

Central Bedfordshire  
Council  
Priory House  
Monks Walk  
Chicksands,  
Shefford SG17 5TQ



**please ask for** Martha Clampitt  
**direct line** 0300 300 4032  
**date** 16 February 2010

## **NOTICE OF MEETING**

### **REGULATION COMMITTEE**

Date & Time

**Wednesday, 24 February 2010 9.30 a.m.**

Venue at

**Council Chamber, Priory House, Monks Walk, Shefford**

Richard Carr  
**Chief Executive**

To: The Chairman and Members of the REGULATION COMMITTEE:

Cllrs L Birt (Chairman), T Green (Vice-Chairman), D Bowater, I Dalgarno, M Gibson, K Janes, H J Lockey, Ms J Nunn, A A J Rogers, J A G Saunders, G Summerfield and P F Vickers

[Named Substitutes:

P N Aldis, R D Berry, Ms C Maudlin, D McVicar, B J Spurr and Mrs C Turner]

All other Members of the Council - on request

***MEMBERS OF THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THIS MEETING***

# AGENDA

## 1. APOLOGIES

Apologies for absence and notification of substitute Member appointments.

## 2. CHAIRMAN'S ANNOUNCEMENTS

To receive any announcements from the Chairman and any matters of communication.

## 3. MINUTES

To receive and sign the Minutes of the Regulation Committee held on 13 January 2010.

(previously circulated)

## 4. MEMBERS' INTERESTS

To receive from Members declarations and the **nature** thereof in relation to:-

- (a) Personal Interests in any Agenda item
- (b) Personal and Prejudicial Interests in any Agenda item

## 5. PETITIONS

To receive petitions in accordance with the scheme of public participation as set out in Annex 2 of Part A4 of the Constitution.

## 6. PUBLIC PARTICIPATION

To deal with general questions and statements from members of the public in accordance with the scheme of public participation set out in Appendix 1 to Part A4 of the Constitution.

## 7. EXCLUSION OF PRESS AND PUBLIC

To consider whether to pass a resolution under section 100A of the Local Government Act 1972 to exclude the Press and Public from the meeting for the following item of business on the grounds that the consideration of the item is likely to involve the disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act.

## 8. STATEMENT OF POLICY ABOUT RELEVANT CONVICTIONS

A copy of the statement of policy about relevant convictions is attached to assist Members in relation to items 9 and 10.

### ITEM LIKELY TO BE CONSIDERED FOLLOWING THE EXCLUSION OF THE PUBLIC

Report

Item	Subject	Exempt Para.	Page Nos.
9.	<b>Application for the Grant of a Combined Hackney Carriage / Private Hire Driver's Licence</b> To make a decision on the application to grant a combined Hackney Carriage / Private Hire Driver's Licence to Mr Sayed Javed Hashimi.	* 1	11 - 20
12.	<b>Application for Renewal of Hackney Carriage Drivers Licence</b> To make a decision on the application to renew a Hackney Carriage Drivers Licence in respect of Mr Nazik Sabir.	* 1	21 - 42
	<b>Application for Renewal of Private Hire Drivers Licence</b> To make a decision on the application to renew a Private Hire Drivers Licence in respect of Mr Patrick Kennedy.	* 1	43 - 56
	<b>Application for Renewal of Hackney Carriage Drivers Licence</b> To make a decision on the application to renew a Hackney Carriage Drivers Licence in respect of Mr Nazik Sabir.	* 1	57 - 72

## ITEMS FOR CONSIDERATION IN PUBLIC

Reports
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Item	Subject	Page Nos.
13	<b>Health and Safety (as a Regulator) Service Plan 2010-11</b> The report proposes that the Health and Safety (as a Regulator) Service Plan 2010 – 2011 be endorsed and recommended to Executive for approval. The Health and Safety Service Plan, which sets out the Health and Safety Enforcement activities to be undertaken by Central Bedfordshire Council, is a mandatory requirement of the Health and Safety at Work etc. Act 1974.	* 73 - 106
14	<b>Hackney Carriage and Private Hire Requirements</b> The report proposes the adoption of the requirements necessary to obtain hackney carriage and private hire licences.	* 107 - 140
15	<b>Prohibiting the Consumption of Alcohol in Designated Public Places - Sandy</b> The report proposes to inform the Regulation Committee of an application received for a Designation Order in Sandy and the process by which the Order will be made.	* 141 - 148
16	<b>Prohibiting the Consumption of Alcohol in Designated Public Places - Arlesey &amp; Shefford</b> The report proposes to inform the Regulation Committee of the progress made in the making of the Alcohol Designation Order to restrict anti-social drinking in public places in Arlesey & Shefford.	* 149 - 162

# CENTRAL BEDFORDSHIRE COUNCIL

## DRAFT

### STATEMENT OF POLICY ABOUT RELEVANT CONVICTIONS

#### POLICY AIM

**To promote and maintain the highest professional standard of hackney carriages and private hire drivers by the continuous monitoring of services and to ensure that each driver is a fit and proper person to hold a hackney carriage or a private hire driver licence.**

1. Licences for drivers of hackney carriages and private hire vehicles may only be granted where the Council is satisfied that the applicant is a fit and proper person to hold such a licence.
2. The policy is intended to give guidance to applicants where he or she has previous convictions and or cautions.
3. The Council will endeavour to ensure:-
  - (a) That a person is a fit and proper person
  - (b) That a person does not pose a threat to the public
  - (c) That the public are safeguarded from dishonest persons
4. When submitting an application for a licence to drive a hackney carriage/private hire vehicle, applicants are required to declare all previous convictions they may have. Applicants are also required to declare all formal cautions and all endorsable fixed penalties together with details of all criminal matters of which they are currently subject of criminal investigation or prosecution.
5. Existing holders of driver licences are required to notify the Council, in writing, within seven days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions)
6. The information given will be treated in confidence and will only be taken into account in relation to the relevant application to assist the Council in determining whether the applicant is a fit and proper person to hold a driver's licence for the purposes of Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976.
7. Applicants should be aware that the Council is empowered by Law to check with the Criminal Records Bureau (CRB) for the existence and content of any criminal record held in their name. This Council abides by

the CRB's Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.

8. The disclosure of a criminal record or other information relating to criminal matters will not necessarily debar an applicant from obtaining a driver's licence. Whether or not an applicant will be granted a licence will depend upon whether or not the Council can be satisfied that the applicant is a fit and proper person to hold such a licence.
9. In accordance with current case law, the Council will not seek to go behind the convictions by reinvestigating the circumstances of the case or questioning the decision of the relevant judicial authority. It will be for applicants to persuade the Council that the conviction is no longer serious, relevant, or is so old that it should not affect their ability to hold a licence.
10. The Council may fail to be satisfied that an applicant is a fit and proper person to hold a driver's licence for any good reason. If adequate evidence that a person is a fit and proper person is not received, or if there is good reason to question or doubt the evidence provided, it could amount to good reason to refuse a licence.
11. In considering evidence of an applicant's good character and fitness to hold a driver's licence, where previous convictions or other information relating to criminal matters are disclosed, the Council will consider the nature of the offence, when it was committed, the date of conviction, the applicant's age when the offence was committed and any other factors which might be relevant.
12. The Council is also entitled to use other records and information that may be available to it in determining applicants or an entitlement to continue holding a licence. This may include information held by the Council or other Councils, and information disclosed by the Police under the Home Office scheme for reporting notifiable offences.
13. Any applicant refused a driver's licence on the grounds that the Council is not satisfied that he or she is a fit and proper person to hold such a licence has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.
14. The Council has adopted the following guidelines relating to the relevance of convictions to which it refers in determining applications for drivers' licences.
15. The guidelines will also be taken into account by the Council when dealing with applications for the renewal of existing driver's licences and when considering whether to suspend or revoke an existing driver's licence.

## GENERAL POLICY GUIDELINES

1. Each case will be decided on its own merits.
2. The Council has a duty to ensure, so far as possible, that drivers are fit and proper persons to hold licences.
3. A person with a conviction for a serious crime need not be automatically barred from obtaining a licence but would normally be expected to (a) remain free of conviction for an appropriate period and (b) show adequate evidence that he or she is a fit and proper person to hold a licence. Simply remaining free of conviction will not generally be regarded as sufficient evidence that a person is a fit and proper person to hold a licence.
4. In some circumstances it may be appropriate to depart from the general policy, for example, where the offence is isolated and there are mitigating circumstances. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which will be taken into account. **Applicants will be invited to make representation to the Head of Service, Public Protection, before a final decision on whether an applicant is considered a fit and proper person to hold a licence.**
5. The following examples afford a general guide on the actions which might be taken where convictions are disclosed. **The period of post convictions before applications will be considered are based on the Home Office Guidelines.**

### Offence of Dishonesty

- a. Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare. A serious view is taken of any conviction for dishonesty. In general, an application less than 3 – 5 years after conviction is unlikely to be considered favourably.
- b. After 3 years the circumstances of the offence, together with any evidence demonstrating that the person is now a fit and proper person to hold a licence, will be taken into account.

### Violence

- a. As hackney carriage and private hire vehicle drivers maintain close contact with the public, a period of 3 to 10 years free of conviction for offences involving violence (depending on the nature and seriousness of the offence) will generally be required before an application is likely to be considered.

### Drugs

- a. An application will normally be refused where the applicant has a conviction for an offence related to the supply of drugs and the conviction is less than 5 – 10 years prior to the date of application.
- b. After 5 years the circumstances of the offence, together with any evidence demonstrating that the person is now a fit and proper person to hold a licence, will be taken into account.
- c. An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3 to 5 years will require careful consideration of the facts.

### Sexual and Indecency Offences

- a. As hackney carriage/private hire vehicle drivers often carry unaccompanied passengers, applicants with a conviction for rape, indecent assault, or other similar offences will normally be refused a licence.
- b. Applicants with a conviction relating to sexual offences will normally be refused a licence until they can show a substantial period (usually between 3 and 10 years) free from any such conviction.

### Motoring Convictions

Disqualification.

- a. Where an applicant has been disqualified from driving because of a major traffic offence, the applicant will generally be refused unless a period of 3 years free from conviction has elapsed from the restoration of the DVLA licence, and 5 years where the disqualification relates to drink driving or a major traffic offence.
- b. **Where several motor traffic offences have resulted in the applicant being disqualified from driving for a period of time, this will normally be taken as reflecting seriously on the applicant's driving standard. Generally a period of 3 years free from conviction must have elapsed from the restoration of the DVLA licence.**



- c. In 'totting-up' cases where disqualification is considered by the Court, even if the court does not disqualify a driver (e.g. because of exceptional circumstances), the Council is likely to refuse a hackney carriage./private hire driver's licence because different criteria apply and an applicant will normally be expected to show a period of 12 months free from conviction from the date the Court made its finding of exceptional circumstances justifying the non-disqualification.

#### Major Traffic Offences.

- a. An application will normally be refused where the applicant has a conviction for an offence within 2 years of the date of the application.
- b. More than one conviction for this type of offence within the last 5 years is likely to merit refusal.

#### Minor Traffic Offences.

- a. Isolated convictions for minor traffic offences should not prevent a person from obtaining a licence. However, the number, type and frequency of this type of offence will be taken into account and if there are several offences of this nature, the applicant will normally be expected to show a period free of conviction of at least 6 months.

### **Drunkenness**

#### With a motor vehicle

- a. A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. An application will normally be refused where the applicant has a conviction for an offence within 2 years of the date of the application. More than one conviction for this type of offence or one such offence within the last five years is likely to merit refusal. Where a disqualification has occurred as a result of a drink-drive offence, at least 5 years free from conviction should elapse after the restoration of the DVLA licence before an applicant is considered for a licence.
- b. **In addition, applications will normally be required to show a period of at least 5 years following successful completion of any rehabilitation course imposed as part of a community penalty.**

Not in a motor vehicle.

- a. An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence. In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if he or she was an alcoholic.

**Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Byelaws.**

One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 ('the Acts') and Hackney Carriage Byelaws is to ensure the protection of the public. For this reason a serious view is taken of convictions for offences under the Acts (including illegally plying for hire) when deciding whether an applicant is to be treated as a fit and proper person to hold a licence.

In particular an applicant will normally be refused a licence if he or she has been convicted of an offence under the Acts at any time during the 2 years preceding the application or has more than one conviction within the last 5 years preceding the date of the application.

**Spent convictions**

The Council will only consider spent convictions if it appears to be relevant for deciding whether the applicant is a fit and proper person to hold a licence.

**Cautions and Endorsable Fixed Penalties**

For the purpose of these guidelines, formal cautions and endorsable fixed penalties shall be treated as though they were convictions.

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**Meeting:** Regulation Committee  
**Date:** 24 February 2010  
**Subject:** Health and Safety (as a Regulator) Service Plan 2010-2011  
**Report of:** Gary Alderson – Director of Sustainable Communities  
**Summary:** The report proposes that the Health and Safety (as a Regulator) Service Plan 2010-2011 be endorsed and recommended to Executive for approval. The Health and Safety Service Plan, which sets out the Health and Safety Enforcement activities to be undertaken by Central Bedfordshire Council, is a mandatory requirement of the Health and Safety at Work etc. Act 1974.

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**Contact Officer:** Ben Salvatierra, Environmental Health Officer  
**Public/Exempt:** Public  
**Wards Affected:** All  
**Function of:** Executive

#### **CORPORATE IMPLICATIONS**

##### **Council Priorities:**

Supporting and caring for an ageing population - The Council is the enforcing body for health and safety in care homes where Council interventions improves the health and safety of both staff and elderly residents

Educating, protecting and providing opportunities for children and young people - The Council, as part of its inspection programme, educates and where necessary, takes enforcement action, to secure the health, safety and welfare of children at work, children attending nurseries, and children visiting businesses with parents (Garden Centres, Supermarkets etc)

Managing growth effectively - Implementing the Better Regulation Agenda will reduce administrative and regulatory burdens on local business thereby helping economic growth.

Promoting healthier lifestyles and creating safer communities - The Councils health and safety programme which includes intelligence led inspections, accident investigations, and providing advice and education to businesses helps create safer communities

##### **Financial:**

All expenditure will be met within existing budgets. Budget allocation figures (when provided) are detailed in the Service plan attached at Appendix A.

**Legal:**

There is a mandatory requirement placed on the Council by the Health and Safety Executive to produce Enforcement Service Plans which are approved by members. The service plan details health and safety enforcement functions carried out by the council under the Health and Safety at Work etc. Act 1974 and associated regulations.

**Risk Management:**

Failure to properly manage and operate the enforcement services could result in central government agencies intervening to assume responsibility for the function.

**Staffing (including Trades Unions):**

None

**Equalities/Human Rights:**

The Service undertakes regular equality monitoring to check that local businesses are aware of the service and able to access information and guidance. Information is translated where necessary and training is delivered in other languages when appropriate. It also works with schools, child care settings, care homes and luncheon clubs to promote the well-being of vulnerable groups. The Service has an important role to play in helping to prevent disability and tackling health inequality caused by unsafe working practices.

There are no direct implications for human rights. The application of legislation may have human rights implications in instances where premises are closed down or prosecutions are brought.

**Community Safety:**

The Service Plan details how the Council will discharge its responsibility to enforce health and safety law within Central Bedfordshire. The implementation of the service plan will work to minimise criminal contraventions of the legislation which is intended to ensure workers and public safety.

**Sustainability:**

To help create a safer, stronger, healthier and more prosperous community

**RECOMMENDATION(S):**

**that the Regulation committee**

- 1. endorses the Health and Safety (as a Regulator) Service plan for 2010 - 2011;**
- 2. recommends that Executive approve the Health and Safety (as a Regulator) Service Plan for 2010 - 2011;**
- 3. gives the Assistant Direct Community Safety and Public Protection, in consultation with the Portfolio Holder for Safer and Stronger communities, delegated authority to undertake any necessary minor amendments to the requirements prior to publication.**



## Background

1. The Health and Safety Executive (HSE) is a body, appointed by the Secretary of State, whose primary function is to make arrangements to secure the health, safety and welfare of people at work, and of the public in their dealings with commercial undertakings. The HSE are also responsible for proposing new laws and standards; conducting research and providing information and advice; and developing policy on fundamental and strategic health and safety issues. The HSE has specific powers to monitor and audit the activity of Local Authorities enforcing health and safety legislation to ensure relevant guidance is being followed.
2. Section 18 of the Health and Safety at Work etc. Act 1974 requires Local Authorities to make adequate arrangements:
  - for the enforcement of health and safety in premises under the Authorities enforcement remit;
  - to perform the legal duties imposed on them;
  - to undertake any other function conferred on them by relevant statutory provisions; and
  - to set out its commitment, priorities and planned interventions.The arrangements for carrying out these tasks in Central Bedfordshire are detailed in the Health and Safety (as a Regulator) Service Plan 2010 -2011 as set out in Appendix A.

## Conclusion and Next Steps

3. This report seeks endorsement of the Health and Safety (as a Regulator) Service Plan 2010 - 2011 for Central Bedfordshire Council by the Regulation Committee.
4. On the 9 March 2010 approval will be sought at Executive for the Health and Safety (as a Regulator) Service Plan 2010 - 2011 along with the other statutory service plans.
5. Once approved the plan will be published on the internet and open to scrutiny by the Health and Safety Executive/Local Authority Enforcement Liaison Committee (HELA), and HSE.

## Appendices:

Appendix A – Health and Safety (as a Regulator) Service Plan 2010 - 2011

## Background Papers: (open to public inspection)

Central Bedfordshire Enforcement Policy  
HSE Section 18 Standard on Enforcement

**Location of papers:** Priory House, Chicksands

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**CENTRAL BEDFORDSHIRE COUNCIL  
PUBLIC PROTECTION**

**HEALTH AND SAFETY (AS A REGULATOR) SERVICE PLAN  
2010-2011**

*In accordance with the Health and Safety Executive's  
section 18 standard 1<sup>st</sup> April 2008*

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## Foreword

Central Bedfordshire Council, a Unitary Authority, has a clear and influential role in safeguarding the health and safety of a significant proportion of the workforce of Central Bedfordshire and is committed to comprehensively discharging its duty as an enforcing authority under health and safety legislation.

To help achieve this role, the Council has fully embraced three significant strategies which are published by the Health and Safety Executive (HSE). These are as follows:

- Revitalising health and safety;
- Securing health together;
- A strategy for workplace health and safety in Great Britain to 2010 and beyond.

In summary, the aims of these strategies are to improve health and safety within the workplace, and educate businesses on how to make their activities safer and healthier. An important strategy for Local Authorities (LAs) working in partnership with the Health and Safety Executive (HSE) is to annually develop and deliver work plans. These are delivered through projects based on identified local and national priorities for health and safety. This is a sustained strategic programme developed to concentrate LA and HSE resources in areas that will most effectively bring about a reduction in work related injuries and ill health.

This annually published plan provides a clear statement of enforcement policy and practice as well as detailing the Council's aims and objectives for the enforcement and improvement of health and safety at work. It also sets out arrangements for ensuring consistent good practice, and for benchmarking performance against other LAs.

## Better Regulation

Central Bedfordshire Council is fully committed to ensuring that regulations are fair and effective for everyone. Regulations are needed to protect people at work: but to avoid unnecessary burdens on business, it is important to strike the right balance.

As a transparent and accountable regulator with a clear focus on tackling the key causes of injury and ill-health at work, Central Bedfordshire Council recognises the need for regulators to achieve their regulatory objectives without imposing unnecessary burdens on those they regulate, as envisaged in the Government's statutory code of practice for regulators (the Regulators' Compliance Code).

Better Regulation in conjunction with HSE initiatives, new Public Protection managers, with improvements in both work efficiency and officer competency, should result in significant improvements in the way that officers carry out health and safety inspections thereby benefiting businesses whilst at the same time safe-guarding the health and safety of businesses customers and employees.

## Portfolio Holder for Safer and Stronger Communities

## INTRODUCTION

Service or business plans are a cornerstone of effective performance management. An effective plan provides a solid foundation for achievement and forms a vital part of the golden thread, so each person understands how they contribute to achieving the council's improvement objectives. (*a managers guide to performance management, 2<sup>nd</sup> edition, Audit Commission, 2006*).

This Health and Safety (as a Regulator) Service Plan 2010–2011 (Service Plan) deals exclusively with the health and safety enforcement functions carried out by the Council as a regulator under the Health and Safety at Work etc. Act 1974 (HSWA) and associated regulations. It addresses the following specific areas: -

- Health and safety proactive work, including inspections, self-assessment, promotional and educational activities.
- Health and safety reactive work, including accidents, ill-health and complaints.

The Service Plan is an expression of the authority's commitment to the development of the health and safety service and is legally required by the HSE, the body that monitors LA's health and safety enforcement activity.

In April 2008 the HSE published a new section 18 standard prescribing mandatory elements, which must be included within this type of plan. A key change in the new standard was for Enforcing Authorities to promote sensible risk management and work in partnership with other enforcing authorities, regulators and stakeholders. Central Bedfordshire Council is fully committed to partnership working. Other section 18 key matters are:

- Commitment, priorities and planned interventions;
- Capacity and management
- Maintaining and improving officer competency
- Enforcement taking into account proportionality, accountability, consistency transparency and targeting

The HSE require that the Service Plan is submitted to the relevant member forum for agreement to ensure local transparency and accountability and to make clear the arrangements for contributing to current HSE priorities.

During team meetings this service plan will be presented to the relevant officers responsible for enforcing health and safety at work.

Last year due to the new Unitary Authority, new corporate and LAA objectives, and the Better Regulation Agenda, the Service plan was changed significant from previous plans. It will be under continuous review over the next few years so that the services the health and safety team offer will be more efficient and effective, targeting resources towards priority groups such as children, and those suffering injury or ill health from work or visiting a place of work. Resources will also be targeted at national targets (i.e. working at height, musculoskeletal and slips, trips and falls) and other areas as a result of statistical analysis of accidents.

To further improve the health and safety service, a better understanding of the needs of local businesses is required so that incentives and initiatives can be devised that engage businesses, and enables them to see the real financial benefits of improved health and safety within the workplace.

These changes can be defined as Customer Insight and Intelligence led inspections, with the ultimate aim of reducing accidents and ill health within the district.

These improvements will be led by the Assistant Director, Community Safety and Public Protection and Head of Service.

## **1.0 SERVICE AIMS AND OBJECTIVES**

### **1.1 Service Objectives**

The Public Protection Team, part of the Sustainable Communities Directorate, actively seeks to achieve the Council's vision to improve the quality of life in Central Bedfordshire by the delivery of a range of high quality and cost effective statutory services.

In seeking to achieve these goals there are a number of detailed objectives, which are outlined below:

- To carry out intelligence led inspections of a range of businesses and other activities to secure health and safety at work;
- To ensure effective and timely action to remove significant risks to health and safety at work
- To develop, simple and helpful information for small businesses, including researching the feasibility of an advisory service
- To improve communication to small businesses on health and safety issues via the Councils website, and letters following inspection
- To work in partnership with the HSE, Herts and Beds Occupational Safety Group, fire authority, local businesses and others to reduce the burdens on businesses whilst at the same time improving health and safety within the workplace;
- Develop positive incentive schemes
- Improve the way accidents are investigated with a view to self regulation.
- Consider new initiatives in line with the Better Regulation Agenda

### **1.2 Cross- linkages with other Corporate Plans and Policies**

The councils Strategic Plan 2009-2011 has a vision to *"improve the quality of life of all in Central Beds, and enhance the unique character of our communities and our environment"*.

There are a number of themes resulting from this strategic plan which link to the health and safety at a regulator service plan:

- *growing our economy and raising the profile and identity of the county as a great place to live, work and visit.* This Service Plan, in implementing the governments Better Regulation Agenda in conjunction with HSE initiatives to improve health and safety within the workplace, will assist the Council helping to grow the economy by removing unnecessary health and safety regulatory burdens from local businesses whilst at the same time, improving the councils health and safety education and information services for businesses, making them a better place to work, and safer for the public to visit.



- *reducing health inequalities and delivering good health and well-being for our communities.* This Service Plan is fully committed to the government “securing health together” occupational health strategy which tackles work-related ill-health so as to reduce the personal suffering, family hardship and costs to individuals, employers and society.

The above themes have been translated into Local Area Agreements (LAA) between LAs and their partners. As stated in the “Sustainable Communities Directorate Plan 2009-10, the five agreed Council priorities are:

1. Supporting and caring for an ageing population
2. Educating, Protecting and Providing Opportunities for children and young people;
3. Managing Growth Effectively;
4. Creating Safer Communities;
5. Promoting healthier lifestyles.

In summary, the Service Plan cross-links with these priorities as follows:

1. The Council is the enforcing body for health and safety in care homes where Council interventions improves the health and safety of both staff and elderly residents
2. The Council, as part of its inspection programme, educates and where necessary, takes enforcement action, to secure the health, safety and welfare of children at work, children attending nurseries, and children visiting businesses with parents (Garden Centres, Supermarkets etc).
3. Implementing the Better Regulation Agenda will reduce administrative and regulatory burdens on local business thereby helping economic growth
4. The Councils health and safety programme which includes intelligence led inspections, accident investigations, and providing advice and education to businesses helps create safer communities. As an example, the Council has been active in providing advice to businesses to assist compliance with the Smoke Free legislation.

## **2.0 BACKGROUND**

### **2.1 Central Bedfordshire Profile**

Central Bedfordshire lies in the heart of the county, covering some 716 square km from Leighton Linlade and Dunstable in the west to Sandy and Arlesey in the east, and from Woburn to Whipsnade. The area is diverse with picturesque villages and towns. There are numerous industrial estates with offices and large warehouses. It is home to a number of industries including leisure, aircraft and defence-related engineering. The district is traversed by a number of major trunk roads including the M1, A1 and A6. It is one of the most rapidly growing areas in England and is planning for substantial additional development and as part of the Milton Keynes and South Midlands growth areas. The largest communities within Central Bedfordshire are Ampthill, Biggleswade, Dunstable, Flitwick, Houghton Regis, Leighton Linlade, Sandy and Shefford.

**2.2 Demographics**

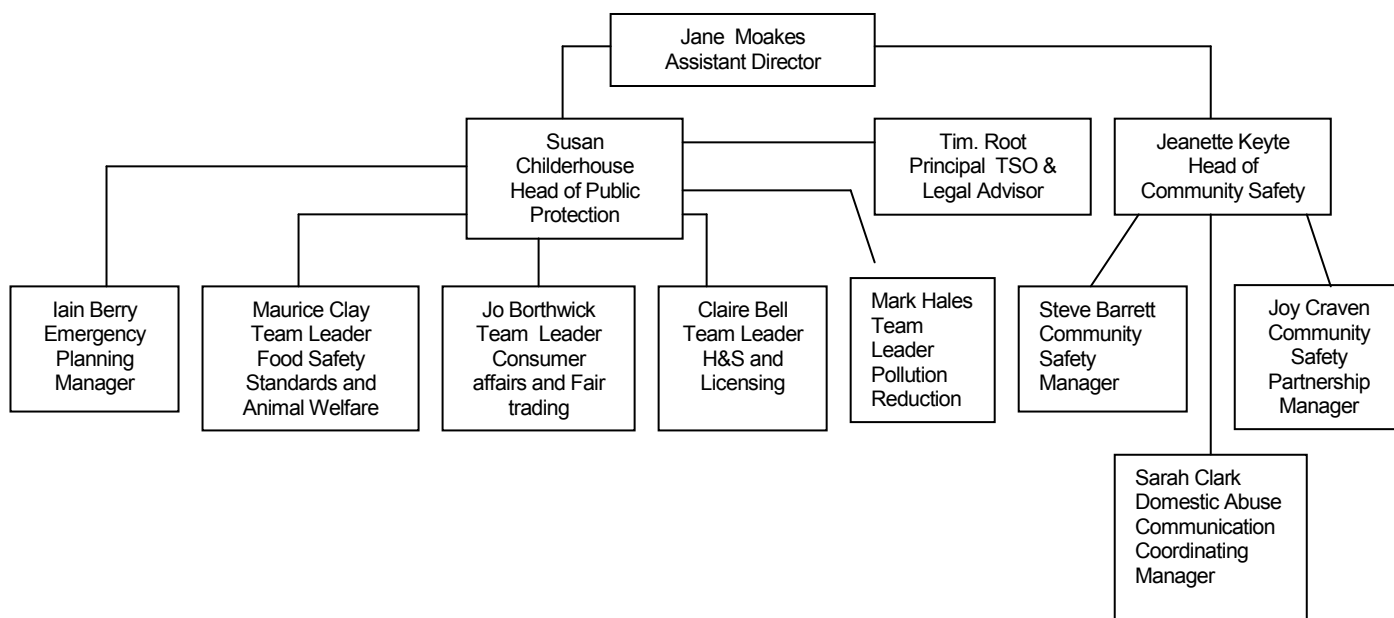
The current population of Central Bedfordshire is 255,000 (2008 mid year estimate, Office for National Statistics - ONS). The 2009 mid year estimate is likely to be published in August 2010. Central Bedfordshire’s population is forecast to increase to around 320,000 by 2031.

**2.3 Organisational structure**

The health and safety function is part of the Community Safety and Public Protection Service, which also deals with Emergency Planning, Food Safety and Food Standards, Animal Welfare, Licensing, Pollution Reduction, Community Safety, and Trading Standards. It operates under the direction of the Assistant Director Community Safety and Public Protection, Jane Moakes who is accountable to the Director of Sustainable Communities, Gary Alderson.

This new organisational structure will allow for a more improved service delivery of health and safety in particular by once segregated divisions now being part of one team allowing inter partnership working thereby reducing inspection burdens on businesses and the service being more cost effective and efficient

*Figure 1.* Management structure for delivery of the Health and Safety (as a regulator) Service Plan.



## 2.4 Committee Structure

The Constitution and Committee Structure for the unitary authority was adopted by the Central Bedfordshire Shadow Council on 26 February 2009.

Following the elections in June 2009, the Council elected Councillor Mrs. Patricia E. Turner (MBE) as Leader to serve a two year term of office (until the next full Council elections in 2011). The Executive consists of the Leader together with nine other councillors including a Deputy Leader. Members of the Executive were appointed by the Leader.

The Executive is responsible for making most operational decisions. However the Council is responsible for approving or adopting the Policy Framework and the budget.

The Executive Portfolio Holder, for Safer and Stronger Communities represents the Public Protection Service.

The Council has established five Overview and Scrutiny Committees (mirroring the Council's Departmental Structure). The Overview and Scrutiny Committees assist the Council and the Executive in the development and review of its Budget and Policy Framework and reviews and scrutinises the decisions made by and performance of the Executive. The Overview and Scrutiny Committees may, from time to time, appoint Task Forces to investigate in depth matters of concern. All non-Executive members are eligible to serve on task forces and are appointed on the basis of their interest in or experience of the matter being reviewed. The Sustainable Communities Overview and Scrutiny Committee will be responsible for matters relating to environment and public protection.

## 2.5 Scope of Health and Safety Regulation

The health and safety service covers the following specific areas: -

- Health and safety proactive work, including inspections, self-assessments, promotional and educational activities.
- Health and safety reactive work, including investigation of accidents, ill health, complaints and queries.

Nationally the enforcement of health and safety is divided between LAs and the HSE, depending upon the type of premises and activity undertaken. In general, LAs are responsible for offices, warehouses, catering, residential accommodation, shops, hotels, sports and leisure and tyre and exhaust premises. There is no duplication of inspection in relation to any individual business.

There are a total of 2434 workplaces for which Central Bedfordshire Council is the enforcing authority for health and safety. The majority of these premises fall into retail, warehouse and office categories. However, an audit of the district is due and it is anticipated that the actual number of premises under the enforcement remit of the Council may be significantly higher.

**2.6 Use of Contractors**

It was the policy of the legacy Councils to engage the services of outside contractors to assist in programmed health and safety inspections, subject to:

- There being insufficient resources to complete programmed inspections, due to sickness, vacancies or other unforeseen pressures on the service.
- Agency contractors meeting the requirements of Health and Safety Commission guidance on competency of inspectors.
- Costs being met within existing budgets;

During 2008 one agency contractor was employed to assist with health and safety promotion. Should the need arise; the department can call upon reputable contractors. Their details are shown in appendix 1.

**2.7 Demands for the Health and Safety Service**

The commercial premises in Central Bedfordshire are split between risk categories, as defined by Health and Safety Executive/Local Authority Enforcement Liaison Committee (HELA) in LAC 67/1(rev3). There are a total of 2434 premises for enforcement within Central Bedfordshire; the breakdown is shown in Table 1.

Table 1. Risk categories of health and safety premises in Central Bedfordshire.

<b>Risk category</b>	A	B1	B2	B3	B4	C
<b>Inspection frequency</b>	Yearly	2 yearly	3 yearly	4 yearly	5 yearly	7-10 yearly
<b>Number of premises (old)</b>	9	24	67	179	353	1919

In addition to the above table there are up to 515 additional premises, which have not been assigned a risk category, however this information is currently under review and it is expected this figure will reduce. This number theoretically should reduce during 2010 – 2011, however a district survey may reveal more premises. Any increase in premises numbers may have a resource impact on staffing levels. However the service will look into initiatives to improve health and safety in these premises.

## 2.8 Registrations

A total of 26 installations are registered under the Notification of Cooling Towers and Evaporative Condensers Regulations 1992. There are 77 premises registered for skin piercing activities, specifically ear piercing, acupuncture, electrolysis and tattooing, under the Local Government (Miscellaneous Provisions) Act 1982.

## 2.9 Access to the Health and Safety Service

The Public Protection Teams are currently located at Priory House, Monks Walk, Chicksands, Shefford; District Offices High Street North Dunstable; Customers may contact us in the following ways:

- 1) By telephone between 8:30am – 5:30pm (4:30pm Friday) on  
0300 300 8000
- 2) By Fax on 01462 611277
- 3) By email on individual officer email addresses or by email to  
health&safety@centralbedfordshire.gov.uk  
customer.services@centralbedfordshire.gov.uk
- 4) Out of regular office hours there is an officer on call for emergency situations.  
The number to access this service is 07850 032360 or 01582 665698
- 5) In person by calling into our reception area at Priory House, Monks Walk, Chicksands, Shefford, Beds or High Street North Dunstable, or Borough Hall Bedford.
- 6) As the service is dealing with a number of customers whose first spoken or written language is not English then the authority is able to offer through Language Line the following;
  - a 24 hour telephone interpreting service,
  - a written translation service
  - a face-to-face interpreting service.

In addition to the main offices at Priory House, the Council operates several one stop shop advice points branded as Citizone Points of Presence (PoPs) in Ampthill, Biggleswade, Leighton Linlade or Leighton Buzzard. The Customer Services team deals with enquiries face to face, via telephone and by email.

## 2.10 Enforcement Policy

The Public Protection Team is guided by the Council's Enforcement Policy. It also operates in accordance with the Food Safety and Health and Safety Enforcement Policies. All of these policies comply with the principles of the Central and Local government Concordat on Good Enforcement Practice and the Regulators' Compliance Code.

**3.0 SERVICE DELIVERY**

**3.1 Health and Safety Inspections**

The Service is committed to increasing and improving compliance with nationally driven outcomes. In particular it will seek to ensure that issues highlighted in the HSE/Local Authority Enforcement Liaison Committee (HELA) Strategy are prioritised in inspections, and embedded in divisional procedures. The HELA Strategy priority areas are summarised at Appendix 2.

The frequency of interventions has undergone a major review in the past year, culminating with the issue of advice from HELA in Circular 67/2. This allows LAs more flexibility in designing their inspection programme. Other interventions are suggested for a number of the risk categories including mail shot / questionnaires, accident report monitoring, seminars, telephone advice and self-inspection/assessment packs. When self assessment questionnaires are returned they are assessed for compliance against Health and Safety legislation and 5% of the returned questionnaire are randomly inspected to ascertain that the information provided by businesses are a true reflection of their declaration.

The level and range of enforcement activity undertaken from 2008-2009 in relation to Health and Safety is summarised in Table 2 below:

<b>Activity type</b>	<b>Number of actions</b>
Inspections	<b>355</b>
Other visits	<b>63</b>
Formal notices	<b>34</b>
Informal notices	<b>103</b>
Advice letters	<b>7</b>
Simple cautions	<b>0</b>
Prosecutions completed	<b>0</b>
Prosecution started	<b>0</b>
Being considered for prosecution	<b>0</b>

Appendix 5 details the breakdown of formal enforcement action taken for 2008-09 & 2009-2010

The inspection programme for 2009 to 31<sup>st</sup> March 2010 is shown in Table 3 below. The inspections due for 2010 –2011 are also shown at Table 3 below.

Completion of the intelligence-led programme will require an estimated staff resource of 2.23 FTE.

Table 3 Health and safety inspection details for 2009/2010

Risk category	A	B1	B2	B3	B4	C	TOTAL
Number of inspections to 31.12.09 2009-2010	1	2	4	14	35	138	194
Inspections Due 2010-2011	5	13	16	47	92	211	384

There is a history of monitoring the number of premises inspected. To ensure Value for Money, it may be prudent to measure effectiveness. However it is difficult to identify satisfactory indicators to measure effectiveness of inspections. One suggestion is that, following a revisit to premises it would be possible to measure if there has been a reduction in health risk, safety risk and an increase in confidence in management. This would be a measurable outcome for health and safety inspections however; it would add significant time to the inspecting officers. The Team Leader and Head of Service will look into the feasibility of this option.

### 3.2 Health and Safety Complaints

Health and safety complaints received by this service are listed in the following broad categories: -

- Complaints concerning businesses, from employees, trade unions, contractors or members of the public about work conditions or safety concerns.
- Notification of defective lifting equipment reports received from insurance companies and notification of asbestos stripping operations.

Investigations of complaints are carried out in accordance with section 18 guidance issued by the HSE and service procedures. It is the policy of Public Protection to prioritise complaints on a risk basis. In relation to complaints concerning commercial businesses, priority is focused upon those posing a significant risk to health and relating to a high-risk activity rather than those, which present a low risk.

From 1<sup>st</sup> April 2009 up to the 31<sup>st</sup> December 2009, 18 complaints were received. It is estimated that for 2010-2011, 60 complaints will be received requiring a staff resource of 0.14 FTE

### 3.3 Flexible Warrant Scheme

As part of the Scheme, Central Bedfordshire Council have signed up to the Memorandum of Understanding (MoU) along with 12 other LAs within Herts & Beds.

#### **Purpose of the Memorandum of Understanding (MoU)**

1. This MoU establishes a framework for a Flexible Warranting Scheme (FWS) between the HSE and the LAs.
2. The purpose of the MoU is to allow:-
  - a. LAs to appoint and indemnify suitably qualified HSE Inspectors to undertake work within the LAs field of responsibility; and/or
  - b. LAs to appoint and indemnify suitably qualified LA Inspectors from other LAs, to undertake work within the LAs field of responsibility; and/or
  - c. HSE to appoint and indemnify suitably qualified LA inspectors to undertake work within the HSE's field of responsibility.

It is anticipated that the partnership along with the FWS will have an impact on our resources where joint working will be required to undertake mandatory special projects which reflect on local and national health and safety issues. It is anticipated that 2 inspectors from Central Bedfordshire Council will be authorised to hold the Flexible Warrant. It is likely that the resources required for such work will be 0.02 Full Time Equivalent (FTE).

### 3.4 Primary Authority Partnership Scheme

Effective local regulation requires confidence and mutual trust. Businesses should be able to rely on the environmental health, licensing and trading standards advice received from LAs, in the knowledge that it is expert opinion, applicable across the UK, and a secure basis for investment and operational decisions. The Primary Authority scheme – which commenced on 6 April 2009 – drives and supports progress towards this outcome.

For the first time, businesses will be able to form a statutory partnership with a single LA, which will provide robust and reliable advice that other councils must take into account when carrying out inspections or dealing with non-compliance. The scheme builds on the foundation created by voluntary home and lead authority initiatives, but entails a fundamental shift in the nature of the relationship between the regulated and the regulator – bringing benefits to both parties.

The administration of Primary Authority is a statutory responsibility of Local Better Regulation Office (LBRO) whose role is to register partnerships, issue guidance, approve inspection plans, and resolve disputes.



Central Bedfordshire is one of three national pilots for the Primary Authority Partnership Scheme with MOTO, initially this will only deal with food safety and standards; but work is ongoing to expand this to cover health and safety and environmental permitting. It is anticipated that scheme will require a resource of 0.06 FTE.

### 3.5 Specialist Consultancy and Examination

The need for examination and sampling of materials articles and substances will be determined according to the following criteria:

- Requirements in respect of accident investigations or other reportable incidents.
- Value in enabling an appropriate course of action to be identified.
- Degree of public or employee involvement in a case.

Samples will be examined by the appropriate Specialist Laboratories, or by Health and Safety Laboratory (HSL). Further details of these services are listed in Appendix 1.

### 3.6 Advice to Businesses

In line with the principles of the Compliance Code for Regulators, Public Protection is committed to working with businesses; in particular small to medium enterprises to help them comply with the law and to encourage the use of good practice. This is to be achieved through a range of mechanisms: -

- Advice given during the course of inspections and other visits, in particular on risk assessment and risk management is available;
- Provision of advisory leaflets and guidance notes, including those in other languages, where required;
- Response to business requests for advice and assistance;
- Input into the Newsletter a publication by the Division which is sent to all businesses and includes updates on health and safety;
- Information posted on the Council's website;
- Information via press releases;
- Targeted presentations to local businesses;
- Other initiatives as outlined in the Service Objectives (1.1)

From the 1<sup>st</sup> April 2009 to 31<sup>st</sup> December 2009, 42 requests for advice were received this does not include advice given during the course of inspections and other visits, plus more educational approaches to businesses, educational establishments and others. It is estimated that 60 requests for advise will be received for 2010- 2011. This will require a staffing resource of 0.03 FTE. In addition to the above, the service deals with Planning and Premises Licence consultations in relation to applications made by businesses. This area of work will require a resource of 0.01 FTE.

### 3.7 Investigation of Accidents, Diseases and Dangerous Occurrences

The Service will investigate cases of accidents, disease and dangerous occurrences notifications under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 in accordance with adopted procedures.

These cases are investigated on the basis of risk assessment and priority will be allocated to fatalities, serious injuries, ill health and dangerous occurrences. Also those potentially involving a serious breach of the law or affecting vulnerable groups will take precedence. The criteria to be used in determining which incidents will be investigated are set out in the accident investigation procedure.

From 1 April 2009 to 31<sup>st</sup> December 2009, there were 183 accident notifications. Based on these statistics, it is estimated that 244 notifications will be received in 2010-2011. Investigations will be undertaken in accordance with LAC 22/13 by the Division on the basis of carrying out an initial assessment of each report. The officer will then use discretion which report will require full investigation. Such investigations will, as a minimum, involve contacting the injured person and ascertaining their version of events. Investigation time will require a staff resource of 0.3 FTE. It should be noted that in the event that there is a work-related fatality, staff resources will need to be significantly increased due to the intensive nature of such an investigation.

In 2008 the LA in partnership with the HSE investigated a fatality when an employee was hit by a moving vehicle outside a warehouse.

### 3.8 Liaison with other Organisations

The service is committed to the principle of consistency as set out in the Enforcement Concordat. This is to ensure that all enforcement actions, be they verbal warnings, statutory notices or prosecution, are consistent with national guidance and other LAs. In pursuance of this commitment, liaison currently takes place with the following organisations:

- Chartered Institute of Environmental Health (CIEH)
- Herts & Beds Occupational Health and Safety Group
- HSE
- Health and Safety Laboratory
- Other LAs.

It is estimated that during the year 2010-2011 this activity will require a staffing resource of 0.02 FTE.

### 3.9 Health and Safety Promotion

Promotional work will be undertaken in 2010 -2011 by officers within the Team and in partnership with other agencies and bodies. In particular those projects under consideration include: -

- Participation in health and safety initiatives via Herts and Beds Group;
- Dissemination of health and safety information via the Council's website;
- Talks at local schools, colleges and groups on health and safety.
- Additional advice and on-site training for small businesses on carrying out risk assessments;
- Participation in Health and Safety Week
- Activities identified to comply with the Better Regulation Agenda and agreed by the Public Protection Team Leader.

It is estimated that these activities will require a staff resource of 0.09 FTE.

A summary of the staffing resources required for service delivery in totality for 2010-2011 is shown in Appendix 3.

## 4.0 RESOURCES

### 4.1 Financial Allocation

The budget allocation for health and safety enforcement in 2009-2010 and 2010-2011 (estimated) is set out in Table 4 below. Table 4 Budget allocation for health and safety enforcement. The figures for the table are currently unavailable. Once this is provided by the Finance Department, it will be included in the Service Plan.

Budget (£)	2009-2010 (original )	2010-2011 ( estimate )
Staffing	x	x
Transport	x	x
Supplies and Services	x	x
Premises	x	x
Central support	x	x
Gross Expenditure	x	x
Population	x	x
Cost per head of population (including central support costs)		

The staffing costs cover the FTE's carrying out health and safety as well as a proportion of the Head of Service Public Protection, Team Leader Health, Safety and Licensing and Technical Administrators costs. It has been estimated that the administrative work will require 0.40 FTE and the management input is 0.5 FTE.

Where requested enforcement officers are supplied with a desktop PC where they can access the commercial premises database, e-mail, the Internet, word processing, spreadsheets and other information sources e.g. technical indices.

Costs incurred in pursuing court action are met from the overall service budget. Where, after consultation with Legal Services, Counsel Opinion or barrister representation is required, each case will be considered on its merits, with the enforcement policy as a guide. All costs arising from successful cases in the Magistrates' Court will be paid back into Legal Services. Consultants costs or, in rare cases, recovery of witnesses costs, will be recharged to the Public Protection budget.

#### **4.2 Staffing Allocation**

The qualifications for all officers having a direct health and safety enforcement role are outlined in Appendix 4. The table specifies what types of enforcement activity the officers are authorised to undertake given their qualifications and experience. Levels of competencies are expressed with reference to section 18 guidance on competency.

#### **4.3 Staff development plan**

Officers will be appropriately qualified and receive regular training to maintain and improve their level of competence. For 2010-2011 all CIEH Chartered Status officers will have access to at least 30 hours update training per year, which equates to 0.02 FTE officers. The training structure comprises:

- Employment of officers competent in health and safety enforcement.
- Evidence of formal qualifications commencing appointment.
- Performance Development Reviews and formal identification of training need.

#### **4.4 Regulator's Development needs Analysis (RDNA)**

The RDNA is a structured ongoing training framework which was developed to ensure competence of the appropriate standards for regulators of health and safety is achieved and in line with business need. The process will effectively lead to and maintain compliance with S18 for ensuring a competent workforce.

Officers will be required to carry out an assessment of their training needs with the involvement of the relevant line manager. A targeted action plan is then put in place to ensure that identified training needs are met. The target date for full implementation of the process will be 2011.

## 5.0 QUALITY ASSESSMENT

The measures and monitoring arrangements which will be taken to assess the quality of the service, including performance against HSE guidance, are outlined below:

- Inspection evaluation questionnaire sent out following a programmed inspection.
- Review samples of post inspection paperwork.
- Peer Group inspection performance.
- Benchmarking for Best Value for key services in Herts and Beds. Authorities Environmental Health Group and the review of performance against BV166.
- Monthly Team Meetings.
- Joint visits with colleague officers for validation and consistency purposes.
- One-to-one meetings with individual staff and the Public Protection Team Leaders. Six monthly Personal Development Reviews of officers by the Public Protection Team Leaders
- Publication and monitoring of performance against the Customer Service Standard.
- Annual review of practice against enforcement policy.

## 6.0 REVIEW

### 6.1 Review against the Service Plan

Local Performance Indicators, which include response times to complaints and the level of programmed inspections, form part of the Council's performance management approach. It is anticipated that this will be monitored and reviewed by senior management, Portfolio Holders and the Executive.

A review of the Public Protection Services Service Plan will be undertaken every year and the Head of Public Protection will integrate any changes into the Health and Safety (as a regulator) Service Plan.

### 6.2 Health and Safety Performance

The Key Performance Indicators are monitored monthly and significant variations reported identifying remedial action when required. For 2009-2010 the total number of inspection due is 353. Up to the 31<sup>st</sup> December 2009, 194 (55%) inspections had been completed .

### 6.3 Areas for Improvement.

Any service issues identified during the reviews or by routine performance monitoring will be recorded in writing and an appropriate action plan to address them agreed with the Head of Public Protection. Improved monitoring would significantly assist the Council in achieving its LAA targets.

There is a history of reporting the historical data from previous years and an estimate provided for the following year. A change in this reporting would improve the performance information provided to senior management and assist in service improvement in delivering better outcomes on issues of local concern or priority. Improvements would also enable senior management and Executive to see, year on year, if the service is meeting the LAA priorities, in particular, Creating Safer Communities. The inclusion of accident trend graph, other graphs could include:

- No of inspections completed
- No of premises reducing risk
- No of premises increasing risk
- No of Improvement Notices served
- No of Prohibition Notices served
- No of cautions given
- No of prosecutions undertaken

This information will enable decisions to be made locally on how best to serve the local community – that is, businesses, employees of those businesses and visitors to those businesses, and target resources appropriately.

- 7.0 INTER AUTHORITY AUDITING** – HSE expects all LAs to undergo an audit of their management of health and safety enforcement at least once every five years. The audit may form part of the Best Value review and a HELA inter authority audit protocol has been designed as a tool which LAs can use in their Best Value reviews. The HSE may review audit reports and any subsequent action plans, which will identify aspects of LAs' management of health and safety enforcement, which may need to be improved. The Herts and Beds health and safety enforcement liaison group have an agreement to undertake audits within their authorities. Mid Beds DC and South Beds DC were audited in 2005. An improvement plan was developed based upon the audit findings and fully implemented. For 2010, the format for IAA may change in line with the proposed Section 18 LA peer review. The planning for the peer review will be subject to discussion by the Herts & Beds Health and Safety group and the HSE.

**Appendix 1**

**Provision of external health and safety and other consultant support**

***Consultancy***

Health and Safety Executive Specialist Inspectors  
 AW House  
 6-8 Stuart Street  
 LUTON  
 Bedfordshire  
 LU1 2SJ  
 Tel: 01582 444200  
 Fax: 01582 444320  
 www.hse.gov.uk

Health and Safety Laboratory  
 Broad Lane  
 Sheffield  
 S3 7HQ  
 0845 345 0055

<http://www.hsl.gov.uk/>

***Contractors***

Carol Gregory  
 Hadley EHS Ltd  
 Scrubbitts Park Road  
 Radlett, Herts  
 WD7 8JP  
 Tel No.07973 502216

John Dunne & Associates (Environmental Health) Ltd  
 9 Lauderdale Road  
 Hunton Bridge  
 Kings Langley  
 Herts  
 WD4 8QA  
 01923 449719



## Appendix 2

### HELA strategy: priority issues

#### *Slips and trips*

- Ensure that slips and trips are given an adequate focus and priority in inspections, accident and complaint investigations and other dealings with stakeholders

#### *Work at height, workplace transport, musculoskeletal disorders, and stress*

- prioritise inspection effort to tackle these issues;
- contribute to the workplace transport priority programme to segregate vehicles and pedestrians and eliminate reversing movements where reasonably practicable;
- consider the role of other LA enforcement functions and roles in improving health and safety;

#### *Occupational ill health*

- facilitate discussions within all departments of the Council to consider and document their potential contribution to 'Revitalising and Securing Health Together' as intermediaries;
- contribute to current data on occupational ill health by supplementing it with local surveys and enquiries;
- focus on key occupational ill health issues when developing enforcement regimes and service plans;
- develop good practice and share among other LAs;
- contribute to the key programme on stress;

#### *Engagement of stakeholders*

- follow good practice on contact with employer representatives;
- develop contacts with small firms to disseminate health and safety awareness and change health and safety management culture;
- develop and publish local service plans to publicise intended approach and to engage businesses, trade unions and other stakeholders;
- develop involvement in the Lead Authority Partnership Principle to develop sector type arrangements to engage business and consumer interests in a strategic dialogue;
- promote awareness of health and safety as a core principle of LA services and look to secure better working environments rather than just compliance with the law and
- play a role in developing a policy on the contribution of other initiatives to health and safety improvements.

**Appendix 3**

**Estimated Staff Resources per Activity 2010-2011**

<b>HEALTH AND SAFETY AS A REGULATOR ACTIVITY EQUIVALENTS</b>	<b>FULL TIME</b>
<i>Programmed inspections</i>	<b>2.23</b>
<i>Complaints</i>	<b>0.14</b>
<i>Enquiries and requests for advice</i>	<b>0.03</b>
<i>Accident investigations</i>	<b>0.3</b>
<i>Liaison</i>	<b>0.02</b>
<i>Work involving use of Flexible Warrants</i>	<b>0.04</b>
<i>Lead/Primary authority enquiries and maintenance</i>	<b>0.06</b>
<i>Officer training</i>	<b>0.02</b>
<i>Promotional work/advice</i>	<b>0.09</b>
<i>Planning &amp; premises licence consultation</i>	<b>0.01</b>
<i>Administration</i>	<b>0.40</b>
<i>Management</i>	<b>0.5</b>
<i>Enforcement</i>	<b>0.2</b>
<b>Total estimated staffing resource required</b>	<b>4.04</b>
<b>Estimated staff resources for the Health and Safety Service 2010-2011</b>	<b>4.04 FTE</b>
<b>Total</b>	<b>4.04 FTE</b>

**Appendix 4****Competency of inspectorate (under review)**

<b>Competency</b>	<b>No. of Officers Achieving Standard FTE</b>
<i>Inspection of risk management systems</i>	9
<i>Inspection of risk category A and B1 premises</i>	9
<i>Inspection of risk category B1, B2, B3 and C premises</i>	9
<i>Service of Improvement Notices</i>	9
<i>Service of Prohibition Notices</i>	5
<i>Seizure of equipment and substances</i>	9
<i>Dealing with complaints – advice given</i>	9
<i>Dealing with complaints - investigations</i>	9
<i>Accident investigations potentially leading to legal proceedings</i>	9
<i>Other Accident Investigations</i>	9

**Competence**

LAs are expected to ensure that they only appoint inspectors who possess the necessary competencies to carry out the tasks they are authorised to do. The HSE considers that competency is achieved by meeting the essential elements in the standards for Occupational Health and Safety Regulation published by the Employers' National Training Organisation. Inspectors should therefore be able to do the following;

**Identify the objectives, plans and priorities of the regulatory authority for work-related health and safety, and personally contribute to them effectively.**

- Manage time effectively to ensure the efficient use of resources.
- Inspect duty holders, worksites and activities for the purposes of work-related health and safety regulation.
- Prepare for inspections of workplace health and safety for the purposes of regulation.
- Conduct inspections of workplace health and safety for the purposes of regulation.
- Report on the conduct and findings from inspections of workplace health and safety for the purposes of regulation.

**Investigate work-related accidents, incidents, ill-health reports and complaints for the purposes of health and safety regulation.**

- Prepare for investigations of work-related accidents, incidents, cases of ill health or complaints for regulatory purposes.
- Determine immediate action needed to ensure effective investigation and manage any continuing risk.
- Carry out investigations of work-related accidents, incidents, cases of ill health or complaints for regulatory purposes.
- Evaluate the extent of intervention and enforcement needed for regulatory purposes.
- Manage and conclude investigations.

**Plan and gather evidence for the purposes of work-related health and safety regulation.**

- Plan the taking of evidence for the purpose of work-related health and safety regulation.
- Gather and preserve evidence for the purpose of work-related health and safety regulation.

**Enforce statutory provisions and brief a prosecutor for the purposes of work related health and safety regulation.**

- Prepare reports recommending prosecution for alleged breaches of work-related health and safety legislation.
- Initiate and report on prosecution proceedings.

**Enforce statutory provisions and present guilty pleas in a magistrates' court for the purposes of work-related health and safety regulation.**

- Prepare reports recommending prosecution for alleged breaches of work-related health and safety legislation.
- Initiate legal proceedings for alleged breaches of work-related health and safety legislation and present the prosecution case in a magistrates' court, when a guilty plea is entered by the defendant.
- Draft and serve notices or other statutory enforceable documents for the purposes of work-related health and safety regulation.

**Influence health and safety duty holders and others for the purposes of work related health and safety regulation.**

- Work with duty holders and others to establish work-related health, safety and welfare standards, procedures and management arrangements in force in the organisation.
- Influence duty holders and others to improve work-related health, safety and welfare standards, procedures and policies.
- Communicate externally, with duty holders, employee representatives and external parties.
- Communicate internally, with colleagues.

**Improve work-related health and safety through promotional activities.**

- Plan and contribute to local projects and initiatives to promote work-related health and safety.
- Promote work-related health and safety awareness through dissemination of appropriate information.

**Appendix 5**

Formal Enforcement Action Taken 2008-2009 & 2009-2010

ACTION TAKEN	PREMISES TYPE	CONTRAVENTION
Prosecution December 2009	Animal Farm	<p>CBC prosecuted the owners of a farm in partnership with the RSPCA as a result of breaches of animal welfare legislation and an allegation regarding the running of a Horse Riding Establishment. The latter required significant health and safety interventions. Bedford Magistrates found the owners not guilty on animal welfare issues and the chance of a successful conviction for Health and Safety was compromised as key witnesses failed to attend the hearing. As it could not be proven that a Horse Riding Establishment existed, the relevant Health and Safety legislation were deemed inapplicable.</p>
Prosecution May 2009	Newsagents	<p>Failure to remove damaged asbestos from area used by employees. Failure to put in place a management plan regards asbestos.</p> <p>The Company pleaded guilty Bedford Magistrates Court and were fined £18,500. In addition they had to pay £8,500 costs to the Central Bedfordshire Council.</p>
Prosecution April 2008	Sunbed salon x2	<p>Failure to comply with Improvement Notices requiring the provision of electrical safety certificates at two salons operated by the same proprietor.</p> <p>The proprietor was sentenced in respect of both premises to 16 weeks imprisonment (serving 8 weeks) for failure to comply with the Improvement Notice, in lieu of fines imposed and in lieu of costs</p> <p>[s.2(1) HSW £200 for each premises, s.3(1) HSW £200 for each premises and Electricity Regulations £100 for each premises. A cost contribution was ordered of £500 for each premise.]</p>

## Appendix 6

### Glossary of Terms

<b>EHO</b>	Environmental Health Officer
<b>EHP</b>	Environmental Health Practitioner
<b>FTE</b>	Full time equivalent member of staff. This may comprise of more than one officer
<b>HELA</b>	Health and Safety Executive/Local Authority Enforcement Liaison Committee
<b>HSE</b>	Health and Safety Executive
<b>LA</b>	Local Authority
<b>HSWA</b>	Health and Safety at Work etc Act 1974

**Improvement Notices** Where the breach of health and safety law is more serious, the inspector may issue an improvement notice to tell the duty holder to do something to comply with the law. The inspector will discuss the improvement notice and, if possible, resolve points of difference before serving it. The notice will say what needs to be done, why, and by when. The time period within which to take the remedial action will be at least 21 days, to allow the duty holder time to appeal to an Industrial Tribunal if they so wish. The inspector can take further legal action if the notice is not complied with within the specified time period.

**Prohibition Notices** Where an activity involves, or will involve, an imminent risk of serious personal injury, the inspector may serve a prohibition notice prohibiting the activity immediately or after a specified time period, and not allowing it to be resumed until remedial action has been taken. The notice will explain why the action is necessary. The duty holders are told in writing about the right of appeal to an Industrial Tribunal. Failure to comply with an Improvement or Prohibition notice carries a fine up to £20,000, or 6 months imprisonment.

## Simple Caution

Simple cautions may be considered as an alternative to prosecution. They will not be used as an alternative where it is thought that insufficient evidence is available to prosecute.

The purpose of simple cautions is:

- To deal quickly and simply with less serious offences;
- To divert less serious offences away from the Courts;
- To reduce the chances of repeat offences.

The following conditions must be fulfilled before a caution is administered.

- There must be evidence of the suspected offender's guilt sufficient to give a realistic prospect of conviction.
- The suspected offender must admit the offence.

The suspected offender must understand the significance of a formal caution and give an informed consent to being cautioned.



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**Meeting:** Regulation Committee  
**Date:** 24 February 2010  
**Subject:** Hackney Carriage and Private Hire Requirements  
**Report of:** Gary Alderson – Director of Sustainable Communities  
**Summary:** The report proposes the adoption of the requirements necessary to obtain hackney carriage and private hire licences.

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**Contact Officer:** Margaret James, Licensing and Enforcement Officer  
**Public/Exempt:** Public  
**Wards Affected:** All  
**Function of:** Council

#### **CORPORATE IMPLICATIONS**

**Council Priorities:**

Supporting and Caring for an ageing population – provision of safe public transport supports independent living.

Educating protecting and providing opportunities for children and young people - provision of safe public transport allows children and young people to travel to educational and other activities in a safe environment.

Creating safer communities – the provision of regulated public transport helps ensure a vibrant and safe night time economy.

**Financial:**

Fees are payable for this type of licence, the fees being charged represent the cost to the Council of producing this type of licence.

**Legal:**

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

**Risk Management:**

Ensuring that Hackney Carriage and Private Hire drivers operating in Central Bedfordshire are safe and properly regulated.

**Staffing (including Trades Unions):**

There are no staffing implications.

**Equalities/Human Rights:**

The Council has a legal duty to proactively promote race, gender and disability equality and to tackle discrimination experienced by other vulnerable groups. In order to ensure the personal safety of all vulnerable groups wishing to use licensed vehicles, conditions attached to licences ensure that this duty is met.

**Community Safety:**

Contributes to a safer public transport system and a safer night time economy. The Council has a statutory duty under Section 17 of the Crime and Disorder Act to do all that it reasonably can to reduce crime and disorder in its area. The provision of safe, well regulated transport contributes to this duty and in order to ensure that drivers of Hackney Carriage and Private Hire Vehicles are 'fit and proper' to hold a licence rigorous checks must be undertaken.

**Sustainability:**

By regulating this service area we can ensure that those businesses who are compliant can be supported and resources can be focused at those businesses that will not comply.

**RECOMMENDATION(S):**

1. **That the Regulation Committee approve the various requirements to obtain a Hackney Carriage or Private Hire Licence as set out in the Application Forms and Guidance notes for:**
  - (a) **A Private Hire Operators Licence and renewal.**
  - (b) **A Hackney Carriage or Private Hire Vehicle Licence.**
  - (c) **A Combined Hackney Carriage / Private Hire Driver Licence.**

**Background**

1. This Council is the Licensing Authority for hackney carriage and private hire drivers, vehicles and operators and is responsible for providing a licensed service to the community that is safe and accessible.
2. The hackney carriage and private hire trade have a right to expect a fair and reasonable licensing regime.
3. In April 2009, all hackney carriage and private hire proprietors, operators and drivers were sent draft copies of application forms, guidance notes, conditions and policies relating to hackney carriage and private hire matters.
4. Following this consultation, and after taking into account the views of the trade, the Regulation Committee met on 13 January 2010 and adopted new policies and conditions for hackney carriage and private hire matters. The new policies and conditions will take effect from 1 April 2010.

5. Following the Regulation Committee's adoption of the new policies and conditions, it is now necessary to agree the requirements (for example, criminal reference bureau checks and medicals certificates) for obtaining a licence as shown on the draft application forms for Operators, Vehicles and Drivers.
6. Any objections to matters contained in the draft application forms and guidance notes were considered at the Regulation Committee Meeting on 13 January 2010.
7. The draft application forms and guidance notes can be found at Appendix A, B and C.
8. Minor amendments and changes to the forms and guidance notes (including layouts) may be necessary as required by legislative changes and to make improvements. These will be undertaken by officers as required..

### **Conclusion and Next Steps**

09. This report seeks approval from the Regulation Committee for the various requirements as set out in the Application Forms and Guidance notes in order to obtain a Hackney Carriage or Private Hire Licence.

### **Appendices:**

Appendix A – (Application for Private Hire Vehicle Operator's Licence)

Appendix B – (Application for Hackney Carriage / Private Hire Vehicle)


Appendix C – (Driver's Licence Application for Hackney Carriage / Private Hire Vehicle)

**Background Papers:** N.A.

**Location of papers:** The Council Offices, Dunstable.

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<b>Hackney/Private Hire</b>	<b>New/Renewal</b>	
Licence Number		
Expiry date if applicable		Payment
Receipt No.		
Date		
Amount		


**DRAFT - APPENDIX C****Driver's Licence Application for Hackney Carriage/Private Hire Vehicle**

*Please read guidance notes before completing*

Complete in Block Capitals/Delete where appropriate

**PART A - APPLICANT'S DETAILS**

<b>Forename(s)</b>	<b>Last Name</b>	<b>Mr/Mrs/Ms/Miss</b>
<b>Home Address</b>		
<b>Post Code:</b>		
<b>Home Telephone No.</b>		<b>Mobile Telephone No.</b>
<b>Age:</b>	<b>Date of Birth:</b>	<b>National Insurance No.</b>

**PART B DRIVING LICENCE AND CONVICTION DETAILS**

<b>DVLA Driving Licence No.</b>	
<b>Date of Issue:</b>	<b>Date of Expiry:</b>
<b>Have you ever been bound over, cautioned or convicted for any criminal or motoring offences.</b>	<b>YES/NO</b>
<b>Are you currently the subject of any criminal investigation or prosecution.</b> If YES complete Section E overleaf	<b>YES/NO</b>
<b>Have you held a driving licence issued by any other local authority?</b> If YES give details	<b>YES/NO</b> <b>Authority</b>
<b>Do you give your permission for this authority to check your details with your previous authority.</b> <b>YES / NO</b>	<b>Type of Licence</b> <b>Expiry date</b>

**PART C LICENCE REQUIREMENTS**

Name & Address of Company for whom you will be driving	
If driving part time estimated weekly hours to be worked	Hrs

**PART D OTHER EMPLOYMENT DETAILS (If applicable)**

(i)	What is the nature of your other employment	
(ii)	Name of Employer	
(iii)	Address of Employer	
(iv)	Average weekly hours worked	
(v)	Does occupation require you to drive?	YES/NO
(vi)	What type of vehicle?	

**NOTE:** The Council is anxious to ensure that all drivers are acceptable to transport members of the public and may refuse to grant a licence to a person who is also employed in a full-time driving job.

**PART E CRIMINAL & MOTORING OFFENCES (See Guidance Note 3)**

If necessary please provide details of any additional offences (including cautions) on a separate piece of paper. Please also record details of all criminal matters of which you are currently the subject to criminal investigation or prosecution. Failure to reveal all such matters will be taken into consideration when processing applications.

	Offence 1	Offence 2	Offence 3
<b>Conviction/Caution Date</b>			
<b>Offence</b>			
<b>Sentence</b>			
<b>Incident date and location</b>			

## PART E MEDICAL DETAILS

A duly certified Medical Certificate is required:

- (a) up to the attainment of age of 45 – on first application for a licence.
- (b) Between the ages of 45 and 64 – every 5 years.
- (c) On attaining the age of 65 – annually.

### HAVE YOU INCLUDED (Tick)

- |                          |   |
|--------------------------|---|
| <input type="checkbox"/> | 1. Two current colour passport type photographs size 1¼” x 1¼” (full face).   |
| <input type="checkbox"/> | 2. Current DVLA driving licence. The counterpart must accompany all Photo Card Licences.  |
| <input type="checkbox"/> | 3. DVLA mandate   |
| <input type="checkbox"/> | 4. Passport or Birth Certificate – Not required for renewals.<br>Applicants who do not hold a current European Economic Area or European Union passport will need to provide evidence that they are entitled to remain in this country indefinitely and able to work before applying for a licence.               |
| <input type="checkbox"/> | 5. CRB disclosure application, including supporting documentation as detailed on page 1 of “Guidance Notes for Driver Applicants”. For new applications or every 3 years for renewals.  |
| <input type="checkbox"/> | 6. Pass Certificate from the DSA or its equivalent – Not required for renewals.   |
| <input type="checkbox"/> | 7. Duly certified Medical Certificate if required – see part E.   |
| <input type="checkbox"/> | 8. A remittance of £ <b>MUST ACCOMPANY</b> the completed form.<br>Cheques payable to “Central Bedfordshire Council”<br>* Please note that cash payments are not accepted at the Council’s offices in Chicksands. If you require any document to be returned using Special delivery, please add the necessary fee. |

### DECLARATION

I hereby declare that having read the conditions that apply the information submitted on the application is to the best of my knowledge correct. It is an offence for any person knowingly or recklessly to make a false statement or to omit any material particular in giving information required in this form. I am aware that the grant of a driver’s licence is subject to CRB and DVLA checks. This has been explained to me and I understand that spent convictions may be considered when determining this application

Signed \_\_\_\_\_

Date \_\_\_\_\_

You should be aware that information obtained from the application is held on computer and registered under the terms of the Data Protection Act.

Central Bedfordshire Council is registered under the Data Protection Act 1998 for the purpose of processing personal data in the performance of its legitimate business. Any information held by the Council will be processed in compliance with the eight principles of the Act. This authority is under duty to protect the public funds it administers, and to this end may use the information you have provided on this form within this authority for the collection of funds and the prevention and detection of fraud. It may also share this information with other bodies administering public funds solely for these purposes.

**For Internal use only**

<b>Payment Details</b>	
Drivers Badge	£
DVLA Enquiry	£
CRB Disclosure	£
Knowledge Test	£

**Documents Received**

Completed application form  
Driving Licence  
DVLA Mandate  
CRB Disclosure  
Medical Certificate  
2 Photos  
DSA pass certificate



## **DRAFT**

### **GUIDANCE NOTES FOR DRIVER APPLICANTS**

1. Central Bedfordshire Council has adopted Part Two of the Local Government (Miscellaneous Provisions) Act 1976 which relates to the licensing of Hackney Carriage and Private Hire vehicles and their drivers and Private Hire Operators. By virtue of that Act, Central Bedfordshire is a controlled district and it is an offence, therefore, to act as the driver of a Hackney Carriage or Private Hire vehicle or to permit a vehicle to be used for Hackney Carriage or Private Hire purposes without a licence issued by Central Bedfordshire Council.
2. As part of the adoption of the above powers, the Council has agreed certain conditions to which licences will be subjected. A copy of the conditions will be supplied to applicants and it will be expected that an applicant will have read the conditions prior to the submission of a Hackney Carriage/Private Hire Driver application form.
3. By virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, Section 4(2) of the Rehabilitation of Offenders Act 1974 does not apply. Applicants are required to declare any criminal or motoring conviction, cautions and endorsable fixed penalties, together with details of all criminal matters of which they are currently the subject to criminal investigation or prosecution. The information will be treated in confidence and will only be taken into account in relation to an application.

The disclosure of any caution/conviction does not necessarily mean that a licence will not be granted but they will be taken into account, together with the Council's Criminal Conviction Policy, when the Council assesses whether an applicant is a 'fit and proper' person to hold a licence.

Any applicant refused a licence on the grounds that he/she is not a 'fit and proper' person to hold a licence has the right of appeal to the Magistrates Courts.

#### **4. APPLICATION PROCEDURE**

Prior to the issue of a combined Hackney Carriage/Private Hire Driver Licence, the following will be required:-

- (i) The Council is empowered to seek from the Criminal Records Bureau (CRB), details of any convictions recorded in relation to the application. Applicants must complete the disclosure form and return this together with the required supporting documentation, to one of Central Bedfordshire

Council's offices. The CRB form and supporting documents must be submitted in person.

The CRB check can be a lengthy procedure and a new driver applications may be delayed whilst awaiting the results.

The Council will normally require renewal applicants to undertake a CRB check every three years. However, this Council reserves the right to request a CRB check at any time during this three year period and any costs must be paid by the licence holder.

Applicants are required to provide a full five year UK address history on their CRB application form. If you cannot provide a complete five year UK address history, you will need to submit a Certificate of Good Conduct, or its equivalent, from the appropriate Embassy or Consulate. A translation will be required if not provided in English.

Renewal licences may be issued prior to the Council receiving the completed Disclosure Notice from the Criminal Records Bureau. Any discrepancies found will be discussed with the applicant following which their licence may be suspended/revoked, depending upon the nature of the undisclosed offence.

Any information will be kept in the strictest confidence and retained for no longer than necessary and in accordance with the CRB retention document policy.

- (ii) The Council undertakes licence checks with the DVLA regarding driving convictions. The mandate you will be required to sign allows the DVLA to divulge information to the Council.
- (iii) Any documents produced for identification purposes must be original.
- (iv) A full current driving licence, as issued by the DVLA, must be presented. The driving licence must have been held for at least 12 months prior to the date of the application without a break.
- (v) Two current colour passport photographs must be provided for each applicant.
- (vi) Applicants who do not hold a current European Economic Area or European Union passport will need to provide evidence that they are entitled to remain in this country indefinitely and able to work before applying for a licence.

- (vii) Applicants are required to produce a Medical Certificate as appropriate:-
- Up to the attainment of age of 45 – on first application for a licence;
  - Between the ages of 45 and 64 – every 5 years;
  - On attaining the age of 65 – annually.

The Council reserves the right to request a driver to undertake a medical at any time.

- (viii) New applicants are required to produce a pass certificate from the Driving Standards Agency or its equivalent. The Council reserves the right to request a pass certificate from the Driving Standards Agency from renewal applicants if their driving ability is brought into question.
- (ix) The application form, together with all supporting documentation, must be submitted to one of Central Bedfordshire Council's offices together with the application fee. No licence will be issued unless the payment has been submitted and the right is reserved to present cheques and drafts for payment and to withhold the processing of applications pending clearance. Where a payment is not honoured, the processing of the application will cease immediately until the fees have been cleared. Any additional bank charges incurred by the Council must be paid by the applicant.
- (x) If any of the questions are not fully answered, or documentation is not supplied, the application will be returned for completion which could delay an application.

Any application not completed within two months will be considered null and void and require all information to be re-submitted.

- (xi) Following receipt of the completed application forms the applicant will be invited to undertake a knowledge test of the area. Applicants must achieve a 70% pass in the knowledge test.

An applicant is allowed to retake a knowledge test as many times as he/she wishes, provided there is a minimum period two weeks between each test. An additional fee is payable for each retake.

The Council reserves the right to request driver renewal applicants to undertake a knowledge test if their knowledge of the area is brought into question.

- (xii) Central Bedfordshire Council does not issue a separate Hackney Carriage or Private Hire Driver licences. Driver applications are, therefore, for a combined Hackney Carriage / Private Hire Licence and are usually issued for a 12 month period but may be suspended or revoked as provided in Section 61 of the Act.

A current combined Hackney Carriage / Private Hire driver Licence will entitle the holder to drive a Hackney Carriage or Private Hire vehicle licensed by this Council (provided he/she is properly insured to do so).

## 5. ANNUAL RE-LICENSING OF DRIVERS

All completed applications for renewal Driver's Licences should be made a minimum of four weeks prior to the expiry of the present licence. Driver renewal applicants will not be required to:-

- Undertake a CRB check unless requested to do so as stated in part 4(i).
- Produce a Medical Certificate unless requested to do so as stated in part 4(vii).
- Produce a pass certificate from the Driving Standards Agency unless requested to do so as stated in part 4(viii)
- Undertake a knowledge test unless requested to do so as stated in part 4(xi)

- (ii) Renewals may be sent in the post and documents will be returned by first class post.

Alternatively, the documents can be returned by Special Delivery Post for appropriate fee or by prior notice applicants can collect their documents from the Licensing Section.

Central Bedfordshire Council does not accept any responsibility for the non receipt or return of any documents that are sent by post.

- (iii) Any application received by the Council after the expiry date of the present licence will be deemed to be a new application and not a renewal of an existing licence. Full application requirements as detailed in Section 4 will have to be satisfied.

- (iv) Any incomplete applications will be returned to the applicant and not be processed until the application is re-submitted with all details and supporting documentation as required.
- (v) Any applicant who presents a cheque which is not honoured will have the licence immediately suspended and this will subsequently be revoked, unless the payment is honoured within seven days of the driver being advised by the Council. Any additional bank charges incurred by the Council must be paid by the driver.

## **6. DRIVERS BADGE**

The drivers badge issued by the Council must be worn in such position and manner that it can be plainly visible. Lost or damaged badges must be replaced, a fee for which will be charged. The badge remains the property of the Council.

## **7. COMPLAINTS**

Any driver against whom a complaint is laid must attend the office of the Authorised Officer within five working days after having been informed of the complaint if requested to do so.

Failure to attend for interview when requested to do so may lead to suspension or revocation of a licence.

## **8. MUST BE LICENCED**

Your attention is drawn to Section 46 of each of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 which require all drivers of hackney Carriage and Private Hire vehicles to hold a licence issued by the Council. In addition, it is an offence which may affect the insurance to allow any unlicensed person to drive any licensed vehicle.

## **DRIVERS OF WHEELCHAIR ACCESSIBLE VEHICLES**

Arrangements shall be made by the Council for drivers to receive training in the loading and unloading of wheelchairs and their passengers and also the care of the passenger in relation to their wheelchair use. The licences of drivers who refuse such training may be suspended or revoked.

## **9. LAPSE IN LICENCE**

Any lapse in licence will result in any application being treated as a new application and not a renewal, and full application requirements as detailed in Section 4 will have to be satisfied.

## **10.NOTES**

The Council has the power to revoke or suspend licenses after convictions for various offences, or failure to comply with the relevant provisions of the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, Part II or any other reasonable cause.

Any requirements of legislation which affect the operations carried out under the terms of a licence shall be regarded as if they are conditions of that licence.

## **11.DATA PROTECTION**

You should be aware that information obtained from this application is held on computer and registered under the terms of the Data Protection Act.

You are entitled to know what personal information is being held within a database. Reasonable requests of access/printouts will be met at no charge. If errors are pointed out every endeavour will be made to correct these without delay.

Central Bedfordshire Authority is registered under the Data Protection Act 1998 for the purpose of processing personal data in the performance of its legitimate business. Any information held by the Council will be processed in compliance with the eight principles of the Act. This authority is under duty to protect the public funds it administers, and to this end, may use the information you have provided on this form within this authority for the collection of funds and the prevention and detection of fraud. It may also share this information with other bodies administering public funds solely for these purposes.



<b>New</b>	
<b>Lic. No.</b>	
<b>Receipt No.</b>	
<b>Date</b>	
<b>Amount</b>	

## DRAFT – APPENDIX A Application for Private Hire Vehicle Operator’s Licence

*Please read guidance notes before completing*  
Complete in Block Capitals/Delete where appropriate

### PART A - APPLICANT’S DETAILS

<b>Forename(s)</b>	<b>Last Name</b>	<b>Mr/Mrs/Ms/Miss</b>
<b>Home Address</b>		
<b>Post Code:</b>		
<b>Home Telephone No.</b>		<b>Mobile Telephone No.</b>
<b>Age:</b>	<b>Date of Birth:</b>	<b>National Insurance No.</b>

### PART B – PAST EMPLOYMENT DETAILS

<b>Employment History covering the last 5 years is required</b>		
<b>Period Employed (month/year only)</b>	<b>Name and Address of Employer</b>	<b>Position Held</b>

### PART C - TRADING DETAILS

<b>Trading Name of your business (please list all trading names used)</b>	
---	--

### PART D - SOLE TRADERS ONLY

<b>Have you ever been a Director/Partner in the past?</b>	<b>YES/ NO</b>		
<b>If YES, have you or the company or the partnership ever been cautioned or convicted for any offence</b>			
<b>If YES, please provide detail below</b>			
	<b>Offence 1</b>	<b>Offence 2</b>	<b>Offence 3</b>

<b>Conviction/Caution Date</b>			
<b>Offence</b>			
<b>Sentence</b>			
<b>Incident date and Location</b>			
<b>Have you previously ever made an application for a Private Hire Operators licence?</b>	<b>YES/ NO</b>		
<b>If YES give name of the Licensing authority, date and result of application</b>			
<b>Have you ever had an application for a Private Hire Operators licence revoked or refused?</b>	<b>YES/NO</b>		
<b>If YES give details of the Licensing authority, date and reason for refusal.</b>			

**PART E - PARTNERSHIPS AND LIMITED COMPANIES ONLY**

<b>Registered Office Address of Limited Company</b>		
<b>Company Registration Number:</b>		
<b>If the applicant is a Partnership or Limited Company please complete full names and addresses of all partners, or directors and Company Secretary.</b>		
	<b>Director/Partner 1</b>	<b>Director/ Partner 2</b>
<b>Full Name</b>		
<b>Home Address</b>		
<b>Home Telephone No.</b>		
<b>Date of Birth</b>		
<b>Place of Birth</b>		
<b>Have you ever been a Director/Partner in the past?</b>	<b>YES/ NO</b>	<b>YES/ NO</b>
<b>If YES, have you or the company or partnership ever been cautioned or convicted for any offence</b>	<b>YES/ NO</b>	<b>YES/ NO</b>
<b>If YES, please give brief details</b>		
<b>Conviction/ Caution Date</b>		
<b>Offence</b>		
<b>Sentence/ Result</b>		
<b>Incident date and location</b>		



Have you ever made an application for a Private Hire Operators licence to any local authority?	YES/ NO	YES/ NO
If YES give details of the Licensing authority, date and result of application		
Have you ever had an application for a Private Hire Operators licence refused?	YES/NO	YES/NO
If YES give details of the Licensing authority, date and reason for refusal.		
	<b>Director/ Partner 3</b>	<b>Company Secretary</b>
Full Name		
Home Address		
Home Telephone No.		
Date of Birth		
Place of Birth		
Have you ever been a Director/Partner in the past?	YES/ NO	YES/ NO
If YES, have you or the company or partnership ever been cautioned or convicted for any offence	YES/ NO	YES/ NO
If YES, please complete the section below		
Conviction/ Caution Date		
Offence		
Sentence/ Result		
Incident date and Location.		
Have you ever made an application for a Private Hire Operators licence to any local authority?	YES/ NO	YES/ NO
If YES give details of the Licensing authority, date and result of application		
Have you ever had an application for a Private Hire Operators licence refused?	YES/NO	YES/NO

**PART F – OPERATING ADDRESS** (if different to A above)

<b>Address of Premises from which you will operate</b>	
<b>Telephone No</b>	
<b>Fax No.</b>	
<b>E Mail address</b>	

**PART G – OPERATING PREMISES**

<b>Do you have Planning Permission to use the premises for your business</b>	<b>YES/NO</b>
<b>If YES, state Reference Number of permission and date granted</b>	<b>Ref No. Date</b>
<b>If NO, when will an application be made</b>	

**PART H - PRIVATE HIRE VEHICLE DETAILS**

<b>Number of vehicles to be operated from the Operating Address (Please provide additional vehicle details on a separate piece of paper)</b>		
<b>Plate Number</b>	<b>Vehicle Reg No.</b>	<b>Owner/Driver</b>

**PART I – PRIVATE HIRE DRIVER DETAILS**

<b>Number of Private Hire Drivers you will/do employ (include Self Employed Drivers) (Please provide additional drivers details on a separate piece of paper)</b>			
<b>Name &amp; Initials</b>	<b>Address</b>	<b>Badge No.</b>	<b>Expiry Date</b>

**PART J – IDENTIFICATION VERIFICATION**

All new Private Hire Operator Applicants, including part owners or other persons with an interest in the Operators' licence, are required to submit a Certificate of Good Conduct, or equivalent, if they have not been resident in the UK for the previous 5 years. This can be obtained from the appropriate Embassy or Consulate at the applicant's expense (a translation will be required if not provided in English).

All new Private Hire Operator applicants, including part owners or other persons with an interest in the Operators' licence are required to submit a signed Statutory Declaration, listing all convictions, with their application form (unless they are already in possession of a hackney carriage / private hire driver licence in which case an Enhanced Criminal Record Bureau check will already have been carried out)

All new Private Hire Operator applicants, including part owners or other persons with an interest in the Operators licence, must submit two passport type photographs with their application form.

Have You Included (Tick)

- Two current full face colour passport type photographs minimum size 1¼" x 1¼
- Signed Statutory Declaration if necessary
- Current Employers/Public Liability Insurance.
- Certificate of Good Conduct if necessary

Two of the following documents

- Current UK Driving Licence. The counterpart must accompany all Photo Card licences.
- Valid Passport
- Original UK Birth Certificate (full or short)

Two of the following documents

- P45/P60\*\*
- Bank or Building Society statement\*
- Utility Bill (Electricity, gas, water, telephone, inc mobile)\*
- Credit Card statement\*
- Mail Order catalogue statement\*
- Mortgage statement\*\*
- Store card statement\*
- Correspondence or a document from: the Benefits Agency, the Employment Services, the Inland Revenue.\*
- Financial statement (eg. pension, endowment, ISA)\*\*
- Valid TV Licence

\* document should be less than 3 months old  
\*\* issued within 12 months

## PART K - PAYMENT

A remittance of £                      **MUST ACCOMPANY** the completed application.

Cheques should be payable to "Central Bedfordshire Council". If you require any documents to be returned using Special Delivery Post please add the necessary fee.

## DECLARATION

I/We have answered all the questions above and declare that the answers given and all other particulars entered on this Application Form are true to the best of my/our knowledge and belief.

I/We understand that to knowingly or recklessly give any false information may lead to the suspension and/or revocation of any Operator Licence granted, and/or prosecution and that any/all information given may be shared with other Agencies in the interest of preventing/detecting crime.

I/We confirm that I/we have read the Private Hire Operator Conditions as issued/adopted by Central Bedfordshire Council and fully understand the contents and agree to abide by these Conditions.

I/We understand that no part of the Fee is refundable in the event the Licence being subsequently suspended or revoked by the Council.

I/We understand the failure to provide all the information required will delay the processing of this Application and that to operate Private Hire Vehicles without a valid Private Hire Operators Licence is illegal.

**Name**  
**(please print)**

Signature

Date:

**Name 2 (if applicable)**  
**(please print)**

Signature

Date:

**Name 3 (if applicable)**  
**(please print)**

Signature

Date:

**Name 4 (if applicable)**  
**(please print)**

Signature

Date:

You should be aware that information obtained from this application is held on computer and registered under the terms of the Data Protection Act.

Central Bedfordshire Council is registered under the Data Protection Act 1998 for the purpose of processing personal data in the performance of its legitimate business. Any information held by the Council will be processed in compliance with the eight principles of the Act. This authority is under duty to protect the public funds it administers, and to this end may use the information you have provided on this form within this authority for the collection of funds and the prevention and detection of fraud. It may also share this information with other bodies administering public funds solely for these purposes.

Applicants must ensure that they have read and are fully conversant with the Conditions that accompany this document. The information below forms part of the Conditions and contain a summary of the Licensing process.

1. Anyone who makes provision for the invitation or acceptance of bookings must hold a Private Hire Operators licence. This means that any individual (group or company) which advertises the services of any vehicle with the services of a driver for hire and reward or has a mobile telephone or pager which is carried within a licensed vehicle then that driver and vehicle have made provision for the acceptance of bookings for hire and reward, and will be required to hold a private hire operators licence.
2. The grant of an Operator's Licence does not allow the use of the premises as a Private Hire Operator's base in the absence of planning permission. You may wish, therefore, to contact the Planning Officer before submitting your application for an Operator's Licence. It is the applicant's responsibility to satisfy themselves as to whether planning permission is required or not and to ensure that any permission required is granted.
3. The completed application form, all relevant documents and the licence fee must be submitted to one of Central Bedfordshire Council's offices. Delays may occur if you fail to submit all the information requested.
4. All applicants will be checked to ensure they are a fit and proper person to hold a private hire operator's licence.
5. In the case of operators who invite the public to make bookings in person at a premises, the prospective premises will be inspected to ensure compliance with the following:-
  - (i) clean, adequately heated, ventilated and lit, both for bookings and waiting.
  - (ii) waiting area has adequate seating facilities.
  - (iii) Hold public liability insurance.
6. The operator premises to be licensed must be situated within the Central Bedfordshire Council area. Applicants who wish their premises to be situated outside the Central Bedfordshire Council area must make representation to the Regulation Committee.
7. The operator may only utilise drivers and vehicles licensed by the Central Bedfordshire Council.
8. No licence will be issued until all licence requirements are met to the satisfaction of the Authorised Officer and the appropriate fee has been paid.
9. All operators premises to which the public have access must be covered by public liability insurance to cover all risks.

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Renewal
Lic No.
Receipt No.
Date
Amount

**DRAFT**

**Renewal Application for Private Hire Vehicle Operator's Licence**

*Please read guidance notes before completing*  
Complete in Block Capitals/Delete where appropriate

**PART A - APPLICANT'S DETAILS**

Forename(s)	Last Name	Mr/Mrs/Ms/Miss
Home Address		
Post Code:		
Home Telephone No.	Mobile Telephone No.	
E-Mail Address:		

**PART B - TRADING DETAILS**

Trading Name of your business (please list all trading names used.)	
---	--

**PART C - SOLE TRADERS ONLY**

Have you ever been cautioned or convicted for any offence			
If YES, please provide detail below			
	Offence 1	Offence 2	Offence 3
Conviction/Caution Date			
Offence			
Sentence			
Incident date, and location			
Have you made an application for a Private Hire Operators licence elsewhere in the past 12 months?	YES/ NO		
If YES give name of the Licensing authority, date and result of application			

**PART D - PARTNERSHIPS AND LIMITED COMPANY'S ONLY**

<b>Registered Office Address of Limited Company</b>		
<b>Company Registration Number:</b>		
<b>Over the last 12 months have any details of the partners, directors or company secretary changed? If yes, please complete below.</b>		
	<b>Director/Partner 1</b>	<b>Director/ Partner 2</b>
<b>Full Name</b>		
<b>Home Address</b>		
<b>Home Telephone No.</b>		
<b>Date of Birth</b>		
<b>Place of Birth</b>		
<b>Have you ever been a Director/Partner in the past?</b>	YES/ NO	YES/ NO
<b>If YES, have you or the company or partnership ever been cautioned or convicted for any offence</b>	YES/ NO	YES/ NO
<b>If YES, please give brief details</b>		
<b>Conviction/Caution Date</b>		
<b>Offence</b>		
<b>Sentence/ Result</b>		
<b>Incident date and location</b>		
<b>Have you ever made an application for a Private Hire Operators licence to any local authority?</b>	YES/ NO	YES/ NO
<b>If YES give details of the Licensing authority, date and result of application</b>		
<b>Have you ever had an application for a Private Hire Operators licence refused?</b>	YES/NO	YES/NO
<b>If YES give details of the Licensing authority, date</b>		



and reason for refusal.		
	<b>Director/ Partner 3</b>	<b>Company Secretary</b>
<b>Full Name</b>		
<b>Home Address</b>		
<b>Home Telephone No.</b>		
<b>Date of Birth</b>		
<b>Place of Birth</b>		
<b>Have you ever been a Director/Partner in the past?</b>	<b>YES/ NO</b>	<b>YES/ NO</b>
<b>If YES, have you or the company or partnership ever been cautioned or convicted for any offence</b>	<b>YES/ NO</b>	<b>YES/ NO</b>
<b>If YES, please complete the section below</b>		
<b>Conviction/ Caution Date</b>		
<b>Offence</b>		
<b>Sentence/ Result</b>		
<b>Incident date and location</b>		
<b>Have you ever made an application for a Private Hire Operators licence to any local authority?</b>	<b>YES/ NO</b>	<b>YES/ NO</b>
<b>If YES give details of the Licensing authority, date and result of application</b>		
<b>Have you ever had an application for a Private Hire Operators licence refused?</b>	<b>YES/NO</b>	<b>YES/NO</b>
<b>If YES give details of the Licensing authority, date and reason for refusal.</b>		

**PART E – OPERATING ADDRESS** (if different to A above)

<b>Address of Premises from which you will operate</b>	
<b>Telephone No</b>	
<b>Fax No.</b>	
<b>E Mail address</b>	

**PART F - PRIVATE HIRE VEHICLE DETAILS**

**Number of vehicles to be operated from the Operating Address  
(Please provide additional vehicle details on a separate piece of paper)**

Plate Number	Vehicle Reg No.	Owner/Driver

**PART G – PRIVATE HIRE DRIVER DETAILS**

**Number of Private Hire Drivers you will/do employ (include Self Employed Drivers)  
(Please provide additional drivers details on a separate piece of paper)**

Name & Initials	Address	Badge No.	Expiry Date

**HAVE YOU INCLUDED (TICK)**

<input type="checkbox"/>	Current Employees/Public Liability Insurance.
<input type="checkbox"/>	A remittance of £ <b>MUST ACCOMPANY</b> the completed application.
<p><b>Cheques should be payable to “Central Bedfordshire Council”. If you require any documents to be returned using Special Delivery Post please add the necessary fee.</b></p>	

**DECLARATION**

I/We have answered all the questions above and declare that the answers given and all other particulars entered on this Application Form are true to the best of my/our knowledge and belief.

I/We understand that to knowingly or recklessly give any false information may lead to the suspension and/or revocation of any Operator Licence granted, and/or prosecution and that any/all information given may be shared with other Agencies in the interest of preventing/detecting crime.

I/We confirm that I/we have read the Private Hire Operator Conditions as issued/adopted by Central Bedfordshire Council and fully understand the contents and agree to abide by these Conditions.

I/We understand that no part of the Fee is refundable in the event the Licence being subsequently suspended or revoked by the Council.

I/We understand the failure to provide all the information required will delay the processing of this Application and that to operate Private Hire Vehicles without a valid Private Hire Operators Licence is illegal.

**Name**  
**(please print)**

Signature

Date:

**Name 2 (if applicable)**  
**(please print)**

Signature

Date:

**Name 3 (if applicable)**  
**(please print)**

Signature

Date:

**Name 4 (if applicable)**  
**(please print)**

Signature

Date:


You should be aware that information obtained from this application is held on computer and registered under the terms of the Data Protection Act.

Central Bedfordshire Authority is registered under the Data Protection Act 1998 for the purpose of processing personal data in the performance of its legitimate business. Any information held by the Council will be processed in compliance with the eight principles of the Act. This authority is under duty to protect the public funds it administers, and to this end may use the information you have provided on this form within this authority for the collection of funds and the prevention and detection of fraud. It may also share this information with other bodies administering public funds solely for these purposes.

**APPLICATION GUIDANCE NOTES FOR THE ISSUE  
OF A PRIVATE HIRE OPERATOR LICENCE**

1. Anyone who makes provision for the invitation or acceptance of bookings must hold a Private Hire Operators licence. This means that any individual (group or company) which advertises the services of any vehicle with the services of a driver for hire and reward or has a mobile telephone or pager which is carried within a licensed vehicle then that driver and vehicle have made provision for the acceptance of bookings for hire and reward, and will be required to hold a private hire operators licence.
2. The grant of an Operator's licence does not allow the use of the premises as a Private Hire Operator's base in the absence of planning permission. You are, therefore, advised to contact the Planning Officer before submitting your application for an Operator's Licence. It is the applicant's responsibility to satisfy themselves as to whether planning permission is required or not and to ensure that any permission required is granted.
3. The completed application form, all relevant documents and the licence fee must be submitted to one of Central Bedfordshire Council's Offices. Delays may occur if you fail to submit all the information requested.
4. All applicants will be checked to ensure they are a fit and proper person to hold a private hire operator's licence.
5. In the case of operators who invite the public to make bookings in person at a premises, the prospective premises will be inspected to ensure compliance with the following:-
  - (i) clean, adequately heated, ventilated and lit, both for bookings and waiting.
  - (ii) waiting area has adequate seating facilities.  
  
Hold public liability insurance.
  - (iii)
6. Applicants currently licensed in the Central Bedfordshire Council area who wish to change their premises to be situated outside the Central Bedfordshire Council area must first make representation to the Regulation Committee.
7. The operator may only utilise drivers and vehicles also licensed by the Central Bedfordshire Council.
8. No licence will be issued until all licence requirements are met to the satisfaction of the Authorised Officer and the appropriate fee has been paid.
9. All operators premises to which the public have access must be covered by public liability insurance to cover all risks.

**CENTRAL BEDFORDSHIRE COUNCIL DRAFT**

<b>Hackney / Private Hire Vehicle</b>		
<b>New/Renewal/Transfer</b>		
<b>Lic. No.</b>		
<b>Expiry date</b> (if applicable)		
<b>Receipt No.</b>		
<b>Date</b>		
<b>Amount</b>		

**DRAFT APPENDIX B**

**Application for Hackney Carriage / Private Hire Vehicle**

*Please read guidance notes before completing*  
Complete in Block Capitals/Delete where appropriate

**PART A – APPLICANT’S DETAILS**

<b>Forename(s)</b>	<b>Last Name</b>	<b>Mr/Mrs/Ms/Miss</b>
<b>Home Address</b>		
<b>Postcode:</b>		
<b>Home Telephone No.</b>		<b>Mobile Telephone No.</b>
<b>Badge Number</b> (If applicable)		

**PART B – VEHICLE DETAILS**

<b>Vehicle Registration No.</b>	
<b>Date of Manufacture</b> (as per Vehicle Registration Document)	
<b>Make and model of Vehicle</b>	
<b>Colour of Vehicle Paintwork</b>	
<b>No of seats</b> (except driver)	
<b>Is the vehicle either:</b> (a) Purpose built taxi (b) Saloon (c) Hatchback (d) Estate (e) People Carrier (d) Any other (please give details)	YES/NO YES/NO YES/NO YES/NO YES/NO
<b>Fuel Type:</b>	Diesel/Petrol/LPG/Hybrid

<b>Is the applicant the registered owner of the vehicle.</b>	<b>YES/NO</b>
<b>If NO. Name and address of the registered owner.</b>	
<b>Address where the vehicle is normally kept when not in use.</b>	
<b>Is the car to be used as part of a fleet for a company/Operator?</b>	<b>YES/NO</b>
<b>If YES. Name and address of company/Operator.</b>	
<b>Signature of Operator</b>	
<b>Is the vehicle currently licensed by any other Authority?</b>	<b>YES/NO</b>
<b>If YES: Name of Authority</b>	
<b>Vehicle Licence Plate Number</b>	
<b>Date current licence expires</b>	

**PART C  
ADDITIONAL INFORMATION REQUIRED FOR LICENCE RENEWALS  
ONLY**

<b>Have <u>any</u> alterations been made to the design/appearance of the vehicle during the last twelve months including engine modifications.?</b>	<b>YES/NO</b>
<b>If YES, give details of these changes.</b>	
<b>Name of Vehicle's Insurance Company</b>	
<b>Insurer's Address (including postcode)</b>	
<b>Insurer's Telephone Number</b>	
<b>Policy Number/Cover Note Number</b>	



## APPLICATION GUIDANCE NOTES FOR THE ISSUE OF A VEHICLE LICENCE

Applicants must ensure that they have read and are fully conversant with the Conditions that accompany this document. The information below forms part of the Conditions and contain a summary of the licensing process.

1. The grant of a vehicle licence does not allow the use of any premises as a business base in the absence of planning permission. You may wish, therefore, to contact the Planning Officer before submitting an application for a vehicle licence to check if planning permission is necessary.
2. The completed application form, all relevant documents and the licence fee must be submitted to one of Central Bedfordshire Council's offices. Delays may occur if you fail to submit all the information requested and any incomplete application may be returned to the applicant.
3. The vehicle may be presented to the Authorised Officer for inspection to ensure compliance with the Conditions.
4. A Mechanical Test is required on **ALL** vehicles. The inspection will take place no more than four weeks prior to the issue of the Vehicle Licence.

The Licensing Section will notify you in writing of the details for the vehicle test following receipt of the completed Application Form and the appropriate fee.

No vehicle will be tested without the necessary authorisation letter.

The vehicle must be presented to the Council nominated test centre. The inspection is to determine that the vehicle is in a roadworthy condition. The inspection must take place no more than four weeks before the start of the vehicle licence being granted.

A Certificate of Compliance is issued for vehicles that pass the mechanical test, this certificate must be produced at the Council Offices prior to the issue of the vehicle licence.

The applicant is responsible for any fees that may be due for the mechanical test, including any retests.

If a vehicle fails the test and, in the opinion of the examiner would fail to meet the standards required by the Motor Vehicles (Construction and Use) Regulations 1978, then the plate may be removed by the Testing Centre, or any Authorised Officer. Until such time as the vehicle passes the test, and until such time as the plate is returned, the vehicle may not be used as a hackney carriage or a private hire vehicle.

Any vehicle called for inspection which fails to attend may have its licence suspended immediately and subsequently the licence may be revoked.

5. Any renewal application made more than 14 days after the expiry of the last licence will be considered as a new application and not a renewal unless prior arrangements have been made for an extension of time with the Council.



6. Any late application may result in the vehicle not being licensed for the start of the new licensing period.
7. Final Inspection prior to issue of licence.

The following will need to be checked by Licensing Section:-

- i) Certificate of Compliance
- ii) Current vehicle insurance certificate or cover note for the carrying of fare paying passengers (to include towing and the carriage of wheelchairs for which the vehicle is adapted, where necessary)
- iii) Vehicle Regulation Document (V6).
- iv) Current Road Fund Licence (tax disc)
- v) Vehicle has a working fire extinguisher and first aid kit
- vi) All windows are clear of stickers with approved exceptions.

**Original documents are required for Items 7(i) – 7(vi) inclusive.**

8. Providing all the items in 7 above are evidenced and all the conditions are met then the Licence will be issued together with other appropriate material.
9. THERE WILL BE A **MINIMUM PERIOD OF TWO DAYS** FROM RECEIPT OF THE CERTIFICATE OF COMPLIANCE AND INSURANCE DOCUMENTS TO THE ISSUE OF THE VEHICLE PLATE.
10. **Data Protection**

Details relating to your Licence application with Central Bedfordshire Council may be entered into, held and processed on a computer. As required by the Data Protection Act 1998, this information will be treated securely and confidentially.

Information Data matching across databases held by the Council and other organisations may also be undertaken.

You are entitled to know what personal information is being held within a database. Reasonable requests of access/printouts will be met at no charge. If errors are pointed out every endeavour will be made to correct these without delay.

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**Meeting:** Regulation Committee  
**Date:** 24 February 2010  
**Subject:** Prohibiting the consumption of alcohol in designated public places - Sandy  
**Report of:** Director of Corporate Resources  
**Summary:** The report proposes to inform the Regulation Committee of and application received for a Designation Order in Sandy and the process by which the Order will be made.

---

**Contact Officer:** Mark Woolsey, Acting Managing Solicitor  
**Public/Exempt:** Public  
**Wards Affected:** Sandy  
**Function of:** Council

#### **CORPORATE IMPLICATIONS**

**Council Priorities:**

- Crime reduction and tackling anti-social behaviour
- To encourage community members to feel safe, at ease and free from crime in their homes and neighbourhoods.

**Financial:**

No direct financial implications, although there will be implication on the use of officer time to progress the matter.

**Legal:**

Criminal Justice and Police Act 2001  
The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007

**Risk Management:**

None

**Staffing (including Trades Unions):**

To progress the matter will require Officer time, but there are no other staff implications

**Equalities/Human Rights:**

To be taken into account when considering the evidence for the making of the order.

**Community Safety:**

The use of the powers given to the Police as a result of the Designation Order will contribute to the reduction of anti-social behaviour in the District.

**Sustainability:**

None.

**RECOMMENDATION(S):**

1. **that the Regulation Committee**
  - (a) **Authorise the Assistant Director of Legal & Democratic Services to proceed with the necessary consultations under The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007, in respect of the possible alcohol designation order in Sandy.**
  - (b) **appoint three members to meet informally with the Assistant Director of Legal & Democratic Services to consider the outcome of consultation and report back to Committee.**

**Background**

1. Sandy Town Council has submitted an application for an Alcohol Designation Order (ADO), with the full support of the local Police Officer.
2. It is a function, and the responsibility, of Central Bedfordshire Council to consider the making of ADO's in its area.

**Legislative Provisions**

4. By virtue of the Criminal Justice and Police Act 2001, a Local Authority is permitted to designate areas as a designated public place.
5. In order to designate an area the Local Authority must be satisfied that nuisance, or annoyance to members of the public have taken place in that area, or that disorder has taken place in that area, and the nuisance, annoyance or disorder is associated with the consumption of alcohol in that place.
6. Should a public place be designated, the designation order provides the Police with the power to require a person or persons to cease drinking any alcohol and to ask them to surrender the alcohol. Failure to comply with either or both of these requirements would be an offence.

**The Application**

7. The brief report from the local Police Officer, in support of the application, broadly details the problems that are being suffered, and is attached at Appendix A.
8. An ADO is considered necessary by the Town Council due to the number of alcohol related incidents occurring in the town. However, the precise details of the nuisance and the areas affected have not yet been explored.
9. In order to investigate the nuisance and to satisfy the Council that an ADO is necessary and appropriate in these areas it is proposed that, as with previous applications, the consultation be delegated to the Assistant Director of Legal & Democratic Services. The Assistant Director of Legal & Democratic Services will consult with the consultees identified in the legislation and will also receive representations from the Police and Town Council on the precise areas to be designated.
10. To assist in this process it is proposed that the Regulation Committee appoint three Members to meet on an informal basis with the Assistant Director of Legal & Democratic Services, or her representative, and officers of the Community Safety Team to consider the outcome of the consultation.
11. If it is agreed that an ADO should be made, a recommendation will be made to Council.
12. In view of the Police support it is recommended that consultation The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 be commenced and be delegated to the Assistant Director of Legal & Democratic Services in respect of the request received from Sandy Town Council.

**Appendices:**

Appendix A – Report of Police Officer

**Background Papers:** (open to public inspection)

Plan and Schedule of proposed area for designation.

Criminal Justice and Police Act 2001

Home Office Letter of Guidance

The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007

**Location of papers:** Priory House, Chicksands

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## **PROPOSAL FOR APPLICATION OF ALCOHOL FREE ZONE IN SANDY**

### **POLICE REPORT**

This report is being made to identify the need for Sandy to have an Alcohol Free Zone (AFZ) and the areas that would need to be included.

The Police and members of the Town Council have discussed the idea of Sandy having an AFZ for many years. In the past the proposal has been rejected, as it was not perceived that Sandy had a large alcohol problem. However in recent months there has been an increase in Anti-Social Behaviour and minor crimes that can be linked to alcohol use. It would therefore be my recommendation that Sandy has an AFZ.

The problems to date have mainly involved young people who have obtained alcohol from the local licensed shops in the town or from home. These young people will then walk through the town to a number of meeting places.

The groups are of a mixed age with a number being over 18, but a larger number being under the age of 16.

Police and Police Community Support Officers would benefit from the powers assigned to the AFZ because it enables them to target those people that are in this group that are above the age of 18, but who are consuming alcohol with the younger members.

The areas that have been identified by the Neighbourhood Police Officer for Sandy are detailed as follows;

#### **Bedford Road Recreation Ground**

This area of Sandy has suffered from a high number of Anti-Social Behaviour for a number of years. This is due to it being a large open space with an array of seating areas from the children's playground to the town's memorial. A CCTV camera that is monitored at Stevenage also covers the area. There is some lighting at the front of the recreation ground that is supplied by the nearby street lamps. There have been issues in the past where litter has been left overnight including broken glass

bottles. These have sometimes been imbedded into the football pitches thereby having the ability to cause a nasty injury to anyone using the pitch. The recreation ground is surrounded by a number of residential streets, namely Bedford Road, Albion Court, Foster Grove, The Avenue, Cedar Gardens, Filland Court and Swansholme Gardens. A number of these residents have suffered from ASB including foul language and noise nuisance. On occasions vehicles have been parked up in Bedford Road playing loud music from their stereos. There is also an entrance at the rear of the park in Foster Grove and incidents have occurred here. The recreation ground is sometimes used as a 'short cut' from the Youth Club that is held in the building on the grounds of Sandye Place School. There have been incidents of damage to the children's play equipment at the location and also the public toilets, although these toilets are normally closed early evening before the youths congregate. In the past there have also been a few incidents involving youths coming down from the Putnoe area of Bedford and some assaults have taken place between the two groups.

#### **'The Mushroom' – Cauldwell Court/Longfield Road.**

'The Mushroom' is located on the outskirts of one of the housing estates in the town. It is used by the youths as a meeting place due to its geographical make up. It has a low-level wall that is used as an ideal seating area. A large street light covers it. It is located halfway between the estate and the town centre and there is a small convenience shop at the bottom of Longfield Road that can be used for supplies. 'The mushroom' is situated right in the middle of several residential streets, namely Longfield Road, Cauldwell Court, Glebe Road, Carlisle Close and East Road. Some of these houses are virtually on top of 'The mushroom' and as such suffer from noise nuisance, low level criminal damage and other ASB. Again broken glass and other litter is left behind causing an issue to members of the public who use the cycletrack that dissects the area. Last year an incident took place where a local resident went out to confront the youths at 'the mushroom' and was surrounded by a large number of youths. Some of the connecting roads leading up to 'the mushroom' have suffered from criminal damage, mainly in the form of wing mirrors being knocked or kicked off of vehicles.

#### **Sunderland Road Skate Park.**

The Skate Park is situated on the boundary of a housing estate and is within the large playing fields of Sunderland Road. You can gain access to the Skate Park from numerous residential streets, Engayne Avenue,



Wesley Road, Berwick way and the Village Hall car park. There is a childrens' play area situated next to the Skate Park and both are used by youths during the evening as meeting places. There has been evidence of alcohol being drunk at both locations and again broken bottles have been left behind. On one occasion there was a youth related assault reported from the location and youths were arrested and dealt with. These youths had been drinking at the time. Criminal damage has been reported in both Wesley Road and Berwick way that may be linked to youths making their way back from the Skate Park. This damage has been to vehicles and fences.

### **Market Square**

In the Market Square there are numerous outlets that are licensed to sell alcohol. The police receive many reports that youths are congregating in the Market Square mainly outside one of these shops. There have been anonymous calls that these youths are approaching adults and asking them to purchase alcohol on their behalf. If alcohol is obtained the youths may remain around the Market Square area or seek nearby side streets to consume the alcohol. These areas are behind the shops of the Market Square and Sandy Health Centre, Northcroft and the rear of Budgens Supermarket and the parade of shops adjacent, which includes the Dental Practice. The Market Square has also suffered in the past from vehicles parking up and playing loud music to the annoyance of residents that live in the flats above the shops. These vehicles attract the youths that are in the Market Square. It is not known if these vehicles are linked to the distribution of alcohol amongst the youths. When the youths are in the Market Square there are reports of noise nuisance and ASB.

### **Conclusion**

As you can see it is evident that the problems are not restricted to those persons under the age of 18 years. Adults are clearly responsible for their own share of the problems suffered within the town. The restrictions on consuming alcohol in the areas listed is necessary to help in tackling the ever growing problems related to alcohol, and is proportionate to those problems. The human rights of those that maybe subject to any restrictions are taken into account.

This report is submitted to the District Council for their consideration.

Pc 481 Lee Prutton  
Neighbourhood Police Officer  
SNT Sandy

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**Meeting:** Regulation Committee  
**Date:** 24 February 2010  
**Subject:** Prohibiting the consumption of alcohol in designated public places – Arlesey & Shefford  
**Report of:** Director of Corporate Resources  
**Summary:** The report proposes to inform the Regulation Committee of the progress made in the making of the Alcohol Designation Order to restrict anti-social drinking in public places in Arlesey & Shefford.

---

**Contact Officer:** Mark Woolsey, Acting Managing Solicitor  
**Public/Exempt:** Public  
**Wards Affected:** Sandy  
**Function of:** Council

#### **CORPORATE IMPLICATIONS**

**Council Priorities:**

- Crime reduction and tackling anti-social behaviour
- To encourage community members to feel safe, at ease and free from crime in their homes and neighbourhoods.

**Financial:**

No direct financial implications, although there will be implication on the use of officer time to progress the matter.

**Legal:**

Criminal Justice and Police Act 2001  
The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007

**Risk Management:**

None

**Staffing (including Trades Unions):**

To progress the matter will require Officer time, but there are no other staff implications

**Equalities/Human Rights:**

To be taken into account when considering the evidence for the making of the order.

**Community Safety:**

The use of the powers given to the Police as a result of the Designation Order will contribute to the reduction of anti-social behaviour in the District.

**Sustainability:**

None.

**RECOMMENDATION(S):**

1. **that the Regulation Committee**
  - (a) **Note the contents of the report and receive comments from Members;**
  - (b) **Approve the draft Order attached to enable Designation Orders under the Criminal Justice and Police Act 2001 and the Local Authorities (Alcohol Consumption in Public Places) Regulations 2001 to be made and advertised in Stotfold; and**
  - (c) **Subject to there being no adverse responses from the public, to the public consultation, that the Committee recommend the Order to Council for approval.**

**Background**

1. An application for an Alcohol Designation Order (ADO) within Shefford was made by Shefford Town Council. It was recommended by the Regulation Committee of the former Mid Bedfordshire District Council on the 10 September 2008 that consultation begin in respect of the application.
2. An application for an ADO within Arlesey was made by Arlesey Town Council. It was recommended by the Regulation Committee of the former Mid Bedfordshire District Council on the 7 January 2009 that consultation begin in respect of the application.
3. The panel of Members appointed to consider the applications, and consultation responses was satisfied that sufficient alcohol related nuisance existed to proceed with the consultation procedure and agreed the area to be covered by the ADO. The draft order and plans are attached at Appendix A.

**Consultation Undertaken**

4. The area to be designated was agreed by the Panel Members following representations from the Town Council and the Police, and the first stage of consultation commenced. Letters were written to Licensees and Land Owners in the affected areas, and included a schedule of roads and a plan. In addition, consultation was also undertaken with the former County Council in their capacity as Highways Authority. This consultation has been completed and the responses are outlined below. Members will recall that the responses were also outlined to them at the Regulation Committee meeting of the 14 October 2009.
5. Subsequently, the second stage of consultation has been started, by publishing a notice in the newspaper circulating in the local area. The advertisement was published on the 14 February 2010 and a period of 28 days is required to allow for the public to raise any questions or queries regarding the proposed Order.

### **Legislative Provisions**

4. By virtue of the Criminal Justice and Police Act 2001, a Local Authority is permitted to designate areas as a designated public place.
5. In order to designate an area the Local Authority must be satisfied that nuisance, or annoyance to members of the public have taken place in that area, or that disorder has taken place in that area, and the nuisance, annoyance or disorder is associated with the consumption of alcohol in that place.
6. Should a public place be designated, the designation order provides the Police with the power to require a person or persons to cease drinking any alcohol and to ask them to surrender the alcohol. Failure to comply with either or both of these requirements would be an offence.

### **Responses to Consultation**

7. The first stage of the consultation for the Shefford application ran from the 24 February 2009 to the 27 March 2009, to allow consultees adequate time to respond. During this period three representations were received, one in support of the application and two in opposition.
8. The negative objections have been considered by the panel members and, upon evidence provided by the local police officer, Members were convinced of the need to include the areas for which there had been received the objections.
9. The first stage of the consultation for the Arlesey application ran from the 25 March 2009 to the 22 April 2009, to allow consultees adequate time to respond. During this period one representation was received from Network Rail, asking for Arlesey Station to be included in the order

10. The second stage of the consultation began on the 14 February 2010 with the publication of a notice in the Bedfordshire Chronicle Newspaper. The Consultation is due to end on the 16 March 2010 and to date no responses have been received.
11. The Town Councils have also been asked to display a copy of the consultation notice on their notices boards.
12. Provided there are no objections or proposed changes to the order then it can be recommended to Full Council for approval.
13. Should there be any objection raised to the proposals then the matter will be referred back to the Regulation Committee for further discussion.
14. The report and proposed draft order has been brought back before the committee, prior to the end of the second consultation period, as it is considered to that the matter is progressed as expediently as possible.

### **Conclusion**

15. To approve the Order and identify a public place as a designated area, a local authority must be satisfied that nuisance or annoyance to members of the public or a section of the public, or disorder is associated with the consumption of alcohol in that place.
16. The panel set up to consider the applications has been satisfied that nuisance, annoyance or disorder to members of the public has been present in the defined areas and is associated with the consumption of alcohol in those areas.
17. It is recommended that the Committee Approve the making of the Order subject to there being no objections or further proposed changes following the public consultations stage.
18. Any objections raised would require the Order to be referred back to the Regulation Committee for resolution.

### **Appendices:**

Appendix A – Proposed Alcohol Designation Order and Plans

### **Background Papers:** (open to public inspection)

Plan and Schedule of proposed area for designation.

Criminal Justice and Police Act 2001

Home Office Letter of Guidance

The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007

**Location of papers:** Priory House, Chicksands

CENTRAL BEDFORDSHIRE COUNCIL  
DESIGNATION ORDER PURSUANT TO SECTION 13 OF THE  
CRIMINAL JUSTICE AND POLICE ACT 2001

The Local Authorities (Alcohol Consumption in Designated Public  
Places) Regulations 2007

ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES

Central Bedfordshire Council hereby makes an Order pursuant to Section 13 of the Criminal Justice and Police Act 2001 designating public places within the boundaries of the Central Bedfordshire, and more particularly described in the Schedule below for the purposes of sections 12-16 of the said Act:

SCHEDULE OF DESIGNATED PUBLIC PLACES

**Shefford**

Roads

*Amphill Road, from the junction with High Street to the junction with Bloomfield Drive;  
Bloomfield Road;  
Church Walk;  
Churchill Way;  
Clifton Road, from the junction with Southbridge Street to the junction with Hyde Close;  
Duck Lane;  
Elm Road;  
George Street;  
Heron Close;  
High Street;  
Hitchin Road, from the Junction with Clifton Road to the junction with the roadway adjacent to Hitchin Road;  
Ivel Road;  
Kingfisher Road;  
Mallard Close;  
New Street;  
Nightingale Mews;  
Northbridge Street;  
Old Bridge Way;  
Old Station Way;  
Osborn Crescent;*

*Shefford Road;  
Southbridge Street;  
St Francis Way;  
Swallow Close;  
The Roadway adjacent to Gladwell House, from the junction at Hitchin Road to the Memorial Playing Fields.*

Footpaths

*The footpath between New Street and Mallard Close;  
The footpath from Southbridge Street to the Millennium Green, which runs between the River and Shefford Business Park.*

Open Areas

*Somerfield Car Park;  
The Meads;  
The Memorial Playing Fields;  
The Millennium Green;  
The Playing Fields off of Hitchin Road;  
Town Meadow Car Park;  
Waterside.*

**Arlesey**

Roads

*Stotfold Road, from the junction with the roundabout at the A507 to the junction with the entrance to the Fox and Duck Public House;  
Stotfold Road from the junction with the roundabout at the A507 to the junction with Church Lane;  
The Hermitage;*

*The footpath between Cox's Way and Gothic Way;  
All of the footpaths between Everest Close and Gothic Way;  
The footpath between Gothic Way, Hillary Rise and the track which runs to the South of Lynton Avenue;  
The track that runs from the junction with*

Old Oak Close;  
Vicarage Close;  
Church End;  
The Poplars;  
Chase Close;  
Glossop Way;  
Chancellors;  
St Peter's Avenue;  
Glebe Avenue;  
House Lane;  
Saffron Close;  
The Rally;  
Carters Way;  
Carters Close;  
Bury Mead;  
Chase Hill Road;  
High Street;  
Lyman's Road;  
Cox's Way;  
Everest Close;  
Hillary Rise;  
Gothic Way  
Lynton Avenue;  
Primary Way;  
Chapel Drive;  
Davis' Row;  
Station Road;  
Hospital Road;  
Lathony Court;  
Albert Road;  
Lamb Meadow;  
Howberry Green;  
Hitchin Road;

Footpaths

The footpath between House Land and Glossop Way;  
The footpath between Church Lane and The Poplars;  
The footpath between the Poplars and Chase Close;  
The footpath between Chase Close and House Lane;

*The footpath which travels from the junction of Bury Mead and The Rally to the junction of Bury Mead and Church Lane, to include all of the entrances and exits onto Chase Hill Road and High Street;*

The public places within the schedules above are shown edged red on the plans annexed for illustrative purposes only (a copy of the plans being available for inspection at Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, Bedfordshire SG17 5TQ.)

High Street, to the South of Lynton Avenue, to the entrance to the open area of land used as allotments;  
The footpath between Lathony Court to Station Road;  
The footpath between Lamb Meadow and Hitchin Road;  
The track, which runs between the South side of London Row and the North side of Arlesey Town Football Club, between the junction at Hitchin Road and the Track which runs to the South of the Blue Lagoon;  
All of those tracks and footpaths that encircle the blue lagoon, including the tracks made through the area of land to the South East of the Blue Lagoon now referred to as the disused pit;  
The footpath which encircles the Green Lagoon from the junction with the track covering the entire circle around the Green Lagoon.

Open Areas

The open area of agricultural land to the east of the Hermitage, bordered by Stofold Road and Pick's Brook;  
The grassed area of land between Saffron Close and Glebe Court;  
The grassed and pedestrian area of land between the two ends of the Rally;  
The Playing Fields to the rear of Gothic Mede Lower School, to include the Child's Play Area;  
The open area used as allotments to the East of Hillary Rise;  
The open area of grass at the South end of Howberry Green, to include the playground;  
The open grassed area of land to the North East of the Yachting Club at the Blue Lagoon;  
The open grassed area of land to the West of the Yachting Club and at the edge of the Blue Lagoon;  
The open area of land to the south of the Blue Lagoon, border by the footpaths;  
Arlesey Train Station



**DEFINITION OF PUBLIC PLACE**

“public place” means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission (Section 16(1) of the said Act)

**THE EFFECT OF THE ORDER**

The effect of such an Order is that the police have the power to require a person, in such public place, not to drink alcohol in that place where the officer reasonably believes the person is, has or intends to do so, and to surrender any alcohol or alcohol containers in the person’s possession. Failure to comply with an officer’s requirement in respect of public drinking or surrender of alcohol, without reasonable excuse, is an arrestable offence. A person guilty of such an offence will be liable on summary conviction to a fine not exceeding level 2 on the standard scale. (Section 12 of the said Act).

**EXCLUSIONS**

Excluded from the order will be:

- Premises in respect of which a premises licence or club premises certificate, within the meaning of the Licensing Act 2003, has effect;
- A place within the curtilage of premises in respect of which a premises licence or club premises certificate has effect;
- Premises which may for the time being be used for the supply of alcohol (by virtue of a Temporary Event Notice) or which could have been so used within the last 20 minutes;
- Any place where the Council has granted a permit pursuant to Section 115(E) Highways Act 1980.

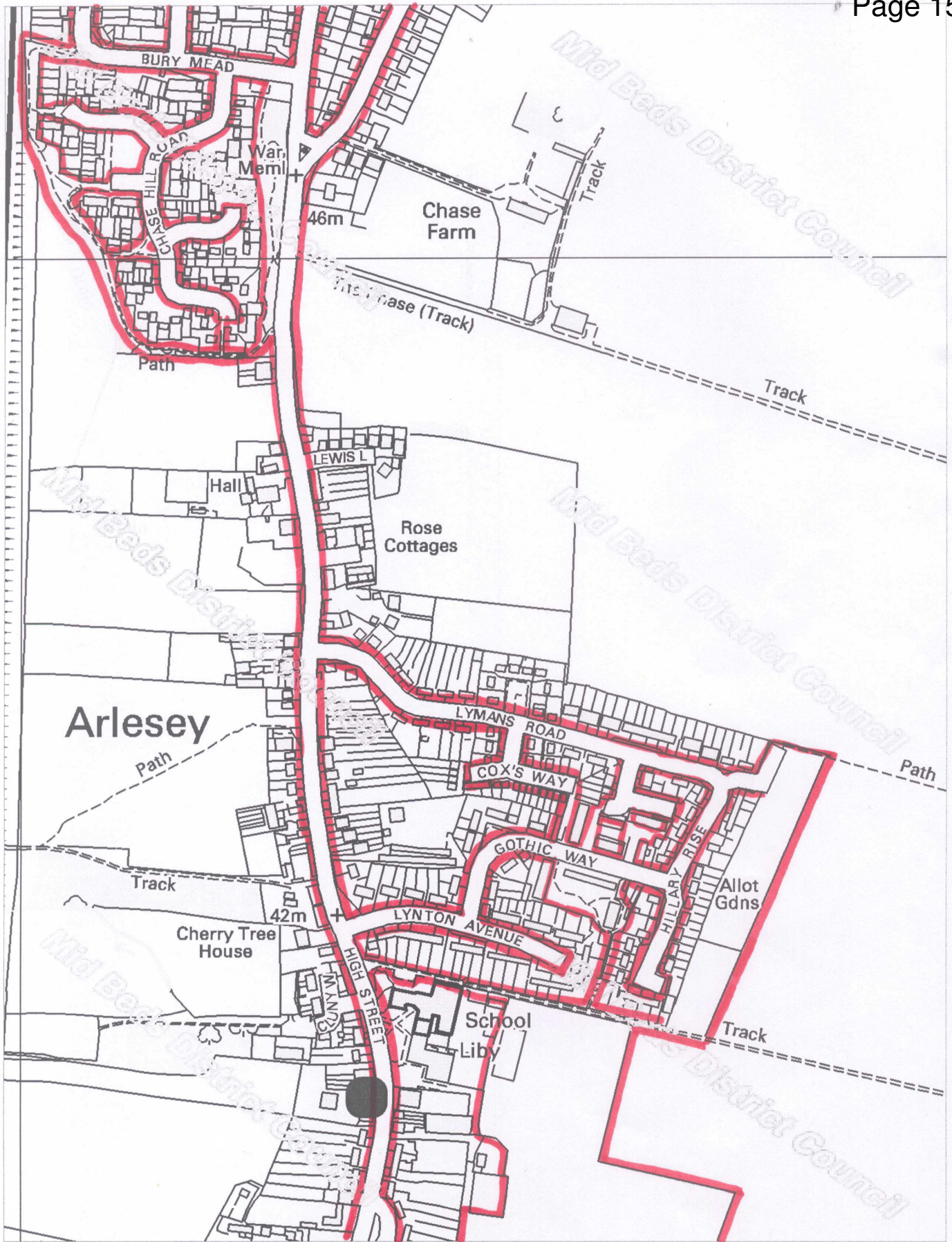
This Order may be cited as the Alcohol Consumption in Designated Public Places for the area of Central Bedfordshire Order (No. 1) 2010 and shall come into force on

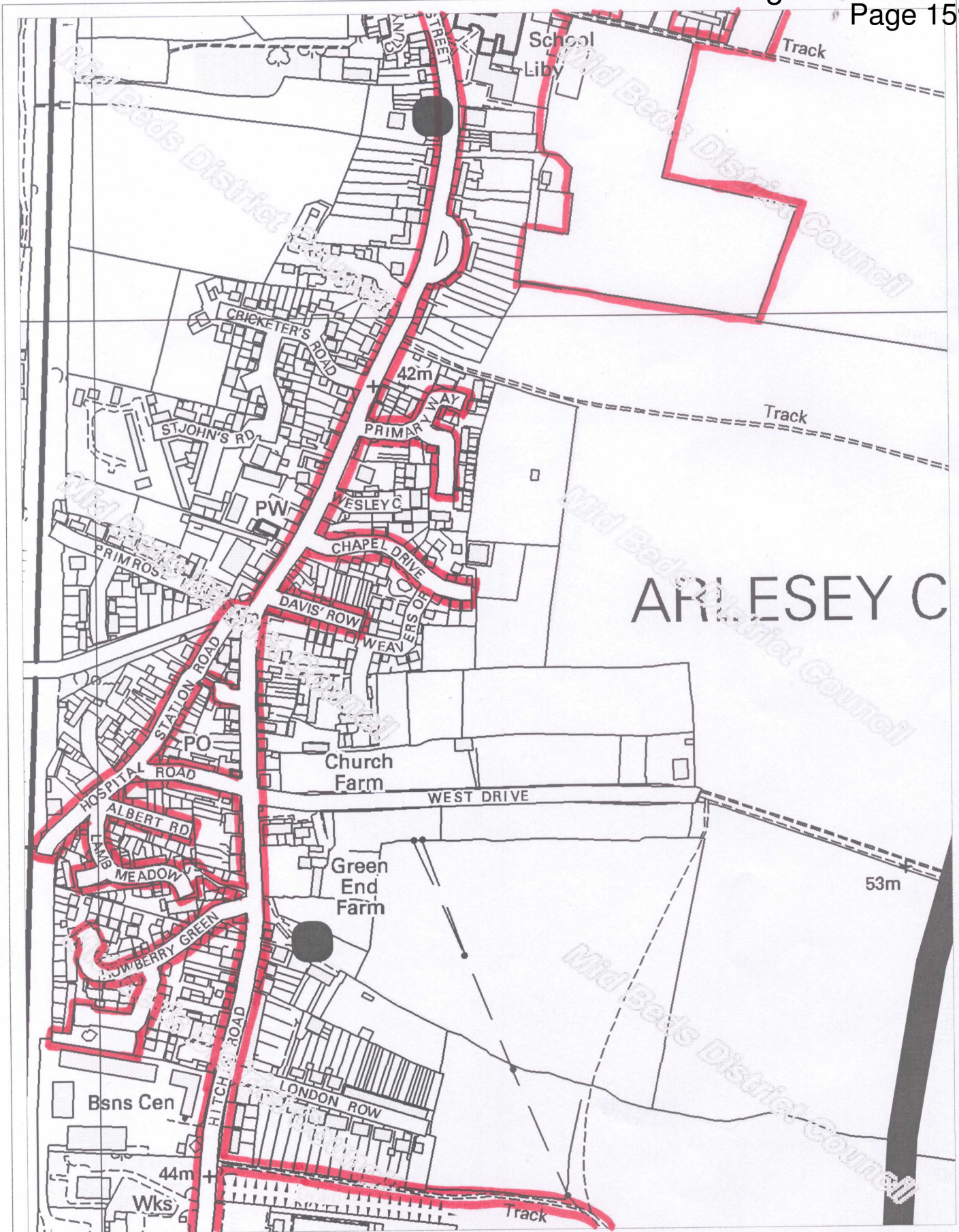
Dated

The Common Seal of **Central** )  
**Bedfordshire Council** )  
was hereunto affixed in the )  
presence of )







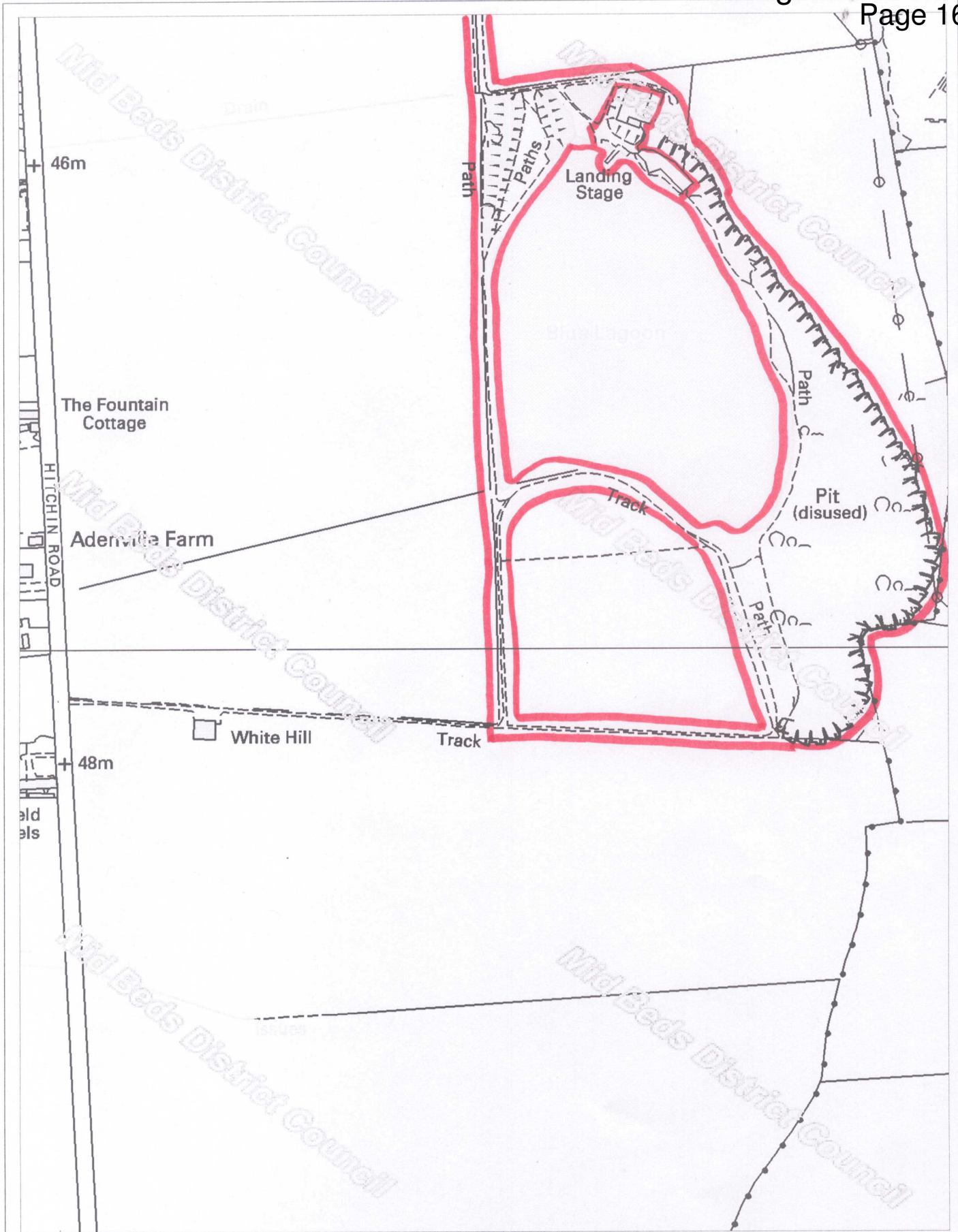




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Date: 20 March 2009



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