16: Process telephone bookings in the road passenger transport industries
- Unit ERR1: Employment Rights and Responsibilities in the Passenger Transport Sector

10.11 Awarding of the NVQ required completion of 11 units, 8 mandatory (Units 1 to 8) and then 3 optional. The optional units give flexibility between the different type of operations (ie hackney carriage or private hire). The full course specification is attached at appendix 1.

10.12 As with all NVQs there are 2 sections, knowledge & understanding and performance. The knowledge is now encouraged by the awarding bodies to be delivered in the classroom, for example five 3 hour sessions during the driver's downtime. There would then be one (possibly two) workplace observations, where the assessor would go out with the driver to assess performance. Normally the course would take 16 weeks to be completed, but can be completed more quickly depending on the training provider.

10.13 It is suggested that the Licensing Authority consult on the following proposals:

1. That all those granted a joint driver licence after the date specified by the Committee be required to complete the NVQ Certificate in Road Passenger Vehicle driving (Taxi and Private Hire Driver) within 3 years of being issued their licence
2. That joint driver licence holders complete the NVQ Certificate in Road Passenger Vehicle driving (Taxi and Private Hire Driver) within 3 years of the date specified by the Licensing Committee
3. That any joint drivers who have already undertaken the NVQ be exempt from this requirement on production of their original certificate (or certified copy) from the awarding body
4. That any joint drivers who have already undertaken a similar qualification at the same level or higher (this would not include the Btec) be exempt from this requirement on production of their original certificate (or certified copy) from the awarding body

## **11.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report author:

Name: Miss Kim Evans

Designation: Licensing Officer

Tel No: 03001235015

Email: [kim.evans@cheshireeast.gov.uk](mailto:kim.evans@cheshireeast.gov.uk)

This page is intentionally left blank



# Specification

Edexcel NVQ/competence-based qualifications

## Edexcel Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) (QCF)

First registration January 2011

Issue 3

Edexcel, a Pearson company, is the UK's largest awarding organisation offering vocational and academic qualifications and testing, to employers, training providers, colleges, schools, and other places of learning in the UK, and in over 85 countries worldwide.

Our specialist suite of qualifications include NVQs, Apprenticeships, WorkSkills, Functional Skills, Foundation Learning, as well as our exclusive range of BTECs, from entry level right through to Higher National Diplomas.

This specification is Issue 3. Key changes are sidelined. We will inform centres of any changes to this issue. The latest issue can be found on the Edexcel website: [www.edexcel.com](http://www.edexcel.com)

*References to third party material made in this specification are made in good faith. Edexcel does not endorse, approve or accept responsibility for the content of materials, which may be subject to change, or any opinions expressed therein. (Material may include textbooks, journals, magazines and other publications and websites.)*

Authorised by Martin Stretton  
Prepared by Lucy Stewart

Publications Code AP029929

All the material in this publication is copyright  
© Pearson Education Limited 2011

# Contents

---

<b>Qualification title covered by this specification</b>	<b>1</b>
<b>Key features of the Edexcel Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) (QCF)</b>	<b>2</b>
What is the purpose of this qualification?	2
Who is this qualification for?	2
What are the benefits of this qualification to the learner and employer?	2
What are the potential job roles for those working towards this qualification?	2
What progression opportunities are available to learners who achieve this qualification?	3
<b>What is the qualification structure for the Edexcel Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire)(QCF)?</b>	<b>4</b>
<b>How is the qualification graded and assessed?</b>	<b>6</b>
Assessment requirements/strategy	6
Types of evidence (to be read in conjunction with the assessment strategy in <i>Annexe D</i> )	7
<b>Centre recognition and approval</b>	<b>8</b>
Centre recognition	8
Approvals agreement	8
<b>Quality assurance</b>	<b>8</b>
<b>What resources are required?</b>	<b>8</b>
<b>Unit format</b>	<b>9</b>
<b>Units</b>	<b>11</b>
Unit 1: Ensure health and safety of the taxi and private hire driver and passengers	13
Unit 2: Drive a taxi or private hire vehicle in a professional manner	21
Unit 3: Provide professional customer service in the taxi and private hire industries	27
Unit 4: Provide a safe and legal vehicle for transporting passengers by taxi and/or private hire	31
Unit 5: Provide a transport service in the taxi and private hire vehicle industries for customers who require assistance	37
Unit 6: Provide a service to customers using a wheelchair in an accessible taxi or private hire vehicle	43

Unit 7:	Transport parcels, luggage and other items in the taxi and private hire industries	47
Unit 8:	Transport children and young persons by taxi, private hire or chauffeuring	51
Unit 9:	Carry fare paying passengers within the framework of the private hire industry	57
Unit 10:	Carry fare paying passengers within the regulatory framework of the taxi industry	63
Unit 11:	Process fares and charges for private hire passengers	69
Unit 12:	Process fares and charges for taxi passengers	71
Unit 13:	Plan routes in the taxi and private hire industries	75
Unit 14:	Develop and maintain work skills and knowledge in the community transport, chauffeur and taxi and private hire vehicle industries	79
Unit 15:	Manage and administer small businesses in the community transport, taxi or private hire vehicle industries	83
Unit 16:	Process telephone bookings in the road passenger transport industries	89
Unit ERR1:	Employment Rights and Responsibilities in the Passenger Transport Sector	95
<b>Further information</b>		<b>99</b>
<b>Useful publications</b>		<b>99</b>
	How to obtain National Occupational Standards	99
<b>Professional development and training</b>		<b>100</b>
<b>Annexe A: Progression pathways</b>		<b>101</b>
	The Edexcel qualification framework for the road passenger transport sector	101
<b>Annexe B: Quality assurance</b>		<b>103</b>
	Key principles of quality assurance	103
	Quality assurance processes	103
<b>Annexe C: Centre certification and registration</b>		<b>105</b>
	What are the access arrangements and special considerations for the qualifications in this specification?	105
<b>Annexe D: Assessment requirements/strategy</b>		<b>107</b>
<b>Annexe E: Additional requirements for qualifications that use the term 'NVQ' in a QCF qualification title</b>		<b>113</b>
<b>Annexe F: Simulation</b>		<b>119</b>
<b>Annexe G: Assessment guidance</b>		<b>121</b>

## Qualification title covered by this specification

---

This specification gives you the information you need to offer the Edexcel Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) (QCF).

### Qualification title

Edexcel Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) (QCF)

Qualification Number (QN)	Accreditation start date
600/0326/1	01/12/2010

This qualification has been accredited within the Qualifications and Credit Framework (QCF) and is eligible for public funding as determined by the Department for Education (DfE) under Section 96 of the Learning and Skills Act 2000.

The qualification title listed above features in the funding lists published annually by the DfE and the regularly updated website. It will also appear on the Learning Aim Reference Application (LARA), where relevant.

You should use the QCF Qualification Number (QN), when you wish to seek public funding for your learners. Each unit within a qualification will also have a unique QCF reference number, which is listed in this specification.

The QCF qualification title and unit reference numbers will appear on the learners' final certification document. Learners need to be made aware of this when they are recruited by the centre and registered with Edexcel.

This qualification replaces the Hackney Carriage/Private Hire Vehicles (PHV) pathway from the following qualification from 1 January 2011:

### Qualification title

Edexcel Level 2 NVQ in Road Passenger Vehicle Driving

Qualification Number (QN)	Accreditation start date	Accreditation end date
500/3128/4	01/10/07	31/03/11

## **Key features of the Edexcel Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) (QCF)**

---

This qualification:

- is nationally recognised
- is based on the GoSkills National Occupational Standards (NOS) for Road Passenger Vehicle Driving. The NOS, assessment requirements/strategy and qualification structure(s) are owned by GoSkills.

### **What is the purpose of this qualification?**

This qualification has been developed by the SSC GoSkills following extensive employer consultation and research to address skills gaps and to provide taxi and private hire drivers, within road passenger transport industries, with the opportunity to demonstrate evidence of technical competency and the underpinning knowledge relating to their work activities.

### **Who is this qualification for?**

This qualification is for all learners aged 18 and above who are capable of reaching the required standards.

Edexcel's policy is that the qualification should:

- be free from any barriers that restrict access and progression
- ensure equality of opportunity for all wishing to access the qualification(s).

### **What are the benefits of this qualification to the learner and employer?**

This qualification allows learners to demonstrate competence against the National Occupational Standards which are based on the needs of the road passenger transport industry as defined by the Sector Skills Council, GoSkills. As such it contributes to the development of skilled employees in the sector.

### **What are the potential job roles for those working towards this qualification?**

- Taxi driver (hackney carriage)
- Private hire driver
- Chauffeur.

**What progression opportunities are available to learners who achieve this qualification?**

This qualification offers various opportunities for progression within the workplace. It also offers progression to further vocational related qualifications such as the Edexcel BTEC Level 2 Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver (QCF).

Further information is available in *Annexe A*.

## What is the qualification structure for the Edexcel Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire)(QCF)?

Individual units can be found in the *Units* section.

To achieve the Edexcel Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) (QCF) qualification learners must achieve a minimum of 36 credits – made up as follows:

- 30 credits from the Mandatory Units in Group A
- minimum of 4 credits from the Optional Units in Group B
- minimum of 1 credit from the Optional Units in Group C
- minimum of 1 credit from the Optional Units in Group D.

If learners are taking this qualification as part of the Apprenticeship Framework they must also complete the additional 3-credit unit, ERR1 from the Additional Unit in Group E.

Unit	Group A – Mandatory units	Credit	Level
	All eight units must be taken. Credit value required: minimum 30, maximum 30.		
1	H/602/6054 – Ensure health and safety of the taxi and private hire driver and passengers	6	2
2	K/602/6055 – Drive a taxi or private hire vehicle in a professional manner	3	2
3	M/602/6056 – Provide professional customer service in the taxi and private hire industries	5	2
4	T/602/6057 – Provide a safe and legal vehicle for transporting passengers by taxi and/or private hire	3	2
5	T/602/6060 – Provide a transport service in the taxi and private hire vehicle industries for customers who require assistance	5	2
6	A/602/6061 – Provide a service to customers using a wheelchair in an accessible taxi or private hire vehicle	3	2
7	R/602/6065 – Transport parcels, luggage and other items in the taxi and private hire industries	2	2
8	Y/602/6066 – Transport children and young persons by taxi, private hire or chauffeuring	3	2



<b>Unit</b>	<b>Group B – Optional units</b> Learners must complete a minimum of 4 optional credits from this group. Credit value required: minimum 4.	<b>Credit</b>	<b>Level</b>
9	A/602/6058 – Carry fare paying passengers within the framework of the private hire industry	4	2
10	F/602/6059 – Carry fare paying passengers within the regulatory framework of the taxi industry	4	2
<b>Unit</b>	<b>Group C – Optional units</b> Learners must complete a minimum of 1 optional credit from this group. Credit value required: minimum 1.	<b>Credit</b>	<b>Level</b>
11	J/602/6063 – Process fares and charges for private hire passengers	1	2
12	L/602/6064 – Process fares and charges for taxi passengers	1	2
<b>Unit</b>	<b>Group D – Optional units</b> Learners must complete a minimum of 1 optional credit from this group. Credit value required: minimum 1.	<b>Credit</b>	<b>Level</b>
13	F/602/6062 – Plan routes in the taxi and private hire industries	1	2
14	K/602/6007 – Develop and maintain work skills and knowledge in the community transport, chauffeur, and taxi and private hire industries	2	2
15	M/602/6025 – Manage and administer small businesses in the community transport, taxi or private hire vehicle industries	4	3
16	A/602/6027 – Process telephone bookings in the road passenger transport industries	2	2
<b>Unit</b>	<b>Group E – Additional unit</b> Learners taking this qualification as part of the Apprenticeship Framework, need to complete this 3-credit unit.	<b>Credit</b>	<b>Level</b>
ERR1	L/602/5934 – Employment Rights and Responsibilities in the Passenger Transport Sector	3	2

## How is the qualification graded and assessed?

---

The overall grade for the qualification is a 'pass'. The learner must achieve all the required units within the specified qualification structure.

To pass a unit the learner must:

- achieve **all** the specified learning outcomes
- satisfy **all** the assessment criteria by providing sufficient and valid evidence for each criterion
- show that the evidence is their own.

This qualification is designed to be assessed:

- in the workplace or
- in conditions resembling the workplace, as specified in the assessment requirements/strategy for the sector, or
- as part of a training programme.

### Assessment requirements/strategy

The assessment requirements/strategy for this qualification has been included in *Annexe D*. This has been developed by GoSkills in partnership with employers, training providers, awarding organisations and the regulatory authorities. The assessment strategy includes details on:

- criteria for defining realistic working environments
- roles and occupational competence of assessors, expert witnesses, internal verifiers and standards verifiers
- quality control of assessment
- evidence requirements.

Evidence of competence may come from:

- **current practice** where evidence is generated from a current job role
- a **programme of development** where evidence comes from assessment opportunities built into a learning/training programme whether at or away from the workplace
- the **Recognition of Prior Learning (RPL)** where a learner can demonstrate that they can meet the assessment criteria within a unit through knowledge, understanding or skills they already possess without undertaking a course of learning. They must submit sufficient, reliable and valid evidence for internal and standards verification purposes. RPL is acceptable for accrediting a unit, several units or a whole qualification
- a **combination** of these.

It is important that the evidence is:

<b>Valid</b>	relevant to the standards for which competence is claimed
<b>Authentic</b>	produced by the learner
<b>Current</b>	sufficiently recent to create confidence that the same skill, understanding or knowledge persist at the time of the claim
<b>Reliable</b>	indicates that the learner can consistently perform at this level
<b>Sufficient</b>	fully meets the requirements of the standards.

### Types of evidence (to be read in conjunction with the assessment strategy in *Annexe D*)

To successfully achieve a unit the learner must gather evidence which shows that they have met the required standard in the assessment criteria. Evidence can take a variety of different forms including the examples below. Centres should refer to the assessment strategy for information about which of the following are permissible.

- direct observation of the learner's performance by their assessor (O)
- outcomes from oral or written questioning (Q&A)
- products of the learner's work (P)
- personal statements and/or reflective accounts (RA)
- outcomes from simulation, where permitted by the assessment strategy (S)
- professional discussion (PD)
- assignment, project/case studies (A)
- authentic statements/witness testimony (WT)
- expert witness testimony (EPW)
- evidence of Recognition of Prior Learning (RPL).

The abbreviations may be used for cross-referencing purposes.

Learners can use one piece of evidence to prove their knowledge, skills and understanding across different assessment criteria and/or across different units. It is, therefore, not necessary for learners to have each assessment criterion assessed separately. Learners should be encouraged to reference the assessment criteria to which the evidence relates.

Evidence must be made available to the assessor, internal verifier and Edexcel standards verifier. A range of recording documents is available on the Edexcel website: [www.edexcel.com](http://www.edexcel.com). Alternatively, centres may develop their own.

## Centre recognition and approval

---

### Centre recognition

Centres that have not previously offered Edexcel qualifications need to apply for and be granted centre recognition as part of the process for approval to offer individual qualifications. New centres must complete both a centre recognition approval application and a qualification approval application.

Existing centres will be given 'automatic approval' for a new qualification if they are already approved for a qualification that is being replaced by the new qualification and the conditions for automatic approval are met. Centres already holding Edexcel approval are able to gain qualification approval for a different level or different sector via Edexcel online.

### Approvals agreement

All centres are required to enter into an approvals agreement which is a formal commitment by the head or principal of a centre to meet all the requirements of the specification and any linked codes or regulations. Edexcel will act to protect the integrity of the awarding of qualifications, if centres do not comply with the agreement. This could result in the suspension of certification or withdrawal of approval.

## Quality assurance

---

Detailed information on Edexcel's quality assurance processes is given in *Annexe B*.

## What resources are required?

---

This qualification is designed to support learners working in the Road Passenger Vehicle Driving (taxi and private hire) sector. Physical resources need to support the delivery of the qualifications and the assessment of the learning outcomes and must be of industry standard. Centres must meet any specific resource requirements outlined in *Annexe D: Assessment requirements/strategy*. Staff assessing the learner must meet the requirements within the overarching assessment strategy for the sector.

## Unit format

Each unit in this specification contains the following sections.

<b>Unit title:</b>					The unit title is accredited on the QCF and this form of words will appear on the learner's Notification of Performance (NOP).
<b>Unit reference number:</b>					This is the unit owner's reference number for the specified unit.
<b>QCF level:</b>					All units and qualifications within the QCF have a level assigned to them, which represents the level of achievement. There are nine levels of achievement, from Entry level to level 8. The level of the unit has been informed by the QCF level descriptors and, where appropriate, the NOS and/or other sector/professional.
<b>Credit value:</b>					All units have a credit value. The minimum credit value is one, and credits can only be awarded in whole numbers. Learners will be awarded credits when they achieve the unit.
<b>Guided learning hours:</b>					A notional measure of the substance of a qualification. It includes an estimate of the time that might be allocated to direct teaching or instruction, together with other structured learning time, such as directed assignments, assessments on the job or supported individual study and practice. It excludes learner-initiated private study.
<b>Unit summary:</b>					This provides a summary of the purpose of the unit.
<b>Assessment requirements/evidence requirements:</b>					The assessment/evidence requirements are determined by the SSC. Learners must provide evidence for each of the requirements stated in this section.
<b>Assessment methodology:</b>					This provides a summary of the assessment methodology to be used for the unit.
<b>Learning outcomes:</b>	<b>Assessment criteria:</b>	<b>Evidence type:</b>	<b>Portfolio reference:</b>	<b>Date:</b>	
			The learner should use this box to indicate where the evidence can be obtained eg portfolio page number.	The learner should give the date when the evidence has been provided.	
Learning outcomes state exactly what a learner should know, understand or be able to do as a result of completing a unit.		The assessment criteria of a unit specify the standard a learner is expected to meet to demonstrate that a learning outcome, or a set of learning outcomes, has been achieved.		Learners must reference the type of evidence they have and where it is available for quality assurance purposes. The learner can enter the relevant key and a reference. Alternatively, the learner and/or centre can devise their own referencing system.	



# Units





## **Unit 1: Ensure health and safety of the taxi and private hire driver and passengers**

<b>Unit code:</b>	RPVD 21
<b>Unit reference number:</b>	H/602/6054
<b>QCF level:</b>	2
<b>Credit value:</b>	6
<b>Guided learning hours:</b>	21

---

### **Unit summary**

The purpose of this unit is for learners to demonstrate occupational competence in ensuring health and safety of themselves and their passengers. This unit is particularly suitable for learners who work as drivers of taxis and private hire vehicles.

This unit relates to GoSkills National Occupational Standard Unit 1 – Ensure the health and safety in your work environment in the Road Passenger Transport Industry and Unit 4 – Deal effectively with difficult passengers from the Road Passenger Vehicle Driving suite.

### **Assessment requirements/evidence requirements**

This unit should be assessed predominantly in the workplace through observation, along with other sources of evidence such as witness testimony and questioning.

Realistic workplace simulation may be used to assess areas that cover non-routine situations.

All simulations using specially constructed environments need to be approved by Edexcel prior to use. The setting up or devising of assessment situations do not need to be approved by Edexcel if they take place in the normal workplace environment.

The overarching assessment strategy for the Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) must be followed; please see *Annexe D*. Specific assessment guidance for this unit (RPVD 21), which must be adhered to, is detailed in *Annexe G*.

### **Assessment methodology**

Learners can enter the types of evidence they are presenting for assessment and the submission date against each assessment criterion. Alternatively, centre documentation should be used to record this information.

## Learning outcomes and assessment criteria

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
1 Be able to recognise hazards and assess risks to health and safety	<p>1.1 Identify their responsibilities within the regulatory framework designed to protect self and passengers against potential hazards and risk</p> <p>1.2 Identify hazards and risks within the work environment that could expose a driver and passenger(s) to potential danger</p> <p>1.3 Carry out a risk assessment</p> <p>1.4 Obtain assistance and advice from an appropriate person when the level of the risk is not certain</p> <p>1.5 Take action to remove or isolate the hazard</p> <p>1.6 Record and communicate details of a particular hazard and risk so that contingencies and future plans can be implemented by appropriate people</p>			

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
<p>2 Know how to identify hazards and assess risks to health and safety</p>	<p>2.1 Identify the main health and safety frameworks and policies that protect the driver, passenger and other road users</p> <p>2.2 Describe the difference between a hazard and a risk</p> <p>2.3 Describe hazards a driver may face</p> <p>2.4 Describe possible responses to identified hazards to limit risk to self, passengers and other road users</p> <p>2.5 Describe how to undertake a risk assessment to limit the risk to self, passenger(s) and other road users</p> <p>2.6 Outline the 'duty of care' a driver has in relation to passengers and other road users</p> <p>2.7 Describe consequences of not following health and safety rules and regulations</p> <p>2.8 Identify the types of insurance that a driver requires for indemnifying self or customer(s) for harm or loss</p> <p>2.9 Describe how to minimise physical risks as a result of manual handling, movements and postures</p>			

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
3 Be able to prevent or protect oneself and passengers against potential hazards and risks	3.1 Co-operate with people and policies designed to reduce exposure to hazards and potential risk 3.2 Follow policies or procedures designed to limit risk 3.3 Take immediate and effective action where the safety or welfare of the passenger is at risk 3.4 Take action that is within own personal limits of authority and ability 3.5 Report incidents considered serious enough to the appropriate person or body			
4 Understand how to prevent or protect oneself against potential hazards and risks	4.1 Describe the different roles of the emergency services and personnel who can support a driver in the course of their duties 4.2 Explain how to reduce and prevent emotional stress and anger when driving 4.3 Describe how to use appropriate equipment and alarm systems to act as a deterrent and limit personal risk to a driver 4.4 Describe the use of conflict management techniques to limit personal risks 4.5 Explain the importance of healthy lifestyle in relation to their duties 4.6 Explain the importance of contingency planning for unforeseen incidents and emergencies			

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
5 Respond to an emergency affecting passengers	5.1 Demonstrate how to respond to emergency situations that affect the passenger's safety including: – how to contact the appropriate service for assistance – how to use appropriate emergency equipment			
6 Understand how to respond to an emergency affecting passengers	6.1 Explain why it is important to follow the customers' instructions in an incident or emergency involving that customer 6.2 Outline the action to be taken in the event of a vehicle breakdown at the roadside 6.3 Explain the necessity of ensuring the customers' safety and welfare in the event of an incident or emergency 6.4 Explain the importance of providing reassurance to passengers who may be in shock, worried or concerned 6.5 Outline the procedures that a driver can take when confronted with a road accident or other acute emergency			

Learner name:	_____	Date:	_____
Learner signature:	_____	Date:	_____
Assessor signature:	_____	Date:	_____
Internal verifier signature:	_____	Date:	_____
(if sampled)			





## Unit 2: Drive a taxi or private hire vehicle in a professional manner

Unit code:	RPVD 22
Unit reference number:	K/602/6055
QCF level:	2
Credit value:	3
Guided learning hours:	18

---

### Unit summary

The purpose of this unit is for learners to demonstrate occupational competence in driving a taxi or private hire vehicle. This unit is particularly suitable for learners who work as drivers of taxis or private hire vehicles.

This unit relates to *GoSkills* National Occupational Standard Unit 2 – Drive chauffeured, taxi or private hire vehicles safely and efficiently from the Road Passenger Vehicle Driving suite.

### Assessment requirements/evidence requirements

This unit should be assessed predominantly in the workplace through observation, along with other sources of evidence such as witness testimony and questioning.

Realistic workplace simulation may be used to assess areas that cover non-routine situations.

All simulations using specially constructed environments need to be approved by Edexcel prior to use. The setting up or devising of assessment situations do not need to be approved by Edexcel if they take place in the normal workplace environment.

The overarching assessment strategy for the Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) must be followed; please see *Annexe D*. Specific assessment guidance for this unit (RPVD 22), which must be adhered to, is detailed in *Annexe G*.

### Assessment methodology

Learners can enter the types of evidence they are presenting for assessment and the submission date against each assessment criterion. Alternatively, centre documentation should be used to record this information.

## Learning outcomes and assessment criteria

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
1 Be able to prepare to drive the vehicle for the safe transport of passengers	<p>1.1 Demonstrate they hold a current driver's licence as issued by the relevant licensing authority</p> <p>1.2 Demonstrate that the vehicle has a current vehicle licence issued by the licensing authority and it is displayed correctly</p> <p>1.3 Demonstrate that insurance policies in respect of third party risks are in place</p> <p>1.4 Demonstrate that the vehicle operator or proprietor has a current and valid MOT or a certificate of compliance issued on behalf of the Department for Transport</p> <p>1.5 Carry out a pre-drive check to ensure the licensed vehicle meets the licensing conditions in respect of transporting passengers safely</p> <p>1.6 Display the driver's badge in a manner prescribed by legislation</p> <p>1.7 Demonstrate the vehicle is prepared to carry passengers safely and carries emergency equipment as the licensing conditions require</p>			

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
<p>2 Understand how to prepare oneself to drive the vehicle for the safe transport of passengers</p>	<p>2.1 Explain the importance of being physically and mentally fit to drive</p> <p>2.2 Outline the medical criteria for 'fitness to drive'</p> <p>2.3 Describe how common ailments can affect a driver's judgement and concentration</p> <p>2.4 Describe how over the counter medicines can affect a driver's judgement and concentration</p> <p>2.5 Describe how alcohol and drugs affect a driver's ability to drive</p> <p>2.6 Describe how the following can affect a driver's concentration and judgement:</p> <ul style="list-style-type: none"> <li>- heavy traffic volumes</li> <li>- weather conditions</li> <li>- parking</li> <li>- delays</li> <li>- meeting unrealistic time schedules</li> <li>- stress</li> </ul>			

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
3 Be able to drive the vehicle and transport passengers safely and in comfort	3.1 Ensure that passengers comply with the current Seat Belt Regulations 3.2 Interpret the journey details from passenger or booking office request 3.3 Ensure passengers are seated comfortably and any luggage is secured 3.4 Drive the vehicle in a manner that is safe for customers and other road users; adapting driving style according to the specific needs of the customer 3.5 Drive in a manner that promotes economy of fuel, tyre and brake wear			
4 Know how to transport customers in a safe and comfortable manner	4.1 Outline the relevant legislation relating to the use of seatbelts 4.2 Describe how driving style should be adapted to the prevailing road conditions 4.3 Describe the elements of defensive driving 4.4 Describe the importance of mirrors and signalling to the taxi and private hire driver as they continue to stop and start from the roadside 4.5 Define the following in relation to driving safely: <ul style="list-style-type: none"> <li>- safe following distance</li> <li>- thinking distance</li> <li>- braking distance</li> </ul>			

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
	<p>4.6 Describe what a safe following distance is for all conditions</p> <p>4.7 Describe how stopping distances are affected by:</p> <ul style="list-style-type: none"> <li>- gradients</li> <li>- road surface</li> <li>- condition of the vehicle</li> <li>- stress</li> <li>- tiredness</li> </ul> <p>4.8 Describe the use of safety measures to control speed, red light and traffic infringements</p> <p>4.9 Describe how personal driving style affects how efficiently the vehicle runs</p> <p>4.10 Describe how personal driving style can contribute to protecting the environment</p> <p>4.11 Describe how personal driving style affects customer comfort</p>			

Learner name: \_\_\_\_\_ Date: \_\_\_\_\_

Learner signature: \_\_\_\_\_ Date: \_\_\_\_\_

Assessor signature: \_\_\_\_\_ Date: \_\_\_\_\_

Internal verifier signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(if sampled)



## **Unit 3: Provide professional customer service in the taxi and private hire industries**

<b>Unit code:</b>	RPVD 23
<b>Unit reference number:</b>	M/602/6056
<b>QCF level:</b>	2
<b>Credit value:</b>	5
<b>Guided learning hours:</b>	16

---

### **Unit summary**

The purpose of this unit is for learners to demonstrate occupational competence providing professional customer service to customers. This unit is particularly suitable for learners who work as drivers of taxis and private hire vehicles.

This unit relates to *GoSkills* National Occupational Standard Unit 3 – Provide professional customer service in the road passenger transport industries from the Road Passenger Vehicle Driving suite.

### **Assessment requirements/evidence requirements**

This unit should be assessed predominantly in the workplace through observation, along with other sources of evidence such as witness testimony and questioning.

Realistic workplace simulation may be used to assess areas that cover non-routine situations.

All simulations using specially constructed environments need to be approved by Edexcel prior to use. The setting up or devising of assessment situations do not need to be approved by Edexcel if they take place in the normal workplace environment.

The overarching assessment strategy for the Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) must be followed; please see *Annexe D*. Specific assessment guidance for this unit (RPVD 23), which must be adhered to, is detailed in *Annexe G*.

### **Assessment methodology**

Learners can enter the types of evidence they are presenting for assessment and the submission date against each assessment criterion. Alternatively, centre documentation should be used to record this information.

Learning outcomes and assessment criteria

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
1 Be able to demonstrate professionalism and efficiency	<p>1.1 Demonstrate a professional image to customers including any legal requirements</p> <p>1.2 Deal with customers' needs efficiently and effectively</p>			
2 Understand the importance of providing a professional service in a competitive passenger transport market	<p>2.1 Explain how personal appearance can influence a customer's first impression and generate repeat business</p> <p>2.2 Describe the choices of transport provider that a customer may have</p> <p>2.3 Explain why a customer would choose to travel by taxi or private hire vehicle</p> <p>2.4 Explain the importance of projecting a professional image to the customer including:</p> <ul style="list-style-type: none"> <li>- providing a clean vehicle both inside and out</li> <li>- being cordial, friendly and welcoming</li> <li>- having professional knowledge</li> </ul>			
3 Be able to deliver quality customer service to customers	<p>3.1 Meet the customers' expectations in terms of arrival times</p> <p>3.2 Assist customers with luggage and any other requests at start, throughout and at the end of a journey within own personal responsibilities and ability</p>			



Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
<p>4 Know how to deliver quality customer service</p>	<p>4.1 Explain the effects of different levels of service quality and how they could influence:</p> <ul style="list-style-type: none"> <li>- customer expectations</li> <li>- profitability</li> <li>- market share</li> </ul> <p>4.2 Describe services and facilities available and how they are delivered</p> <p>4.3 Outline customer services delivered to the taxi and private hire customer</p> <p>4.4 Describe the special customer guidance and welcome that a driver can offer travellers arriving and departing at transport hubs and interchanges</p> <p>4.5 Explain why it is important that all customers should be treated equally when accessing passenger transport</p> <p>4.6 Identify the main legislative acts that protect the taxi/private hire customer against discriminatory practices</p> <p>4.7 Describe what is meant by the terms 'stereotyping' and 'harassment'</p> <p>4.8 Describe examples of different types of discrimination that drivers should be aware of</p> <p>4.9 Outline the circumstances where a driver could be accused of discrimination</p> <p>4.10 Outline how a taxi or private hire operator can amend the service to meet the relevant codes of practice, licence conditions and equality legislation</p>			

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
5 Be able to work and communicate effectively with people who can support and assist customers	5.1 Work with and alongside people who can support and share knowledge to improve service to customers			
6 Know how to work and communicate effectively with people who can support and assist customers	6.1 Describe the importance of working alongside people who can support and share knowledge to improve the business			

Learner name: \_\_\_\_\_

Learner signature: \_\_\_\_\_

Assessor signature: \_\_\_\_\_

Internal verifier signature: \_\_\_\_\_  
*(if sampled)*

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

## **Unit 4: Provide a safe and legal vehicle for transporting passengers by taxi and/or private hire**

<b>Unit code:</b>	RPVD 24
<b>Unit reference number:</b>	T/602/6057
<b>QCF level:</b>	2
<b>Credit value:</b>	3
<b>Guided learning hours:</b>	15

### **Unit summary**

The purpose of this unit is for learners to demonstrate occupational competence in providing a safe and legal vehicle for transporting passengers by taxi and private hire vehicle. This unit is particularly suitable for learners who work as drivers of taxis and private hire vehicles.

This unit relates to *GoSkills* National Occupational Standard Unit 15 – Routine cleaning of passenger transport vehicles from the Road Passenger Vehicle Driving suite.

### **Assessment requirements/evidence requirements**

This unit should be assessed predominantly in the workplace through observation, along with other sources of evidence such as witness testimony and questioning.

Realistic workplace simulation may be used to assess areas that cover non-routine situations.

All simulations using specially constructed environments need to be approved by Edexcel prior to use. The setting up or devising of assessment situations do not need to be approved by Edexcel if they take place in the normal workplace environment.

The overarching assessment strategy for the Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) must be followed; please see *Annexe D*. Specific assessment guidance for this unit (RPVD 24), which must be adhered to, is detailed in *Annexe G*.

### **Assessment methodology**

Learners can enter the types of evidence they are presenting for assessment and the submission date against each assessment criterion. Alternatively, centre documentation should be used to record this information.

# Learning outcomes and assessment criteria

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
1 Be able to clean the vehicle in preparation for transporting fare paying passengers	<p>1.1 Select the appropriate equipment and cleaning agents for washing the vehicle exterior</p> <p>1.2 Use washing facilities and cleaners to remove road grime and other contaminants from the vehicle body</p> <p>1.3 Select appropriate equipment and cleaning agents to clean the interior of the vehicle</p> <p>1.4 Use the appropriate equipment to clean the interior of the vehicle</p> <p>1.5 Prepare and maintain the vehicle exterior and interior to licensing condition requirements</p>			
2 Know how to clean the vehicle in preparation for fare paying passengers	<p>2.1 Identify the cleaning agents most suitable for cleaning the exterior and interior of the vehicle</p> <p>2.2 List and describe the common vehicle contaminants</p> <p>2.3 Explain the relevance of the Control of Substances Hazardous to Health (COSHH) when selecting cleaning agents</p> <p>2.4 Describe how to dispose of waste products safely and correctly</p>			

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
<p>3 Be able to carry out a routine inspection of a licensed vehicle prior to carrying passengers</p>	<p>3.1 Inspect the exterior of the vehicle to ensure licensing and other user regulations are met</p> <p>3.2 Inspect the interior of the vehicle to ensure licensing and other user regulations are met</p> <p>3.3 Inspect and check any specialist equipment on the vehicle</p> <p>3.4 Inspect and check seat belts and anchorage points for operation and security</p> <p>3.5 Inspect and check the operation of all lighting and signalling equipment</p> <p>3.6 Inspect and check condition and operation of wipers and washers</p> <p>3.7 Examine obligatory mirrors and windscreen glass for cracks, damage and discolouration</p> <p>3.8 Examine for signs of water, fuel and oil leaks</p> <p>3.9 Inspect wheels and tyres for the following:</p> <ul style="list-style-type: none"> <li>– security</li> <li>– under-inflation</li> <li>– splits</li> <li>– cuts</li> <li>– tread wear</li> </ul>			

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
<p>4 Know how to undertake a regular inspection regime to maintain the safety and efficiency of the licensed vehicle</p>	<p>4.1 Outline the necessity of regular vehicle servicing and maintenance</p> <p>4.2 State the requirements of the regulations for inspection and testing of the licensed vehicle</p> <p>4.3 Describe how to carry out a routine safety inspection to ensure the licensed vehicle meets the required standard for carrying passengers</p> <p>4.4 Outline the requirements of the regulations in regard to the power of authorised persons to inspect and test a vehicle at any reasonable time for its fitness to operate</p> <p>4.5 Explain the role of the Vehicle Operator and Services Agency (VOSA) in ensuring that National Inspection Standards are maintained</p> <p>4.6 Explain the effect of the following terms:</p> <ul style="list-style-type: none"> <li>- compliance</li> <li>- immediate prohibition notice</li> <li>- delayed prohibition notice</li> <li>- defect notice</li> <li>- advisory note</li> <li>- fixed penalties</li> <li>- suspensions</li> </ul> <p>4.7 Explain the driver's responsibility in relation to current environmental standards</p> <p>4.8 Explain why accident damage needs to be reported to the licensing authority</p>			

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
5 Be able to carry out basic servicing and operational checks to maintain vehicle safety and efficiency	<p>5.1 Carry out fluid level checks and replenish including:</p> <ul style="list-style-type: none"> <li>- engine oil</li> <li>- washer fluid</li> <li>- brake fluid</li> <li>- coolant</li> </ul> <p>5.2 Inspect and test vehicle systems prior to carrying passengers as appropriate for the vehicle being operated</p>			
6 Know how to monitor vehicle systems between service intervals and inspections	<p>6.1 Describe the importance of vehicle monitoring systems to keep the driver informed of potential problems</p> <p>6.2 Outline how the Road Vehicles (Construction and Use) Regulations 1986 may influence a driver in the maintenance and selection of tyres</p> <p>6.3 Outline the legal requirements regarding tyres in respect of the following:</p> <ul style="list-style-type: none"> <li>- tread depth</li> <li>- uniform wear</li> <li>- splits</li> <li>- cuts</li> <li>- damage</li> <li>- inflation pressures</li> </ul>			

Learner name:	_____	Date:	_____
Learner signature:	_____	Date:	_____
Assessor signature:	_____	Date:	_____
Internal verifier signature:	_____	Date:	_____
(if sampled)			



## **Unit 5: Provide a transport service in the taxi and private hire vehicle industries for customers who require assistance**

<b>Unit code:</b>	RPVD 27
<b>Unit reference number:</b>	T/602/6060
<b>QCF level:</b>	2
<b>Credit value:</b>	5
<b>Guided learning hours:</b>	16

---

### **Unit summary**

The purpose of this unit is for learners to demonstrate occupational competence in providing a transport service for customers who require assistance in a taxi or private hire vehicle. This unit is particularly suitable for learners who work as drivers of taxis and private hire vehicles.

This unit relates to GoSkills National Occupational Standard Unit 6 – Provide a Transport Service in the Community Transport, Chauffeur and Taxi and Private Hire Vehicle Industries for customers who require assistance from the Road Passenger Vehicle Driving suite.

### **Assessment requirements/evidence requirements**

This unit should be assessed predominantly in the workplace through observation, along with other sources of evidence such as witness testimony and questioning. Realistic workplace simulation may be used to assess areas that cover non-routine situations.

All simulations using specially constructed environments need to be approved by Edexcel prior to use. The setting up or devising of assessment situations do not need to be approved by Edexcel if they take place in the normal workplace environment.

The overarching assessment strategy for the Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) must be followed; please see *Annexe D*. Specific assessment guidance for this unit (RPVD 27), which must be adhered to, is detailed in *Annexe G*.

### **Assessment methodology**

Learners can enter the types of evidence they are presenting for assessment and the submission date against each assessment criterion. Alternatively, centre documentation should be used to record this information.

### Learning outcomes and assessment criteria

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
1 Be able to identify when customers need assistance and provide appropriate assistance	<p>1.1 Demonstrate an awareness of a customer's need for assistance</p> <p>1.2 Offer the customer the appropriate help and assistance that they require</p> <p>1.3 Offer assistance promptly and in a way that is polite and considerate and respects the dignity of the customers</p> <p>1.4 Decide with the customer's approval the assistance measures that are required</p> <p>1.5 Assess whether the assistance required will cause any risk to themselves or the customer(s)</p> <p>1.6 Refer to contingency plans when the assistance required cannot be provided</p> <p>1.7 Work within the relevant legislation and codes of practice when deciding on the assistance to be given</p> <p>1.8 Recognise when the customer does not want assistance</p>			
2 Know how to identify when customers need assistance and provide appropriate assistance	<p>2.1 Describe how to recognise customers who may need assistance</p> <p>2.2 Describe the role of assistance dogs and their coloured jackets</p> <p>2.3 Outline the consequences of refusing an assistance dog without justification</p>			

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
3 Understand anti-discriminatory legislation	3.1 Explain the vehicle accessibility provisions contained in current Equality Legislation 3.2 Describe the legal duties of a driver in assisting passengers 3.3 Explain why a driver can be exempted from assisting passengers			
4 Be able to offer appropriate assistance to customers who may experience difficulties in using licensed vehicles	4.1 Provide an appropriate service to customers who require assistance			

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
<p>5 Know how to provide an appropriate service for customers who may experience difficulties in using taxis and private hire vehicles</p>	<p>5.1 Explain why it is important to request the customer's permission before providing assistance</p> <p>5.2 Describe the particular assistance measures that a driver can take when offering assistance to customers including those who:</p> <ul style="list-style-type: none"> <li>- are deaf or have impaired hearing</li> <li>- are blind or are partially sighted</li> <li>- are non-ambulant or have limited mobility</li> <li>- have learning difficulties</li> <li>- have particular speech or communication difficulties</li> </ul> <p>5.3 Explain the terms 'preserving dignity' and 'duty of care' in the context of assisting customers who have special assistance requirements</p> <p>5.4 Explain why no extra charges are applicable to the transport of assistance dogs</p> <p>5.5 Explain why door-to-door service should not be reflected in waiting charges</p> <p>5.6 Explain why it is important that help and assistance is carried through at all stages of the journey</p> <p>5.7 Describe how a driver can appeal against a Penalty Charge Notice (PCN) when a PCN has been received for extending a waiting period or infringing a parking restriction</p>			

Learner name:	_____	Date:	_____
Learner signature:	_____	Date:	_____
Assessor signature:	_____	Date:	_____
Internal verifier signature:	_____	Date:	_____
(if sampled)			



## **Unit 6: Provide a service to customers using a wheelchair in an accessible taxi or private hire vehicle**

<b>Unit code:</b>	RPVD 28
<b>Unit reference number:</b>	A/602/6061
<b>QCF level:</b>	2
<b>Credit value:</b>	3
<b>Guided learning hours:</b>	13

---

### **Unit summary**

The purpose of this unit is for learners to demonstrate occupational competence in providing a service to customers using a wheelchair in an accessible taxi or private hire vehicle. This unit is particularly suitable for learners who work as drivers of taxis or private hire vehicles.

This unit relates to GoSkills National Occupational Standard Unit 6 – Provide a Transport Service in the Community Transport, Chauffeur and Taxi and Private Hire Vehicle Industries for passengers who require assistance from the Road Passenger Vehicle Driving suite.

### **Assessment requirements/evidence requirements**

This unit should be assessed predominantly in the workplace through observation, along with other sources of evidence such as witness testimony and questioning. Realistic workplace simulation may be used to assess areas that cover non-routine situations.

All simulations using specially constructed environments need to be approved by Edexcel prior to use. The setting up or devising of assessment situations do not need to be approved by Edexcel if they take place in the normal workplace environment.

The overarching assessment strategy for the Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) must be followed; please see *Annexe D*. Specific assessment guidance for this unit (RPVD 28), which must be adhered to, is detailed in *Annexe G*.

### **Assessment methodology**

Learners can enter the types of evidence they are presenting for assessment and the submission date against each assessment criterion. Alternatively, centre documentation should be used to record this information.

Learning outcomes and assessment criteria

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
1 Be able to provide safe wheelchair assistance to customers who require transfer to the accessible vehicle	<p>1.1 Correctly deploy, secure and stow the wheelchair ramp</p> <p>1.2 Check the ramp incline for safe entry and exit of the wheelchair, customer and driver</p> <p>1.3 Safely manoeuvre a wheelchair and its occupant into and out of the vehicle and position them in the correct orientation</p> <p>1.4 Demonstrate that the brakes are applied and the wheelchair is secured by the manufacturer's restraints</p> <p>1.5 Correctly fit the appropriate customer seat belt and wheelchair restraint, and headrest/backrest if fitted</p> <p>1.6 Ensure that the customer is safe and secure before moving off</p> <p>1.7 Safely reverse a wheelchair and its occupant down a ramp</p>			



Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
2 Be able to provide safe assistance for customers who want to transfer from wheelchair to the vehicle	<p>2.1 Open and fold a four-wheeled wheelchair</p> <p>2.2 Discuss with the customer their capabilities in safely transferring themselves from the wheelchair into and out of the vehicle</p> <p>2.3 Check that the wheelchair is fit for purpose and that it is completely stable prior to the customer lifting themselves out of and into the wheelchair</p> <p>2.4 Select and use the correct disability aid for transfer of the customer into and out of the vehicle</p>			
3 Know how to provide safe wheelchair assistance to customers who require transfer to the accessible vehicle	<p>3.1 Describe the specialist equipment that may be fitted to an accessible vehicle</p> <p>3.2 Explain the importance of carrying out regular inspections and risk assessment of specialist equipment</p> <p>3.3 Explain the importance of knowing the safe working loads and limits of specialist equipment and any inspection and testing regimes that must be applied</p> <p>3.4 Describe how to safely restrain a wheelchair and passenger</p> <p>3.5 Describe appropriate procedures for dealing with defective passenger-safety equipment</p> <p>3.6 Describe the actions that can be taken to deal with situations where schedules cannot be met</p> <p>3.7 Describe the action that can be taken to deal with situations where customers are not at their agreed pick-up points</p>			

Learner name:	_____	Date:	_____
Learner signature:	_____	Date:	_____
Assessor signature:	_____	Date:	_____
Internal verifier signature:	_____	Date:	_____
(if sampled)			

## **Unit 7: Transport parcels, luggage and other items in the taxi and private hire industries**

<b>Unit code:</b>	RPVD 32
<b>Unit reference number:</b>	R/602/6065
<b>QCF level:</b>	2
<b>Credit value:</b>	2
<b>Guided learning hours:</b>	8

---

### **Unit summary**

The purpose of this unit is for learners to demonstrate occupational competence in transporting parcels, luggage and other items in the taxi and private hire vehicle industries. This unit is particularly suitable for learners who work as drivers of taxis and private hire vehicles.

This unit relates to GoSkills National Occupational Standard Unit 16 – Transport Parcels, Luggage and Other Items in the Community Transport, Chauffeur, Taxi and Private Hire Vehicle Industries from the Road Passenger Vehicle Driving suite.

### **Assessment requirements/evidence requirements**

This unit should be assessed predominantly in the workplace through observation, along with other sources of evidence such as witness testimony and questioning.

Realistic workplace simulation may be used to assess areas that cover non-routine situations.

All simulations using specially constructed environments need to be approved by Edexcel prior to use. The setting up or devising of assessment situations do not need to be approved by Edexcel if they take place in the normal workplace environment.

The overarching assessment strategy for the Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) must be followed; please see *Annexe D*. Specific assessment guidance for this unit (RPVD 32), which must be adhered to, is detailed in *Annexe G*.

### **Assessment methodology**

Learners can enter the types of evidence they are presenting for assessment and the submission date against each assessment criterion. Alternatively, centre documentation should be used to record this information.

## Learning outcomes and assessment criteria

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
1 Be able to accept and load parcels, luggage and other items for transporting	<p>1.1 Follow customers' instructions as to the transport and destination of luggage and other items</p> <p>1.2 Check luggage and other items for damage before accepting for transport</p> <p>1.3 Carry out a risk assessment before any manual handling operation is performed</p> <p>1.4 Use the correct lifting technique to lift and carry luggage and other items for transport</p> <p>1.5 Distribute and protect luggage and other items from the following:</p> <ul style="list-style-type: none"> <li>- stress</li> <li>- weight transfer</li> <li>- impact</li> <li>- crush</li> <li>- piercing</li> <li>- inclement weather</li> </ul> <p>1.6 Demonstrate that precautions have been taken to secure luggage and protect against theft</p> <p>1.7 Take action when luggage or items are too heavy to lift or carry</p>			

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
<p>2 Know how to accept and load parcels, luggage and other items for transporting</p>	<p>2.1 Outline the relevant regulations and insurance requirements related to transporting luggage or items</p> <p>2.2 Define the terms 'duty of care' and 'vicarious liability' in relation to transporting parcels, luggage and other items</p> <p>2.3 Describe how to deal with substances that have special requirements</p> <p>2.4 Describe the precautions that have to be taken when loading and transporting personal equipment</p> <p>2.5 Explain the requirements of the Manual Handling Operations Regulations 1992</p> <p>2.6 Describe how to carry out a risk assessment prior to undertaking any manual handling activity</p> <p>2.7 Describe the injuries that can occur when manual handling</p> <p>2.8 Outline how to avoid injuries when manual handling</p> <p>2.9 Describe the importance of reporting accidents</p> <p>2.10 Describe the kinetic lifting principle</p> <p>2.11 Explain the consequences of accepting illegal goods to transport even if the driver was unaware of the content of the package</p> <p>2.12 Explain the precautions that should be taken if asked to transport goods that have no package details or tracing paperwork</p>			

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
	<p>2.13 Identify the authority that should be contacted if there is a suspicion that a package is illegal or contains an explosive device</p> <p>2.14 Explain why it is important that drivers who are carrying out courier work have a consignment note provided by the customer</p>			
3	<p>3.1 Be able to carry out lost property checks and take the appropriate steps to identify the owner</p> <p>3.2 Carry out a routine check of the vehicle for lost property</p> <p>3.3 Hand over lost property to the relevant person</p> <p>3.4 Collect a receipt for the lost property from the relevant person</p>			
4	<p>4.1 Know how to carry out lost property checks and take the appropriate steps to identify the owner</p> <p>4.2 Describe the precautions necessary when carrying out a routine check of the vehicle</p> <p>4.3 Describe what assistance can be given the operator or police to try to source the owner of lost property</p> <p>4.4 Outline licence conditions in respect of delivering lost property back to the owner</p>			

Learner name: \_\_\_\_\_

Date: \_\_\_\_\_

Learner signature: \_\_\_\_\_

Date: \_\_\_\_\_

Assessor signature: \_\_\_\_\_

Date: \_\_\_\_\_

Internal verifier signature: \_\_\_\_\_  
(if sampled)

Date: \_\_\_\_\_

## **Unit 8: Transport children and young persons by taxi, private hire or chauffeuring**

<b>Unit code:</b>	RPVD 33
<b>Unit reference number:</b>	Y/602/6066
<b>QCF level:</b>	2
<b>Credit value:</b>	3
<b>Guided learning hours:</b>	21

---

### **Unit summary**

The purpose of this unit is for learners to demonstrate occupational competence in transporting children and young persons whether directly or under a contract with a public organisation. This unit is particularly suitable for learners who work as drivers of taxis, private hire vehicles and chauffeurs.

This unit relates to *GoSkills* National Occupational Standard Unit 8 – Transport Children and Young Persons by Taxi, Private Hire and Chauffeuring from the Road Passenger Vehicle Driving suite.

### **Assessment requirements/evidence requirements**

This unit should be assessed predominantly in the workplace through observation, along with other sources of evidence such as witness testimony and questioning. Realistic workplace simulation may be used to assess areas that cover non-routine situations.

All simulations using specially constructed environments need to be approved by Edexcel prior to use. The setting up or devising of assessment situations do not need to be approved by Edexcel if they take place in the normal workplace environment.

The overarching assessment strategy for the Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) must be followed; please see *Annexe D*. Specific assessment guidance for this unit (RPVD 33), which must be adhered to, is detailed in *Annexe G*.

### **Assessment methodology**

Learners can enter the types of evidence they are presenting for assessment and the submission date against each assessment criterion. Alternatively, centre documentation should be used to record this information.

## Learning outcomes and assessment criteria

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
1 Be able to prepare a vehicle for transporting children and young persons	<p>1.1 Prepare the vehicle in accordance with the licensing conditions and/or LEA (Local Education Authority) contract specifications</p> <p>1.2 Carry out a vehicle inspection that may include ancillary equipment designed to assist the boarding and alighting of children and young persons who require special assistance measures</p>			
2 Understand the role of the driver in ensuring that the vehicle and its ancillary components are fit for purpose	<p>2.1 Explain the importance of vehicle safety checks within school and social service contracts</p> <p>2.2 Describe the importance of regular vehicle inspection reporting systems</p> <p>2.3 Explain the terms 'duty of care' and 'negligence' and how these apply when transporting children and young persons</p> <p>2.4 Outline the current seat belt law relating to children and young persons</p> <p>2.5 Outline the legal responsibility of the driver to children of a certain age or height</p>			



Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
3 Be able to safely pick up and transport children and young persons to an appointed destination point where they can be safely handed over to an authorised person	3.1 Demonstrate that they have been contracted to transport children and young persons 3.2 Provide assistance where required for securing a seat belt or child restraint 3.3 Ensure that all children and young persons who require assistance are assisted 3.4 Arrive at the collection or destination point at the agreed time 3.5 Transport children and young persons safely in line with operator policies and LEA/licensing authority contract requirements and conditions			
4 Know how to safely pick up and transport children and young persons to a destination point where they can be safely handed over to an authorised person	4.1 Outline the Independent Safeguarding Authority in protecting children and young people 4.2 Describe the role and responsibilities of a driver and an escort when transporting children and young persons within a contract supplied by a local authority or LEA 4.3 Explain the importance of informing children and young persons of the following: <ul style="list-style-type: none"> <li>- danger areas around the vehicle that can cause serious harm or injury</li> <li>- when and how to enter or leave the vehicle</li> </ul> 4.4 Explain the importance of maintaining the dignity of the child when assisting with boarding and alighting 4.5 Explain how to ensure the school, college, teachers and/or parents are confident in their abilities			

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
	<p>4.6 Explain the term 'in loco parentis' and how it applies to the driver in charge</p> <p>4.7 Describe how to deal with the following:</p> <ul style="list-style-type: none"> <li>- an unwell child</li> <li>- travel sickness</li> <li>- bullying</li> <li>- misbehaviour</li> <li>- a distressed child</li> </ul> <p>4.8 Explain how to communicate with children and young people in a sensitive manner ensuring controls on bad behaviour and high spirits are maintained</p> <p>4.9 Explain why close contact should be kept with the operator, school, college or contracting authority if a potential problem arises with the transport arrangements</p> <p>4.10 Explain the importance of the 'handover of responsibilities' to a waiting parent, guardian or school</p> <p>4.11 Outline a contingency plan that could be adopted if an incident or emergency took place during the transportation of children and young persons</p> <p>4.12 Explain the importance of a driver's log or diary to record incidents and allegations</p>			

Learner name: \_\_\_\_\_

Learner signature: \_\_\_\_\_

Assessor signature: \_\_\_\_\_

Internal verifier signature: \_\_\_\_\_  
*(if sampled)*

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_



## **Unit 9: Carry fare paying passengers within the framework of the private hire industry**

<b>Unit code:</b>	RPVD 25
<b>Unit reference number:</b>	A/602/6058
<b>QCF level:</b>	2
<b>Credit value:</b>	4
<b>Guided learning hours:</b>	25

---

### **Unit summary**

The purpose of this unit is for learners to demonstrate occupational competence in operating a private hire vehicle within the regulatory framework pertaining to the licensing area in which they are licensed to transport passengers.

### **Assessment requirements/evidence requirements**

This unit should be assessed predominantly in the workplace through observation, along with other sources of evidence such as witness testimony and questioning.

Realistic workplace simulation may be used to assess areas that cover non-routine situations.

All simulations using specially constructed environments need to be approved by Edexcel prior to use. The setting up or devising of assessment situations do not need to be approved by Edexcel if they take place in the normal workplace environment.

The overarching assessment strategy for the Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) must be followed; please see *Annexe D*. Specific assessment guidance for this unit (RPVD 25), which must be adhered to, is detailed in *Annexe G*.

### **Assessment methodology**

Learners can enter the types of evidence they are presenting for assessment and the submission date against each assessment criterion. Alternatively, centre documentation should be used to record this information.

## Learning outcomes and assessment criteria

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
1 Understand the reasons why drivers, vehicles and operators have to have a licence to operate	1.1 Outline the reasons why drivers, vehicles and operators are licensed in the private hire and taxi trades			
2 Understand how to meet the requirements to hold and retain a driver's licence	2.1 Explain how to obtain a private hire driver's licence 2.2 Explain the reasons why a medical exemption certificate may be granted for: <ul style="list-style-type: none"> <li>– Group 2 medical standards</li> <li>– the carriage of assistance dogs</li> <li>– provision of assistance to disabled people under legislation</li> </ul> 2.3 Explain the term 'fit and proper' in the context of an application for a driver's licence 2.4 Explain the term 'full disclosure' in the context of an application for a driver's licence 2.5 State the duration a driver's licence is valid as determined by the regulations or the licensing authority 2.6 Outline the relevant sections of the Statutory Regulations that apply to the licensing of private hire drivers 2.7 Explain the appeals procedures within the relevant regulations for applicants who have had their licence applications refused, suspended or revoked			

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
	<p>2.8 Describe the circumstances where a driver's licence can be immediately suspended or revoked</p> <p>2.9 Identify the person(s) who are permitted to drive a licensed vehicle</p> <p>2.10 Identify the persons who have the authority to request to see a driver's or operator's licence</p>			
3 Know how to provide a private hire vehicle that meets the requirements of the licensing authority	<p>3.1 Define the terms type approval and the categories in respect of licensing a private hire vehicle</p> <p>3.2 Outline vehicle licensing conditions</p> <p>3.3 Describe the term 'no-limit' when issuing private hire vehicle licenses</p> <p>3.4 Describe the type of sign that would be considered illegal if displayed on a private hire vehicle</p> <p>3.5 Identify the types of vehicles and operations that can be exempt from licensing</p> <p>3.6 Explain the consequences of not exhibiting a licence plate as prescribed by the licensing authority</p> <p>3.7 Outline the key details that can be found on a licence plate</p> <p>3.8 Identify the timeframe during which licence plates and discs have to be returned to the licensing authority on vehicle suspension, revocation or expiry</p> <p>3.9 Describe the circumstances where a vehicle licence can be immediately suspended or revoked</p> <p>3.10 Outline the appeals procedure if a vehicle licence has been refused, suspended or revoked</p>			

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
4	<p>Be able to work within the regulatory framework for carrying passengers for hire and reward</p> <p>4.1 Successfully respond to a booking from an operator</p> <p>4.2 Successfully respond to a booking via a radio request or the sending of data</p>			
5	<p>Know how to work within the regulatory framework for carrying passengers for hire and reward</p> <p>5.1 Explain the term 'pre-booking'</p> <p>5.2 Explain how hackney carriage and private hire fares are determined</p> <p>5.3 Describe the statutory legislation where it concerns illegal plying for hire, including touting for business</p> <p>5.4 Describe the consequences of plying for hire without a hackney carriage licence including insurance implications</p> <p>5.5 Describe the circumstances where drivers may be liable to be charged with an offence under local byelaws</p> <p>5.6 Explain the difference between signage that is prohibited/curtailed on private hire vehicles and the signage and advertising permitted on hackney carriage vehicles</p> <p>5.7 Outline the legal requirement regarding no smoking including signage</p>			



Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
<p>6 Know how to discharge the duties and responsibilities of a licensed operator</p>	<p>6.1 State the requirements for operator licensing</p> <p>6.2 State the duration of the operator's licence</p> <p>6.3 State who is responsible for taking private hire bookings</p> <p>6.4 Outline how that booking is discharged in line with legislation</p> <p>6.5 Describe the requirements of a licensed operator for the following:</p> <ul style="list-style-type: none"> <li>- recording bookings</li> <li>- producing records</li> <li>- maintaining a register of drivers and vehicle details</li> <li>- operator licences</li> <li>- displaying a company tariff sheet</li> <li>- presenting a suitable waiting room</li> </ul> <p>6.6 Describe the legislative requirements applying to the use of vehicles and drivers used under an operator licence within the district (cross-border hiring)</p> <p>6.7 Outline under what circumstances an operator licence can be refused, suspended or revoked</p> <p>6.8 Outline the appeals procedure if an operator's licence has been refused, suspended or revoked</p>			

Learner name: \_\_\_\_\_  
Learner signature: \_\_\_\_\_  
Assessor signature: \_\_\_\_\_  
Internal verifier signature: \_\_\_\_\_  
*(if sampled)*

Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_

## **Unit 10: Carry fare paying passengers within the regulatory framework of the taxi industry**

<b>Unit code:</b>	RPVD 26
<b>Unit reference number:</b>	F/602/6059
<b>QCF level:</b>	2
<b>Credit value:</b>	4
<b>Guided learning hours:</b>	25

---

### **Unit summary**

The purpose of this unit is for learners to demonstrate occupational competence in operating a hackney carriage/taxi within the regulatory framework pertaining to the licensing area in which they are licensed to transport passengers.

### **Assessment requirements/evidence requirements**

This unit should be assessed predominantly in the workplace through observation, along with other sources of evidence such as witness testimony and questioning.

Realistic workplace simulation may be used to assess areas that cover non-routine situations.

All simulations using specially constructed environments need to be approved by Edexcel prior to use. The setting up or devising of assessment situations do not need to be approved by Edexcel if they take place in the normal workplace environment.

The overarching assessment strategy for the Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) must be followed; please see *Annexe D*. Specific assessment guidance for this unit (RPVD 26), which must be adhered to, is detailed in *Annexe G*.

### **Assessment methodology**

Learners can enter the types of evidence they are presenting for assessment and the submission date against each assessment criterion. Alternatively, centre documentation should be used to record this information.

## Learning outcomes and assessment criteria

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
1 Understand the reasons why drivers and vehicles have to obtain a licence	1.1 Outline the reasons why drivers, vehicles and operators are licensed separately in the private hire and taxi trades			
2 Know how to meet the requirements to hold and retain a driver's licence	2.1 Explain how to obtain a hackney carriage driver's licence  2.2 Explain the reasons why a medical exemption certificate may be granted for: <ul style="list-style-type: none"> <li>– Group 2 medical standards</li> <li>– the carriage of assistance dogs</li> <li>– provision of assistance to disabled people under legislation</li> </ul> 2.3 Explain the term 'fit and proper' in the context of an application for a driver's licence 2.4 Explain the term 'full disclosure' in the context of an application for a driver's licence 2.5 State the duration a driver's licence is valid as determined by the regulations or the licensing authority 2.6 Outline the relevant section of the Statutory Regulations that apply to the licensing of hackney carriage drivers 2.7 Explain the appeals procedure within the relevant regulations for applicants who have had their licence applications refused, suspended or revoked			

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
	<p>2.8 Describe the circumstances where a driver's licence may be immediately suspended or revoked</p> <p>2.9 Identify the person(s) who are permitted to drive a licensed vehicle</p> <p>2.10 Identify the authorised persons who have the authority to request to see a driver's licence</p>			
3 Know how to provide a hackney carriage that meets the requirements of the licensing authority	<p>3.1 Define the terms type approval and the categories in respect of licensing a taxi</p> <p>3.2 Outline vehicle licensing conditions</p> <p>3.3 Describe the terms de-regulation and restriction when issuing vehicle licenses</p> <p>3.4 Explain the consequences of not exhibiting a licence plate as prescribed by the licensing authority</p> <p>3.5 Outline the key details that can be found on a licence plate</p> <p>3.6 Identify the timeframe during which licence plates and discs have to be returned to the licensing authority on vehicle suspension, revocation or expiry</p> <p>3.7 Identify the circumstances where a vehicle licence can be immediately suspended or revoked</p> <p>3.8 Outline the appeals mechanism if a vehicle licence has been refused, suspended or revoked</p>			

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
4 Be able to work within the regulatory framework for carrying passengers for hire and reward	4.1 Successfully respond to a 'flag down' 4.2 Successfully respond to a request at an authorised rank 4.3 Successfully respond to a request for an estimate for a journey outside the licensing boundary 4.4 Successfully respond to a booking from an operator 4.5 Successfully respond to a booking via a radio request or the sending of data 4.6 Process a hackney carriage fare from the taximeter to the customer receipt 4.7 Process a fare where an extra charge is applied from the fare table			
5 Know how to work within the regulatory framework for carrying passengers for hire and reward	5.1 Explain the conditions that are attached to the term 'plying for hire' 5.2 Explain the use of the taximeter or association fares booklet for journeys outside the licensing boundary 5.3 Explain the term 'pre-booking' 5.4 Describe the consequences of plying for hire without a hackney carriage licence including insurance implications 5.5 Explain the requirement for a metered vehicle to display fares and charges via a prescribed fare table or board in the vehicle			

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
	<p>5.6 Explain how hackney carriage and private hire fares are determined</p> <p>5.7 Describe the statutory byelaws where they concern the following:</p> <ul style="list-style-type: none"> <li>- conduct on the ranks</li> <li>- prescribed distance of the town, city or borough</li> <li>- delaying, neglecting or omitting to take a hire</li> <li>- using the most direct route unless directed otherwise</li> <li>- charging a fare greater than that agreed or authorised by the byelaw</li> </ul> <p>5.8 Describe the circumstances where drivers may be liable to be charged with an offence under the local byelaws</p> <p>5.9 Explain the difference between signage that is prohibited/curtailed on private hire vehicles and the signage and advertising permitted on hackney carriage vehicles</p> <p>5.10 Outline the legal requirement regarding no smoking including signage</p>			

Learner name: \_\_\_\_\_

Learner signature: \_\_\_\_\_

Assessor signature: \_\_\_\_\_

Internal verifier signature: \_\_\_\_\_  
*(if sampled)*

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_



## **Unit 11: Process fares and charges for private hire passengers**

<b>Unit code:</b>	RPVD 30
<b>Unit reference number:</b>	J/602/6063
<b>QCF level:</b>	2
<b>Credit value:</b>	1
<b>Guided learning hours:</b>	4

---

### **Unit summary**

The purpose of this unit is for learners to demonstrate occupational competence in processing fares and charges for private hire passengers. This unit is particularly suitable for learners who work as drivers of private hire vehicles.

This unit relates to GoSkills National Occupational Standard Unit 18 – Process fares in the Community Transport, Chauffeur, Taxi and Private Hire Vehicle Industries from the Road Passenger Vehicle Driving suite.

### **Assessment requirements/evidence requirements**

This unit should be assessed predominantly in the workplace through observation, along with other sources of evidence such as witness testimony and questioning. Realistic workplace simulation may be used to assess areas that cover non-routine situations.

All simulations using specially constructed environments need to be approved by Edexcel prior to use. The setting up or devising of assessment situations do not need to be approved by Edexcel if they take place in the normal workplace environment.

The overarching assessment strategy for the Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) must be followed; please see *Annexe D*. Specific assessment guidance for this unit (RPVD 30), which must be adhered to, is detailed in *Annexe G*.

The operation of taximeters in private hire vehicles in London is forbidden in law, centres should take account of the local licensing conditions when assessing this unit.

### **Assessment methodology**

Learners can enter the types of evidence they are presenting for assessment and the submission date against each assessment criterion. Alternatively, centre documentation should be used to record this information.

## Learning outcomes and assessment criteria

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
1	<p>1.1 Be able to carry out private hire work on behalf of an operator</p> <p>1.2 Accept and complete a private hire fare which has been pre-booked through a private hire operator</p> <p>1.2 Recognise and accept when a concessionary travel pass or card has been offered</p>			
2	<p>2.1 Know how to carry out private hire work when contracted to a private hire operator</p> <p>2.1 Outline how a private hire agreement is made through a licensed private hire operator and details conveyed to the private hire driver</p> <p>2.2 Describe the operation of modern booking and dispatch systems</p> <p>2.3 Describe the payment systems that are available to the driver</p> <p>2.4 Describe the benefits of 'auto book' and 'call back'</p> <p>2.5 Describe how change is calculated and a receipt given to the customer</p> <p>2.6 Describe how cash and other receipts are reconciled at the end of each working period</p> <p>2.7 List common methods of driver payment when contracted to a radio circuit</p>			

Learner name: \_\_\_\_\_

Date: \_\_\_\_\_

Learner signature: \_\_\_\_\_

Date: \_\_\_\_\_

Assessor signature: \_\_\_\_\_

Date: \_\_\_\_\_

Internal verifier signature: \_\_\_\_\_  
(if sampled)

Date: \_\_\_\_\_

## Unit 12: Process fares and charges for taxi passengers

Unit code:	RPVD 31
Unit reference number:	L/602/6064
QCF level:	2
Credit value:	1
Guided learning hours:	4

---

### Unit summary

The purpose of this unit is for learners to demonstrate occupational competence in processing fares and charges for taxi passengers. This unit is particularly suitable for learners who work as drivers of taxis.

This unit relates to GoSkills National Occupational Standard Unit 18 – Process fares in the Community Transport, Chauffeur and Taxi and Private Hire Vehicle Industries from the Road Passenger Vehicle Driving suite.

### Assessment requirements/evidence requirements

This unit should be assessed predominantly in the workplace through observation, along with other sources of evidence such as witness testimony and questioning.

Realistic workplace simulation may be used to assess areas that cover non-routine situations.

All simulations using specially constructed environments need to be approved by Edexcel prior to use. The setting up or devising of assessment situations do not need to be approved by Edexcel if they take place in the normal workplace environment.

The overarching assessment strategy for the Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) must be followed; please see *Annexe D*. Specific assessment guidance for this unit (RPVD 31), which must be adhered to, is detailed in *Annexe G*.

### Assessment methodology

Learners can enter the types of evidence they are presenting for assessment and the submission date against each assessment criterion. Alternatively, centre documentation should be used to record this information.

### Learning outcomes and assessment criteria

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
1 Be able to accurately charge out a fare for transporting passengers within a hire and reward system	<p>1.1 Use a taximeter that is fitted to a hackney carriage to demonstrate to the customers the hire period charge that may also include other charges that are within the remit of the licensing conditions</p> <p>1.2 Offer a quotation for a hackney carriage hire outside of the licensing boundary</p> <p>1.3 Recognise and accept when a concessionary travel pass or card has been offered</p>			

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
<p>2 Know how to accurately charge out a fare for transporting passengers within a hire and reward system</p>	<p>2.1 Explain the legal requirements relating to the display and positioning of the fare table or board for the benefit of customers</p> <p>2.2 Explain how a tariff system can be broken down into a number of tariffs depending on the time of day</p> <p>2.3 Describe the operation of a modern booking and dispatch system</p> <p>2.4 Describe the operation of an electronic taximeter handling multiple and progressive tariffs</p> <p>2.5 Explain the recalibration process of the taximeter when the tariffs are updated</p> <p>2.6 Describe the payment systems that are available to the driver</p> <p>2.7 Describe the benefits of 'auto book' and 'call back'</p> <p>2.8 Describe how change is calculated and a receipt given to the customer</p> <p>2.9 Describe how cash and other receipts are reconciled at the end of each working period</p> <p>2.10 List common methods of driver payment when contracted to a radio circuit</p>			

Learner name: \_\_\_\_\_

Learner signature: \_\_\_\_\_

Assessor signature: \_\_\_\_\_

Internal verifier signature: \_\_\_\_\_  
*(if sampled)*

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

## **Unit 13: Plan routes in the taxi and private hire industries**

<b>Unit code:</b>	RPVD 29
<b>Unit reference number:</b>	F/602/6062
<b>QCF level:</b>	2
<b>Credit value:</b>	1
<b>Guided learning hours:</b>	4

---

### **Unit summary**

The purpose of this unit is for learners to demonstrate occupational competence in planning routes. This unit is particularly suitable for learners who work as drivers of taxis and private hire vehicles.

This unit relates to *GoSkills* National Occupational Standard Unit 17 – Plan routes in the road passenger transport industry from the Road Passenger Vehicle Driving suite.

### **Assessment requirements/evidence requirements**

This unit should be assessed predominantly in the workplace through observation, along with other sources of evidence such as witness testimony and questioning.

Realistic workplace simulation may be used to assess areas that cover non-routine situations.

All simulations using specially constructed environments need to be approved by Edexcel prior to use. The setting up or devising of assessment situations do not need to be approved by Edexcel if they take place in the normal workplace environment.

The overarching assessment strategy for the Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) must be followed; please see *Annexe D*. Specific assessment guidance for this unit (RPVD 29), which must be adhered to, is detailed in *Annexe G*.

### **Assessment methodology**

Learners can enter the types of evidence they are presenting for assessment and the submission date against each assessment criterion. Alternatively, centre documentation should be used to record this information.

## Learning outcomes and assessment criteria

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
1 Be able to transport the customer by the most direct and recognised route possible	<p>1.1 Use a variety of tools to determine a booking address</p> <p>1.2 Select and interpret a road map to determine a destination location</p> <p>1.3 Identify from local knowledge or a map common pick-up points and destination locations</p> <p>1.4 Use appropriate equipment to calculate approximate distances and journey time between locations</p> <p>1.5 Offer the customer an alternative choice of route if there is a delay due to road works, accidents or any other incidents</p>			



Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
<p>2 Know how to transport customers by the most direct and recognised route possible</p>	<p>2.1 Describe how to pinpoint locations on maps</p> <p>2.2 Identify a range of topographical symbols and detail from road maps including:</p> <ul style="list-style-type: none"> <li>– roads and motorways</li> <li>– road and motorway intersections</li> <li>– motorway services</li> <li>– transport signs</li> <li>– travel points</li> <li>– public buildings</li> <li>– information points</li> </ul> <p>2.3 Explain the benefits of advanced communication technology available to the driver</p> <p>2.4 Explain the discretionary rules for drivers of taxis and private hire vehicles when setting down and picking up customers</p> <p>2.5 Describe the safety measures and restrictions that drivers have to be aware of when picking up and dropping off at the following:</p> <ul style="list-style-type: none"> <li>– airports</li> <li>– rail stations</li> <li>– hospitals</li> </ul>			

Learner name:	_____	Date:	_____
Learner signature:	_____	Date:	_____
Assessor signature:	_____	Date:	_____
Internal verifier signature:	_____	Date:	_____
(if sampled)			

## **Unit 14: Develop and maintain work skills and knowledge in the community transport, chauffeur and taxi and private hire vehicle industries**

<b>Unit code:</b>	RPVD 14
<b>Unit reference number:</b>	K/602/6007
<b>QCF level:</b>	2
<b>Credit value:</b>	2
<b>Guided learning hours:</b>	10

---

### **Unit summary**

The purpose of this unit is for learners to demonstrate occupational competence in developing and maintaining work skills and knowledge in the community transport, chauffeur and taxi and private hire vehicle industries. This unit is particularly suitable for learners who work in community transport vehicles, taxis, private hire vehicles and chauffeuring as drivers or passenger support.

This unit relates to *GoSkills* National Occupational Standard Unit 14 – Develop and Maintain your Work Skills and Knowledge in the Community Transport, Chauffeur and Taxi and Private Hire Vehicle Industries from the Road Passenger Vehicle Driving suite.

### **Assessment requirements/evidence requirements**

This unit should be assessed predominantly in the workplace through observation, along with other sources of evidence such as witness testimony, questioning, written evidence and professional discussion.

Simulation must not be used to assess this unit.

The overarching assessment strategy for the Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) must be followed; please see *Annexe D*. Specific assessment guidance for this unit (RPVD 14), which must be adhered to, is detailed in *Annexe G*.

### **Assessment methodology**

Learners can enter the types of evidence they are presenting for assessment and the submission date against each assessment criterion. Alternatively, centre documentation should be used to record this information.

## Learning outcomes and assessment criteria

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
1 Be able to develop and maintain work skills and knowledge	1.1 Carry out activities to develop personal skills 1.2 Balance personal needs and the needs of the organisation 1.3 Discuss and agree with the appropriate person in the organisation how personal development needs will be met and get feedback 1.4 Take action if progress is below the necessary standard			
2 Know how to develop and maintain work skills and knowledge	2.1 Identify and describe the standards of skills and knowledge needed in the role 2.2 Describe how to measure current skills and identify areas needing development 2.3 Describe process within the organisation for discussing and agreeing personal development plans and getting feedback 2.4 Describe how to monitor progress against personal development plans 2.5 Identify the main providers of passenger transport related to the role 2.6 Describe the make up of the passenger transport industry at national and local level			

Learner name:	_____	Date:	_____
Learner signature:	_____	Date:	_____
Assessor signature:	_____	Date:	_____
Internal verifier signature:	_____	Date:	_____
(if sampled)			



## **Unit 15: Manage and administer small businesses in the community transport, taxi or private hire vehicle industries**

<b>Unit code:</b>	RPVD 19
<b>Unit reference number:</b>	M/602/6025
<b>QCF level:</b>	3
<b>Credit value:</b>	4
<b>Guided learning hours:</b>	22

---

### **Unit summary**

The purpose of this unit is for learners to demonstrate occupational competence in managing and administering small businesses in the community transport, taxi or private hire vehicle industries. This unit is particularly suitable for learners who work as drivers of community transport vehicles, taxis and private hire vehicles.

This unit relates to *GoSkills* National Occupational Standard Unit 19 – Manage and Administer Small Businesses in the Community Transport, Taxi or Private Hire Vehicle Industries from the Road Passenger Vehicle Driving suite.

### **Assessment requirements/evidence requirements**

This unit should be assessed through sources of evidence such as witness testimony, questioning and professional discussion.

Simulation must not be used to assess this unit.

The overarching assessment strategy for the Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) must be followed; please see *Annexe D*. Specific assessment guidance for this unit (RPVD 19), which must be adhered to, is detailed in *Annexe G*.

### **Assessment methodology**

This unit is assessed in the workplace or in conditions resembling the workplace. Learners can enter the types of evidence they are presenting for assessment and the submission date against each assessment criterion. Alternatively, centre documentation should be used to record this information.

## Learning outcomes and assessment criteria

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
1 Be able to plan and operate a small business	1.1 Develop a basic plan for setting up and running the business 1.2 Identify the demand for the business, and estimate the potential levels of income 1.3 Identify how and when the business will operate to achieve those levels of income 1.4 Estimate the costs of running the business 1.5 Prepare a financial forecast showing costs, earnings, wages etc by week and month 1.6 Identify the appropriate sources for loans and grants 1.7 Identify strengths, weaknesses, opportunities and threats for the business 1.8 Identify opportunities for development of the business			



Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
2 Know how to plan and operate a small business	<p>2.1 Describe the differences between the following:</p> <ul style="list-style-type: none"> <li>- sole traders</li> <li>- partnerships</li> <li>- limited companies</li> <li>- franchises</li> <li>- co-operatives</li> </ul> <p>2.2 Describe the responsibilities and duties of running a business</p> <p>2.3 Describe the responsibilities and duties of the various regulatory bodies</p> <p>2.4 Describe the terms and conditions of trading and managing contracts</p> <p>2.5 Describe the costs and overheads associated with running the business</p> <p>2.6 List the sources of finance and advice for small businesses</p> <p>2.7 Describe the outside influences that may affect the business and personal earnings</p> <p>2.8 Describe how to identify and bid for contract work</p>			

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
3 Be able to manage accounting and administration functions	3.1 Maintain financial records for the business 3.2 Make NI, tax and VAT payments in accordance with statutory requirements and procedures 3.3 Identify the type and level of appropriate insurances for the business 3.4 Maintain and process customer information that complies with legislative requirements			
4 Know how to manage accounting and administration functions	4.1 Describe the importance and legal obligations of keeping and maintaining financial records for the business 4.2 Describe the different methods by which book-keeping can be done 4.3 Explain how to work out earnings, costs, cash-flow and profit 4.4 Outline the requirements concerning payment of NI, tax, and VAT and other statutory payments 4.5 Explain the importance of the Data Protection Act 4.6 Explain the role of the banks, different bank accounts, bank interest and charges 4.7 Describe the levels of protection provided by different insurance policies			

Learner name: \_\_\_\_\_

Learner signature: \_\_\_\_\_

Assessor signature: \_\_\_\_\_

Internal verifier signature: \_\_\_\_\_  
*(if sampled)*

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_



## **Unit 16: Process telephone bookings in the road passenger transport industries**

<b>Unit code:</b>	RPVD 20
<b>Unit reference number:</b>	A/602/6027
<b>QCF level:</b>	2
<b>Credit value:</b>	2
<b>Guided learning hours:</b>	8

---

### **Unit summary**

The purpose of this unit is for learners to demonstrate occupational competence in processing telephone bookings in the road passenger transport industry. This unit is particularly suitable for learners who work as telephone booking staff working in the road passenger transport industries.

This unit relates to *GoSkills* National Occupational Standard Unit 20 – Process Telephone Bookings in the Road Passenger Transport Industry from the Road Passenger Vehicle Driving suite.

### **Assessment requirements/evidence requirements**

This unit should be assessed predominantly in the workplace through observation, along with other sources of evidence such as witness testimony, questioning and written evidence.

Realistic workplace simulation may be used to assess areas that cover non-routine situations.

All simulations using specially constructed environments need to be approved by Edexcel prior to use. The setting up or devising of assessment situations do not need to be approved by Edexcel if they take place in the normal workplace environment.

The overarching assessment strategy for the Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) must be followed; please see *Annexe D*. Specific assessment guidance for this unit (RPVD 20), which must be adhered to, is detailed in *Annexe G*.

### **Assessment methodology**

Learners can enter the types of evidence they are presenting for assessment and the submission date against each assessment criterion. Alternatively, centre documentation should be used to record this information.

### Learning outcomes and assessment criteria

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
1 Be able to identify the prospective passenger's transport requirements	<p>1.1 Use the telephone and any associated IT equipment</p> <p>1.2 Accurately identify the prospective passenger's transport needs including any particular needs that would need to be accommodated</p> <p>1.3 Check whether the prospective passenger's needs can be met, where relevant clearly confirming the agreed transport arrangements, and confirming/checking their understanding of them</p> <p>1.4 Give clear explanations and suggestions to the prospective passenger about alternative transport arrangements if their requirements cannot be met and give the caller enough time to seek clarification of these alternatives</p> <p>1.5 Confirm clearly to the prospective passenger the agreed alternatives and check that they understand and agree them</p> <p>1.6 Identify, within the limits of own personal responsibility, when a caller needs help beyond that provided by the organisation and take appropriate action in agreement with the caller</p> <p>1.7 Make a correct record of all telephone conversations, in particular the agreed transport arrangements, or other help offered, in line with organisational procedures</p>			

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
<p>2 Know how to identify the prospective passenger's transport requirements</p>	<p>2.1 Describe how to use the telephone and any associated IT equipment</p> <p>2.2 List the transport services offered by the organisation and contact points in other support organisations</p> <p>2.3 Explain how to listen effectively and question prospective passengers in a way that is seen as supportive and helpful</p> <p>2.4 Explain the importance of tone of voice and giving a good impression of the organisation</p> <p>2.5 Explain how to communicate with callers who have speech or hearing difficulties or language/dialect differences to their own</p> <p>2.6 Describe how to check that a prospective passenger understands the agreed transport arrangements</p> <p>2.7 Describe how to identify and communicate with callers who need assistance over and above arranging transport</p>			

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
<p>3 Be able to communicate changes to transport arrangements</p>	<p>3.1 Call prospective passengers if previously agreed transport arrangements cannot be met in line with organisational procedures</p> <p>3.2 Make sure that the prospective passenger is aware of the change of plan to the transport arrangements</p> <p>3.3 Identify any problems likely to arise to the prospective passenger as a result of the change of transport arrangements</p> <p>3.4 Give clear suggestions about alternative transport arrangements and give the prospective passenger enough time to seek clarification of these alternatives</p> <p>3.5 Confirm clearly to the prospective passenger the agreed alternatives and check that they understand them</p> <p>3.6 Contact as appropriate, in line with organisational procedures, other staff to help ensure agreed transport arrangements with the prospective passenger are taken forward</p> <p>3.7 Make a correct record of all telephone conversations, in particular the agreed transport arrangements, or other help offered, in line with organisational procedures</p>			



Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
<p>4 Know how to communicate changes to transport arrangements</p>	<p>4.1 Describe organisational operational activity and implications for pre-booked passenger journeys</p> <p>4.2 Describe the action that should be taken if prospective passengers cannot be contacted by telephone</p> <p>4.3 Describe how to summarise operational difficulties in an understandable way and the various alternatives that might apply</p> <p>4.4 Explain how to listen effectively and question prospective passengers in a way that is seen as supportive and helpful</p> <p>4.5 Explain the importance of tone of voice and giving a good impression of the organisation</p> <p>4.6 Explain how to communicate with callers who have speech or hearing difficulties or who speak a language or dialect different to their own</p> <p>4.7 Describe how to check a prospective passenger's understanding of the revised transport arrangements</p> <p>4.8 Describe organisational arrangements for recording the telephone contact and progressing agreed arrangements</p>			

Learner name: \_\_\_\_\_

Learner signature: \_\_\_\_\_

Assessor signature: \_\_\_\_\_

Internal verifier signature: \_\_\_\_\_  
*(if sampled)*

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

## **Unit ERR1: Employment Rights and Responsibilities in the Passenger Transport Sector**

<b>Unit code:</b>	ERR1
<b>Unit reference number:</b>	L/602/5934
<b>QCF level:</b>	2
<b>Credit value:</b>	3
<b>Guided learning hours:</b>	18

---

### **Unit summary**

The purpose of this unit is for learners to demonstrate understanding of employer and employee statutory rights and responsibilities within own organisation and industry under Employment Law.

### **Assessment requirements/evidence requirements**

This unit is for learners who are taking this qualification as part of the Apprenticeship framework. It has been developed by GoSkills to cover the requirements of Employment Rights and Responsibilities within the Specification of Apprenticeship Standards for qualifications within the passenger transport sector. The unit has been designed to be applied to a work context. It should be contextualised to be relevant to learners' places of work in the passenger transport sector, in this case employment within taxi and private hire.

This unit should be assessed as part of the learner's work towards an Apprenticeship.

The unit should be assessed predominantly in the workplace. Observation, witness testimony, questioning, professional discussion and written and product evidence are all sources of evidence which can be used.

Naturally occurring evidence should be used where possible. It is likely that learners will undertake an induction process for any work role or work placement. Learners could build a portfolio of evidence or a workbook which, as well as showing evidence of achievement, could be used as a point of reference for future work.

### **Assessment methodology**

Learners can enter the types of evidence they are presenting for assessment and the submission date against each assessment criterion. Alternatively, centre documentation should be used to record this information.

### Learning outcomes and assessment criteria

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
1 Know employment rights and responsibilities of the employee and employer	1.1 Identify the main points of legislation affecting employers and employees and their purpose relevant to own role, organisation and within own industry			
	1.2 Identify where to find information and advice on employment rights and responsibilities both internally in own organisation and externally			
	1.3 Identify sources of information and advice on own industry, occupation, training and own career pathway			
	1.4 Identify sources of information on the different types of representative bodies related to own industry and their main roles and responsibilities			
	1.5 Identify any issues of public concern that may affect own organisation and own industry			

Learning outcomes	Assessment criteria	Evidence type	Portfolio reference	Date
2 Understand employment rights and responsibilities and how these affect organisations	2.1 Describe organisational procedures, policies and codes of practice used by own organisation on employment rights and responsibilities			
	2.2 Explain the purpose of following health, safety and other procedures and the effect on own organisation if they are not followed			
	2.3 Describe employer and employee responsibilities for equality and diversity within own organisation			
	2.4 Explain the benefits of making sure equality and diversity procedures are followed			
	2.5 Describe the career pathways available within own organisation and own industry			

Learner name: \_\_\_\_\_

Learner signature: \_\_\_\_\_

Assessor signature: \_\_\_\_\_

Internal verifier signature: \_\_\_\_\_  
*(if sampled)*

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

## Further information

---

Our customer service numbers are:

BTEC and NVQ	0844 576 0026
GCSE	0844 576 0027
GCE	0844 576 0025
The Diploma	0844 576 0028
DiDA and other qualifications	0844 576 0031

Calls may be recorded for training purposes.

## Useful publications

---

Related information and publications include:

- *Centre Handbook for Edexcel QCF NVQs and Competence-based Qualifications* published annually
- Functional Skills publications – specifications, tutor support materials and question papers
- *Regulatory Arrangements for the Qualification and Credit Framework* (published by Ofqual, August 2008)
- the current Edexcel publications catalogue and update catalogue.

Edexcel publications concerning the Quality Assurance System and the internal and standards verification of vocationally related programmes can be found on the Edexcel website.

NB: Some of our publications are priced. There is also a charge for postage and packing. Please check the cost when you order.

## How to obtain National Occupational Standards

To obtain the National Occupational Standards please go to [www.ukstandards.org.uk](http://www.ukstandards.org.uk).

## Professional development and training

---

Edexcel supports UK and international customers with training related to NVQ and BTEC qualifications. This support is available through a choice of training options offered in our published training directory or through customised training at your centre.

The support we offer focuses on a range of issues including:

- planning for the delivery of a new programme
- planning for assessment and grading
- developing effective assignments
- building your team and teamwork skills
- developing student-centred learning and teaching approaches
- building Functional Skills into your programme
- building effective and efficient quality assurance systems.

The national programme of training we offer can be viewed on our website ([www.edexcel.com/training](http://www.edexcel.com/training)). You can request customised training through the website or by contacting one of our advisers in the Training from Edexcel team via Customer Services to discuss your training needs.

The training we provide:

- is active
- is designed to be supportive and thought provoking
- builds on best practice
- may be suitable for those seeking evidence for their continuing professional development.



## Annexe A: Progression pathways

The Edexcel qualification framework for the road passenger transport sector

Level	BTEC specialist qualification / professional	NVQ/competence
5		
4		
3		Edexcel Level 3 NVQ Diploma in Passenger Carrying Vehicle Driving Instruction (QCF)
2	Edexcel BTEC Level 2 Award in Knowledge for a Professional Bus or Coach Driver (QCF) Edexcel BTEC Level 2 Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver (QCF)	Edexcel Level 2 NVQ Diploma in Passenger Carrying Vehicle Driving (Bus and Coach) (QCF) <b>Edexcel Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) (QCF)</b> Edexcel Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Community Transport) (QCF) Edexcel Level 2 NVQ Certificate in Operational Support in the Bus and Coach Industry (QCF)
1		
Entry		



## Annexe B: Quality assurance

---

### Key principles of quality assurance

- A centre delivering Edexcel qualifications must be an Edexcel recognised centre and must have approval for qualifications that it is offering.
- The centre agrees, as part of gaining recognition, to abide by specific terms and conditions relating to the effective delivery and quality assurance of assessment. The centre must abide by these conditions throughout the period of delivery.
- Edexcel makes available to approved centres a range of materials and opportunities to exemplify the processes required for effective assessment and provide examples of effective standards. Approved centres must use the guidance on assessment to ensure that staff who are delivering Edexcel qualifications are applying consistent standards.
- An approved centre must follow agreed protocols for: standardisation of assessors; planning, monitoring and recording of assessment processes; internal verification and recording of internal verification processes and dealing with special circumstances, appeals and malpractice.

### Quality assurance processes

The approach to quality assured assessment is made through a partnership between a recognised centre and Edexcel. Edexcel is committed to ensuring that it follows best practice and employs appropriate technology to support quality assurance processes where practicable. The specific arrangements for working with centres will vary. Edexcel seeks to ensure that the quality-assurance processes it uses do not inflict undue bureaucratic processes on centres, and works to support them in providing robust quality-assurance processes.

The learning outcomes and assessment criteria in each unit within this specification set out the standard to be achieved by each learner in order to gain each qualification. Edexcel operates a quality-assurance process, designed to ensure that these standards are maintained by all assessors and verifiers.

For the purposes of quality assurance, all individual qualifications and units are considered as a whole. Centres offering these qualifications must be committed to ensuring the quality of the units and qualifications they offer, through effective standardisation of assessors and internal verification of assessor decisions. Centre quality assurance and assessment processes are monitored by Edexcel.

The Edexcel quality-assurance processes will involve:

- gaining centre recognition and qualification approval if a centre is not currently approved to offer Edexcel qualifications
- annual visits to centres by Edexcel for quality review and development of overarching processes and quality standards. Quality review and development visits will be conducted by an Edexcel quality development reviewer
- annual visits by occupationally competent and qualified Edexcel Standards Verifiers for sampling of internal verification and assessor decisions for the occupational sector
- the provision of support, advice and guidance towards the achievement of National Occupational Standards.

Centres are required to declare their commitment to ensuring quality and appropriate opportunities for learners that lead to valid and accurate assessment outcomes. In addition, centres will commit to undertaking defined training and online standardisation activities.

## Annexe C: Centre certification and registration

---

Edexcel Standards Verifiers will provide support, advice and guidance to centres to achieve Direct Claims Status (DCS). Edexcel will maintain the integrity of Edexcel QCF NVQs through ensuring that the awarding of these qualifications is secure. Where there are quality issues identified in the delivery of programmes, Edexcel will exercise the right to:

- direct centres to take action
- limit or suspend certification
- suspend registration.

The approach of Edexcel in such circumstances is to work with the centre to overcome the problems identified. If additional training is required, Edexcel will aim to secure the appropriate expertise to provide this.

### What are the access arrangements and special considerations for the qualifications in this specification?

Centres are required to recruit learners to Edexcel qualifications with integrity.

Appropriate steps should be taken to assess each applicant's potential and a professional judgement should be made about their ability to successfully complete the programme of study and achieve the qualification. This assessment will need to take account of the support available to the learner within the centre during their programme of study and any specific support that might be necessary to allow the learner to access the assessment for the qualification. Centres should consult Edexcel's policy on learners with particular requirements.

Edexcel's policy on access arrangements and special considerations for Edexcel qualifications aims to enhance access to the qualifications for learners with disabilities and other difficulties (as defined by the Equality Act, 2010) without compromising the assessment of skills, knowledge, understanding or competence. Please refer to *Access Arrangements and Special Considerations for BTEC and Edexcel NVQ Qualifications* for further details. [www.edexcel.com](http://www.edexcel.com).



## Annexe D: Assessment requirements/strategy

---



### **Assessment Strategy for Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) (QCF) based on GoSkills National Occupational Standards**

#### **1 Introduction**

*GoSkills*, as the Sector Skills Council for the Passenger Transport Sector, is responsible for developing an assessment strategy for the qualifications based on its national occupational standards. This assessment strategy includes the Additional Requirement for Qualifications that use the title NVQ within the QCF which appears as *Annexe E*.

This responsibility means that *GoSkills* must:

- a Recommend how external quality control of assessment will be achieved;
- b Define which aspects of the national occupational standards must always be assessed through performance in the workplace;
- c Define the extent to which simulated working conditions may be used to assess competence and any characteristics that simulations should have, including definitions (where appropriate) of what would constitute a 'realistic working environment' (RWE) for the qualifications concerned;
- d Define the occupational expertise requirements for assessors and verifiers in consultation with industry and in agreement with awarding organisations.

This Assessment Strategy for the Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) addresses the four areas indicated above.

## 2 Review and Evaluation of this Strategy

*GoSkills* and awarding organisations will continually monitor the effectiveness of this strategy. It will be reviewed annually and revised where necessary every two years. *GoSkills* will therefore establish arrangements for awarding organisations to provide feedback which will assist in the evaluation and review of this strategy. This feedback will also be used to evaluate assessment and verification practices, identify and promulgate good practice and inform any improvements to be made to this strategy.

Awarding organisations and their approved centres will be encouraged to submit comments and suggestions for improvements. This will be through formal dialogue between *GoSkills* and the awarding organisations.

## 3 External Quality Control of Assessment

The quality of the assessment process is the responsibility of the awarding organisations. *GoSkills* encourages flexibility and innovation of approach alongside robust systems to support quality control. However, awarding organisations must detail their approach to each of the following.

### 3.1 External Verification

External Verifiers (EVs) should verify assessments at approved centres. The normal frequency of external verification visits is two per year (a total of two days per year). However, the exact frequency should be determined by the risk assessment.

The verification should include inspection of the records of evidence and assessment. Awarding organisations should consider rotating their external verifiers in order to encourage standardisation, independence of assessment and the sharing of good practice.

### 3.2 Risk Assessment

In order to promote appropriate levels of monitoring of centres, *GoSkills* requires awarding organisations to adopt a risk management system. This approach is consistent with the approach taken by the regulatory authorities. Where there is a risk to the quality and consistency of assessment (eg as a result of commercial interests or as a result of relationships between candidates and assessors), awarding organisations should ensure that appropriate mechanisms are in place to ensure the reliability of the assessment.

Awarding organisations should show that a risk assessment has been carried out for each approved centre and that a strategy to minimise any identified risk has been implemented.



### 3.3 Awarding Organisation Forum

GoSkills will arrange regular awarding organisation meetings. The aim of the meetings will be to promote consistency in the assessment process. All awarding organisations offering Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) will be required to attend the awarding organisation forum at least once per year.

## 4 Evidence

### 4.1 Evidence from Workplace Performance

Wherever possible, evidence of occupational competence should be generated and collected through performance under workplace conditions. These conditions would be those typical of the candidate's normal place of work. The evidence collected under these conditions should also be as naturally occurring as possible.

It is accepted that not all employees have identical work place conditions and therefore there cannot be assessment conditions that are identical for all candidates. However, assessors must ensure that, as far as possible, the conditions for assessment should be those under which the candidate usually works. Assessment of an individual against the qualification standard must not put that individual under more, or less, pressure than found normally in the workplace. It could be the case that the individual could feel more pressure simply because he or she is being assessed. However, it is the skill of the assessor to reduce this pressure to a minimum.

### 4.2 Use of Simulation in Assessments

As stated above, it is intended that learners should be assessed under normal workplace conditions. However, there are situations where the actual workplace may not be appropriate, or where waiting for naturally occurring evidence is impractical. Therefore, the setting up or devising of assessment situations will be allowed, when it can be demonstrated that the following circumstances require it in areas related to:

- safety
- legislation
- regulation
- contingency
- cost
- significant interruption to candidate's or employer's business,

It is recognised that there may be other assessment situations where simulation would be appropriate. In such instances, awarding organisations should give consideration to the reliability and validity of the likely evidence. In all cases, the centre should agree its plans for simulation with the EV to ensure that it is satisfactory.

## 5 Competence of Assessment Personnel

GoSkills acknowledges the very important role and responsibility that assessors and verifiers have in maintaining the quality and integrity of NVQ QCF Qualifications. Awarding organisations and other stakeholders therefore have to have confidence in the actions and decisions of assessors and verifiers.

### 5.1 Competence of External Verifiers

A primary responsibility of the external verifier is to assure quality of internal verification and assessments across the centres for which they are responsible. External verifiers therefore need to have a thorough understanding of quality assurance and assessment practices as well as in-depth technical knowledge related to the qualifications that they are externally verifying.

It will be the responsibility of the awarding organisation to select and appoint external verifiers. Potential external verifiers should:

- hold (or be working towards) an appropriate qualification confirming their competence to externally verify qualifications.
- have up to date knowledge, understanding and skills of the occupational area they are externally verifying together with a sound knowledge of the occupational standards.
- demonstrate their commitment to maintaining their industry knowledge by ongoing professional development eg through undertaking training courses and/or membership of industry organisations.

### 5.2 Competence of Internal Verifiers

A primary responsibility of the internal verifier is to assure the quality and consistency of assessments by the assessors for whom they are responsible. Internal verifiers therefore need to have a thorough understanding of quality assurance and assessment practices, as well as sufficient technical understanding related to the qualifications that they are internally verifying.

It will be the responsibility of the approved centre to select and appoint internal verifiers. Potential internal verifiers should:

- hold (or be working towards) an appropriate qualification confirming their competence to internally verify qualifications;
- hold (or be working towards) an appropriate qualification, as specified by the appropriate regulatory authority, confirming their competence to verify candidates;
- have the necessary and sufficient experience, knowledge and skills of the role for which they intend to verify assessments. This experience will have provided potential verifiers with detailed knowledge of the functions described by the occupational standards that comprise the qualification.

### **5.3 Competence of Assessors**

The primary responsibility of the assessor is to assess candidates to the required quality and consistency, against the national occupational standard. It is important that an assessor can recognise occupational competence as specified by the national standard. Assessors therefore need to have a thorough understanding of assessment and quality assurance practices, as well as have in depth technical understanding related to the qualifications for which they are assessing candidates.

It will be the responsibility of the approved centre to select and appoint assessors. Potential assessors should:

- hold (or be working towards) an appropriate qualification confirming their competence to assess candidates.
- have the necessary and sufficient experience, knowledge and skills of the role for which they intend to undertake assessments and actual experience of the functions described by the occupational standards that comprise the qualification.

### **5.4 Continued Personal and Professional Development**

It is important that verifiers and assessors continue their own development to help them in their respective NVQ roles. It is expected that each approved centre will provide development programmes for its assessors and internal verifiers to maintain their technical or occupational expertise. Awarding organisations should provide development programmes, workshops, seminars, etc, to promote good practice, quality and consistent assessments.



## **Annexe E: Additional requirements for qualifications that use the term ‘NVQ’ in a QCF qualification title**

---



# **Additional Requirements for Qualifications that use the title**

## **NVQ within the QCF**

**September 2009**

This document has been produced by the Joint Awarding Body/SSC Working Practices Group which has been formed by the respective representative bodies to support and encourage effective working relationships between SSCs, submitting organisations and awarding organisations. The Group will update the document as necessary to make sure it is kept up to date and relevant and will consider developing additional guidance.

## Purpose of document

- 1 The purpose of this document is to make clear what additional requirements are needed to assess and quality assure qualifications that use the title NVQ within the QCF.
- 2 When an SSC/SSB and awarding organisation wants to use the title NVQ in the naming of a qualification within the QCF, the awarding organisation is required to make sure this qualification is assessed and quality assured in accordance with these additional requirements and other requirements described in the SSC/SSB assessment strategy.
- 3 The aims of these additional requirements are to
  - ensure that all competence based qualifications that use the title NVQ within the QCF are
    - o assessed consistently
    - o quality assured consistently
  - maintain the integrity of qualifications that use the title NVQ within the QCF
  - establish the NVQ brand within the QCF
  - keep bureaucracy associated with assessment and quality assurance of qualifications that use the title NVQ within the QCF to a minimum.

## Background

- 1 <sup>1</sup> 'At the heart of an NVQ is the concept of occupational competence; the ability to perform to the standards required in employment across a range of circumstances and to meet changing demands. NVQs are first and foremost about what people can do. They go beyond technical skills to include planning, problem solving, dealing with unexpected occurrences, working with other people and applying the knowledge and understanding that underpins overall competence'.
- 2 NVQs are based entirely on National Occupational Standards (NOS) developed by an SSC/SSB, which describe the competence needed in an occupational role.
- 3 Qualifications that use the title NVQ within the QCF must comply with the rules of combination determined by the SSC/SSB. Awarding organisations are not allowed to develop another qualification that does not use the title NVQ within the QCF, if it uses the same rules of combination as a qualification that does use the title NVQ within the QCF.

---

<sup>1</sup> NCVQ's NVQ Criteria and Guidance 1995.

- 4 The QCF offers increased flexibility in the way occupational competence can be assessed and demonstrated. Qualifications that use the title NVQ in the title within the QCF are just one way of assessing and demonstrating occupational competence. SSCs/SSBs are free to work with their awarding organisations to agree what qualifications will be used to assess occupational competence. Qualifications that use the title NVQ within the QCF, are not a preferred method for assessing occupational competence and all qualifications accredited through the QCF have equal status.
- 5 When developing a qualification for the QCF, including qualifications that use the title NVQ within the QCF, an awarding organisation must be a recognised awarding organisation and must meet the Qualification Requirements in the Regulatory Arrangements for the Qualifications and Credit Framework, published by The Office of the Qualifications and Examinations Regulator (Ofqual) in August 2008.
- 6 The qualification regulators confirmed that a group of SSCs and SSBs would be free to develop specific, additional requirements about the way in which qualifications that use the title NVQ within the QCF will be assessed and quality assured. For those recognised awarding organisations that want to assess occupational competence through the use of qualifications that use the title NVQ within the QCF, it has been agreed by SSCs and SSBs that the following additional requirements must be met.

### **Additional requirements for qualifications that use the title NVQ within the QCF**

#### **Introduction**

- 1 Qualifications that use the title NVQ within the QCF must be assessed and quality assured in accordance with the following additional requirements.

#### **Assessment requirements**

- 1 When a qualification uses the title NVQ within the QCF, awarding organisations are required to make sure their recognised assessment centres understand how learners are to be assessed.
- 2 Assessment methodologies must meet the assessment strategy developed in partnership between the relevant SSC or SSB and awarding organisations for the qualification. The assessment strategy must be published and made available separately and will include the requirements for assessment of qualifications that use the title NVQ within the QCF. The assessment criteria for each unit will be part of the units that make up the qualification.
- 3 Learners must complete real work activities in order to produce evidence to demonstrate they have met the NOS and are occupationally competent.

- 4 When a learner cannot complete a real work activity, simulation is allowed.
- 5 Simulation is allowed when
  - a learner is required to complete a work activity that does not occur on a regular basis and therefore opportunities to complete a particular work activity do not easily arise
  - a learner is required to respond to a situation that rarely occurs, such as responding to an emergency situation
  - the safety of a learner, other individuals and/or resources will be put at risk.
- 6 When simulation is used, assessors must be confident that the simulation replicates the workplace to such an extent that learners will be able to fully transfer their occupational competence to the workplace and real situations.
- 7 Units that must not be assessed by simulation must be identified by the SSC/SSB in the assessment strategy for the qualification or family of qualifications.
- 8 Learners must be assessed by assessors
  - who are occupationally competent in the occupational areas they are assessing where they have sufficient and relevant technical/occupational competence in the unit, at or above the level of the unit being assessed and as defined by the assessment strategy for that qualification
  - 2who must hold or be working towards a suitable assessor qualification to confirm they understand assessment and how to assess learners
  - must be fully conversant with the unit(s) against which the assessments and verification are to be undertaken.
- 9 All assessors must carry out assessment to the standards specified in the A units.
- 10 All assessment decisions made by a trainee assessor must be checked by a qualified assessor or an assessor recognised by an awarding organisation.
- 11 Trainee assessors must have a plan, which is overseen by the recognised assessment centre, to achieve the relevant assessor qualification(s) within an agreed timescale.

---

<sup>2</sup> Currently an assessor could hold unit A1 and/or unit A2. Or from the past unit D32 and/or unit D33. SSCs also identify other suitable equivalent qualifications.



## Quality assurance requirements

- 1 When a qualification uses the title NVQ within the QCF, awarding organisations are required to make sure their recognised assessment centres understand how the qualification will be quality assured.
- 2 Qualifications that use the title NVQ within the QCF, must be verified
  - internally by an internal verifier, who is accountable to the assessment centre
  - externally by an external verifier, who is accountable to the awarding organisation or an agent of the awarding organisation.
- 3 With reference to internal verification, internal verifiers must
  - <sup>3</sup>hold or be working towards a suitable internal verifier qualification to confirm they understand how to internally verify assessments
  - have sufficient and relevant technical/occupational familiarity in the unit(s) being verified
  - be fully conversant with the standards and assessment criteria in the units to be assessed
  - understand the awarding organisation's quality assurance systems and requirements for this qualification.
- 4 Trainee internal verifiers must have a plan, which is overseen by the recognised assessment centre, to achieve the internal verifier qualification within an agreed timescale.
- 5 With reference to external verification, external verifiers must
  - <sup>4</sup>hold or be working towards a suitable external verification qualification to confirm they understand and are able to carry out external verification
  - have no connections with the assessment centre, in order to maintain objectivity
  - have sufficient and relevant technical/occupational understanding in the unit(s) being verified
  - be fully conversant with the standards and performance criteria in the units to be assessed
  - understand the awarding organisation's quality assurance systems for this qualification.
- 6 Trainee external verifiers must have a plan, which is overseen by the awarding organisation, to achieve the external verifier qualification within an agreed timescale.

---

<sup>3</sup> Currently an internal verifier needs to hold unit V1. Or from the past unit D34. SSCs also identify other suitable equivalent qualifications.

<sup>4</sup> Currently an external verifier needs to hold unit V2. Or from the past unit D35.

- 7 Awarding organisations must decide the frequency of external monitoring activities. Any decision must be based on
  - the risks associated with a qualification that is designed to help a learner demonstrate occupational competence
  - an evaluation of the centre's performance and past record.
- 8 Awarding organisations will have in place suitably constituted audit processes, which are supported by naturally occurring quality assurance and monitoring systems that already exist in workplace assessment environments.

## Annexe F: Simulation

Evidence requirements for the units of assessment in Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) (QCF) are detailed at unit level. The list below indicates which units can be assessed through simulation:

Unit name	Unit code	Simulation allowed
Develop and maintain work skills and knowledge in the community transport, chauffeur and taxi and private hire vehicle industries	RPVD 14	N
Manage and administer small businesses in the community transport, taxi or private hire industries	RPVD 19	N
Process telephone bookings in the road passenger transport industries	RPVD 20	Y
Ensure health and safety of the taxi and private hire driver and passengers	RPVD 21	Y
Drive a taxi or private hire vehicle in a professional manner	RPVD 22	Y
Provide professional customer service in the taxi and private hire industries	RPVD 23	Y
Provide a safe and legal vehicle for transporting passengers by taxi and/ or private hire	RPVD 24	Y
Carry fare paying passengers within the regulatory framework of the private hire industry	RPVD 25	Y
Carry fare paying passengers within the regulatory framework of the taxi industry	RPVD 26	Y
Provide a transport service in the taxi and private hire vehicle industries for customers who require assistance	RPVD 27	Y
Provide a service to customers using a wheelchair in an accessible taxi or private hire vehicle	RPVD 28	Y
Plan routes in the taxi and private hire industries	RPVD 29	Y
Process fares and charges for private hire passengers	RPVD 30	Y
Process fares and charges for taxi passengers	RPVD 31	Y
Transport parcels, luggage and other items in the taxi and private hire industries	RPVD 32	Y
Transport children and young persons by taxi, private hire or chauffeuring	RPVD 33	Y



## Annexe G: Assessment guidance

The following information has been provided by GoSkills for the Road Passenger Vehicle Driving (Taxi and Private Hire) units where employers in the sector have indicated specific assessment criteria required to ensure that the units of assessment are being assessed consistently across all awarding organisations' centres. This guidance should be referred to when delivering the units.

### **RPVD 14 – Develop and maintain work skills and knowledge in the community transport, chauffeur and taxi and private hire vehicle industries (*Unit 14 in this specification*)**

Assessment guidance specified by a sector or regulatory body	<p>When assessing this unit the following definitions should be used:</p> <ul style="list-style-type: none"> <li>• taxi — a licensed hackney carriage vehicle</li> <li>• the organisation — this would be the company the learner works for or, if they are self-employed, the rules they have set for themselves to ensure that they comply with relevant legal and licensing requirements</li> </ul>
--	--

### **RPVD 19 – Manage and administer small businesses in the community transport, taxi or private hire industries (*Unit 15 in this specification*)**

Assessment guidance specified by a sector or regulatory body	<p>When assessing this unit the following definition should be used:</p> <ul style="list-style-type: none"> <li>• taxi — a licensed hackney carriage vehicle</li> </ul>
--	---

### **RPVD 20 – Process telephone bookings in the road passenger transport industries (*Unit 16 in this specification*)**

Assessment guidance specified by a sector or regulatory body	<p>When assessing this unit the following definitions should be used:</p> <ul style="list-style-type: none"> <li>• the organisation — this would be the company the learner works for or, if they are self-employed, the rules they have set for themselves to ensure that they comply with relevant legal and licensing requirements</li> <li>• prospective passenger is used to denote both a single individual or a group</li> </ul>
--	---

<b>RPVD 21 — Ensure health and safety of the taxi and private hire driver and passengers (<i>Unit 1 in this specification</i>)</b>	
Assessment guidance specified by a sector or regulatory body	<p>When assessing this unit the following definition should be used:</p> <ul style="list-style-type: none"> <li>• taxi — a licensed hackney carriage vehicle</li> </ul> <p>When assessing the unit the following points should be covered as a minimum:</p> <p><b>Assessment criterion 1.1</b></p> <ul style="list-style-type: none"> <li>• Health and Safety at Work Act</li> <li>• licensing conditions</li> <li>• Equalities Act 2010</li> <li>• Corporate Manslaughter Act</li> <li>• relevant codes of practice</li> </ul> <p><b>Assessment criterion 1.6</b></p> <p>The following could be appropriate people:</p> <ul style="list-style-type: none"> <li>• the operator</li> <li>• the proprietor</li> <li>• other drivers</li> </ul> <p><b>Assessment criterion 2.1</b></p> <ul style="list-style-type: none"> <li>• Health and Safety at Work Act</li> <li>• relevant codes of practice</li> <li>• licensing conditions</li> <li>• Road Traffic Act</li> <li>• COSHH regulations on signage and symbols</li> <li>• Local Government (Miscellaneous Provisions) Act 1976</li> <li>• Highway Code</li> </ul> <p><b>Assessment criterion 2.6</b></p> <p>Must include:</p> <ul style="list-style-type: none"> <li>• legislation covering consumption of alcohol and drugs</li> </ul>

	<p><b>Assessment criterion 2.7</b></p> <p>Examples could include:</p> <ul style="list-style-type: none"> <li>• injury and death</li> <li>• legal action</li> <li>• liability</li> <li>• financial loss</li> <li>• licence suspension or revocation</li> </ul> <p><b>Assessment criterion 3.1</b></p> <p>The following could be appropriate people and policies:</p> <ul style="list-style-type: none"> <li>• operators and proprietors</li> <li>• licensing officers</li> <li>• police</li> <li>• marshals</li> <li>• licensing conditions</li> <li>• company policies and procedures</li> </ul> <p><b>Assessment criterion 3.2</b></p> <p>Examples include as a minimum:</p> <ul style="list-style-type: none"> <li>• barring customers who are considered a risk</li> <li>• terminating a fare</li> <li>• refusing a fare</li> <li>• using appropriate conflict management techniques</li> </ul> <p><b>Assessment criterion 4.1</b></p> <p>Services and personnel include:</p> <ul style="list-style-type: none"> <li>• dispatch office staff</li> <li>• marshalls controlling ranks</li> <li>• police</li> <li>• traffic wardens</li> <li>• licensing officers</li> <li>• emergency services personnel</li> </ul>
--	--

	<p><b>Assessment criterion 4.3</b></p> <p>Appropriate equipment and alarm systems could include:</p> <ul style="list-style-type: none"> <li>• personal alarms</li> <li>• panic switches to base</li> <li>• personal radio</li> <li>• private line contact</li> <li>• security cameras and their privacy laws</li> <li>• data head/GPS</li> <li>• safety guards and screens</li> <li>• swipe card reader</li> </ul> <p>four door security lock</p>
--	---

**RPVD 22 — Drive a taxi or private hire vehicle in a professional manner (*Unit 2 in this specification*)**

Assessment guidance specified by a sector or regulatory body	<p>When assessing this unit the following definition must be used:</p> <ul style="list-style-type: none"> <li>• taxi — a licensed hackney carriage vehicle</li> </ul> <p>When assessing the unit the following points should be covered as a minimum:</p> <p><b>Assessment criterion 1.1</b></p> <p>The correct licence will be either:</p> <ul style="list-style-type: none"> <li>• private hire driver's licence</li> <li>• hackney carriage licence</li> <li>• taxi/private hire bus special licence</li> </ul> <p><b>Assessment criterion 1.2</b></p> <p>This should include:</p> <ul style="list-style-type: none"> <li>• licence plates</li> <li>• discs and/or paper licences</li> </ul> <p><b>Assessment criterion 1.4</b></p> <p>If fitted, the learner should also be able to provide for inspection a statutory taximeter certificate of verification</p>
--	--



	<p><b>Assessment criterion 3.4</b></p> <p>Learner should be observed for:</p> <ul style="list-style-type: none"> <li>• co-ordinated and economic acceleration</li> <li>• smooth and controlled braking</li> <li>• accurate and smooth steering</li> <li>• observing speed limits</li> <li>• showing courtesy to other road users</li> <li>• showing patience and tolerance during delays</li> <li>• not allowing radio and/or satellite navigation and data heads affect concentration and judgement</li> <li>• not allowing queries and distractions from passengers to influence safe driving practice</li> </ul> <p><b>Assessment criterion 4.1</b></p> <p>Licensed drivers, passengers and children/young persons including exceptions where child seats are not available.</p> <p><b>Assessment criterion 4.2</b></p> <p>The following should be covered as a minimum:</p> <ul style="list-style-type: none"> <li>• the importance of mirrors and signalling when stopping and starting from the roadside</li> <li>• safe stopping distances and what affects these</li> <li>• safe following distance</li> </ul> <p><b>Assessment criterion 4.3</b></p> <p>Elements must include:</p> <ul style="list-style-type: none"> <li>• taking in information by continually scanning the environment</li> <li>• using that information to plan a response</li> <li>• giving information to other road users</li> </ul>
--	--

**RPVD 23 — Provide professional customer service in the taxi and private hire industries (*Unit 3 in this specification*)**

Assessment guidance specified by a sector or regulatory body	<p>When assessing this unit the following definition must be used:</p> <ul style="list-style-type: none"> <li>• taxi — a licensed hackney carriage vehicle</li> </ul> <p>When assessing the unit the following points should be covered as a minimum:</p>
--	---

	<p><b>Assessment criterion 2.3</b></p> <p>Reasons should include as a minimum:</p> <ul style="list-style-type: none"> <li>• providing a clean vehicle inside and exterior</li> <li>• a friendly and welcoming atmosphere</li> <li>• professional knowledge</li> <li>• maintaining punctuality</li> <li>• providing safety and security for vulnerable customers</li> <li>• being honest and truthful</li> <li>• cultivating relationships</li> <li>• driving with care and consideration</li> </ul> <p><b>Assessment criterion 3.2</b></p> <p>Assistance can include:</p> <ul style="list-style-type: none"> <li>• providing onward journey details</li> <li>• loading a luggage cart</li> <li>• helping elderly or disabled customers</li> </ul> <p><b>Assessment criterion 4.2</b></p> <p>Examples include:</p> <ul style="list-style-type: none"> <li>• wheelchair accessibility</li> <li>• card reader</li> <li>• hearing loop</li> </ul> <p><b>Assessment criterion 4.6</b></p> <p>Examples must include:</p> <ul style="list-style-type: none"> <li>• Equalities Act 2010</li> <li>• Health Act 2006</li> </ul>
--	---

	<p><b>Assessment criterion 4.8</b></p> <p>Learners should cover why drivers should not discriminate against customers on the basis of:</p> <ul style="list-style-type: none"> <li>• age</li> <li>• race</li> <li>• religion</li> <li>• sexual orientation</li> <li>• nationality</li> <li>• gender</li> <li>• gender reassignment</li> <li>• disability</li> </ul> <p>Learners should also show awareness of the circumstances where they could be accused of discrimination</p> <p><b>Assessment criteria 5.1 and 6.1</b></p> <p>People could include:</p> <ul style="list-style-type: none"> <li>• other drivers</li> <li>• marshals</li> <li>• booking office staff</li> <li>• traffic wardens</li> <li>• licensing officers</li> <li>• staff at transport interchanges eg airports, railway stations</li> </ul>
--	---

**RPVD 24 — Provide a safe and legal vehicle for transporting passengers by taxi and/ or private hire (*Unit 4 in this specification*)**

Assessment guidance specified by a sector or regulatory body	<p>When assessing this unit the following definition must be used:</p> <ul style="list-style-type: none"> <li>• taxi — a licensed hackney carriage vehicle</li> </ul> <p>When assessing the unit the following points should be covered as a minimum:</p>
--	---

	<p><b>Assessment criterion 2.2</b></p> <p>The following are examples of common vehicle contaminants:</p> <ul style="list-style-type: none"> <li>• traffic grime</li> <li>• solid contaminants</li> <li>• food stains</li> <li>• vomit</li> <li>• asphalt</li> <li>• accumulated brake dust</li> </ul> <p><b>Assessment criterion 2.3</b></p> <p>Learners should mention the following:</p> <ul style="list-style-type: none"> <li>• personal protective equipment including masks, gloves, eye protectors</li> <li>• warning symbols</li> <li>• instructions</li> <li>• data sheets</li> <li>• dilution quantities</li> <li>• application</li> <li>• exposure</li> <li>• disposal</li> </ul> <p><b>Assessment criterion 2.4</b></p> <p>Learners should mention:</p> <ul style="list-style-type: none"> <li>• recycling</li> <li>• disposing at a licensed community site</li> </ul> <p><b>Assessment criterion 3.1</b></p> <p>Depending on local licensing requirements the following should be checked:</p> <ul style="list-style-type: none"> <li>• the condition and operation of single or double emergency doors to facilitate the access of a wheelchair</li> <li>• lighting</li> <li>• signalling equipment</li> </ul>
--	---

**Assessment criterion 3.2**

Depending on local licensing requirements the following should be checked for operation and condition:

- interior lights
- front and rear screen demisters
- air conditioning
- horn
- motion door locks
- interior door/child locks
- alarm
- warning lights
- electric window opening and closing
- grab handles
- handrails
- passenger safety notices
- fares table
- wheelchair ramps
- securing points
- restraints
- belts and buckles
- fire extinguisher
- first aid box

**Assessment criterion 3.8**

When assessing the unit the following points should be covered as a minimum:

- learners should be looking for petrol or diesel leaks

**Assessment criterion 4.1**

Examples could include:

- fuel economy
- promoting passenger and road safety
- meeting local licensing conditions
- adhering to any vehicle warranty in place

**Assessment criterion 4.3**

Must include:

- a walk-round check at start of shift
- end of shift inspection if handing over to another driver
- prior to MOT or certificate of compliance test

**Assessment criterion 4.4**

Examples could include:

- authorised MOT examiners
- Public Carriage Office (PCO) accredited testing centres
- spot checks by authorised persons

**Assessment criterion 4.7**

Examples could include:

- Euro standards 3.4 and 5
- alternative fuels
- hybrid vehicles
- retro fitting of emission control devices (London only)

**Assessment criterion 5.2**

The learner should test and inspect the following as appropriate to their vehicle:

- radio and navigation systems
- data head
- vision and sound systems
- induction loops
- taximeter operation
- driver memory key
- card reader and thermal printer

**Assessment criterion 6.1**

Examples could include:

- information systems and warning lights
- service required
- fuel economy
- miles per gallon (MPG)
- emissions

**RPVD 25 — Carry fare paying passengers within the regulatory framework of the private hire industry (*Unit 9 in this specification*)**

Assessment guidance specified by a sector or regulatory body

When assessing this unit the following definition must be used:

- taxi — a licensed hackney carriage vehicle

When assessing this unit reference should be made to the regulations and conditions that apply within their licensing area, that could include, but which are not confined to the:

English Counties, Districts and Unitary Authorities:

- Local Government (Miscellaneous Provisions) Act 1976
- Town Police Clauses Act 1847

Greater London:

- Public Carriage Office conditions or 'notices'
- Private Hire Vehicles (London ) Act 1998
- Private Hire Vehicles (London) (Operator Licences) 2004 and amendments
- various cab orders and Hackney Carriage Acts

Northern Ireland:

- Taxi Act (Northern Ireland) Order 2008
- Scotland:
- The Civic Government (Scotland) Act 1982
- SSI 145 Licensing of Booking Offices Order 2009

All areas

- Construction and Use Regulations
- Data Protection Act
- Equalities Act 2010
- Health and Safety Act
- Health Act 2006
- Road Safety Act 2006
- Transport Act 1985
- Rehabilitation of Offenders Act 1974 and 2002

	<p>When assessing the unit the following points should be covered as a minimum:</p> <p><b>Assessment criterion 2.1</b></p> <p>Examples include:</p> <ul style="list-style-type: none"> <li>• full UK or EU licence</li> <li>• group 2 medical examinations</li> <li>• CRB standard or enhanced check, or Certificate of Good Conduct authenticated by the relevant embassy</li> <li>• ISA registration</li> <li>• age and driving experience</li> <li>• hire and reward insurance – public and private hire</li> <li>• all other pre-conditions as may be required by the licensing authority and the statutory acts</li> </ul> <p><b>Assessment criterion 5.5</b></p> <p>Examples include:</p> <ul style="list-style-type: none"> <li>• breach of licensing conditions</li> <li>• misconduct</li> <li>• being intoxicated on duty</li> <li>• refusing to drive without good reason</li> <li>• obstructing authorised officers</li> <li>• overcharging</li> <li>• driving without insurance</li> <li>• running a defective vehicle</li> </ul> <p><b>Assessment criterion 6.1</b></p> <p>Examples include:</p> <ul style="list-style-type: none"> <li>• being a fit and proper person</li> <li>• Criminal Records Bureau (CRB) check</li> <li>• holding public liability insurance</li> <li>• relevant planning permission</li> <li>• health and safety regulations</li> <li>• fire regulations</li> <li>• other details as required by the local licensing authority</li> </ul>
--	---



**RPVD 26 — Carry fare paying passengers within the regulatory framework of the taxi industry (*Unit 10 in this specification*)**

<p>Assessment guidance specified by a sector or regulatory body</p>	<p>When assessing this unit the following definition must be used:</p> <ul style="list-style-type: none"> <li>• taxi — a licensed hackney carriage vehicle</li> </ul> <p>When assessing this unit reference should be made to the regulations and conditions that apply within their licensing area, that could include, but which are not confined to the:</p> <p>English Counties, Districts and Unitary Authorities:</p> <ul style="list-style-type: none"> <li>• Local Government (Miscellaneous Provisions) Act 1976</li> <li>• Town Police Clauses Act 1847</li> </ul> <p>Greater London:</p> <ul style="list-style-type: none"> <li>• Public Carriage Office conditions or 'notices'</li> <li>• Private Hire Vehicles (London ) Act 1998</li> <li>• Private Hire Vehicles (London) (Operator Licences) 2004 and amendments</li> <li>• various cab orders and Hackney Carriage Acts</li> </ul> <p>Northern Ireland:</p> <ul style="list-style-type: none"> <li>• Taxi Act (Northern Ireland) Order 2008</li> </ul> <p>Scotland:</p> <ul style="list-style-type: none"> <li>• The Civic Government (Scotland) Act 1982</li> <li>• SSI 145 Licensing of Booking Offices Order 2009</li> </ul> <p>All areas</p> <ul style="list-style-type: none"> <li>• Construction and Use Regulations</li> <li>• Data Protection Act</li> <li>• Equalities Act 2010</li> <li>• Health and Safety Act</li> <li>• Health Act 2006</li> <li>• Road Safety Act 2006</li> <li>• Transport Act 1985</li> <li>• Rehabilitation of Offenders Act 1974 and 2002</li> </ul>
---	--

	<p>When assessing the unit the following points should be covered as a minimum:</p> <p><b>Assessment criterion 2.1</b></p> <p>Examples include:</p> <ul style="list-style-type: none"> <li>• full UK or EU licence</li> <li>• group 2 medical examinations</li> <li>• CRB standard or enhanced check, or Certificate of Good Conduct authenticated by the relevant embassy</li> <li>• ISA registration</li> <li>• age and driving experience</li> <li>• hire and reward insurance – public and private hire</li> <li>• all other pre-conditions as may be required by the licensing authority and the statutory acts</li> </ul> <p><b>Assessment criterion 5.8</b></p> <p>Examples include:</p> <ul style="list-style-type: none"> <li>• breach of licensing conditions</li> <li>• misconduct</li> <li>• being intoxicated on duty</li> <li>• refusing to drive without good reason</li> <li>• obstructing authorised officers</li> <li>• overcharging</li> <li>• driving without insurance</li> <li>• running a defective vehicle</li> </ul>
--	---

**RPVD 27 — Provide a transport service in the taxi and private hire vehicle industries for customers who require assistance (*Unit 5 in this specification*)**

Assessment guidance specified by a sector or regulatory body	<p>When assessing this unit the following definition must be used:</p> <ul style="list-style-type: none"> <li>• taxi — a licensed hackney carriage vehicle</li> </ul> <p>When assessing the unit the following points should be covered as a minimum:</p> <p><b>Assessment criterion 2.1</b></p> <p>Customers who require assistance could include:</p> <ul style="list-style-type: none"> <li>• mobility or ambulant disabled</li> <li>• hearing loss</li> <li>• blindness or partially sighted</li> <li>• physical injury</li> <li>• learning difficulties</li> <li>• disfigurement</li> </ul>
--	--

	<p>The following indicators may indicate a customer requires assistance:</p> <ul style="list-style-type: none"> <li>• ear and body worn hearing aids</li> <li>• support stick</li> <li>• crutch</li> <li>• walking frame</li> <li>• dark or tinted glasses</li> <li>• plaster casts</li> <li>• prosthetic limbs</li> <li>• speech difficulties</li> </ul> <p>Learners should show an awareness of the terms:</p> <ul style="list-style-type: none"> <li>• impairment</li> <li>• hidden disability</li> <li>• long-term disability</li> <li>• chronic disability</li> <li>• empathy</li> </ul> <p><b>Assessment criterion 2.4</b></p> <p>Learners should be aware of:</p> <ul style="list-style-type: none"> <li>• Wheelchair Accessibility Regulations</li> <li>• how it is unlawful for a provider of services to discriminate against any person</li> <li>• Medical Exemption Certificates – prescribed dogs</li> <li>• no extra charges</li> <li>• penalties</li> <li>• appeals</li> </ul> <p><b>Assessment criterion 2.5</b></p> <p>Examples include documents published by:</p> <ul style="list-style-type: none"> <li>• DPTAC</li> <li>• RADAR</li> <li>• Equality and Human Rights Commission – Avoiding Disability Discrimination in Transport</li> </ul>
--	---

	<p><b>Assessment criterion 4.1</b></p> <p>Examples of services could include:</p> <ul style="list-style-type: none"> <li>• wheelchair accessible vehicles</li> <li>• a choice of vehicle available</li> <li>• induction loop</li> <li>• information signs</li> <li>• door to door service</li> <li>• swivel seats</li> <li>• high visibility grab handles</li> </ul>
--	--

**RPVD 28 — Provide a service to customers using a wheelchair in an accessible taxi or private hire vehicle (*Unit 6 in this specification*)**

Assessment guidance specified by a sector or regulatory body	<p>When assessing this unit the following definition must be used:</p> <ul style="list-style-type: none"> <li>• taxi — a licensed hackney carriage vehicle</li> </ul> <p>When assessing the unit the following points should be covered as a minimum:</p> <p><b>Assessment criterion 1.1</b></p> <p>The ramp could be one of the following types:</p> <ul style="list-style-type: none"> <li>• suitcase folding</li> <li>• telescopic</li> <li>• channel type</li> <li>• platform type</li> </ul> <p><b>Assessment criterion 2.4</b></p> <p>A learner could use:</p> <ul style="list-style-type: none"> <li>• swivel seat</li> <li>• drop-down steps</li> </ul> <p><b>Assessment criterion 3.1</b></p> <p>Specialist equipment could include:</p> <ul style="list-style-type: none"> <li>• disability aids</li> <li>• harnesses</li> <li>• straps</li> <li>• lifts</li> <li>• ramps</li> </ul> <p>Inspection and testing regimes could include:</p> <ul style="list-style-type: none"> <li>• Licensing of Lifting Equipment Regulations (LOLER)</li> </ul>
--	--

**RPVD 29 — Plan routes in the taxi and private hire industries (*Unit 13 in this specification*)**

Assessment guidance specified by a sector or regulatory body

When assessing this unit the following definition must be used:

- taxi — a licensed hackney carriage vehicle

When assessing the unit the following points should be covered as a minimum:

**Assessment criterion 1.1**

Tools could include:

- local knowledge
- maps and atlas
- websites
- satellite navigation
- personal digital assistant (PDA)

**Assessment criterion 1.3**

Destination locations could include:

- tourist information offices
- tourist sites
- shopping centres
- rail, tram and bus stations
- hospitals
- hospices
- park and ride
- recreational areas

**Assessment criterion 2.1**

This includes using grid references

**Assessment criterion 2.3**

- Bluetooth®
- personal digital assistant (PDA)
- global positioning satellite (GPS)
- general packet radio service (GPRS)
- professional mobile radio (PMR)
- short message service (SMS)

**RPVD 30 — Process fares and charges for private hire passengers  
(Unit 11 in this specification)**

Assessment guidance specified by a sector or regulatory body	<p>When assessing the unit the following points should be covered as a minimum:</p> <p><b>Assessment criterion 2.2</b></p> <p>Examples include:</p> <ul style="list-style-type: none"> <li>• electronic taximeter</li> <li>• data head</li> <li>• radio link</li> <li>• mobile phone</li> <li>• satellite navigation</li> </ul> <p><b>Assessment criterion 2.3</b></p> <p>Examples include:</p> <ul style="list-style-type: none"> <li>• charged through or via the private hire operator</li> <li>• corporate client accounts</li> </ul> <p><b>Assessment criterion 2.6</b></p> <p>Includes:</p> <ul style="list-style-type: none"> <li>• cash floats</li> <li>• daily log sheets</li> </ul>
--	---

**RPVD 31 — Process fares and charges for taxi passengers (Unit 12 in this specification)**

Assessment guidance specified by a sector or regulatory body	<p>When assessing this unit the following definition should be used:</p> <ul style="list-style-type: none"> <li>• taxi — a licensed hackney carriage vehicle</li> </ul> <p>When assessing the unit the following points should be covered as a minimum:</p> <p><b>Assessment criterion 1.2</b></p> <p>Examples include:</p> <ul style="list-style-type: none"> <li>• use of a table of fares from an Association handbook</li> <li>• use of a taximeter as a safeguard for the customer and driver</li> <li>• for long journeys, calculating an approximate charge based on cost per mile</li> <li>• other costs as specified in the table of extra charges</li> </ul>
--	--

	<p><b>Assessment criterion 2.2</b></p> <p>Examples include:</p> <ul style="list-style-type: none"> <li>• flag/initial distance/running mile</li> <li>• day and night tariffs</li> <li>• unsocial hours</li> <li>• extras</li> </ul> <p><b>Assessment criterion 2.3</b></p> <p>Examples include:</p> <ul style="list-style-type: none"> <li>• electronic taximeter</li> <li>• data head</li> <li>• radio link</li> <li>• mobile phone</li> <li>• satellite navigation</li> </ul> <p><b>Assessment criterion 2.6</b></p> <p>Examples include:</p> <ul style="list-style-type: none"> <li>• charged through or via the private hire operator</li> <li>• card reader linked to the taximeter</li> <li>• cash as determined by the taximeter reading</li> <li>• corporate client accounts</li> </ul>
--	---

**RPVD 32 — Transport parcels, luggage and other items in the taxi and private hire industries (*Unit 7 in this specification*)**

Assessment guidance specified by a sector or regulatory body	<p>When assessing this unit the following definitions should be used:</p> <ul style="list-style-type: none"> <li>• taxi — a licensed hackney carriage vehicle</li> <li>• items — when stated in the learning outcomes this means parcels and luggage</li> <li>• the organisation — this would be the company the learner works for or, if they are self-employed, the rules they have set for themselves to ensure that they comply with relevant legal and licensing requirements</li> </ul> <p>When assessing the unit the following points should be covered as a minimum:</p> <p><b>Assessment criterion 1.7</b></p> <p>This would include:</p> <ul style="list-style-type: none"> <li>• use of a mobile transport aid</li> </ul>
--	---

	<p><b>Assessment criterion 2.1</b></p> <p>Examples include:</p> <ul style="list-style-type: none"> <li>• public liability insurance</li> <li>• public and employer liability insurance</li> </ul> <p><b>Assessment criterion 2.3</b></p> <p>Examples include:</p> <ul style="list-style-type: none"> <li>• transporting hospital goods under contract</li> <li>• transporting blood bank items between NHS locations</li> </ul> <p><b>Assessment criterion 2.4</b></p> <p>This could include:</p> <ul style="list-style-type: none"> <li>• musical instruments</li> <li>• sports equipment</li> <li>• electronic equipment</li> <li>• bags and rucksacks</li> </ul> <p><b>Assessment criterion 2.5</b></p> <p>Learners should know the three main criteria as:</p> <ul style="list-style-type: none"> <li>• avoid the need for hazardous manual handling as far as reasonably practicable</li> <li>• assess the risk of injury from any hazardous manual handling operation that can't be avoided</li> <li>• reduce the risk of injury from hazardous manual handling, as far as reasonably practicable</li> </ul> <p><b>Assessment criterion 2.6</b></p> <p>The learner must cover the environmental factors that can influence the risk assessment, for example:</p> <ul style="list-style-type: none"> <li>• weather conditions</li> <li>• potholes</li> <li>• carrying distance</li> <li>• uneven paving</li> </ul> <p><b>Assessment criterion 3.2</b></p> <p>The relevant person would be:</p> <ul style="list-style-type: none"> <li>• taxi drivers to the local police station</li> <li>• private hire drivers to the operator</li> </ul>
--	--



	<p><b>Assessment criterion 4.1</b></p> <p>Examples include:</p> <ul style="list-style-type: none"> <li>• running unprotected hands between seat covers</li> </ul> <p><b>Assessment criterion 4.3</b></p> <p>Must include local licensing conditions</p>
--	---

**RPVD 33 – Transport children and young persons by taxi, private hire or chauffeuring (*Unit 8 in this specification*)**

Assessment guidance specified by a sector or regulatory body	<p>When assessing this unit the following definitions should be used:</p> <ul style="list-style-type: none"> <li>• taxi — a licensed hackney carriage vehicle</li> <li>• the organisation — this would be the company the learner works for or, if they are self-employed, the rules they have set for themselves to ensure that they comply with relevant legal and licensing requirements</li> <li>• incident — an unplanned, uncontrolled event, which could have led to injury to persons or damage to vehicles and equipment, or some other loss</li> <li>• emergency — a sudden unforeseen occurrence needing immediate action</li> </ul> <p>When assessing the unit the following points should be covered as a minimum:</p> <p><b>Assessment criterion 1.1</b></p> <p>This could include:</p> <ul style="list-style-type: none"> <li>• completing a log book</li> <li>• completing a defect inspection report</li> <li>• be able to use on board equipment</li> <li>• be able to check on board equipment</li> </ul> <p><b>Assessment criterion 1.2</b></p> <p>This must include:</p> <ul style="list-style-type: none"> <li>• child locks</li> <li>• ancillary equipment as specified by the LEA or local authority</li> </ul>
--	---

	<p><b>Assessment criterion 3.1</b></p> <p>This includes:</p> <ul style="list-style-type: none"> <li>• displaying a legislated drivers badge</li> <li>• being ISA registered</li> </ul> <p><b>Assessment criterion 4.2</b></p> <p>Examples include:</p> <ul style="list-style-type: none"> <li>• maintaining punctuality at stops and destinations</li> <li>• maintaining a communications link</li> <li>• knowing essential contact names and phone numbers</li> </ul>
--	--



This page is intentionally left blank

## **CHESHIRE EAST COUNCIL**

### **REPORT TO: Licensing Committee**

---

**Date of Meeting:** 30<sup>th</sup> September 2013  
**Report of:** Miss Kim Evans – Licensing Team Leader  
**Subject/Title:** Practical driving assessment for joint driver licence applicants  
**Portfolio Holder:** Cllr Les Gilbert - Communities and Regulatory Services  
Portfolio Holder

---

#### **1.0 Report Summary**

- 1.1 To provide Members with information regarding a practical driving assessment for applicants of joint Hackney Carriage and Private Hire driver licenses.

#### **2.0 Recommendation**

- 2.1 That Members note the information and determine to:
- i. authorise the Licensing Team Leader to consult with the existing licensed trade and public (via the Council's web-site); or
  - ii. to take no further action

#### **3.0 Reasons for Recommendations**

- 3.1 Members have previously requested that a report be presented to provide information on this matter.
- 3.2 In accordance with the Council's Constitution the Licensing Committee has delegated authority to determine such matters.

#### **4.0 Wards Affected**

- 4.1 All

#### **5.0 Local Ward Members**

- 5.1 All

#### **6.0 Policy Implications**

- 6.1 None

#### **7.0 Financial Implications (Authorised by the Chief Operating Officer)**

- 7.1 If Members authorised consultation to take place, the Licensing Team would write to all existing drivers to seek their views. This will result in a number of letters being sent with an approximate cost of £800.00.
- 7.2 The Strategic Fleet Management Department would conduct the assessments. A single assessment would cost approximately £75.00 and be dealt with on the basis of an internal re-charge. This cost would reduce on a sliding scale depending on the number of assessments carried out on any given day.
- 7.3 The cost of any practical assessment would be taken from the application fee. The Licensing Team is currently overspending in relation to the driver licence budget. It may therefore be necessary for the driver application fee (in relation to grants of licence) to be increased. The Council's fees are normally reviewed in advance of the commencement of the new financial year.
- 7.4 Any deficits can be recovered in future financial years when setting the appropriate fees to ensure the service operates full cost recovery.
- 7.5 Further financial implications are contained in paragraph 10 of this report.

#### **8.0 Legal Implications (Authorised by the Borough Solicitor)**

- 8.1 Section 46 of the Town Police Clauses Act 1847 provides a Local Authority with the power to issue Hackney Carriage driver's licences. Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 ('the 1976 Act') provides the same power to issues licences to drive private hire vehicles.
- 8.2 The provisions of section 59 (1) (a) (in relation to hackney carriage drivers licences) and section 51 (1) (a) (in relation to private hire drivers licences) of the 1976 Act state that a council shall not grant a licence 'unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence'.
- 8.3 What constitutes fit and proper is not defined in the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976. Similarly, there is no judicially approved test of fitness and propriety.
- 8.4 Factors relevant to the suitability of an individual to act as a licensed driver were set out in the case of McCool v Rushcliffe Borough Council (1998) (and followed in Leeds City Council v Hussain (2002)) where Lord Bingham stated:

One must, as it seems to me, approach this case bearing in mind the objectives of this licensing regime which is plainly intended, among other things, to ensure so far as possible that those licensed to drive private hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest, and not persons who would take advantage of their employment to abuse or assault passengers.

8.5 To assist the Licensing Authority in determining whether an applicant is fit and proper a number of processes are conducted, namely:

- Completion of the Council's application form
- Satisfactory enhanced Disclosure and Barring Certificate (formerly CRB)
- Satisfactory driving record
- Medical assessment
- Btec Level 2 Certificate in the introduction to the role of the Professional Taxi and Private Hire Driver (the Btec qualification)

8.6 The Council has also adopted a set of driver conditions, which regulates the conduct of those granted a licence. The conditions, which also set the requirements in relation to the safety of passengers travelling in a vehicle, are attached at appendix 1 for information.

## **9.0 Risk Management**

9.1 Members should note that consultation is to be conducted at a formative stage. Therefore, appropriate weight and consideration must be given to any consultation responses received. This will mitigate the risk of a successful challenge of the final requirements.

## **10.0 Background**

10.1 On the 23<sup>rd</sup> May 2013 the Licensing Committee resolved to change the current testing arrangements in relation to applicants for joint driver licenses to include the requirement to attain the Btec qualification.

10.2 The Committee further resolved that information setting out how the Licensing Authority might test the practical driving skills of applicants should also be presented.

10.3 When researching the changes to the driver testing regime, Officers were able to establish that a number of Licensing Authorities conduct an assessment of the applicant's driving skills. These can be conducted in-house or by the Driving Standards Agency (DSA) who have developed a specific test for taxi drivers.

10.4 Officer made contact with the local DSA offices at Crewe and Macclesfield and have established that the test is not conducted at these testing stations.

10.5 The Licensing Authority at Cheshire West and Chester Council (CWAC) has established an in-house test conducted by officers of CEC's Strategic Fleet Management Department. Contact has been made with the relevant Officer to establish the requirements of the CWAC test and to establish the suitability of using a similar test.

10.6 Officers of the Strategic Fleet Management Department have been of great help in researching the most suitable testing arrangements and have been

dedicated to ensuring that the suggestions of Licensing Officer are incorporated into the proposal presented in the report. The suggested testing arrangements are set out at appendix 2 together with a suggested assessment form at appendix 3.

10.7 The assessment would be undertaken by the Council's Strategic Fleet Trainer (the lead trainer) who is also responsible for assessing the driving skills of those driving vehicles for the Council. The trainer also holds the following experience/qualifications:

- 35 years experience of transport, including managing the County Council's in-house fleet
- Qualified commercial and industrial assessor for the Road Transport Industry Training Board (RTITB)
- Minibus Driver Awareness Scheme (MIDAS)
- City and Guilds TAQA assessors qualification (includes both NVQ and Btec)
- Member of the Chartered Institute of Transport

10.8 There are a number of structural changes taking place within the Strategic Fleet Management Department, including the building of a training school. These changes will ensure that practical driving assessment requirements, if adopted, will be sustainable.

10.9 As the proposed assessments is to be conducted on an in-house basis this can give the Licensing Authority greater control on the areas to be assessed and provides flexibility if the assessment needs to be extended or amended to take in to consideration future changes.

10.10 The current cost level for the DSA driving test is:

<b>Test type</b>	<b>Weekday</b>	<b>Evening, weekend and bank holiday</b>
Hackney saloon vehicles and private hire saloon vehicles	£79.66	£96
Hackney wheelchair accessible vehicles	£92.94	£112.34
Taxi wheelchair exercise	£26.56	£32.68

It is also the responsibility of candidate to arrange their own test with the DSA, which would be subject to their availability.

10.11 The Strategic Fleet Management Department have confirmed that it would be good practice to conduct a number of assessments in one day in a specific area (eg Crewe, Sandbach, Macclesfield etc). This would have the advantage of the assessment being conducted in the zone the driver has applied to and will reduce the costs that will be incurred. A single assessment would cost approximately £75.00 and be dealt with on the basis of an internal re-charge.



This cost would reduce on a sliding scale depending on the number of assessments carried out on any given day.

- 10.12 The cost of any practical assessment would be taken from the application fee. The Licensing Team is currently overspending in relation to the driver licence budget. It may therefore be necessary for the driver application fee (in relation to grants of licence) to be increased. The Council's fees are normally reviewed in advance of the commencement of the new financial year.
- 10.13 Following appropriate consultation, if Members were minded to make the assessment a requirement, any deficits can be recovered in future financial years. We would not therefore need to delay the implementation of the change until the fees are re-assessed.
- 10.14 The consultation will also include the proposal to use the assessment in relation to existing drivers where concerns are raised about their driving. Members will be aware that the Licensing Team does receive complaints concerning the driving standards of existing drivers. Where Members consider that there is insufficient evidence or information to be satisfied that the licensed driver remains fit and proper, a determination to undergo the assessment may provide Members with additional information on which to base a decision.

## **11.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report author:

Name: Miss Kim Evans  
Designation: Licensing Team Leader  
Tel No: 0300 123 5015  
Email: [kim.evans@cheshireeast.gov.uk](mailto:kim.evans@cheshireeast.gov.uk)

This page is intentionally left blank



## **HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE CONDITIONS**

These conditions must be read in conjunction with all relevant provisions of

- Local Government (Miscellaneous Provisions) Act 1976
- Town Police Clauses Act 1847
- Transport Act 1980

***NB. Drivers of Hackney Carriages must also comply with the provision of any Bye Law in force in the area in which they operate.***

The terms 'Operator', 'Private Hire Vehicle', 'Hackney Carriage', 'Proprietor' and 'Taximeter' are defined as by the above legislation.

### **1) GENERAL**

- i. The driver shall within 7 days, notify the Council of any change of their name or home address
- ii. The driver must deposit their Private Hire/Hackney carriage driver's licence with the operator/proprietor of the vehicle at all times that they are employed/permitted to drive by the operator/proprietor

### **2) CONDUCT**

The driver shall at all time whilst the vehicle is available or being driven for hire:

- i. attend punctually at the time and place appointed for hire unless delayed or prevented by sufficient cause
- ii. behave in a civil and orderly manner
- iii. be clean and respectable in dress
- iv. take all reasonable steps to ensure the safety of passengers conveyed in or entering or alighting from the vehicle
- v. afford all reasonable assistance with the hirer's and other passengers' luggage
- vi. not eat or drink in the vehicle whilst it is let for hire unless with the express consent of the hirer and shall not at any time smoke in the vehicle
- vii. not to play any sound reproducing equipment within the vehicle other than for communicating with the operator/proprietor without the express consent of the hirer
- vii. not cause or permit any sound producing equipment so as to cause a nuisance or annoyance to any person in or outside of the vehicle

- viii. keep in a clean condition and not conceal or deface all or any part any internal or external vehicle identification or licence plates.

3) DRIVER'S IDENTIFICATION BADGE

- i. The driver shall, at all times when in or with the vehicle wear the driver's Identification badge supplied by the Council so as to be plainly visible at all times.

4) MEDICAL FITNESS

- i. The driver must produce a medical certificate in the form prescribed by the Council:-
- On first application
  - on every *other* renewal thereafter until the driver's 60<sup>th</sup> birthday
  - on every renewal after the driver's 60<sup>th</sup> birthday
  - at any time reasonably required by the Council
- ii. Whether a certificate has been produced or not applicants may be required to submit themselves for examination by a registered practitioner of the Council's choice as to their fitness to be a driver, the Council to bear the cost.
- iii. The driver must cease driving vehicles for hire and contact the Council immediately if they know/become aware of any medical condition which may affect their ability to drive safely or the health and safety of themselves or their passengers

5) FARES / TAXIMETERS

- i. The driver shall not demand from any hirer any fare in excess of that previously agreed for that hiring between the hirer and the operator or if the vehicle is fitted with a taximeter the fare shown on that meter, whichever is the lesser amount
- ii. The driver shall not cause the fare recorded on the taximeter be concealed or cancelled until the hirer has had sufficient time and opportunity of examining it and has paid the fare
- iii. The driver shall, when requested, provide the hirer with a written receipt for the fare paid.
- iv The driver shall proceed to the destination by the shortest possible route unless:
- (a) he/she receives an express directions given by the hirer; or
  - (b) he/she receives express consent of the hirer to an alternative route.

6) PASSENGERS

- i. The driver shall not convey in the vehicle a greater number of passengers than prescribed on the Vehicle Licence and Licence Plate
- ii. The driver shall not, without the express consent of the hirer convey any person other than the hirer in the vehicle.

7) ANIMALS

The driver must **not carry any** animal in the vehicle, including his/her own or the operator's/proprietors animal **except that**

- The driver **may** at his/her discretion carry the animal of a fare paying passenger but the animal must be carried in the rear of the vehicle
- Assistance dogs **MUST** be carried unless the driver has applied for and been granted an exemption certificate.

8) WHEELCHAIR ACCESSIBLE VEHICLES

Drivers of wheelchair accessible vehicles must:

- i. Be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraints fitted to the vehicle
- ii. Before the commencement of any journey ensure that all wheelchairs are firmly secured and that the brakes of the wheelchair have been applied

9) LOST PROPERTY

- i. The driver shall immediately after the termination of each hiring, or as soon as practicable thereafter, search the vehicle for any property that may have been left there
- ii. The driver must take any property left in the vehicle to a police station, wherever possible within twenty four hours and in any event no longer than within forty-eight hours, and obtain a receipt for the property
- iii. The driver shall notify the Council of the whereabouts of the property, and whenever possible of the details of the hirer, the journey and the date found

10) CRIMINAL CONVICTIONS

- i. The driver shall inform the Council in writing and within 7 days of any conviction, caution, warning or Fixed Penalty Notice imposed on them during the period of the licence.

This page is intentionally left blank

**JOINT DRIVER**  
**PRACTICAL DRIVING ASSESSMENT**

The driving assessment is carried out by a competent assessor. This usually takes about 1.5 hours and covers all aspects of driving including urban and rural roads using **your own vehicle**.

You will also be asked to conduct a walk round of your vehicle to establish your knowledge of what checks should be conducted prior to the commencement of any journey.

It is stressed that this is not a test but an assessment. It is expected that the candidate will be a reasonably competent driver. The fee for the assessment is incorporated into the application fee.

The failure rate would be:

1 x major fault (this would be something that could/would seriously put either the driver, passengers or other road users at risk of potential harm); or  
3 x minor faults – this can be addressed through further training or re-assessment after further practice.

Full feedback will be given to all those assessed.

Operators who convey children or adults in wheelchairs on minibuses can receive further information from the Strategic Fleet Training on the conveying of such passengers.

Please note that the health declaration should be completed and taken with you when taking the practical driving assessment as well as your driving licence.

**It is also the Drivers responsibility to update and report any health issues, infringement/points on their licence to the Licensing Team and the owner/organisation of the vehicle to ensure the vehicle is being driven legally.**

**Successfully passing the assessment is not a guarantee that you will be granted a licence to drive Hackney Carriage/Private Hire vehicles.**

**A maximum of two assessments can be taken. The decision of the assessor is final.**

For further information regarding the assessment please contact:  
**01270 686285 or e-mail: [Driving.Training@cheshireeast.gov.uk](mailto:Driving.Training@cheshireeast.gov.uk)**

This page is intentionally left blank



**“Tell me, show me” Questions**

At the start of the driving assessment session, ask the driver three questions taken from the list below.

The numbered boxes on the *Driver Assessment form* correspond to the question numbers below.

Where the answer to the question involves lifting the bonnet of the minibus, warn the driver that the engine may be hot.

You are not looking for drivers to actually check fluid levels on vehicles with hot engines, but to identify to you the location and correct levels of the relevant fluid reservoirs – which will involve lifting the bonnet.

---

1. Where are the fire extinguishers on this vehicle?
2. Show me how you would check the oil?
3. Tell me how you would check that the brake lights were working?
4. Where is the first aid kit ?
5. Show me how you would check the water level of the windscreen washers?
6. How would you check the level of brake fluid in this vehicle?
7. Where is the emergency exit?
8. Tell me how you would check that the brakes are working?
9. Tell me how you would check the coolant level on this vehicle?

STAGE	X or /	DRIVING FAULT
Starting		No checks
Moving off		No observation / Rushed
Use of Mirrors		Too much / Too little / Too late / No reaction
Observation		Too much / Too little / No reaction
Speed		Too fast / Too slow / Erratic
Stopping		Too close / Unsafe position
Accelerator		Too much / Too little / Erratic / Co-ordination
Footbrake		Early / Late / Harsh
Clutch		Coasting / Riding / Slipping / Jerky
Handbrake		No used / Still moving / Left on / Harsh
Gears		Wrong gear / Hand on gearstick
Steering		Cross hands / One hand / Hand position / Erratic / Spin back
Roundabouts		Position on approach / Position through or out / Speed / Signals / Observation
Junctions		Speed on approach or through / Position / Cutting corners / Observation
Signals		Early / Late / Not needed / Not used / Confusing / Dangerous
Road position		Before turns / Too close / Too wide / Hold back
Clearance		Parked vehicles / Pedestrians / Cyclists / Moving vehicles
Road signs and markings		Stop / Lanes / Speed limits / Traffic signs / Pedestrian crossings
Progress		Under-confidence / Over-confidence
Reversing (straight line)		Too fast / Inaccurate / No observation
Reversing Left-hand		Too fast / Inaccurate / No observation
Reversing Right-hand		Too fast / Inaccurate / No observation
Overtaking		Observation / Too slow / Cutting in
Gradients		Roll back / Erratic
Parking/Parallel Bay		Too fast / Inaccurate / No observation

--

## Driver Assessment Form

### CONFIDENTIAL

**Important Note:** Prior to undertaking an assessment, you must ensure that the driver meets the insurance and organisation requirements for driving the vehicle being used.

Name of Driver: .....

Name of organisation: .....

Assessment Date: .....

Eyesight Check: **PASS / FAIL** (If the driver fails the eyesight check he/she should be advised not to drive and seek an examination from a qualified optician as soon as possible)

Spectacles/ contact lenses worn **YES / NO**

"Tell me, show me questions" - (each incorrect answer is a minor fault, three incorrect answers is a major fault. If a driver gives more than three incorrect answers, you may ask three different questions at the end of the driving assessment).

Question	Question	Question
1	4	7
2	5	8
3	6	9

General comments about the assessment:

ASSESSMENT VERDICT: PASS / FAIL

DATs name: .....

DATs organisation: .....

Drivers signature: .....

This page is intentionally left blank

## CHESHIRE EAST COUNCIL

### Licensing Committee

---

<b>Date of Meeting:</b>	30 <sup>th</sup> September 2013
<b>Report of:</b>	Miss K Evans – Licensing Team Leader
<b>Subject/Title:</b>	Statement of Licensing Policy Review
<b>Portfolio Holder:</b>	Cllr Les Gilbert - Communities and Regulatory Services Portfolio Holder

---

#### **1.0 Report Summary**

- 1.1 The Licensing Act 2003 requires that Licensing Authorities prepare and publish a statement of policy that they propose to apply when exercising their functions under the Act during the five year period to which the statement applies.
- 1.2 The Council is required to review its existing statement of principles and publish the revised version by no later than 31<sup>st</sup> January 2014. In preparing a revised statement the Council must undertake a consultation exercise with those stakeholders identified by the legislation.

#### **2.0 Decision Requested**

- 2.1 That the Committee considers the content of the draft revised policy set out at appendix 1, the results of the consultation at appendix 3 and propose a final draft for the consideration of Cabinet and Council.

#### **3.0 Reasons for Recommendations**

- 3.1 To comply with the provisions of the Licensing Act 2003, to enable the proper discharge of the Council's responsibilities for the regulation of alcohol sales, regulated entertainment and late night refreshment.

#### **4.0 Wards Affected**

- 4.1 All

#### **5.0 Local Ward Members**

- 5.1 All

#### **6.0 Policy Implications**

- 6.1 None identified

## **7.0 Financial Implications**

- 7.1 No implications, other than those previously reported and expired, have been identified.

## **8.0 Legal Implications (Authorised by the Head of legal Services and Monitoring Officer)**

- 8.1 In accordance with Section 5 of the Licensing Act 2003 the Licensing Authority is required to determine and publish a Statement of Licensing Policy.
- 8.2 The statement of policy forms part of the Council's Policy Framework. As such, the final decision to approve a statement of principles or a revision of the statement rests with full Council. In addition, in developing a revised statement of policy, the authority must comply with its Budget and Policy Framework Procedure Rules (as set out within the Constitution).
- 8.3 In order to comply with statutory requirements, the following agencies must be consulted:
- Cheshire Constabulary
  - North West Fire and Rescue Service
  - Planning Services
  - Trading Standards (Weights and Measures Inspector)
  - Environmental Health
  - Local Safe Guarding Children Board
  - Health and Safety
  - Representatives of the local licensing trade
  - Representatives of local businesses and residents

## **9.0 Risk Management**

- 9.1 Should the Council not adopt a reviewed Statement of Licensing Policy within the required timeframe, all decisions made may be open to challenge.
- 9.2 Giving appropriate weight and consideration to any consultation responses received will mitigate the risk of a successful challenge of the final policy.

## **10.0 Background and Options**

- 10.1 The first Statement of Licensing Policy approved by this Council came into effect in January 2009.
- 10.2 When exercising the functions of the Licensing Act 2003 the Licensing Authority must promote the statutory licensing objectives:

- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
- 10.3 The Statement of Licensing Policy establishes a local framework for decision-making when considering applications for relevant permissions, or variations to existing terms and conditions. The Policy is of significant importance as the Licensing Committee and Sub-Committee are required to have due regard to it when determining an opposed application. It is therefore paramount that the policy sets out how the objectives will be promoted. Any matters not relevant to the promotion of the licensing objectives must be disregarded.
- 10.4 In addition to having regard to the Statement of Licensing Policy, the Licensing Authority must also have regard to the statutory guidance issued by the Home Office under section 182 of the Licensing Act 2003.
- 10.5 In accordance with the statutory timescales the revised policy must be in place to take effect from January 2014. When the Statement of Licensing Policy has been confirmed and published, subject to any further reviews and necessary consultation, it shall remain in force for a further period of five years (i.e. to January 2019).
- 10.6 It is proposed that the following timescales be applied to allow for the proper consideration of the draft statement of policy:
- Approved for consultation by relevant Cabinet Member
  - Period for consultation – 6 weeks
  - Licensing Committee – 16<sup>th</sup> July 2013
  - Corporate Scrutiny – 10<sup>th</sup> September 2013
  - **End of Consultation**
  - Licensing Committee – 30<sup>th</sup> September 2013
  - Confirmed by Cabinet – 11<sup>th</sup> November 2013
  - To be adopted by Council – 12<sup>th</sup> December 2013
  - Publication of Policy in January 2014
  - Policy effective from January 2014
- 10.7 Members should note that the consultation period commenced following a decision of the Communities and Regulatory Services Portfolio Holder on the 15<sup>th</sup> July 2013. Consequently, a letter was sent to the consultees and the Policy placed in the consultation pages on the Council's website.
- 10.8 The content of the Policy was also considered by the Members this Committee on the 16<sup>th</sup> July 2013 with no changes proposed.

- 10.9 The Council's Policy for the period January 2009 to January 2014 is attached at appendix 2 for information.
- 10.10 The outcome of the consultation exercise and any Officer comments are attached at appendix 3 for the consideration of the Committee.
- 10.11 The draft Policy was also considered by the Council's Corporate Scrutiny Committee on the 10<sup>th</sup> September 2013 who confirmed their approval of the draft Policy.

**11.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

Name: Kim Evans  
Designation: Licensing Team Leader  
Tel No: 0300 123 5015  
Email: [kim.evans@cheshireeast.gov.uk](mailto:kim.evans@cheshireeast.gov.uk)





**CHESHIRE EAST COUNCIL**  
**STATEMENT OF LICENSING POLICY**  
**(LICENSING ACT 2003)**  
**POLICY DATED JANUARY 2014 TO JANUARY 2019**

## **Contents**

1. Introduction
2. The aim of the Policy and Statutory Licensing Objectives
3. Matters within the control of the Licence Holder
4. Planning and need for Licensed Premises
5. Integrating Strategies
6. Anti-Social Behaviour
7. Prevention of Crime and Disorder
8. Public Safety
9. Prevention of Public Nuisance
10. Protection of Children from Harm
11. Cumulative Impact
12. Applications for New Grants and Variation of Existing Terms and Conditions
13. Temporary Events
14. Operating Schedule
15. Hours of Operation
16. Conditions
17. Enforcement and Review
18. Early Morning Alcohol Restriction Orders (EMRO's)
19. Late Night Levy
20. The Licensing Process
21. Delegation and Decision Making
22. Exclusions
23. Consultation
24. Changes to Legislation

*Appendix 1 – Table of Delegations of Licensing Functions*

*Appendix 2 – Procedure at Hearings*

## 1. Introduction

- 1.1 Cheshire East Council (**the Council**) is the Licensing Authority for the area of Cheshire East under the provisions of the Licensing Act 2003 (**the Act**).
- 1.2 The Council's current Statement of Licensing Policy was published on 24<sup>th</sup> February 2009. A review of that policy is due by January 2014. This Statement of Licensing Policy (**the Policy**) is the result of the review and is published by the Council in accordance with section 5 of the Act. The Policy provides information and guidance to applicants and persons who are likely to be affected by an application (e.g residents and businesses) and Responsible Authorities or anyone interested in these matters. It will clarify the manner in which the Council will approach matters relating to licensing. Whilst the policy provides framework guidance regarding the considerations it will take into account when determining any licence application, the Council, as the Licensing Authority, will ultimately determine each individual application on its own merits.
- 1.3 Cheshire East's mission is for 'Cheshire East to be a great place to live, work, visit and enjoy'. The mission statement complements the aims of this Policy. There are a number of Corporate Objectives some of which link with this Policy. They include:
  - To grow and develop a sustainable Cheshire East
  - To improve life opportunities and health for everybody in Cheshire East
- 1.4 The Policy takes into account the guidance issued under section 182 of the Act. The latest guidance was published by the Home Office on 31<sup>st</sup> October 2012. A copy of the guidance may be accessed via the Home Office website [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)
- 1.5 In accordance with section 4 of the Act, the Licensing Authority shall have regard to the Policy in the exercise of its functions in respect of Licensable Activities and qualifying Licensable Activities in accordance with Section 1 and Schedules 1 and 2 of the Act. The following is a summary of what comprises Licensable Activities:
  - The sale by retail of alcohol
  - The supply of alcohol by or on behalf of a club to, or to the order of a member of the club
  - The provision of regulated entertainment:
    - performance of a play

- exhibition of a film
- indoor sporting event
- boxing or wrestling entertainment
- performance of live music
- playing of recorded music
- performance of dance
- entertainment of a similar description to the above

**There are certain exemptions to this definition, which relate to incidental live and recorded music, and spontaneous music, singing and dancing, which are set out in full in the Act.**

- The provision of late night refreshment (supply of hot food or drink from a premises between 23:00 and 05:00 hours)

1.6 In formulating the Policy, the Licensing Authority has consulted all Responsible Authorities, holders of licences under the Act and the public within Cheshire East.

1.7 This policy will be for a 5 year period and a review will take place in accordance with statutory procedures and will take into full account of any relevant information received by way of consultation or otherwise.

## **2. The Aim of the Policy and Statutory Licensing Objectives**

2.1 The aim of the Policy is to secure the safety and amenity of communities within the Cheshire East area, whilst facilitating a sustainable entertainment industry. The Council recognises the need of residents for a safe and desirable environment in which to work and live and the importance of well-run licensed premises in a vibrant and diverse local economy. The Council will promote the safety of residents and visitors whilst out at night and on their journey home.

2.2 In accordance with the guidance issued by the Secretary of State, the Council recognises the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre for the wider cultural benefits of our communities. A natural concern to prevent disturbance in the neighbourhood will always be balanced with the wider cultural benefits of our communities

- 2.4 The Council has a duty to protect the amenity of its residents. This extends to the business community, who can expect the Council to ensure that the environment is attractive and sustainable for the conduct of their business.
- 2.5 It is the Council's duty to exercise its licensing functions with a view to promoting **with equal importance** the four Licensing Objectives set out in section 4 of the Act:
- **The prevention of crime and disorder**
  - **Public safety**
  - **The prevention of public nuisance**
  - **The protection of children from harm**
- 2.6 This policy does not prejudice the requirement for the Licensing Authority to consider each application on its own merits.
- 2.7 The Licensing Authority will have proper regard to amongst other issues:
- Location and environmental impact of the proposed activity
  - Suitability of the applicant
  - Suitability of the premises to the application
  - Operation and management of the premises
  - Monitoring, review and enforcement
- 2.8 Nothing in the policy will
- Undermine the rights of any individual to apply under the terms of the Act for a variety of permissions and have the application considered on its individual merits; or
  - Override the right of a person or a body or a Responsible Authority (as defined in the Act) to make representations on an application or to seek a review of a licence or certificate in accordance with the provisions of the Act.
- 2.9 Following Relevant Representations the Licensing Authority will only depart from this Policy if the applicant provides satisfactory evidence/information that the Licensing Objectives will be met in full. In cases where a departure occurs, the Licensing Authority shall provide reasons for the departure.
- 2.10 If an application for a licence or certificate has been made lawfully and there have been no Relevant Representations from Responsible Authorities or

other persons, the Licensing Authority will grant the application, subject only to conditions consistent with the operating schedule and any relevant mandatory conditions.

- 2.11 To achieve its aims the Council is committed to working in partnership with Cheshire Constabulary, Cheshire Fire and Rescue Service, local businesses, residents and others towards ensuring the continued success of this Policy in achieving the statutory objectives of the Act. In considering these issues the Council will focus on the four statutory Licensing Objectives.

### **3. Matters within the Control of the Premises Licence Holder**

- 3.1 The Licensing Authority recognises that licensing law is not the primary mechanism for the general control of individuals once they are away from a licensed premises, and therefore away from the direct control of the premises licence holder. Accordingly, in exercising its licensing functions the Licensing Authority will focus on matters which are within the control of the individual licensee and others who are granted relevant permissions. Nevertheless licensees should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, e.g. on the pavement, in a beer garden or in a smoking shelter, where and to the extent these matters are within their control.
- 3.2 The Licensing Authority will expect applicants to consider and make appropriate provisions to ensure that harm is not caused to the Licensing Objectives as a result of activity in, or in the vicinity of, the licensed premises.
- 3.6 It will normally be the responsibility of the premises licence holder to ensure that the managers, designated premises supervisor and door supervisors are competent and appropriately trained.

### **4. Planning and need for Licensed Premises**

- 4.1 When exercising its licensing functions the Licensing Authority will not be influenced by questions of need. The issue of whether or not there is a need for a particular premises is a commercial matter, which is not relevant to the Licensing Authority's considerations.
- 4.2 The Planning Regulation and Licensing Regulation functions are separate statutory regimes. The Licensing Authority recognises that there should be a clear separation of the planning, building control and licensing regimes in order to avoid duplication. The Licensing Authority when exercising its licensing functions will not consider whether there has been any alleged breach of planning conditions. Planning Permission will usually be required prior to the use of premises for Licensable Activities.

- 4.3 The Licensing Authority is not bound by decisions made by the Planning Authority and vice versa.
- 4.4 There may be circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensed hours, the earlier closing time must be observed. Premises operating in breach of their planning permission would be liable to enforcement action under planning law.
- 4.5 It should be noted that Building Regulations govern a variety of issues, which directly contribute to the Licensing Objectives, including means of escape, structural integrity, accessibility and public safety. Building Regulation Approval and Completion Certificates may be required prior to the use of the premises for licensable activities.

## **5. Integrating Strategies**

- 5.1 The Licensing Authority will consider the Local Authority's approved strategies and policies where they are relevant to the exercise of its function as the Licensing Authority.
- 5.2 The Council recognises that Licensed Premises are a major contributor to the local economy. Any licence application will be considered by taking certain factors into account. These include:
- Employment opportunities
  - The enhancement the proposal might have on the attractiveness of the wider area
  - The general impact in attracting visitors to the area
- 5.3 In undertaking its statutory licensing function the Licensing Authority may have regard to:
- Section 17 of the Crime and Disorder Act 1998 and requirement that the local authority do all that it reasonably can to prevent crime and disorder in its locality
  - The European Convention on Human Rights (which is given effect by the Human Rights Act 1998), which places a duty on public authorities to protect the rights of individuals in a variety of circumstances
  - Any other relevant legislation drawn to its attention
- 5.4 The Licensing Authority will seek to discharge its responsibilities identified by other Government Strategies, so far as they impact on the objectives of the Licensing Act. Examples of these strategies are:



- In accordance with Guidance the Licensing Authority will seek to establish a Safe Scheme so that proper liaison and partnership working with all relevant stakeholders will ensure that appropriate Action Plans for Tackling Alcohol Related Crime, Disorder and Nuisance are in place
- Safer Clubbing
- Local Authorities Coordinators of Regulatory Services and Trading Standards Institute Code of Best Practice on Test Purchasing
- Alcohol Harm and Reduction Strategy
- Crime and Disorder Reduction Strategy
- Enforcement Concordat, under which the Council has developed an Enforcement Strategy

## **6. Anti-Social Behaviour**

- 6.1 The Licensing Authority recognises that in addition to the requirements for it to promote the Licensing Objectives, the Local Authority has a duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder within its area.
- 6.2 The objective of the licensing process is to allow the retail sale of alcohol and the provision of other Licensable Activities in a manner that ensures the public's safety and which is neither to the detriment of residents, nor gives rise to loss of amenity. It is the Licensing Authority's aim to facilitate well run and managed premises with premises licence holders displaying sensitivity to the impact of their premises on local residents.
- 6.3 In accordance with Guidance, the Licensing Authority does not regard this policy as a mechanism for the general control of anti-social behaviour by individuals once they have left the immediate vicinity of the licensed premises.
- 6.4 Recurring problems of alcohol-related anti-social behaviour, crime and disorder or serious public nuisance can occur in an area, which are not directly attributable to specific premises. In such cases, particularly if supported by the Police, the Licensing Authority may consider whether an Early Morning Alcohol Restriction Order (EMROs) might address the problems. These Orders are considered later in this Policy.

## **7. Prevention of Crime and Disorder**

- 7.1 The Licensing Authority will have regard to the Crime and Disorder Act 1998 (See Section 6.1 above). Any conditions attached to the premises licence

should reflect any local crime prevention strategy. Including, the Safer Cheshire East Partnership Plan or a subsequent replacement plan.

- 7.2 The Licensing Authority will consider whether the premises make or will make a significant contribution to levels of crime and disorder, and whether the Operating Schedule is based on an adequate risk assessment, undertaken by the applicant, of the likelihood of crime and disorder occurring as a result of the application.
- 7.3 In order to meet its duty to prevent and reduce crime this Policy will have regard to the likely impact of licensing on related crime and disorder in the area. The Licensing Authority will consider the location of the premises and the impact, operation and management of the Licensable Activities. In particular these issues may include:
- Whether the layout, lighting and fittings of the premises have been designed so as to minimise conflict and opportunities for crime and disorder
  - Whether the Operating Schedule includes appropriate management measures to prevent crime and disorder
  - Door supervision together with the maintenance of an incident book
  - Use of toughened glass or plastic glasses
  - Mechanisms for combating drug dealing and use
  - Use of CCTV cameras
  - Membership of any Pubwatch or similar scheme
  - Use of ID scan equipment
- 7.4 The Licensing Authority may impose conditions on licences or certificates. These may include the following conditions (although the list is not exhaustive). The decision to impose conditions and their extent will depend upon the risks of crime and disorder at the particular premises
- Appropriate ratio of tables to chairs to customers and for areas to be allocated for seated customers
  - A requirement for Security Industry Authority door supervisors to control numbers and to deny entry to individuals who appear drunk, disorderly or intent on crime
  - A requirement that drinking vessels do not form a sharp edge when broken

- Restrictions on drinking in areas within and outside the premises
- Procedures for checking the ages of young people who appear under the age of 21 or 25 to ensure alcohol is not sold to those under 18 and that those under 16 are accompanied in alcohol-led premises
- Appropriate 'early warning' communication systems with the Police and with other licensed premises
- The installation of CCTV
- Clear policies and measures to prevent illegal drugs being brought onto and used on the premises
- Searching of customers and staff

7.5 The Licensing Authority will carefully consider Police representations and other conditions relating to the deterrence and prevention of crime and disorder and initiatives to reduce crime will be drawn up in liaison with the police to deal with particular premises or types of premises where concerns may arise.

### **Safer Clubbing**

7.6 The Licensing Authority wishes to promote the principles of 'Safer Clubbing'. The current Home Office Guidance on the subject is recommended to relevant Premises Licence and Club Premises Certificate holders. Following relevant representations appropriate licensing conditions may be imposed to control the environment at relevant premises in support of the 'Safer Clubbing' objectives.

### **Drugs**

7.7 Following Relevant Representations, conditions may need to be imposed for certain types of venues to reduce the possibility of sale and consumption of drugs and to create a safer environment for those who may have taken them. These conditions will take into account the above-mentioned 'Safer Clubbing' advice issued by the Home Office. In all cases where conditions are to be imposed advice will be sought from the Drug and Alcohol Action Team and the Police.

7.8 The Licensing Authority, Police and Licence Holders need to be aware that power is available under the Anti-Social Behaviour Act 2003 that allows for the closure of a licensed premises by the Police where there is production, supply or use of Class A drugs and/or serious nuisance or crime and disorder. This provides an extra tool to the Police in enabling instant action with regards to premises where there is a Class A drug problem.

### **Door Supervisors**

- 7.9 Following Relevant Representations the Licensing Authority may consider that certain premises require supervision for the purpose of promoting the reduction of crime and disorder, and to generally provide a safer operation of the premises. In such cases licensed door supervisors (registered by the SIA) must be employed at the premises either at all times or at such times as certain licensable activities are taking place, at a number and ratio to be determined by the Licensing Authority. (This excludes stewards/glass collectors who are not involved in the security of the premises and do not therefore require registration with the SIA).

### **CCTV**

- 7.10 Licence holders may wish to install cameras for the protection of staff, customers and for the prevention of crime on or in the vicinity of the premises. In exercising its licensing functions, the Licensing Authority may for the purpose of promoting any of the Licensing Objectives, impose as a condition of the licence the installation of a CCTV system. It should be noted that in such cases the Licensing Authority may take into account the type and quality of recordings, the location of cameras, storage and the availability of recordings to the Licensing Authority and Police.

### **Cinema Exhibitions (see also under Protection of Children from Harm)**

- 7.11 No film shall be exhibited at a licensed premises which is likely to:
- Lead to disorder
  - Incite hatred or violence towards any section of the public on grounds of colour, race or ethnic or national origin, disability, religious beliefs, sexual orientation or gender

## **8. Public Safety**

- 8.1 The Licensing Authority wishes to promote high standards of public safety in relation to premises and activities within the scope of the Act.
- 8.2 The Licensing Authority recognises that the Public Safety Objective is concerned with the physical safety of the customers using the relevant premises and not with Public Health, which is dealt with by other legislation.
- 8.3 Where activities are organised by volunteers or a committee of a club or a society the Licensing Authority considers it good practice that the same level of Health and Safety protection is provided as if an employer/employee relationship existed, irrespective of whether there are strict legal duties applicable under Health and Safety legislation.

- 8.4 Following Relevant Representations, where the Licensing Authority considers that general health and safety duties do not adequately cover certain Licensable Activities, conditions may need to be attached to the licence to ensure public safety.
- 8.5 Organisers of temporary/large scale events will be encouraged to seek advice and information from the Council's Event Safety Advisory Group prior to submitting any application.

### **Fire Safety**

- 8.6 The Licensing Authority will have due regard to the representations of Cheshire Fire and Rescue Service regarding licensing applications.
- 8.7 Following Relevant Representations, the Licensing Authority may impose appropriate conditions in relation to fire safety matters in consultation with Cheshire Fire and Rescue Service.
- 8.8 The Licensing Authority will only include an occupant capacity condition on a Premises Licence or a Club Premises Certificate where there is a genuine fear or a genuine problem with overcrowding and it is considered appropriate for public safety. This figure will be arrived at in consultation with Cheshire Fire and Rescue Service. If an occupant capacity is fixed in accordance with any risk assessment required by The Regulatory Reform (Fire Safety) Order 2005 that figure will be used.
- 8.19 Where the special provisions of Section 177 of the Act (dancing, amplified and unamplified music in premises with a capacity of no more than 200 persons) are utilised, the Licensing Authority reserves the right to confirm with Cheshire Fire and Rescue Service the safe capacity of the premises.

## **9. Prevention of Public Nuisance**

- 9.1 If Relevant Representations are received the Licensing Authority, when making an objective judgment about what constitutes a nuisance in respect of an application or review of a premises licence or certificate, will take a broad common law meaning when considering matters such as:
- Noise from premises
  - Waste
  - Litter
  - Car parking
  - Light pollution

- Noxious odours

9.2 In considering the potential impact of licensed premises on the surrounding locality the Licensing Authority, when in receipt of any Relevant Representations will take into account the type of entertainment activity proposed hours of operation, the capacity of the premises, the character of the areas and the proximity to local residents. Consideration will be given to the potential steps which could be taken to reduce the risk of nuisance occurring. This will particularly apply in areas where there is residential accommodation in the proximity of the premises.

### **Noise and Vibration**

9.3 In order to enforce the provisions of the Environmental Protection Act 1990 (which relate to noise nuisance) the Police, Environmental Health Officers and Licensing Officers will liaise to ensure that adequate control measures are properly used to protect the local environment. Any action taken will be conducted in accordance with relevant enforcement policies

9.4 Consideration will be given to whether the operating schedule contains adequate measures to prevent noise and vibration, generated from within the premises, outside it, or from an open site, that may cause disturbance. Stricter conditions will be considered on premises in areas that have denser residential accommodation or have residential accommodation close to them. The noise includes music, noise from ventilation equipment and human voices. Measures in the Operating Schedule may include installation of soundproofing, air conditioning, acoustic lobbies, sound limitation devices or locking doors at specified hours. If the proposed operating schedule fails to address noise nuisance issues, the Environmental Health Department may request that an independent acoustic report is conducted.

9.5 Applicants will be expected to have included measures in their Operating Schedules that make adequate provision to:

- Restrict the generation of noise within the premises and from activities associated with the premises in the vicinity, or from an open air site
- Limit the escape of noise from the premises or open air site
- Restrict noise emissions to below levels that could affect people in the vicinity going about their business, at work and when at home both while relaxing and while sleeping
- Minimise and control noise from customers arriving and departing from the premises

- 9.6 The Licensing Authority will not impose conditions on licensed premises that cannot be directly controlled, or on matters not related to the vicinity of the premises.
- 9.7 If it is considered that the noise emanating from within the curtilage of a licensed premises is causing a public nuisance, under the provisions of the Anti-Social Behaviour Act 2003, an Authorised Officer can require its immediate closure for a period of up to 24 hours. It should be noted that the 'test' is a lesser one than that required to determine a Statutory Noise Nuisance and the statutory defence of 'best practicable means' is not available.

### **Eating, Drinking and Smoking Outside Premises**

- 9.8 The Licensing Authority will take the following into consideration:
- Whether people standing or sitting outside are likely to cause obstruction or other nuisance
  - Whether premises are under or near residential accommodation
  - The hours of sale of alcohol in open containers or food for consumption outside the premises
  - Measures to make sure that customers move away from outside premises when such sales cease
  - Measures to collect drinking vessels and crockery, cutlery and litter
  - The extent and location of areas proposed to be set aside for the consumption of food and alcoholic drink for smoking
  - Whether there is a need for door supervisors to prevent or to control customers congregating in outdoor areas to smoke, consume food or drink (whether supplied by the premises or not), between certain hours or at all times.

### **Other Environmental Impacts**

- 9.9 Consideration will be given to whether Operating Schedules contain adequate measures to prevent:
- Litter, smells, fumes, dust, tobacco or other smoke, or other emissions
  - Street fouling
  - Light pollution
  - Congestion of the pavement or roadway, impeding reasonable access

arising from the proposed licensable activity that may cause nuisance to people in the vicinity.

9.10 If the sale of alcohol in open containers or food for consumption outside the premises has been proposed, the following considerations are relevant:

- Whether measures would be undertaken to prevent nuisance caused by the storage, handling and collection of refuse and recyclable materials
- Whether late night premises are likely to generate litter and whether the sale of take-away food is proposed and the measures planned to prevent littering in the vicinity and to clear up any litter that occurs
- The steps proposed to prevent queuing or, if some queuing is inevitable, to divert queues away from residential properties and entrances to neighbouring premises, and to manage the queue to prevent disturbance and obstruction
- The steps taken to prevent disturbance by patrons arriving at or leaving the premises
- The steps taken to ensure staff leave the premises quietly
- The arrangements made or proposed for parking by patrons and the effect of parking on local residents
- Whether taxis and private hire vehicles serving the premises are likely to disturb local residents
- Whether routes to and from the premises on foot or by car or service or delivery vehicles pass residential premises
- Whether other measures to prevent nuisance such as the use of CCTV or the employment of SIA registered door supervisors are necessary
- The measures proposed to prevent the consumption or supply of illegal drugs, including any search procedures
- The likelihood of any violence, public disorder or policing problem arising if a licence were to be granted
- If the applicant has previously held a licence within the Cheshire East area, the details of any enforcement action arising from that premises
- Whether the premises would result in increased refuse storage or disposal problems, or additional litter in the vicinity of the premises.



## 10. Protection of Children from Harm

10.1 Protection of Children from harm includes the protection of children from moral, psychological and physical harm. This includes protection from premature exposure to strong language and sexual expletives. The Act does not prevent children having free access to premises selling alcohol for consumption on those premises, although the Licensing Authority when in receipt of Relevant Representations may impose conditions necessary for the prevention of harm to children. Where there are matters that give rise to serious concerns and the restriction of access may not ensure adequate protection of children from harm, children should be excluded. Examples of what may give rise to these concerns include:

- Where there have been convictions for serving alcohol to minors or where the premises has a reputation/evidence for underage drinking (to include any action undertaken regarding test purchases in relation to the supply of alcohol)
- There is a known association with drug taking or dealing
- There is a strong element of gambling on the premises
- Entertainment of an adult or sexual nature is provided

*Note: The Act makes it an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises used exclusively or primarily for the supply of alcohol for consumption on the premises.*

10.2 Matters which the Licensing Authority will take into consideration include:

- Whether there are effective measures to check the age of those young people who appear under 25, to ensure alcohol is not sold to those under 18 and those under 16 are accompanied in alcohol led premises
- Whether the supply of alcohol for consumption on the premises is the exclusive or primary purpose
- The hour to which accompanied children under 16 are proposed to be on the premises where the exclusive or primary purpose of the services provided at the premises is the supply of alcohol for consumption on the premises
- The likelihood of children being attracted to the premises e.g. by the nature of activities or facilities provided, whether or not these are licensed

- Whether there is evidence of heavy, binge or underage drinking on the premises
- 10.3 Where Relevant Representations have been received and it is considered necessary that the access of children should be restricted to protect them from harm then conditions may be attached to the licence. These may include:
- Limitation on the hours when children may be present
  - Restrictions to the age of persons on a premises (e.g. to over 18's only)
  - Restrictions on access to certain parts of the premises
  - Limitations or exclusions when certain activities may take place
  - Require an accompanying adult to be present at all times
- 10.4 Where large numbers of children are likely to be present on any licensed premises, for example, a children's show or pantomime, then the Licensing Authority may require the presence of an appropriate number of adult staff (who will have provided who will have provided a satisfactory Disclosure and Barring Service check) to ensure their safety and protection from harm. The exact ratio is to be assessed in respect of each individual application and is dependent on the type and size of the premises and the control measures in place as outlined within the operating schedule, and importantly the particular group of children likely to visit the premises in question.

### **Cinema Exhibitions (see also under Prevention of Crime and Disorder)**

- 10.5 Where the exhibition of films is permitted the Licensing Authority will expect age restrictions to be complied with in accordance with the British Board of Film Classifications (BBFC) recommendations. Where a film has not been classified by the BBFC the Licensing Authority will consider whether it is appropriate to provide a local classification. When setting a local classification the Licensing Authority will have regard to the BBFC's guidelines.
- 10.6 In considering applications, the Licensing Authority will take into account any evidence that age restrictions for cinema exhibitions have not been adhered to.

## **11. Cumulative Impact**

- 11.1 The Licensing Authority does not consider that there are areas where Cumulative Impact occurs presently nor is there a need at this time for the

Licensing Authority to adopt a special policy relative to designating 'Stress Areas'.

- 11.2 Where there is a concentration of licensed premises this can lead to serious problems of nuisance and disorder arising in the area itself and even some distance away from the premises. In such circumstances the impact of those premises when taken as a whole can be far greater than that arising from individual premises and it may not be possible to distinguish individual premises as being the sole cause or even a major contributing factor, of a particular problem. It is the **Cumulative Impact** of all the premises which causes problems for the wider area.
- 11.3 It is clear however, that the vicinity within which licensed premises are or may be located is a major consideration in determining whether a licence should be granted and what conditions should be attached to it should representation be received. Due consideration will be given to the direct impact of the operation of the premises on members of the public living, working or engaged in normal activity in the vicinity of the premises.
- 11.4 It should be noted that 'Cumulative Impact' should not be confused with the issue of 'need', which relates to commercial demand for licensed premises. 'Need' is not a matter to be taken into account by the Licensing Authority.
- 11.5 Where a particular area becomes saturated with licensed premises making it a focal point for large groups of people to congregate, this might create exceptional problems of disorder, noise and other nuisance and in such circumstances the grant of further Premises Licenses or Club Premises Certificates may undermine the Licensing Objectives.
- 11.6 Notwithstanding these concerns each application has to be considered on its own individual merits. Where an objector is seeking to establish that the grant of a licence or certificate would result in a cumulative impact which undermines one or more Licensing Objectives, the following shall apply:

#### **Objections on the grounds of Cumulative Impact**

- 11.7 In cases where objectors seek to establish that an application should be refused on the grounds that it would result in or further contribute to cumulative impact which would undermine one or more of the Licensing Objectives the objector shall:
  - Identify the boundaries of the area from which it is alleged problems are arising
  - Provide full details and evidence as to the seriousness of the nuisance and disorder caused in the area

- Identify the licensing objective(s) which it is alleged will be undermined with specific regard to:
  - The occupancy figure for the proposed premises
  - The nature of the licensed activity to be carried on at the premises and its patrons.

### **Identifying Stress Areas**

11.8 Where as a result of an objection under paragraph 11.7 above and the Licensing Authority is satisfied that there is a serious or chronic concern about nuisance and disorder in a particular area and has refused an application on the grounds of Cumulative Impact the area shall be declared as a 'Stress Area'. In doing so the Licensing Authority shall:

- Follow the statutory procedure s outlined in the Home Office Guidance issued under Section 182 of the Act
- Identify the boundaries of the area
- Identify the licensable activities causing the nuisance and/or disorder
- Monitor and review the 'Stress Area'

### **Applications for a New Premises Licence in a Stress Area**

11.9 New premises licenses will not be granted for the activities identified as causing nuisance and/or disturbance in Stress Areas except where:

- No objections are received to the application, or
- The grant of the licence will not undermine the Licensing Objectives

11.10 In considering such applications the Licensing Authority will have particular regard to:

- The occupancy figure for the proposed premises
- The proximity of the premises to others in the Area licensed for similar activities and the occupancy figures for those other premises
- Whether the proposed premises will act as a replacement for others in the Area that no longer has a licence
- The proposed methods of management outlined in the applicants' operational plan
- The proposed hours of operation

- Transport provision for the Area

### **Existing Premises Licenses in Stress Areas**

11.11 The above factors cannot be used as a justification for removing an existing licence. If representations are received about existing licensed premises relating to matters other than cumulative impact and which undermine the Licensing Objectives then appropriate action may be taken.

### **Applications for variations to existing Premises Licenses in Stress Areas**

11.12 Applications for variations to existing Premises Licenses in Stress Areas will not be granted unless those modifications directly affect the issue of Cumulative Impact in the Stress Area or otherwise undermine the Licensing Objectives. An example of where a modification may directly affect the issue of cumulative impact would be where an application was received to extend premises and significantly increase the occupancy level of the premises.

## **12. Applications for New Grants and Variation of Existing Terms and Conditions**

12.1 In the absence of any Relevant Representations in respect of any application made to the Licensing Authority, it is the duty of the Authority to grant the licence or certificate subject only to conditions that are consistent with the Operating Schedule and any Mandatory Conditions prescribed in the Act. This will also apply to any applications made in respect of premises within an identified Stress Area.

12.2 The EU Services Directive (Directive 2006/123/EC) and the Provision of Services Regulations 2009 require the Authority to enable an electronic application facility. This is available through [www.GOV.uk](http://www.GOV.uk) for Premises Licence applications, renewals and variations and for Club Premises Certificates, renewals and variations. An automatic grant is not available for these applications since visits to premises are required in order to ensure the Licensing Objectives would be promoted. In addition the consideration of a licence needs to take into account the management of the premises.

12.3 The Licensing Authority will consider the same issues in respect of a variation and a renewal as they do in respect of an application for a new grant.

12.4 The Licensing Authority may take into account any non-compliance of other statutory requirements brought to its attention. Particularly where these undermine the Licensing Objectives, as non-compliance with other statutory requirements may demonstrate that the premises are unsuitable for the activities proposed or that the management of the premises is not adequate to protect the public from harm or nuisance.

- 12.5 The Licensing Authority will consider whether appropriate measures have been put into effect by the applicant to mitigate any adverse impact.

### **13. Temporary Events**

- 13.1 Arrangements are made under Part 5 of the Act for the temporary carrying on of licensable activities which are not authorised by a premises licence or a club premises certificate.
- 13.2 The Licensing Authority will provide advice about, amongst other things, public safety. Organisers of temporary/large scale events will be encouraged to seek advice and information from the Council's Event Safety Advisory Group prior to submitting any application.
- 13.3 Legislation states that a minimum of ten working days notice should be given to the Licensing Authority of temporary events (or five working days in respect of a late temporary event). In accordance with the Act, 'Working Day' excludes Saturday, Sunday and Bank Holidays. The Licensing Authority cannot and will not accept notification of a Temporary Event Notice or a late Temporary Event Notice outside the statutory time limit.
- 13.4 The Licensing Authority acknowledges that in exceptional circumstances, some Temporary Events may and do have an impact upon crime and disorder. Therefore, in cases of large scale events, organisers should consider providing as much notice as possible. The Licensing Authority considers two months notice to be advisable in relation to such events.
- 13.5 The Licensing Authority expects organisers to give due consideration to the four licensing objectives and to consider local residents and those attending events, in areas such as:
- Health and Safety
  - Noise Pollution
  - Use of Temporary Structures
  - Road Closures
  - Use of Pyrotechnics or Fireworks
  - Controlling Anti-Social Behaviour
- 13.6 The Licensing Authority may advise applicants to consult with Cheshire Fire and Rescue Service and North West Ambulance Service for guidance with regards to assessing possible risks.

- 13.7 Applicants will also be reminded that giving a Temporary Event Notice does not relieve the premises user from planning law and any requirement to obtain the appropriate planning permission where it is required.

## **14. Operating Schedule**

- 14.1 It is recommended that that applicants contact Responsible Authorities when preparing their operating schedules. This is likely to reduce subsequent objections.
- 14.2 This Statement of Licensing Policy sets out criteria and considerations, which relate to the Licensing Objectives, which applicants should have in mind when drawing up their Operating Schedule.

## **15. Hours of Operation**

- 15.1 The Licensing Authority will determine licensing hours based on the individual merits of each application.
- 15.2 The Licensing Authority recognises that in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of patrons leaving premises simultaneously are avoided. It is acknowledged that this can help reduce the friction at late night fast food outlets, clubs, taxi ranks and bus stops, which can lead to disorder and disturbance. The Licensing Authority will aim by means of longer licensing hours to achieve a gradual dispersal of people leaving licensed premises.
- 15.3 The Licensing Authority recommends that applicant's indicate within the operating schedule that consideration has been given to the impact the licensing hours applied for will impact on local residents and the surrounding area.
- 15.4 The Licensing Authority will consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting the hours. Consideration may be given to restricting the licensing hours of individual shops in circumstances where representations received indicate that the premises is a focus of disorder and disturbance.

## **16. Conditions**

- 16.1 The Licensing Authority may, when considering the content of the Operating Schedule, select appropriate conditions from the Home Office Guidance, pool of Conditions, where it is deemed appropriate to ensure that the Operating Schedule reflects the four Licensing Objectives.

- 16.2 Where appropriate, following receipt of Relevant Representations, the Licensing Authority, may attach conditions to the grant of a licence which seeks to regulate the behaviour of persons as they leave licensed premises.
- 16.3 Where existing law already places statutory obligations on applicants the Licensing Authority will not usually impose the same or similar duties by way of condition.

## **17. Enforcement and Review**

- 17.1 It is the intention of the Licensing Authority to work proactively with the Cheshire Police and other enforcement agencies. Proportionate targeting of agreed problem and high-risk licensed activities needing greater attention will be applied. A corresponding lighter touch for well run, lower risk premises will also be applied.
- 17.2 The Review of licences or certificates provides a key protection for the community where the Licensing Objectives are being undermined. The Review system should allow the Licensing Authority to apply a light touch bureaucracy to the grant or variation of a licence or certificate. The Licensing Authority may then take a more robust approach when problems relating to the Licensing Objectives arise later in respect of any premises.
- 17.3 At any stage following the grant of a premises licence or a club premises certificate, a Responsible Authority or any other person, may ask the Licensing Authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives. The Licensing Authority shall refer to Guidance when assessing whether any Relevant Representations are irrelevant, vexatious, frivolous or repetitious.
- 17.4 Although the Act does not require premises inspections to be undertaken, they will take place at the discretion of the Licensing Officers charged with this role and will take place as judged necessary. This will ensure that the Licensing Authority manages resources efficiently and that 'effective enforcement' is directed at 'problem premises'.
- 17.5 Where any conditions have been applied to a Premises Licence or Club Premises Certificate and Authorised Officer of the Council may inspect the premises at any reasonable time for the purpose of checking that the conditions are being complied with.

### **Door Supervisors**

- 17.6 The Security Industry Authority (SIA) plays an important role in preventing crime and disorder by ensuring that door supervisors are properly trained and licensed. Specific enquiries or premises visits may occur in order to ascertain



that SIA Licenses are being executed in the correct manner and not as a tool for crime and disorder such as fronts for serious and organised criminal activity. Intelligence led operations by the SIA, Licensing Authority and/or Police will be conducted without notice

## **18. Early Morning Alcohol Restriction Orders (EMROS)**

- 18.1 Under Section 172 A to E of the Act, the Licensing Authority has the power to make an EMRO prohibiting the sale of alcohol for a specified period between the hours of 24:00 and 06:00. They are designed to address recurring problems with licensed premises, serious public nuisance and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.
- 18.2 The Licensing Authority will consider evidence that such a decision is appropriate for the promotion of the Licensing Objectives. Consideration will be given to evidence provided by partners, Responsible Authorities and the Local Community Safety Partnership as well as evidence the Licensing Authority has gathered to determine whether an EMRO would be appropriate for the promotion of the licensing objectives. The Licensing Authority will consider the problems that have been identified. A range of evidence may be considered, including local crime and disorder statistics, statistics on anti-social behaviour offences, health related statistics (e.g. alcohol related emergency attendances and hospital admissions, environmental health complaints, complaints recorded by the local authority, residents' questionnaires, evidence from local councillors and evidence obtained through local consultation).
- 18.3 It is acknowledged by the Licensing Authority that an EMRO is restrictive, whilst also being a powerful tool to address recurring problems of alcohol-related crime and disorder, serious public nuisance and alcohol-related anti-social behaviour. Prior to making an EMRO the Licensing Authority will consider whether any other measures (implemented by themselves or with partners) may address the problems that have been identified in particular other measures might include:
  - Development of a Cumulative Impact Policy
  - Reviewing the licenses of specific problem premises
  - Encouraging the creation of business-led practice schemes
  - Use of powers of the Local Authority to designate an area where alcohol may not be consumed publicly (Designated Public Places Order)

- The confiscation of alcohol in designated areas
- Police enforcement of the general law concerning disorder and anti-social behaviour
- Prosecution for the offence of selling (or allowing such a sale) alcohol to a person who is drunk
- Use of Police powers to close down any licensed premises instantly for up to 24 hours in respect of which a TEN has effect

18.4 In taking any decision to make an EMRO, the Licensing Authority will follow the statutory process and will invite representations.

## **19. Late Night Levy**

19.1 Under Section 125 of the Police Reform and Social Responsibility Act 2011 the Council can adopt a Late Night Levy, following a consultation process, outlined by the Home Office. It allows the Council to charge an additional fee to any licensed premises that has a licence for the sale of alcohol (on and off sales) after 12 midnight and up to 06:00 in order to cover the additional costs associated with late night alcohol trading. Legislation allows this to start from midnight but it is up to the Council to decide when they wish to apply it.

19.2 Any income raised by the Levy must be split with the local Police force; the Police would receive a minimum of 70% of funds raised and the Council's 30% must be used to fund services which make the late night economy a more welcoming place.

19.3 The Council will consider implementing a Late Night Levy if appropriate.

## **20. The Licensing Process**

20.1 Applications can be made on the prescribed forms that can be found on the Home Office website.

20.2 Applications can also be made via the government website [www.gov.uk](http://www.gov.uk). In order to fulfil its obligations under the Provision of Services Regulations 2009 (and the EU Services Directive) the Council will continue to enable the application process and payment online. Tacit consent is however not applicable for applications under the Licensing Act 2003 since the suitability of an applicant and the suitability of premises are under consideration.

## **21. Delegation and Decision Making**

- 21.1 One of the major principles underlying the Licensing Act 2003 is that the licensing functions contained within the Act should be delegated at an appropriate level to ensure an efficient and cost effective service.
- 21.2 The Licensing Authority is committed to the principle of delegating its powers to ensure that these objectives are met and has arranged for its licensing functions to be discharged in accordance with the Home Office Guidance. The table at Appendix 1 sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committees and Officers
- 21.3 The Act itself creates a presumption that applications will be granted unless a Relevant Representation (objection) is raised. Where a function is delegated to an officer, that officer will be responsible for liaising between the applicants, objectors and Responsible Authorities to ensure that any licence granted is subject to any appropriately agreed conditions and relevant mandatory conditions
- 21.4 Where objections are made, an officer of the Licensing Authority may liaise with the Applicant, objectors and the Responsible Authorities to see if a 'settlement' is possible to overcome any objections, without the need for the matter to go before the Committee or Sub-Committee. Only where objections are raised which cannot be reconciled will matters be referred to either the Sub-Committee of the Full Committee for determination.
- 21.5 Contested Licensing Applications and Review Hearings are administrative in nature and the (Sub) Committee will ensure that any meetings are conducted as informally as possible. However, some degree of formality is needed to ensure that all parties receive a fair hearing. Procedural requirements will be established to ensure that all parties are able to express their views openly and fairly. The (Sub) Committee procedure is inquisitorial rather than adversarial and, whilst applicants, objectors and Responsible Authorities are entitled to bring legal representation with them if they wish, this is by no means a requirement or a necessity.
- 21.6 Whilst the (Sub) Committee usually meets in public, it does have the power to hear certain applications in private. The Committee, however, will always reach its decision in private. A public announcement of the decision is normally made at the end of the Hearing together with an outline of the reasons for that decision. However on occasion this may not be possible, due to time constraints and/or the complexity of the issues under consideration, in which case a written decision will be issued as soon as possible after the Hearing.

- 21.7 The procedure which will generally be used by the (Sub) Committee, unless the Chairman of the (Sub) Committee takes the view that natural justice and fairness require a change to be made to the process, is set out at Appendix 2.

## **22. Exclusions**

- 22.1 In formulating this Statement of Licensing Policy in accordance with Guidance and recognising the need to treat each application on its individual merits the Licensing Authority makes specific exclusions, which are detailed below.

### **Commercial Demand**

- 22.2 The commercial demand for additional premises licenses (as distinct from cumulative impact) will not be a matter for the Licensing Authority, such matters being a specific consideration for the Planning Authority.

### **Zoning and licensing hours**

- 22.3 Fixed predetermined closing times for particular areas will not form part of the Policy and restriction on trading hours will be considered only where appropriate to meet Licensing Objectives.
- 22.4 All persons have equal rights to make representations concerning applications for premises licenses (and hours of trading) and to receive appropriate consideration to their representations. Irrelevant, frivolous and vexatious representations will be disregarded.

### **Children**

- 22.5 Nothing in this Statement of Policy shall limit or require access of children to premises unless there is an overriding necessity to prevent harm to children. Areas that will give rise to particular concern are highlighted elsewhere in this Policy.

### **Standardised conditions**

- 22.6 The Policy does not provide for 'standard conditions' to be imposed so as to avoid the imposition of disproportionate and burdensome requirements. Conditions attached to licenses or certificates if deemed appropriate in particular circumstances will be tailored to reflect the individual operation of the premises in question. Conditions will not be imposed which are beyond the responsibility or control of the premises licence holder.

## **23. Consultation**

23.1 In reviewing this Policy the Licensing Authority has consulted widely to ascertain an appropriate licensing framework for its area. Various bodies have been consulted including:

- Cheshire Constabulary
- Cheshire Fire and Rescue Service
- Current licence holders
- Representatives of the local licensing trade
- Representatives of local businesses and residents
- Community Safety Partnership and Event Safety Advisory Group
- Borough Councillors
- Parish and Town Councils
- Crewe and Macclesfield Charter Trustees
- Council Officers

## **24. Changes to Legislation**

24.1 This Statement of Licensing Principles reflects the law in force in June 2013. The following are some of the main changes which are currently proposed:

- An authorisation for an indoor sporting event or a performance of a play or dance may be required only when the audience exceeds a specified number (1000 for an indoor sporting event and 500 for the performance of a play or dance) or the entertainment does not take place between 8am and 11 pm on any day
- It is intended that it will be made clear that a contest exhibition or display which combines boxing or wrestling with one or more martial arts (a 'combined fighting sport') is licensable under the Act as a boxing or wrestling entertainment rather than an indoor sporting event

24.1 As changes to legislation occur the Council will implement them using the principles stated in this Statement.

### Table of delegations of licensing functions

Functions under the Licensing Act will be dealt with as follows:

Matter to be Dealt with	Full Committee	Sub-Committee	Officers
Application for Personal Licence		If a police objection	If no objections made
Application for Personal Licence with unspent convictions		All Cases	
Application for premises Licence/Club Premises Certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation is made	If no relevant representation is made
Application to vary Premises Licence/Club Premises Certificate		If a relevant representation made	If no relevant representation made
Application to vary designated Personal Licence holder		If a police objection	All other cases
Request to be removed as designated Personal Licence Holder			All cases
Application of transfer of Premises Licence.		If a police objection	All other cases
Application for Interim Authorities		If a police objection	All other cases
Application to review Premises Licence/Club Premises Certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc			All cases
Decision to object when Local		All cases	

<b>Matter to be Dealt with</b>	<b>Full Committee</b>	<b>Sub-Committee</b>	<b>Officers</b>
Authority is a consultee and not a lead authority			
Determination of a police objection to a Temporary Event Notice		All cases	
Power to issue a Counter Notice in respect of a Temporary Event			All cases
Determination of a minor variation			All cases
Decision to exercise the Licensing Authority's powers as a Responsible Authority			All cases

## CHESHIRE EAST COUNCIL

**Procedure for Hearings – Licensing Act 2003****The Licensing Committee**

The full Licensing Committee consists of fifteen elected Members of the Council. From this full Committee will be drawn sub-committees of three members to deal with licensing functions under the Licensing Act 2003. The Chairman and Vice Chairman of the Licensing Committee shall have the discretion to refer a matter up to a hearing of the full Licensing Committee.

**Officers at Hearings**

- **The Committee Officer** introduces all parties and records the proceedings
- **The Legal Adviser** provides independent advice to the Members on legal matters and procedure.
- **The Licensing Officer** will introduce the matter and outline the application; the officer will also answer any questions Members may have.

**PROCEDURE**

NOTE: If the Sub-Committee has not already elected a Chairman, that will be the first item of business.

<b>1</b>	<b>Chairman</b>	The Chairman will: (i) call the matter to be considered (ii) call for any declarations of interest (iii) ask all parties to introduce themselves (iv) summarise the procedure to be followed at the hearing (v) will consider any request made by a party for another person to appear at the hearing (v) will advise the parties of any maximum period of time in which it has to present its case (if a maximum is imposed this shall be equal for all parties)
<b>2</b>	<b>Licensing Officer</b>	Will introduce and summarise the application, highlighting areas of contention or dispute.
<b>3</b>	<b>Committee Members</b>	May ask questions of the Licensing Officer
<b>4</b>	<b>Applicant</b>	Will present his/her case, calling witnesses, as appropriate.  <i>(If necessary, applicant will produce any notices required by law. Legal Adviser will draw attention to this if required.)</i>



5	<b>Responsible Authorities</b>  (who have made representations)	Each in turn may ask <u>questions</u> of the applicant, by way of clarification.
6	<b>Other Persons</b>  (who have made representations)	To be invited to ask <u>questions</u> of the applicant, by way of clarification.  <i>It is normal practice for a spokesperson only to speak on behalf of a group of residents.</i>
7	<b>Committee Members</b>	Each in turn may ask <u>questions</u> of the applicant.
8	<b>Applicant</b>	May make a <u>statement</u> or ask his witnesses to clarify any matters which he feels are unclear, or may have been misunderstood.
9	<b>Responsible Authorities</b>	Will make their representations.
10	<b>Applicant</b>	Or his representative or witnesses to ask <u>questions</u> of Responsible Authorities represented at the meeting, by way of clarification.
11	<b>Other Persons</b>  (who have made representations)	May ask <u>questions</u> of the Responsible Authorities represented at the meeting, by way of clarification.  <b>(Note: This is not the point at which they should be stating their objections.)</b>
12	<b>Committee Members</b>	May ask <u>questions</u> of the Responsible Authorities represented at the meeting
13	<b>Other Persons</b>  (who have made representations)	The local residents who are objecting to the application will be invited <b><u>to make observations on the application</u></b> and present the bases of their objections.
15	<b>Applicant</b>	Or his representative or witnesses may ask <u>questions</u> of the Local Residents, by way of clarification.
16	<b>Committee Members</b>	May ask <u>questions</u> of the Local Residents.
17	<b>Chairman</b>	To invite both <b>Responsible Authorities</b> and <b>Local Residents</b> to make their closing addresses.
18	<b>Applicant</b>	Or his representative will <u>briefly summarise the application</u> and comment on the observations and any suggested

		conditions.
19	<b>Committee</b>	<u>Will retire</u> to consider the application. The Committee may request the Legal Advisor to advise on legal issues.
20	<b>Committee</b>	<p>Will return to <u>give its decision</u>, with reasons, which will be announced by the Chairman and subsequently confirmed in writing to the applicant and to all the parties that made representations.</p> <p>In cases where a decision cannot be given at the end of the hearing, parties will be advised of the decision within five working days.</p>

### Notes

1. The hearing shall normally be held in public. There may be occasions on which the Committee find it necessary to exclude members of the press and public; any such decision will be taken on the basis that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing taking place in public.
2. The Chairman may require any person behaving in a disruptive manner to leave the hearing and may (a) refuse to permit that person to return, or (b) permit him/her to return only on such conditions as the authority may specify, but any such person may submit in writing any information which they would have been entitled to provide orally if they had not been required to leave.
3. Prior to the hearing each party shall have given notification and served documentation (eg statements of witnesses or reports of experts) as required. Late representations and evidence will only be considered with the agreement of all parties.
4. Anyone entitled to be heard may be represented by any person, whether or not that person is legally qualified.
5. Hearsay will be permitted but the Sub-Committee will be reminded to give it appropriate weight.
6. Due note shall be taken of the provisions of the Hearings Regulations 2005.
7. The Chair may, in the interests of expediency or convenience of the parties, vary the procedure from time to time, provided notice is given to the parties and the rules of natural justice are observed.

## **Summary of Procedure**

1. Chairman appointed (if this has not been done previously).
2. Chairman to call for declarations of interest and request that all parties introduce themselves.
3. Chairman summarises the procedure for the hearing
4. The Licensing Officer summarises the application
5. Applicant to present his/her case.
6. Applicant to be questioned by all parties (to clarify points only) following which, he/she can clarify any other matters which he/she feels may have been misunderstood when the application was presented.
7. Applicant to be questioned by the Committee.
8. Responsible Authorities to make their representations following which they can be questioned by all parties by way of clarification.
9. Other Persons will be invited to present the bases of their objections, following which they can be questioned by all parties by way of clarification.
10. The applicant will be invited to sum up his/her case
11. Committee/Sub-Committee withdraws to make its decision
12. Committee/Sub-Committee returns to announce its decision to all present.

This page is intentionally left blank



## **CHESHIRE EAST COUNCIL**

### **STATEMENT OF LICENSING POLICY (LICENSING ACT 2003)**

#### **FOREWORD**

Cheshire East has a population of 358,900 and covers an area of 116,638 hectares. Cheshire East's administrative area contains the industrial town of Crewe, the old mill towns of Macclesfield, Bollington and Congleton, the market towns of Nantwich, Knutsford and Sandbach, the salt town of Middlewich, the town of Wilmslow as well as the smaller settlements of Holmes Chapel, Alsager and Poynton.

Each of the former district Councils within Cheshire East first produced and published licensing policy statements in January 2005 following the commencement of the Licensing Act 2003.

This Statement of Licensing Policy draws on the original policies of each of the districts and sets down a policy on how Cheshire East Council will deal with applications in order to achieve the four licensing objectives, namely;

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

It is intended that this policy will be a guide for both applicants and those other parties who have an interest in these matters. Whilst the policy provides framework guidance, the Council, as the Licensing Authority, will ultimately determine each individual application on its own merits.

24<sup>th</sup> February 2009



## **CHESHIRE EAST COUNCIL**

### **STATEMENT OF LICENSING POLICY (LICENSING ACT 2003)**

#### **1. INTRODUCTION**

- 1.1 This Statement of Licensing Policy ('the Policy') is published by Cheshire East Council ('the Council') as the licensing authority ('the Licensing Authority') in accordance with section 5 of the Licensing Act 2003 ('the Act').
- 1.2 The Policy takes into account the guidance issued under section 182 of the Act by the Department of Culture Media and Sport. The latest guidance was published by the DCMS on 28<sup>th</sup> June 2007; a copy of the guidance may be accessed via the DCMS website, [www.culture.gov.uk](http://www.culture.gov.uk)
- 1.3 In accordance with section 4 of the Act, the Licensing Authority shall have regard to the Policy in the exercise of its functions in respect of licensable activities and qualifying licensable activities.

'Licensable activities' means:

- The sale by retail of alcohol;
- The provision of regulated entertainment; and
- The provision of late night refreshment

'Qualifying licensable activities' means:

- The supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- The sale by retail of alcohol by or on behalf of a club to a guest or member of the club for consumption on the premises where the sale takes place; and
- The provision of regulated entertainment where that provision is made on behalf of a club for members of the club or members of the club on behalf of their guests,

in accordance with section 1 of the Act and Schedules 1 and 2 to the Act.

The full list of licensable activities is set out at Appendix 1.

- 1.4 In formulating the Policy, the Licensing Authority has consulted interested bodies including the Chief Officer of Police, the Fire Authority, representatives of holders of premises licences, representatives of holders of club premises certificates and representatives of businesses and residents within the Council's administrative area.

- 1.5 In determining the Policy, the Licensing Authority has given due weight to the views expressed by those who responded to the consultation exercise.

## **2. OBJECTIVES**

- 2.1 The Licensing Authority will exercise its licensing functions with a view to promoting the four licensing objectives set out within section 4 of the Act, namely:
- **The prevention of crime and disorder;**
  - **Public safety;**
  - **The prevention of public nuisance; and**
  - **The protection of children from harm**

## **3. POLICY CONSIDERATIONS**

- 3.1 This policy does not prejudice the requirement for the Licensing Authority to consider each application upon its own individual merits.
- 3.2 Nothing in the Policy will:
- 3.2.1 Undermine the rights of any individual to apply under the terms of the Act for a variety of permissions and have the application considered on its individual merits; and
- 3.2.2 Override the right of a person or a body who is an interested party or responsible authority (as defined within the Act) to make representations on an application or to seek a review of a licence or certificate in accordance with the provisions of the Act.
- 3.3 Matters within the control of the licence holder
- 3.3.1 The Licensing Authority recognises that licensing law is not the primary mechanism for the general control of individuals once they are away from a licensed premises and therefore the direct control of the licence (or certificate) holder. Accordingly, in exercising its licensing functions the Licensing Authority will focus upon matters, which are within the control of the individual applicant or licence holder. However, licensees and certificate holders should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example on the pavement, in a beer garden or in a smoking shelter, where and to the extent that these matters are within their control.
- 3.3.2 The Licensing Authority will expect applicants to consider and make necessary provision to ensure that harm is not caused to the licensing objectives as a result of activity in, or in the vicinity of, the licensed premises.
- 3.3.3 Where appropriate, following receipt of relevant representations, the Licensing Authority may attach conditions to the grant of a licence or certificate which seeks to regulate the behaviour of persons as they leave licensed premises.

3.4 Need for licensed premises

- 3.4.1 When exercising its licensing functions the Licensing Authority will not be influenced by questions of need. The issue of whether or not there is a need for any particular premises is a commercial matter, which is not relevant to the Licensing Authority's considerations.

3.5 Anti-social behaviour

- 3.5.1 The Licensing Authority recognises that in addition to the requirements for it to promote the licensing objectives, the Local Authority has a duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder within its administrative area.

- 3.5.2 The Licensing Authority recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of anti-social behaviour including:

- Planning controls;
- Measures (including closed circuit TV) to create a safer and cleaner environment in partnership with businesses and other agencies;
- 'Alcohol designation orders' also known as "Designated No Drinking Zones" made under the Criminal Justice and Police Act 2001 under which the Police have the power to confiscate alcohol
- The use by Police of powers such as the issue of fixed penalty notices and prosecution for sales to underage drinkers;
- The power of the Police to close down a premises for twenty-four hours on the grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises;
- Powers under sections 40 and 41 of the Anti-Social Behaviour Act 2003 which provides authorised Environmental Health Officers the power to issue a closure order effective for up to 24 hours in situations where the noise from a licensed premises is causing a public nuisance;
- The powers available to local authorities and the Police contained within the Violent Crime Reduction Act 2006;
- The power available to local authorities to issue fixed penalty notices to licensed premises emitting noise which exceeds the permitted level between 11pm and 7am within the Clean Neighbourhoods and Environment Act 2005;
- The normal enforcement work carried out by the Police; and
- The ability for the Police, or other responsible authority or local residents/businesses to seek a review of a licence or certificate.

**4. INTEGRATING STRATEGIES AND AVOIDING DUPLICATION**

- 4.1 The Licensing Authority will consider the Local Authority's approved strategies and policies where they are relevant to the exercise of its function as the licensing authority.
- 4.2 The Licensing Authority will provide information in relation to Premises Licences and Club Premises Certificates granted to the Planning Department and the



relevant transport agencies in order that the provision of late night transport from entertainment venues may be considered.

- 4.3 The Licensing Authority recognises the need to avoid, so far as possible, duplication of existing legislation and other regulatory regimes.
- 4.4 The Licensing Authority recognises that there should be a clear separation of the planning, building control and licensing regimes in order to avoid duplication. Whilst there may be some factors affecting the planning decision, which may also affect the decision of the Licensing Committee, licensing applications will not be a re-run of planning applications.
- 4.5 The Licensing Authority is not bound by decisions made by the Planning Committee and vice versa.
- 4.6 The Licensing Authority recognises that as part of implementing local authority cultural strategies, proper account should be taken of the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre, including the performance of a wide range of traditional and historic plays for the wider cultural benefit of communities. The Licensing Authority recognises the need for a balance the cultural needs with the necessity of promoting the licensing objectives.

## **5. STEPS TO PROMOTE THE LICENSING OBJECTIVES**

### **Operating schedules**

- 5.1 Applications for Premises Licences and Club Premises Certificates must be accompanied by an operating schedule, which is a written description of how the premises and proposed activities will be operated and managed. The operating schedule should address how the applicant proposed to meet the four licensing objectives.
- 5.2 The Licensing Authority takes the view that the applicants should discuss their operating schedules in draft form with the appropriate Responsible Authorities (as set out within Appendix 2) particularly the Police, the Fire and Rescue Service and the Local Authority's Environmental Health Department prior to formal submission of the application. Applicants will thereby have access to expert advice on the steps that may be necessary to promote the licensing objectives.
- 5.3 The Licensing Authority recognises that the number of issues which need to be addressed within an operating schedule will depend on the size of the premises and the type of licensable activity provided. Whilst the following lists are not exhaustive, the Licensing Authority expects applicants to consider the following issues:

#### **5.4.1 Prevention of Crime and Disorder**

The means by which crime and disorder will be prevented by the effective management and operation of the licensed activities. The issues may include:

- Crime prevention design, including appropriate lighting of exterior areas;
- Door supervision together with the maintenance of an incident book;

- Use of toughened or plastic glasses;
- Mechanisms for combating drug dealing and abuse;
- The use of CCTV cameras;
- Use of 'Pubwatch' radio system or other means of communication;
- Use of ID scan equipment

#### 5.4.2 Prevention of public nuisance

The means by which nuisances will be prevented by the effective management and operation of the licensed activities. The issues may include:

- Measures to deal with noise emanating from the premises including external areas such as beer gardens;
- Noise and disturbance caused by people leaving the premises;
- Whether there will be a 'drinking up' time
- Whether doors and windows will be kept closed or other methods of noise control operated;

#### 5.4.3 Public safety

The means by which public safety will be promoted by the effective management and operation of the licensed activities. The issues may include:

- Fire/emergency procedures and the training of staff in such procedures;
- Door supervision together with the maintenance of an incident book;
- Assessments in relation to the safety of performers in addition to audience and staff

#### 5.4.4 Protection of children from harm

The means by which children will be protected from harm (including any damaging, detrimental or injurious effects) by the effective management and operation of the licensable activities. The issues may include:

- Restrictions on access by children either to the whole or any part of the premises;
- Provision of adult supervision;
- Use of recognised proof of age schemes

- 5.5 Every supply of alcohol under a Premises Licence must be made or authorised by the holder of a Personal Licence. The Licensing Authority recommends that in appropriate circumstances, particularly in relation to large premises, a minimum of one member of staff in addition to the Designated Premises Supervisor should hold a Personal Licence.

#### **Large scale events of a temporary nature**

- 5.6 The Licensing Authority expects applications for Premises Licences for temporary events (where the event is too large in scale to be authorised by way of a Temporary Event Notice) to submit their draft operating schedules to the Responsible Authorities (in particular the Police, Environmental Health and Health and Safety) well in advance, and no later than six months before the date of the

event, in order that proper consultation and discussion can take place between the Responsible Authorities and the applicant.

5.7 The Licensing Authority recognises that such events can give rise to special considerations in respect of public safety and therefore expects operating schedules to show an awareness of these matters. Applicants are referred to the following documentation:

- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999);
- Managing Crowds Safety (HSE 2000)
- Five steps to risk assessment: Case Studies (HSE 1998)
- The Guide to Safety at Sports Grounds (The Stationary Office, 1997) etc

**Small scale events of a temporary nature – Temporary Event Notices  
(i.e. events where up to 499 people are in attendance)**

5.8 Whilst the provisions of the Act require ten working days notice to be given of temporary events (which fulfil the requirements of Part V of the Act), the Licensing Authority strongly recommends that notices should be submitted sufficiently early to enable proper consultation to take place between the Police and the premises user.

5.9 However, it is also recognised that notice should not be given so far in advance of a proposed event that it is difficult for the Police to make a sensible assessment in relation to the proposals. It is suggested that service of a Temporary Event Notice six months before a proposed event is the maximum period which is appropriate.

**6. CONDITIONS**

6.1 If no relevant representations are received by the Licensing Authority in relation to an application for a licence or certificate, the Licensing Authority will grant the licence/certificate subject only to the applicable mandatory conditions (as set out within the Act) and such conditions as are consistent with the proposals set out within the applicant's operating schedule.

6.2 The Licensing Authority may only impose conditions on a licence/certificate where its discretion has been engaged following the receipt of relevant representations and where it is satisfied of the necessity to impose conditions due to the representations received.

6.3 Any conditions imposed by the Licensing Authority will be necessary in order to promote the licensing objectives and proportionate to the premises and/or the events to be licensed.

6.4 The Licensing Authority will not attach conditions, which, if imposed, would have the effect of duplicating other existing legislative requirements. Conditions, which impose requirements over and above, that contained within other existing legislation may be imposed if relevant representations are received.

6.5 The Licensing Authority recognises that the Regulatory Reform (Fire Safety) Order 2005 places the onus on applicants and licensees to demonstrate that they have

undertaken and recorded a fire safety risk assessment which takes into account risks from fire, measures necessary to control the risks and the identification of safe occupancy levels. It is also recognised that a capacity limit should not be imposed by way of condition on the basis of fire safety grounds as under article 43 of the Fire Safety Order 'safe capacity' will only be imposed where necessary for the promotion of public safety or the prevention of crime and disorder and will not be imposed if a capacity has been introduced through other legislation.

- 6.6 Where appropriate, the Licensing Authority will make use of the pool of conditions in Annex D of the guidance published by the Department of Culture Media and Sport (DCMS) in accordance with section 182 of the Act. (The current guidance, issued on 28<sup>th</sup> June 2008, may be viewed on the DCMS website, [www.culture.gov.uk](http://www.culture.gov.uk))

## **7. CUMULATIVE IMPACT**

- 7.1 It is recognised that an unusual number, type and density of premises selling alcohol for consumption on the premises within a concentrated area may have a cumulative impact on the promotion of the licensing objectives.
- 7.2 The cumulative effect of the premises may stem from the saturation of the area with such premises making it a focal point for large groups of people to gather and create serious problems of disorder and nuisance.
- 7.3 The nuisance and disorder may be characterised as the cumulative effect of all the premises taken together where the impact on the surrounding areas of the behaviour of the customers from those premises when taken together is greater than the usual impact from customers of individual premises.
- 7.4 At the present time there is no evidence to suggest that a special policy in relation to cumulative impact is appropriate in respect of any area within Cheshire East, However should evidence become available, then this decision will be reviewed.

## **8. LICENSING HOURS**

- 8.1 The Licensing Authority will determine licensing hours based on the individual merits of each application.
- 8.2 The Licensing Authority recognises that in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided. It is noted that this can help to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport, which lead to disorder and disturbance.
- 8.3 The Licensing Authority further recognises the Government's view that licensing hours should not inhibit the development of thriving and safe evening and night-time local economies which are important for investment and employment locally and attractive to domestic and international tourists. Whilst providing consumers with greater choice and flexibility is an important consideration, the Licensing Authority takes the view this should always be carefully balanced against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.

- 8.4 The Licensing Authority will not seek to impose uniform closure times in relation to alcohol licensed premises and will consider each application on its merits. However, where premises are situated in sensitive areas, in circumstances where the Licensing Authority's discretion has been engaged through the receipt of relevant representations, consideration will be given to the imposition of conditions aimed at limiting the impact of noise and disturbance on residents. Such conditions may, for example, include the use of door supervisors, or measures to prevent the escape of sound from within the premises. Licensees and certificate holders are reminded that they should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance in outside areas such as beer gardens or smoking shelters and in areas such as pavements immediately outside their premises, where and to the extent that these matters are within their control.
- 8.5 The Licensing Authority recommends that applicant's indicate within the operating schedule that consideration has been given to the impact the licensing hours applied for will impact on local residents and the surrounding area.
- 8.6 The Licensing Authority will consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting the hours. Consideration may be given to restricting the licensing hours of individual shops in circumstances where representations received indicate that the premises is a focus of disorder and disturbance.

## **9. CHILDREN**

### **Access to Licensed Premises**

- 9.1 Whilst each application will be considered on its merits, where the Licensing Authority's discretion has been engaged following the receipt of relevant representations, conditions in relation to the admission of persons under the age of eighteen may be imposed if there is evidence to suggest that this is necessary and proportionate in order to prevent physical, moral or psychological harm to them.
- 9.2 Circumstances in which concerns about access of children may lead to such the imposition of such conditions include premises:
- where entertainment or services of an adult or sexual nature are commonly provided;
  - where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
  - with a known association with drug taking or dealing;
  - where there is a strong element of gambling on the premises (but not, for instance, the simple presence of a small number of cash prize gaming machines); and
  - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 9.3 Where appropriate to limit access to a licensed premises to children due in order to promote the prevention of harm to children, the Licensing Authority may consider the imposition of the following:

- limitations on the hours when children may be present;
- limitations excluding the presence of children under certain ages when particular specified activities are taking place;
- limitations on the parts of premises to which children might be given access;
- age limitations (below 18);
- requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult);
- full exclusion of all those people under 18 from the premises when any licensable activities are taking place.

- 9.4 The Licensing Authority will not impose a condition on any licence or certificate requiring the admission of children to any premises.
- 9.5 Where a large number of children are likely to be present at an event involving regulated entertainment, the Licensing Authority will expect operating schedules to indicate that consideration has been given to the safety of children. In addition, in such circumstances, where its discretion has been engaged following receipt of relevant representations, the Licensing Authority may impose conditions requiring an appropriate number of adult staff to ensure their safety.
- 9.6 The Licensing Authority recommends that in order to prevent illegal sales to underage persons, licence holders employ a recognised 'proof of age' scheme, for example the 'Challenge 21' scheme.

### **Children and cinemas**

- 9.7 In the case of premises giving film exhibitions, the Licensing Authority will expect licensees or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified by according to the recommendations of the British Board of Film Classification or the Licensing Authority.

### **Responsible Authority and Children**

- 9.8 The Licensing Authority recognises the Local Safeguarding Children Board as the responsible authority for the purposes of notification upon matters relating to the protection of children.

## **10. ENFORCEMENT**

- 10.1 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Act.
- 10.2 The Licensing Authority will establish a protocol for enforcement with Cheshire Constabulary to provide for the efficient discharge of this function in conjunction with the enforcement officers of the Licensing Authority, Environmental Health officers, Trading Standards officers, and other agencies as appropriate.

- 10.3 Resources will be deployed in accordance with an assessment of which premises and events manifest the greatest risk to the promotion of the licensing objectives.
- 10.4 The Licensing Authority recognises the importance of co-operation between licence holders, Authorised Persons (as set out within Appendix 2), Responsible Authorities and Interested Parties in order to promote the licensing objectives. The Licensing Authority therefore commends the practice whereby a Responsible Authority or Authorised Person who has concerns about any premises should draw these concerns to the attention of the licence/certificate holder at an early stage with a warning that remedial action should be undertaken.
- 10.5 The Licensing Authority will therefore expect to see evidence from the Responsible Authorities of warnings, and of failure on the part of the licence holder to respond to such warnings, where an application is made to it to conduct a formal review of a licence.

## **11. ADMINISTRATIONS AND EXERCISE OF FUNCTIONS**

- 11.1 The Licensing Authority has delegated certain decisions and functions under the Licensing Act 2003 to its Licensing Committee and, in recognition of the need to provide a speedy, efficient and cost-effective service, where possible to Licensing Sub-Committees and officers.
- 11.2 The table at Appendix 2 sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committees and officers.

## **12. PERIOD IN FORCE**

- 12.1 This Statement of Licensing Policy was approved by Cheshire East Council on 24<sup>th</sup> February 2009 and will take effect until such time as it is reviewed; a reviewed policy will be published no later than 7 January 2014.

## **APPENDIX 1: Licensable Activities**

The following are 'licensable activities for the purposes of the Licensing Act 2003:

- Retail sale of alcohol
- Supply of alcohol to club members
- Provision of 'regulated entertainment' - to the public, to club members or with a view to profit, which includes:
  - Performance of a play
  - Exhibition of a film
  - Indoor sporting events
  - Boxing or wrestling entertainment
  - Performance of live music
  - Playing of recorded music
  - Performance of dance
  - Provision of facilities for making music
  - Provision of facilities for dancing
  - Entertainment of a similar description to the performance of live music, the playing of recorded music or a performance of dance
- Supply of hot food and/or drink from any premises between 11pm and 5am

The Act provides that the following are not to be regarded as regulated entertainment:

- (a) film exhibitions for the purposes of demonstration of a product, advertisement of any goods or services or the provision of information, education or instruction;
- (b) film exhibitions which consist or form part of an exhibit put on show for any purposes of a museum or art gallery;
- (c) the performance of live music or the playing of recorded music that is incidental to some other activity which is not itself regulated entertainment;
- (d) the simultaneous reception and playing of a programme included in a programme service within the meaning of the Broadcasting Act 1990
- (e) the provision of any entertainment or entertainment facilities (a) for the purposes of or for purposes incidental to, a religious meeting or service, or (b) at a place of public religious worship
- (f) the provision of entertainment or entertainment facilities at a garden fete or a function or event of a similar character provided the event concerned is not promoted for purposes of private gain
- (g) a performance of morris dancing or any dancing of a similar nature or a performance of unamplified live music as an integral part of such a performance or facilities enabling persons to take part in such entertainment
- (h) the provision of any entertainment or entertainment facilities (i) on premises consisting or forming part of a vehicle, and (ii) at a time when the vehicle is not permanently or temporarily parked

The Act states that an activity is not a licensable activity if it is carried on: -

- (a) aboard an aircraft, hovercraft or railway vehicle engaged on a journey;
- (b) aboard a vessel engaged on an international journey;
- (c) at an approved wharf at a designated port or hoverport;



- (d) at an examination station at a designated airport;
- (e) at a royal palace;
- (f) at premises which at the time when the activity is carried on are permanently or temporarily occupied for the purposes of the armed forces of the Crown;
- (g) at premises in respect of which a certificate issued under section 174 (exemption for national security) has effect or
- (h) at such other place as may be prescribed by the Government in regulations

## **APPENDIX 2: Authorised Persons, Responsible Authorities and Interested Parties**

### **Authorised Persons**

This group is entitled to carry out inspection and enforcement roles and include officers of the Local Authority, Fire Authority inspectors, Health and Safety at Work inspections and Environmental Health Officers.

In addition, the Police have the power to close premises on the grounds of disorder or nuisance caused by noise coming from the premises.

### **Responsible Authorities**

This group must be notified of all applications for a premises licence. They are entitled to make representations to the Licensing Authority and include: -

- The Police
- The Fire Authority
- Health and Safety Authority
- The Environmental Health Department (Cheshire East Council)
- The Local Planning Authority (Cheshire East Council)
- The Local Safeguarding Children Board
- Trading Standards (Cheshire East Council)

In relation to a vessel, but no other premises, responsible authorities also include the navigation authorities that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities. These include: the Environment Agency, the British Waterways Board, and the Secretary of State for Transport, who in practice acts through the Maritime and Coastguard Agency.

### **Interested Parties**

This group may make representations to the Licensing Authority on applications for the grant, variation or review of premises licences and includes: -

- A person living in the vicinity of the premises in question
- A body representing persons who live in that vicinity e.g. a residents association
- A person involved in a business in the vicinity of the premises
- A body representing persons involved in such businesses e.g. a trade association.

Any of these persons can have their view represented by for example, a solicitor, MP, friend or a local ward councillor.

### APPENDIX 3: Table of delegations of licensing functions

Functions under the Licensing Act will be dealt with as follows:

Matter to be Dealt with	Full Committee	Sub-Committee	Officers
Application for Personal Licence		If a police objection	If no objections made
Application for Personal Licence with unspent convictions		All Cases.	
Application for premises Licence/Club Premises Certificate		If a relevant representation made.	If no relevant representation made.
Application for provisional statement		If a relevant representation is made.	If no relevant representation is made
Application to vary Premises Licence/Club Premises Certificate		If a relevant representation made.	If no relevant representation made.
Application to vary designated Personal Licence holder		If a police objection.	All other cases.
Request to be removed as designated Personal Licence Holder.			All cases.
Application of transfer of Premises Licence.		If a police objection.	All other cases.
Application for Interim Authorities		If a police objection	All other cases.
Application to review Premises Licence/Club Premises Certificate.		All cases.	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases.
Decision to object when Local Authority is a consultee and not a lead authority.		All cases.	
Determination of a police objection to a Temporary Event Notice.		All cases.	



## Consultation Responses

### Response from the Licensing Team, Cheshire Constabulary:

Please note the following observations on the draft Statement of Licensing Policy which you recently circulated for comments and I start off each entry with the paragraph/Appendix concerned.

1.1 This paragraph seeks to clarify the identity of **the council**, Cheshire East Council, the Licensing Authority and **the Act**. However later in the policy reference is made to 'Local Authority' without making clear how that term fits with those groups already mentioned.

#### **Licensing Officer Comments:**

*Cheshire East Council is both the Local Authority and the Licensing Authority and the descriptions can be interchangeable. However, 'local authority' might be used to describe functions that do not relate to the licensing regime. Such as, where the Licensing Authority will have regard to other local authority initiatives. To provide clarity it is recommend that all referenced to the 'Local Authority' are replaced with 'the Council'.*

1.4 The latest guidance was of course issued in June 2013.

#### **Licensing Officer Comments:**

*This will be updated*

1.5 There appears potential for this paragraph to either clarify the current confusing situation about exactly what does constitute regulated entertainment or at the very least to make mention of the Live Music Act 2012 and the recent de-regulation of certain entertainment. Although whatever you put will almost certainly be out of date very quickly as the Government tinkers yet again.

#### **Licensing Officer Comments:**

*In preparing the draft policy, Officers determined not to include information that was available by other means to avoid duplication and an overly burdensome length. The changes to regulated entertainment are set out in both the statutory instruments that authorise the changes and in the statutory guidance issued by the Home Office. It is a matter for the Committee to determine whether or not they wish to include this information in the Statement of Licensing Policy. If Members were minded to include this information a form of words could be drafted in consultation with the Chairman for inclusion in the final draft.*

2.9 This paragraph states 'Following Relevant Representations the Licensing Authority will **only** depart from this policy if the applicant provides satisfactory evidence/information that the Licensing Objectives will be met in full'. This implies that if the Police, or indeed any other responsible authority, considers it appropriate for the Licensing Authority to depart from its own policy to prevent the Licensing Objectives being undermined this section would not allow that to happen.

**Licensing Officer Comments:**

*The following change is suggested for the consideration of the Committee:*

*'Following Relevant Representations the Licensing Authority will only depart from this policy where there is satisfactory evidence/information that the Licensing Objectives will be met in full'*

3.6 This paragraph states 'It will normally be the responsibility of the premises licence holder to ensure that the managers, designated premises supervisor and door supervisors are competent and appropriately trained'. However it does not go on to say when and in what circumstances this may not be considered the norm.

**Licensing Officer Comments:**

*Such circumstances have not been provided because the Licensing Authority could not envisage each instance where it might decide to depart from requirement. Therefore each case will be determined on its own merit.*

7.4 This paragraph talks about The Licensing Authority imposing conditions in order to promote the Crime and Disorder Licensing Objective and lists examples of some conditions, with the notable exclusion of possibly prescribing a capacity limit. Whilst the list is described as not exhaustive, and therefore the Licensing Authority could potentially impose such a capacity condition for crime and disorder purposes, paragraph 8.8 states 'The Licensing Authority will **only** include an occupant capacity condition on a Premises Licence or a Club Premises certificate where there is a genuine fear or a genuine problem with overcrowding and it is considered appropriate for public safety'. It therefore appears that paragraph 8.8 excludes even the possibility of a capacity condition for anything other than public safety and the police in the past have negotiated a capacity condition specifically for Crime and Disorder purposes, which 8.8 would appear to prevent in the future.

**Licensing Officer Comments:**

*Capacity limits are usually contained in a Fire Safety Risk Assessment (though some premises may be excluded from this requirement). The Statutory Guidance discusses capacity limits in relation to both prevention of disorder and public safety. It is a matter for the Committee to consider whether they think it appropriate for inclusion in the identified section.*

10.4 Line 4 includes a typing error repeating the same words, i.e. (who will have provided who will have provided .....).

**Licensing Officer Comments:**

*This will be corrected*

15.2 The final sentence in this paragraph, i.e. 'The Licensing Authority will aim by means of longer licensing hours to achieve a gradual dispersal of people leaving licensed premises', appears to almost invite applicants to apply for 'longer hours' supported by this policy. Perhaps a different choice of wording could convey the Licensing Authority's desire to minimise the impact of concentrations of people leaving numerous premises at the same time without implying that the only answer is longer hours?

**Licensing Officer Comments:**

*The following change is suggested for the consideration of the Committee:*

*'The Licensing Authority will consider whether longer licensing hours will achieve a gradual dispersal of people leaving licensed premises and therefore promote the Licensing Objectives.'*

21.4 The final line appears to include a typing error and therefore 'of' should be replaced with 'or'.

**Licensing Officer Comments:**

*This will be corrected*

**Appendix 1**

This table appears to take no account of the ability now for Environmental Health to object to a Temporary Event Notice (TEN) or the fact that an objection to a Late Notice TEN is not determined by a sub-committee.

**Licensing Officer Comments:**

*It is suggested that all references to Police Objections against TENs be replaced with 'any objections' therefore including any Environmental Health objections. Objections to late TENS automatically result in a counter-notice being issued in accordance with the legislation.*

**Response from Congleton Town Council:**

The Revised Statement of Licensing Policy was considered at last night's meeting of Congleton Town Council's Planning Committee which expressed considerable concern at the lack of involvement of the Town Council on licensing matters.

I refer you to clause 23 of your Revised Licensing Policy, which refers to consultation. In the clause it clearly states the Licensing Authority is expected to consult, widely including with Town and Parish Councils. Therefore, can you advise me of what steps you are going to take to ensure that Congleton Town Council is consulted on all licensing matters affecting the Town and remedy the fact that we very rarely informed of any licensing applications.

**Licensing Officer Comments:**

*Town and Parish Councils are not consulted on individual applications. They can be considered 'other persons' under the Licensing Act 2003 and can therefore make representations for or against an application. Their position within the statutory framework would be on the same level as, for example, local residents rather than as Responsible Authority (who are consulted on all applications). The Licensing Authority has taken the view that the Town and Parish Councils (together with the Borough Members) 'represent local residents' and has therefore included them into the consultation on the Statement of Licensing Policy. Case law has confirmed that the Licensing Authority should not consult any more widely than the legislation prescribes. If the Licensing Authority were to consult more widely we would leave ourselves open to challenge. All applications are advertised in a local paper, on the*

*premises in question, and on the Council's website as required by the relevant regulations. To place Town and Parish on the same level as the Responsible Authorities would require a change in legislation.*

**Response from Poynton Town Council:**

Poynton Town Council's Planning and Environment Committee considered this draft Policy at a scheduled meeting on 2<sup>nd</sup> September 2013, and has the following comments on it;

Paragraph 2.11: Insert into the list of consultees: *"town and parish councils"*.

***Licensing Officer Comments:***

*This is not a list of consultees, but a description of those who may contribute to achieving the statutory aims of the licensing regime.*

Paragraph 3.6: Delete *"normally"*.

***Licensing Officer Comments:***

*The Licensing Authority cannot make this a requirement and must leave the door open to exceptions (and not fetter its discretion) otherwise the Policy or decision-making process would be open to challenge.*

Paragraph 5.2: Replace *"a major"* in first sentence with *"an important"*. Add a new second sentence: *"However, the costs of policing required by licensed premises are also a cost to the local taxpayer"*.

***Licensing Officer Comments:***

*It is recommend that 'major' be replaced with 'an important' and that no further additions are included. The cost of policing is not a matter for the Council.*

Paragraph 6.3: Please identify the source of the Guidance referred to.

***Licensing Officer Comments:***

*The guidance issued under section 182 of the Licensing Act 2003 by the Home Office.*

Paragraph 7.7: Delete *"reduce the possibility"* and replace with *"eliminate"*.

***Licensing Officer Comments:***

*The Licensing Authority cannot undertake to make conditions that will eliminate drug use.*

Paragraph 7.11: In second bullet insert full stop after *"any section of the public."* and delete the rest of the bullet.

***Licensing Officer Comments:***

*It is recommended that this change not be included.*



Paragraph 8.3: The Council is concerned that this may impose excessive burdens on volunteers.

**Licensing Officer Comments:**

*This is not a requirement and is suggested as good practice to ensure that health and safety matters are considered.*

Paragraph 9.2: Insert “and businesses” at the end of the first sentence.

**Licensing Officer Comments:**

*It is recommend that ‘and businesses’ is inserted. However, the question of need or representations based on completion would not be relevant.*

Paragraph 15.2: Please define what these circumstances might be. There is plenty of evidence that longer licensing hours have increased, not reduced, anti-social behavior.

**Licensing Officer Comments:**

*A recommendation has been made to amend this paragraph as per the Police response.*

Paragraph 22.4: Please give examples of “irrelevant, frivolous and vexatious representations”. Who decides which objections fall into this category and should therefore be disregarded?

**Licensing Officer Comments:**

*Whether representations are ‘irrelevant, frivolous and vexatious representations’ will be determined by Officers having regard to the Statutory Guidance, each case will also be determined its own merit. A representation that did not refer to one or more of the Licensing Objectives or did not relate to the premises in question would be irrelevant.*

**Notification of Applications**

The draft Statement of Licensing Policy does not appear to refer to how applications for licences are advertised and local residents notified. Does the Council aim to inform occupants of nearby premises in writing, as is done with planning applications? In particular, Poynton Town Council believes that the local town or parish council should be formally consulted on all licensing applications.

I should be grateful if you would acknowledge receipt of this e-mail as Poynton Town Council’s formal response to this consultation.

**Licensing Officer Comments:**

*Case law has confirmed that the Licensing Authority should consult any more widely than the legislation prescribes. If the Licensing Authority were to consult more widely we would leave ourselves open to challenge. All applications are advertised in a local paper, on the premises in question, and on the Council’s website as required by the relevant regulations. To place Town and Parish on the same level as the Responsible Authorities would require a change in legislation.*

**Response from Alsager Town Council:**

Alsager Town Council agree with the broad principles of the Statement of Licensing Policy which is currently subject to consultation. It is concerned, however, that its is not routinely consulted on licensing applications that relate to the Town. Routine consultation had happened previously but was discontinued for reasons unknown.

The local knowledge of the Town Council and its Councillors is comprehensive and may provide insight into the circumstances and context of licensing applications which may not be apparent or available from other sources. The Town Council is also regularly asked by residents to advocate on their behalf if a licensing application affects them. Under the current regime, however, our response is occasionally too late or rushed to meet a deadline since the Council is not formally consulted on applications and often finds out about them only when advised by residents.

The Councillors take their role as Community Leaders very seriously and feel that to do this effectively they would need to be consulted formally on licensing applications which affect the Town (as happens with planning applications).

**Licensing Officer Comments:**

*Case law has confirmed that the Licensing Authority should not consult any more widely than the legislation prescribes. If the Licensing Authority were to consult more widely we would leave ourselves open to challenge. All applications are advertised in a local paper, on the premises in question, and on the Council's website as required by the relevant regulations. To place Town and Parish on the same level as the Responsible Authorities would require a change in legislation.*

**Response from Cheshire East Event Safety Advisory Group**

In my capacity as Chair of the Event Safety Advisory Group (ESAG) I would like to feedback the following comments on behalf of the group:

The Group supports the Statement of Licensing Policy and the information and guidance contained within it.

The Group is pleased see that the policy encourages event organisers to seek advice and information from the ESAG. The group feel that this a welcome inclusion into the policy which will serve to raise the groups profile and existence and enable us to improve public safety at events through advice, guidance and examples of best practice.

**Licensing Officer Comments:**

*None*

**Response from Cheshire East Environmental Health**

In relation to the section on Noise and Vibration:

1. I am assuming that 9.5 which states 'Restrict the generation of noise within the premises and from activities associated with the premises' is broad enough to include such issues as bins and deliveries?

**Licensing Officer Comments:**

*For the avoidance of doubt it is recommended that any references to noise is replaced with 'any noise'*

2. Recommend removal of the reference to noise ventilation systems as such issues are covered by other legislation. Para 9.4

**Licensing Officer Comments:**

*The Statutory Guidance recommends against including matters within the Policy that are adequately dealt with by other legislation.*

3. I would like to propose an amendment to the sentence about an acoustic report to include reference that EH would determine whether recommendations from such a report were suitable and would be required to be implemented. Para 9.4

**Licensing Officer Comments:**

*It is recommended that the Committee considers the following re-wording:*

*'If the proposed operating schedule fails to address noise nuisance issues, the Environmental Health Department may request that an independent acoustic report is conducted. Environmental Health may use any recommendations from such a report to propose amendments to the Operating Schedule or suggest conditions for the consideration of any (Sub) Committee.'*

4. Paragraph 11.12 – I wondered if it should read applications for variations to existing premises licenses in stress areas will not be granted WHERE those modifications directly affect the issue of cumulative impact in the stress area or otherwise undermine licensing objectives. This then makes the example make sense.

**Licensing Officer Comments:**

*A recommendation has been made to amend this paragraph as per the response.*

**Response from Macclesfield Town Centre Management:**

A fine piece of work, well done.

**Licensing Officer Comments:**

*None*

**Responses from a Member of Cheshire East Council:**

Thank you for sight of the Consultation document. I have no comments

***Licensing Officer Comments:***

*None*

**Response from Knutsford Town Council:**

Knutsford Town Council considered the draft statement at the Planning and Licensing Committee meeting, and requested that I write to give the full support of the Town Council to the draft policy statement.

***Licensing Officer Comments:***

*None*

**Response from the Health and Wellbeing Board:**

General Comment:

1.1 Section 12 of the Health and Social Care Act (2012) gives the local authority the duty to take appropriate steps to improve the health of the people in the area. Cheshire East has significantly worse than average alcohol specific and alcohol attributable hospital admissions for women and alcohol specific admissions for under 18s. We would ask the Licensing Authority to consider this as they review their Policy.

1.2 The National Institute for Health and Clinical Excellence (NICE) Local Government Public Health Briefing on Alcohol (31<sup>st</sup> October 2012) recommends that Local Authorities through 'Using local health, crime and related trauma data, map the extent of alcohol related problems locally before developing or reviewing a licensing policy. If an area has a lot of licensed premises, and the evidence suggests that additional premises may affect the licensing objectives, adopt a cumulative impact policy.'

1.3 The Board recommends that if this work has not been done to date it is carried out as soon as possible to inform the review.

Specific Comments:

Para 1.3 This appears to be referencing the previous Corporate Plan. The relevant Strategic Outcome for health is now:

Outcome Five - 'People live well and for longer'

It may be felt appropriate at this point to also reference the Cheshire East Health and Wellbeing Strategy which contains priorities for collective action by the Health and wellbeing Board including:

‘Reduce the levels of alcohol use/misuse by Children and Young People’

‘Reduce the incidence of alcohol related harm’

***Licensing Officer Comments:***

*Committee should consider replacing the bullet points at 1.3 with the following:*

- *Cheshire East has a strong and resilient economy*
- *People live well and for longer*

Para 2.1 In the first line we would suggest the insertion ‘good health and wellbeing’ so that it reads...

‘The aim of the Policy is to secure the safety, amenity and health and wellbeing of communities within the Cheshire East area etc...’

In the last line we would suggest the insertion of ‘health, wellbeing’ so it reads...

‘The Council will promote the health, wellbeing and safety of residents etc...’

***Licensing Officer Comments:***

*The Statement of Licensing Policy can only deal with matters related to the Licensing Objectives. The Statutory Guidance specifically states at para 2.8 that public health is addressed in other legislation and is not relevant to Public Safety.*

Para 2.11 In the first line we would suggest the addition of ‘Health’ so that it reads:

‘To achieve its aims the Council is committed to working in partnership with Cheshire Constabulary, Cheshire Fire and Rescue, Health... etc’

***Licensing Officer Comments:***

*This is a matter for the Committee to consider.*

Para 5.3 We suggest an additional bullet point:

‘Section 12 of the Health and Social Care Act (2012) gives the local authority the duty to take appropriate steps to improve the health of the people in the area.’

***Licensing Officer Comments:***

There are many pieces of legislation that can be included in this list, including some that directly relate to the licensing objective. *The Statement of Licensing Policy can only deal with matters related to the Licensing Objectives.*

Para 18.2 The Board is pleased to see reference to health related data as a source of evidence when considering an EMRO.

**Licensing Officer Comments:**

*No comments*

Para 19.3 The Board is of the view that the Licensing Authority should introduce a Late Night Levy to cover some of the costs incurred by the public sector in dealing with the consequences of alcohol related harm.

**Licensing Officer Comments:**

*A Late Night Levy can only be considered if there is evidence to support its implementation and after a period of consultation. Consideration should also be given to the effect a levy may have on the night-time economy. Any levy collected would be divided between the CEC and Cheshire Police on a 30/70 split. CEC can only use its portion on tackling alcohol related crime and disorder. The Police can use their portion on anything they choose and are not required to use the money to tackle alcohol issues. The levy must also cover the whole of the CEC area and cannot be used to target specific problem areas.*

Para 23.1 Add 'The Cheshire East Health and Wellbeing Board' as an additional bullet point.

**Licensing Officer Comments:**

*This is a matter for the Committee to consider.*

**Response from Nantwich Town Council:**

Thank you for the opportunity to comment on the Revised Statement of Licensing Policy.

Town Council considered the document at its meeting on 9 September. Councillors resolved to make the following representations:-

1 That Cheshire East Council is recommended to consider the introduction of a late night levy on premises that have late night opening licences which are located in areas of stress within the Borough where an enhanced police presence is required because of activities associated with the night time economy. This would target those premises that create the greatest problems whilst allowing other establishments where there are no such problems to continue to open without a levy.

2 That Cheshire Council is recommended to consider the introduction of minimum alcohol pricing as in Newcastle.

3 That Cheshire Council is recommended to consider a ban of the sale of super strength alcohol as in Wakefield.

**Licensing Officer Comments:**

*These are not matters for inclusion in the Statement of Licensing Policy*

**Responses from a Member of Cheshire East Council:**

My comments on the above consultation are as follows:

**1. Please could the existing policy be retained and be simply updated, as it is a better policy.**

**2. The draft licensing policy fails to acknowledge that the Government's legislative changes to the Licensing Act 2003 under the Police and Reform and Social Responsibility Act 2011 are about giving local people and Local Authorities a greater say, which should be included as the aim of the new policy:**

- *Measures to give communities and local authorities greater control over alcohol licensing to tackle problem premises. They will have new powers to restrict premises from selling alcohol late at night if necessary and be able to clamp down harder on premises who persistently sell to children - doubling the fine to £20,000*
- *A stronger local influence on licensing decisions by allowing everyone the option to comment on licensing applications - not just those living close to premises, and ensuring health and policing concerns are considered more widely so that the impact of licensing on crime and disorder or public safety can be taken into account*
- *Introducing a late night levy allowing councils to charge for late-night licences to pay for extra policing - leaving premises to pay rather than the taxpayer*

<https://www.gov.uk/government/news/new-reforms-put-public-at-the-heart-of-policing>

Instead this policy does not give the LA greater control over alcohol licensing to tackle problem premises. It tries to curtail the Licensing Authorities discretion when the policy should only be guidance and makes it even more difficult to refuse a licence. It is based on a permissive view of licensing instead of helping to restrict licensing and reduce harmful drinking. The emphasis in the draft policy is in my view steering policy in a totally wrong direction and I hope the Licensing Committee will in the meantime retain the existing policy which is a much better policy.

3. Since the Cabinet in item 7 on the 17<sup>th</sup> of September 2013 may recommend asking the Licensing Committee to consider the introduction of a Late night levy in accordance with the existing statement of licensing policy. It would seem sensible to consider re-consulting on this policy at the same time, so that any changes on the late night levy can be included. In addition it would be helpful to do so, as there are a significant number of changes necessary to improve the proposed draft policy, to such an extent that a new consultation with a different better draft policy would be welcome.

4. The draft policy fails to spell out the important changes to the Licensing Act 2003 on who can make objections to licences as a result of the changes in section 105 to 108 of the Police Reform and Social Responsibility Act 2011, no longer just those in the vicinity as long as such objections are not frivolous or vexatious. Mention is possibly made in paragraph 22.4 but is so unclear, it needs to be spelt out, as many people are still of the belief that it is still only those who live or work in the vicinity that are entitled to object.

<http://www.legislation.gov.uk/ukpga/2011/13/notes/division/2/2/1/3>

5. The policy is written as if the aim is to promote and encourage licensed premises, and make it difficult to refuse, as if they are always beneficial, instead of adopting the more balanced approach in the existing policy. For example, please delete paragraph 5 of this draft policy except for 5.3 bullet point 1.

6. In line with Government thinking the focus should instead be on producing a licensing policy with the aim of reducing harmful drinking.

<https://www.gov.uk/government/speeches/late-night-drinking-consultation-on-secondary-legislation-for-the-late-night-levy-and-early-morning-restriction-orders>

<https://www.gov.uk/government/policies/reducing-harmful-drinking>

7. It should include a forward as in the existing policy, to say that it is just a guide and the Council as a Licensing Authority will ultimately determine each application on its merits.

8. The introduction in paragraph 1 of the existing policy is much better and clearer than in the new draft and places more details in the appendix.

9. Paragraphs 2 and 3 of the existing policy should be clearly repeated at the start. Paragraph 3 is very important as it makes the point of the need to consider each case on its merits and nothing should override an interested party (now “other persons”) or responsible authority to make representations. It is something mentioned later in the draft policy but should be part of the start of the policy in setting the scene.

#### **Comments on the Draft Policy with reference to the Paragraphs in it.**

##### **Suggestions on the need for changes and deletions:**

10. Please delete 1.3 as the aim of the policy should be to reduce harmful drinking and to give *communities and local authorities greater control over alcohol licensing to tackle problem premises*. This aim is to assist in making Licensing policy in line with the recently endorsed Cabinet report on the need to review all Council policies



on their health implications, in this case to reduce harmful drinking.
11. Please delete paragraph 2- aim and mission as above; include 4.6 of existing policy on the need for the balances mentioned in that paragraph of the existing policy.
12. Please delete paras 2.1. to 2.4, except retain the last sentence of 2.1. Para 2.2 sounds like licensed premises help with culture rather than the reverse.
13. 2.3 missing in numbering, please delete 2.4 except the first sentence.
14. Please delete 2.5 as unclear on the meaning of <i>equal importance</i> - do you need all 4 or is one of the objectives sufficient?
15. Paragraphs 2.6. and 2.8 are better stated in the current policy of paragraph 2 and in the correct place of priority.
16. Please delete 2.9. as it makes the policy over-riding which is contrary to paragraph 3 of the current policy allowing each case to be determined on its own merits.
17. Please delete paragraph 2.10- it fetters the discretion of the Licensing Authority and is unnecessary.
18. In paragraph 3.6 why does it not say it is the responsibility as opposed to normally is the responsibility of the premises licence holder?
19. Paragraphs 5 please delete 5.2. Contrary to reduction of harmful drinking and communities having a greater say.
20. Paragraph 5.4- confusing list what is safer clubbing –more details could be given in appendix.
21. Paragraph 6 fine.
22. Paragraph 7 generally fine except change word in 7.2 to <i>detrimental</i> rather than <i>significant</i> as level set too high, not allowing for Licensing Committee discretion.
23. Para 7.8 unclear on how long etc, not necessarily helpful.
24. Para 7.11 unnecessary?
25. Paras 8 to 10 should some of this description be in appendices to cut down the

length of the main body of the statement?
26. Para 9.7 information point but only a temporary measure and premises that are likely to be detrimental to peace and quiet and residential amenity should not be allowed. Need to stress that point in this policy as have done in the existing policy in paragraphs 8.3 and 8.4 which should be included in this policy. Please include these paragraphs.
27. Please add to last bullet point on 10.2 <i>and irresponsible drink promotions</i> .
28. Please delete paragraph 11 and replace by existing paragraph 7. Paragraph 11 is incomprehensible and the provisions for objections in 11.7 for objectors are not practical and unworkable. How will objectors know about occupancy rates and so forth? For example, objectors may wish to argue, for example, that an area of a particular town such as Sutherland Street and Park Green in Macclesfield has too many drinking establishments, creating a cumulative impact. It could be shown on a map there are too many and that should be sufficient. Government policy is to lower the evidential hurdle for cumulative impact policies not increase it as can be shown from the following link.  <a href="http://www.instituteoflicensing.org/Public/Non%20Event%20Presentations/Home%20Office%20PRSR%20Act%20-%20presentation%206%2010%202011%20v1%204%20[Compatibility%20Mode].pdf">http://www.instituteoflicensing.org/Public/Non%20Event%20Presentations/Home%20Office%20PRSR%20Act%20-%20presentation%206%2010%202011%20v1%204%20[Compatibility%20Mode].pdf</a>
29. The explanation in paragraph 7 of the existing policy is much simpler and better. It will be tougher in Para 11 of new draft policy compared to Para 7 of current policy to argue about too many licences in an area, if the new draft Licensing Policy is adopted so should not be included as the idea is to reduce the evidential hurdle, but saturation areas are needed to prevent a cumulative impact and this area of the policy needs more work.
30. Please delete paragraphs 12.1 and 15.4, 17.1, 17.2, 21.3, 21.4, 22.3 and 22.6 as they are unnecessary and remove/limit the Licensing Committee's discretion and decision making powers.
31. EMRO- description in paragraph 18 could be in an appendix?
32. Paragraph 21.1 and 21.2 unnecessary just appendix 1 is sufficient.
33. Please delete paragraph 22.4 and provide a clearer explanation such as <i>A stronger local influence on licensing decisions by allowing everyone the option to comment on licensing applications - not just those living close to premises, and ensuring health and policing concerns are considered more widely so that the impact of licensing on crime and disorder or public safety can be taken into account</i> , as well as the impact on the protection of children from harm and the public nuisance which may be a result of the premises.

34. Please delete paragraph 22.5 as suggests that children will not be properly protected.

35. Please delete second paragraph 24.1 as it is not appropriate to suggest the principles should apply when new legislation may have changed the principles.

36. Please add at end about how it is possible to review the policy during the 5 years.

**In summary, in comparison with the existing licensing policy the new draft policy is:**

37. Less easily readable and understandable, in places impractical for objectors to operate

38. Far too long- extends from existing policy of 16 pages to 35 pages long.

39. It could be far more succinct and extra material placed in an appendices

40. Fails to include important points in the existing policy

41. Provides lengthy and possibly irrelevant material

42. Is so complex in parts that it could not operate in practice.

43. It fails to take account of the cabinet endorsed recommendation on the need for every new council policy to be considered in terms of its health and well being impact.

44. It is contrary to the Cabinet support for minimum unit alcohol pricing to improve the impact on the well being and reduce the increasing health costs of alcoholism.

45. It is a permissive policy which fetters the discretion and decision making of the Licensing Committee and allows the Committee and local people to have a less rather than greater say. It should be guidance only.

I would like to be informed when the Licensing Committee reviews this draft policy, as if possible would like to attend and speak.

Please confirm receipt of this consultation response sent on the 16<sup>th</sup> of September and within the consultation period.

This page is intentionally left blank