

**Licensing and Control Committee 'A'**

**Date: 28 July 2014**

**Time: 6.30pm**

**Venue: Gordon Room, Town Hall, Worthing**

**Committee Membership:** Councillors: Paul high (Chair), Mark Nolan (Vice-Chair), Roy Barraclough, Keith Bickers, Callum Buxton, Diane Guest, Paul Howard, Kevin Jenkins, Sean McDonald, Dr Heather Mercer, Louise Murphy, Luke Proudfoot, Norah Fisher, James Doyle, Susan Jelliss

**Agenda**

**Part A**

**1. Declarations of Interest / Substitute Members**

Members and Officers are invited to make any declarations of disclosable pecuniary interests that they may have in relation to any items on this Agenda. The declaration should refer both to the nature of the interest as well as its existence.

Members and Officers may seek advice upon any relevant interest from a Legal or Democratic Services Officer prior to the meeting.

Any substitute members should declare their substitution if appropriate.

**2. Confirmation of Minutes**

To approve the minutes of the meeting of Licensing and Control Committee 'A' that took place on 19 June 2014

**3. Public Question Time**

To receive any questions from Members of the public in accordance with Standing Order 3.12.

(**Note:** Public Question Time will last for a maximum of 15 minutes)

**4. New Taxi Licensing Conditions**

To consider a report by the Director for Customer Services, copy attached as item 4

**5. Street Trading Policy**

To consider a report by the Director of Customer Services, copy attached as item 5

**Part B - Not for Publication – Exempt Information Reports**

**6. Exclusion of the press and Public**

In the opinion of the Proper Officer the press and public should be excluded from the meeting for consideration of the following item. Therefore the meeting is asked to consider passing the following resolution:

‘that under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting from the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the paragraph of Part 1 of Schedule 12 A to the Act indicated against the item.’

**7. Local Government (Miscellaneous Provisions) Act 1976  
Determination of a new application for a Private Hire Driver’s Licence**

To consider a report by the Director of Customer Services, copy attached as item 7

**8. Local Government (Miscellaneous Provisions) Act 1976  
Determination of a new application for a Restricted Private Hire Driver’s Licence**

To consider a report by the Director of Customer Services, copy attached as item 8



## Corporate and Cultural Services

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For Democratic Services enquiries relating to this meeting please contact:

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**Local Government (Miscellaneous Provisions) Act 1976  
Review of Taxi and Private Hire licence conditions**

**Report by the Director of Customer Services**

**1.0 Summary**

- 1.1 Members are asked to review the current conditions imposed on Worthing Taxi & Private Hire licences and consider new updated Taxi and Private Hire licence conditions to replace the current conditions of licence.

**2.0 Background**

- 2.1 The council has a responsibility for licensing hackney carriage and private hire vehicles and drivers and licensing private hire operators. Under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 (LG(MP)A 76) the council issues licences subject to specific conditions that are placed on the licences to ensure minimum standards and public safety. Worthing Borough Council places a number of conditions on the licences it issues that reflect the character of the Borough and the needs of the local population. However, the current conditions are historic and have been in place for a number of years.
- 2.2 The aim of licensing the hackney carriage and private hire vehicle trade is, primarily, to protect the public as well as to ensure that the public have reasonable access to these services because of the part they play in local transport provision. It is important that the Council's hackney and private hire licensing powers are used to ensure that licensed vehicles in the Borough are safe, comfortable, properly insured and drivers are sufficiently tested to ensure they are fit and proper.
- 2.3 The new conditions are being proposed to reflect best practice, provide a consistent approach for the purpose of licensing and to concentrate on issues that have caused difficulty in the past or that seem of particular significance

**3.0 Proposals**

- 3.1 It is proposed to introduce new licence conditions
- Private Hire Driver Condition – **Appendix A**
  - Private Hire Vehicle Condition – **Appendix B**
  - Private Hire Vehicle Specification- **Appendix C**
  - Stretched Limousines and speciality vehicles – **Appendix D**
  - Private Hire Operator Condition – **Appendix E**
  - Hackney Carriage Vehicle Condition – **Appendix F**
  - Hackney Carriage Vehicle Specification – **Appendix G**

- 3.2 It should be noted that the council is not permitted to attach conditions to a hackney carriage driver's licence. However, they are subject to the Hackney Carriage Byelaws made under section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 by the District Council of Adur.
- 3.3 It is proposed to introduce a new taxi licence policy & handbook that after a 28 day public consultation period will be referred back to members for approval. The conditions members are being asked to consider in this report will form the basis on which the new policy & handbook are drafted.

#### **4.0 Legal**

- 4.1 In determining licensing matters the principles of the Human Rights Act 1998 must be taken into consideration and the convention rights of both individuals and businesses given due weight.
- 4.2 Members must consider each licensing matter on its own merits, and in accordance with the principles of natural justice, as well as the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.
- 4.3 Section 55(3) and section 51 LG(MP)A'76 permit Local Authorities to impose conditions in respect of private hire operators and private hire drivers respectively as are 'considered reasonably necessary.
- 4.4 All licensing matters, before Committee, must be considered against the backdrop of anti-discriminatory legislation, such as the Equality Act 2010 and also in accordance with the Council's stated policy on Equal Opportunities.
- 4.5. In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all, it reasonably can to prevent, crime and disorder in its areas.

#### **5.0 Implications**

- 5.1 There are no significant equality or environmental implications. Crime and disorder considerations are included in the Policy.
- 5.2 The revised licence conditions have been produced pursuant to the powers conferred by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 which places on the council the duty to carry out its licensing functions in respect of hackney carriage and private hire vehicle and drivers.

#### **6.0 Financial implications**

- 6.1 There are no direct financial implications for the Council.

## **7.0 Recommendation**

- 7.1 Members are requested to review and agree the draft licence conditions.
- 7.2 Approval of the draft licence conditions will form part of a new Taxi and Private Hire Licence Policy and handbook. Once the licence conditions are approved the policy will be drafted and Members will be asked to approve this at a subsequent hearing. Once approved by Members, the draft policy will then be the subject of public consultation and the results of that consultation will be brought back before Members for their consideration'

**Jane Eckford**  
**Director of Customer Services**

### **Contact Officer**

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### **Local Government Act 1972**

#### **Background Papers:**

Private Hire Driver Condition – **Appendix A**  
Private Hire Vehicle Condition – **Appendix B**  
Private Hire Vehicle specification - **Appendix C**  
Stretched Limousines and speciality vehicle condition – **Appendix D**  
Private Hire Operator Condition – **Appendix E**  
Hackney Carriage Vehicle Condition – **Appendix F**  
Hackney Carriage Vehicle Specification – **Appendix G**

#### **Current Conditions**

Not included in the body of the report but are available on the council website  
<http://www.adur-worthing.gov.uk/media/media,101700,en.pdf>

## **Schedule of other matters**

### **1.0 Council Priority**

1.1 Licensing of taxi and private hire drivers is directly related to public safety issues.

### **2.0 Specific Action Plans**

2.1 Matter considered and no issues identified.

### **3.0 Sustainability Issues**

3.1 Matter considered and no issues identified.

### **4.0 Equality Issues**

4.1 Dealt with in the body of the report.

### **5.0 Community Safety Issues (Section 17)**

5.1 Matter considered and no issues identified.

### **6.0 Human Rights Issues**

6.1 All applicants have the right to expect that their application will be properly and fairly considered.

### **7.0 Reputation**

7.1 Matter considered and no issues identified.

### **8.0 Consultations**

8.1 Matter considered and no issues identified

### **9.0 Risk Assessment**

9.1 Matter considered and no issues identified.

### **10.0 Health & Safety Issues**

10.1 Matter considered and no issues identified.

### **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified.

### **12.0 Partnership Working**

12.1 Matter considered and no issues identified





## Appendix A

### **1.0 Private Hire Drivers Conditions of Licence**

- 1.1 A licensed driver shall behave in a civil and orderly manner and shall take reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the licensed vehicle.
- 1.2 A licensed driver who has agreed, or whose employer has agreed, to be in attendance at a certain time at a specified place shall, unless delayed or prevented by some sufficient cause, punctually attend with a licensed vehicle at the appointed time and place.
- 1.3 A licensed driver shall:
- convey a reasonable amount of luggage including wheelchairs and children's pushchairs;
  - afford reasonable assistance in loading and unloading such luggage;
  - afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down a passenger.
  - Afford reasonable assistance to any passenger in alighting or entering the vehicle.
- 1.4 The licensed driver of a vehicle equipped with a taxi meter shall set the meter into operation at the point at which the hirer commences his journey unless the hirer expresses at the time of hiring his desire to engage by time.
- 1.5 A driver shall at all times when acting in accordance with the driver's licence granted to him wear his badge in such position and manner as to be plainly and distinctly visible. Failure to do so constitutes an offence.
- 1.6 A licensed driver shall, if any property accidentally left in the licensed vehicle be found by or handed to him, carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to a police station in the Borough and leave it in the custody of an Officer on his giving a receipt for it.
- 1.7 A driver of a private hire vehicle when standing or available for hire shall not be speaking, calling out, gesturing or otherwise importune any person to hire such vehicle and shall not make use or reply on the services of any other person for that purpose.

- 1.8 A licensed driver shall advise the Council forthwith of any fixed penalties imposed upon him/her.
- 1.9 A licensed driver shall advise the Council in writing within 14 days of any of the following:
- change of personal details including home address and contact number.
  - any pending proceedings for criminal or motoring offences.
  - any convictions or cautions for criminal or motoring offences.
  - any Anti-Social Behaviour Orders and Anti-Social Behaviour Injunctions.
  - any change to the licensed operator he or she is working for.
- 2.0 A licensed driver shall not at any time permit the noise from any radio or sound system in the vehicle to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- 2.1 A licensed driver shall not, without the consent of the hirer, convey any other person in the vehicle other than the hirer.
- 2.3 A licensed driver shall, if requested by the hirer, provide him or her with a written receipt for the fare paid.
- 2.4 A licensed driver will supply on request his badge number or plate number to any person who so requires it.
- 2.5 Any occupied wheelchair being transported in a wheelchair accessible vehicle must be safely secured using the restraint system carried in the vehicle.



## **Appendix B**

### **Private Hire Vehicle Conditions of Licence**

#### **1.0 Licence Plate**

- 1.1 The proprietor must ensure that the licence plate provided and allocated to the proprietor Worthing Borough Council is maintained in a clear and legible condition and is securely affixed on the outside of the vehicle, on or adjacent to the rear bumper. Magnets, Double Sided Tape and Velcro are not acceptable for securing the plate.
- 1.2 The Council must be informed as soon as practicable should the licence plate be lost broken or defaced.
- 1.3 The Proprietor shall not cause or permit the vehicle to be used or operated with the said plate so defaced that any figure or material particular is illegible.
- 1.4 The internal licence plate issued by the Council must be affixed to the nearside part of the windscreen in such a position where the telephone number on the rear of the internal licence plate can be clearly seen by passengers and must be displayed at all times.

#### **2.0 Vehicle Change of Use**

- 2.1 The Proprietor must notify the Council of any intended change in use of the specified vehicle, or any change in the particulars supplied at the time of application for the licence and of any modifications made to the vehicle, including seating arrangements.
- 2.2 A proprietor shall give 7 days written notice to the Council of his intention to transfer this licence to another vehicle and shall not permit that vehicle to be hired until this licence has been endorsed by the Council.

### **3.0 Vehicle Licence**

- 3.1 In the event of loss of or damage to this licence the Council must be informed immediately so that a replacement can be issued.
- 3.2 On revocation, expiry, transfer or suspension of the licence, the licence and the plate issued in respect of the vehicle must be returned to the Council forthwith upon service of a notice on the Proprietor.
- 3.3 A licence will only be issued to a vehicle which is less than 7 years old from first date of registration and with no more than 60,000 miles on the odometer in the vehicle
- 3.4 The proprietor shall advise the Council in writing within 14 days of any change of address or contact number.

### **4.0 Insurance**

- 4.1 The proprietor shall ensure that the vehicle is not to be used unless there is in force in relation to the vehicle a policy of insurance complying with the requirements of the Road Traffic Acts and which covers the vehicle for the carriage of passengers for public hire.
- 4.2 A copy of a vehicle's current valid insurance document must be kept with the vehicle and available for inspection by the Licensing Officer or Police Officer.
- 4.4 On renewal of the policy, a copy should be lodged with the Council at the earliest opportunity.

### **5.0 Interior Appearance**

- 5.1 The interior of the vehicle should always be in a clean and tidy state and fit for purpose.
- 5.2 Carpets, upholstery and cloth trim are to be clean and undamaged. Good quality seat covers and carpet mats may be used, provided that each is a matching set, of a colour co-ordinating with the vehicle and kept in good condition.
- 5.3 All plastic fascia, door linings, roof linings and trim are to be kept free from marks, stains and damage.
- 5.4 All doors, locks and windows are to be in full working order and in good condition.

- 5.5 All interior lights and fascia illumination are to be in full working order and in good condition.
- 5.6 All windows are to be kept free of dirt, grime and marks.
- 5.7 Boot space/luggage areas to be kept clean and vehicle equipment properly stowed.

## **6.0 Tinted Windows**

- 6.1 Vehicles are manufactured and produced with window glass in various tints or film coatings from clear to jet-black, the latter making it impossible to view into the passenger compartment. The removal of film coating from windows is far less expensive than the changing of glass. These heavily tinted windows may be of concern to women passengers travelling alone, and parents of children travelling unaccompanied. Many of the vehicles supplied with tinted glass are acceptable, however in the interests of safety and reassurance of passengers, tinted glass or mirrored glass that restricts all view into the passenger compartment will not be accepted on licensed vehicles.

## **7.0 Fire Extinguisher & First Aid Kit**

- 7.1 All vehicles must carry a standard motorist's first aid kit and an easily accessible and compliant fire extinguisher, both of which must be in a serviceable condition.
- 7.2 Vehicles licenced to carry 5 or more passengers must also carry a glass hammer.

## **8.0 Accidents**

- 8.1 In the event of a vehicle being involved in an accident, the proprietor must inform the Council the next available working day of any accident causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein.

## **9.0 Disability Access**

- 9.1 In the case of private hire vehicles that are built or adapted for disabled passengers, the design of the vehicle should ensure that any wheelchair is loaded from the side rather than the rear of the vehicle. Vehicles adapted to load wheelchairs both from the side and rear will be acceptable.
- 9.2 Where a vehicle is utilised for the carriage of passengers in a wheelchair, the following conditions shall apply:

- Loading of the wheelchair is from the side or the rear of the vehicle. Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus.
- Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit.

9.3 Vehicles which have been converted to carry wheelchairs must provide a Certificate from an approved converter

9.4 A suitable restraint must be available for the occupant of a wheelchair

9.5 Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper

9.6 Ramps and lifts must be securely stored in the vehicle before it may move off.

9.7 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307).

9.8 Any such equipment must be maintained in good working order and be available for use at all times.

9.9 A certificate confirming that the equipment has been tested and approved must be supplied to the Licensing Officer on an annual basis.

9.10 Where a vehicle is designed or adapted to carry a wheelchair, the proprietor/operator shall ensure that the driver has received sufficient training to load and convey wheelchair bound passengers.

## **10.0 Luggage in Estate Cars and MPV Vehicles**

10.1 Luggage should not be stacked above the height of the rear seats unless the vehicle is designed, or fitted with suitable luggage restraints or covers to prevent luggage from entering the passenger compartment.

## **11.0 Taximeters**

- 11.1 All taximeters must be approved by the Council and the proprietor of a private hire vehicle which has been fitted with a taximeter must ensure that meter is maintained in a sound working condition at all times.
- 11.2 The taximeter shall be of the clock calendar type or a Council approved taximeter.
- 11.3 The taximeter must not be altered or tampered with except with the approval of the Council and must be retested by the Council if it is altered.
- 11.4 Show the fare recorded on the taximeter in plainly legible figures and the word "FARE" shall be clearly displayed.
- 11.5 Be kept surely fixed in such a position so that the fare recorded is visible to all passengers within the vehicle at all times, and the figures shall be illuminated for this purpose whenever necessary.
- 11.6 The taximeter must be sealed at all times and if a seal is broken the Licensing Office must be notified as soon as possible.

## **12.0 Two Way Radios**

- 12.1 The proprietor shall ensure that any radio equipment fitted to the licensed vehicle is at all times kept in a safe and sound condition and maintained in proper working order.

## **13.0 Mobile Telephones**

- 13.1 Mobile telephones may only be used with a hands-free kit.

## **14.0 Smoking**

- 14.1 Under the Health Act 2006 and the Smoke-free (Signs) Regulations 2007, all private hire vehicles are required by law to be smoke free at all times and are also required to display the prescribed no-smoking signs and the signage must be displayed in a prominent position.
- 14.2 E cigarettes or similar are not permitted to be used within the vehicle this is to avoid any doubt of cigarette type and the uncertainty of any long term health risk

## **15.0 Roof Sign**

- 15.1 Each private hire vehicle shall display at all times a non- illuminated yellow roof sign which meets the criteria and is approved by the Licensing Officer.
- 15.2 The roof light must comply with the criteria below.
- be 'point' type design
  - measure 46cm in width x 16cm in length x 14cm in height.
  - all letters and numbers displayed must be solid black in colour and in Flute B font
  - the words 'ADVANCE BOOKINGS ONLY' must be displayed on the front of the sign at the top in letters not less than 2.5cm in height.
  - the company name must be displayed underneath in letters not less than 5cm in height.
  - the rear of the sign should display only the word 'Worthing' in letters not less than 2.5cm in height and underneath, the telephone number of the company or private hire operator through whom the vehicle can be booked, displayed in numbers not less than 5cm in height.
  - the sign shall not include the words 'hire', 'cab', 'taxi', 'hackney' or any other word which would lead a person to believe that the vehicle is a hackney carriage (even if these words form part of the company name) or any other words or numbers except those set out above.

## **16.0 Door Signage**

- 16.1 Each private hire vehicle shall display a sign on each front door in accordance with the criteria laid out below.
- 16.2 Private Hire vehicles shall display door signs on the lower panel of each front door of the vehicle
- 16.3 The sign shall be constructed of vinyl, and shall be applied directly to the door. Licence holders should note that magnetic door signs are not acceptable in fulfilment of this condition.
- 16.4 The words 'Advance booking only' shall be displayed at the top of the sign in letters of 4cm in height.



- 16.5 The operator or company name shall be displayed in the middle of the sign in letters of 8cm in height if on one line or 4cm in height if on two lines.
- 16.6 The telephone number of the operator through which the vehicle is operating shall be displayed at the bottom of the sign in numbers of 4cm in height.
- 16.7 The overall dimensions of the sign shall be 23cm in height by 45cm in width.
- 16.8 All numbers and letters displayed on the sign must be laid out in Flute B font and shall be solid black or solid white, as required by the Licensing Officer. The colour required will be dependent on the colour of the vehicle and will be chosen to ensure maximum visibility against the vehicle's paintwork.
- 16.9 These door signs must be displayed at all times. Failure to display these door signs may result in the suspension of the vehicle licence.

#### **17.0 Private Hire Vehicles Exempt**

- 17.1 Some private hire operators may be exempt from displaying roof sign, door signs and licence plate. The reason for this can be found in **Appendix E** of this policy.

#### **18.0 Certificate of Fitness**

- 18.1 Fitness Testing is required every 12 months for vehicles under 7 years old and every 6 months for vehicles more than 7 years old.
- 18.2 It is the proprietor's responsibility to ensure the vehicle has a Certificate of Compliance at all times whilst the vehicle is licenced.
- 18.3 If a vehicle fails its Certificate of Compliance and the vehicle still has a valid MOT Certificate the vehicle cannot be used as a licenced vehicle until a valid Certificate of Compliance has been issued.
- 18.4 The Council have nominated certain garages to undertake the Certificate of Compliance on their behalf and a list of the approved garages can be obtained from the Licensing Office.

#### **19.0 Advertising**

- 19.1 The following type of advertising may be permitted in private hire vehicles:-
- 19.2 Display screens on rear headrests or in the rear compartment of wheelchair accessible vehicles.

- 19.3 Company name, telephone number, email address or web address may be displayed in the rear window providing the signs are transparent and it does not obscure the driver's vision.

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## Appendix C

### Private Hire Vehicles Specifications

#### **1.0 Vehicle Specification**

- 1.1 When licensing private hire vehicles the Council has to consider the need for safety, convenience, and comfort of passengers in vehicles that operate in rural, urban and motorway environments. The size and engine capacity have also to be considered given that all vehicles are required to carry their licensed number of passengers together with their luggage. The Council considers that a vehicle should be of manufacturers' original specification and shall be constructed and designed: -
- 1.2 For the Carriage of not less than 4 and not more than 8 passengers with the provision of a seatbelt for each passenger.
- 1.3 With the seat provided for each passenger having a minimum width of 405 millimetres (16 inches) measured across its narrowest part.  
With the driver's seat pushed back fully there must be a gap of 7 inches between the back of the seat and the front of the rear seat and a minimum height of 34" from the lowest part of the seat pad to the roof
- 1.4 Not to be left-hand drive. Right hand drive passenger vehicles offer the driver clearer and safer vision in an overtaking manoeuvre, and also eliminate the need for a front seat passenger to alight from the vehicle into the road.
- 1.5 With an engine having a capacity of at least 1600 cc. including vehicles badged by the manufacturer as "1.6" models.

- 1.6 To have windows to the side and rear providing natural light to passenger compartment.
- 1.7 In the interest of safety each vehicle should have a minimum 4 doors, which are capable of being opened from the inside.
- 1.8 The passenger carrying capacity will be at the discretion of the Council
  - All seats must be fitted with fully operational seat belts
  - The number of passenger seats must remain as stated on the vehicle licence
  - There must be no alteration to the seating configuration without notifying the Council
  - All seats must be forward or rear facing
  - All vehicles must be able to seat a minimum of 4 passengers in comfort with sufficient legroom for all passengers
  - The seat covering must be clean and in a good state of repair.
- 1.9 The vehicle and its fittings must, when being presented for inspection and at all times during when it is licensed and available for hire:
  - Be safe
  - Be tidy
  - Be clean
  - Comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to the Motor Vehicle (Construction and Use) which currently apply.
- 2.0 The vehicle must be maintained throughout the term of the vehicle licence to a high standard of appearance to the complete satisfaction of the Council.
- 2.1 The licensed vehicle shall be coloured Black, Red, Dark Blue e.g. (navy blue, Westminster blue), Maroon, Dark Green and no other colour unless it is approved by the Council.
- 2.2 In view of the high mileage covered by private hire vehicles and the interval between examinations, the depth of tyre tread on all vehicles must be a minimum of 2mm.
- 2.3 All paintwork will be professionally finished and the vehicle free from dents and damage to either bodywork or fittings. Bare metal, primer paint, visible rust and perforations will not be permitted.



## Appendix D

### Private Hire Limousines & Speciality Vehicles Special Conditions

#### **1.0 Additional Conditions for Private Hire Limousines & Speciality Vehicles**

1.1 These conditions are in addition to the private hire vehicle conditions, except where the conditions below supersede the standard conditions.

1.2 The vehicle to be exempted is of a high quality both in terms of brand and condition. Vehicles considered will normally be from the luxury manufacturers such as:

- Mercedes Benz
- BMW
- Jaguar
- Rolls Royce
- Bentley
- Lexus.

The highest specification executive type cars from other manufacturers may also be considered. The vehicle must have no visible defects, dents or blemishes to the external bodywork or internal trim.

1.3 The vehicle may be exempt from displaying the licence plate however must be carried within the interior of the vehicle in the boot or the glove box if an exemption is applied for then no other identification marks on the exterior of the vehicle will be permitted.

1.4 The vehicle must display on the front windscreen the interior window badge issued by the council.

## **2.0 Types of Vehicles**

2.1 The vehicle must have one of the following:

- (i) A UK Single Vehicle Approval Certificate
- (ii) A European Whole Vehicle Approval Certificate
- (iii) UK Low Volume Type Approval Certificate

2.2 If the vehicle has a UK Single Vehicle Approval Certificate, the Council will expect that the vehicle will have been modified in accordance with a program approved by the original vehicle manufacturer and have appropriate documentary proof. The licensee must produce a copy of the IVA certificate at time of licensing.

## **3.0 Vehicle and Safety Equipment**

3.1 Stretched limousines and speciality vehicles shall comply with the existing conditions of licence applicable to all licensed private hire vehicles in so far as they are not superseded by these additional conditions and the local private hire licence fee shall be the same.

3.2 The proprietor of a vehicle shall:

- Ensure that the fire extinguisher required complying with the standard vehicle conditions of licence applicable to all licensed private hire vehicles should be mounted on brackets, in a position in the driver's compartment
- Ensure that the vehicle and all its fittings and equipment are at all times kept in a fit, serviceable, efficient, safe and clean condition and all relevant statutory requirements (including those contained in the Motor Vehicles (Construction & Use) Regulations) are fully complied with.

3.3 Should the vehicle fail to comply with any legal requirement then the vehicle should be removed from service until the reasons for non-compliance is rectified.

3.4 Ensure that loose luggage is not carried within the passenger compartment of the vehicle

3.5 Ensure that any CCTV cameras installed in the vehicle have received prior written approval of the Council

3.6 Display a Council approved sign, in a position clearly visible to passengers, warning customers that camera surveillance equipment may be in operation

3.7 Ensure the vehicle is fitted with tyres that meet both the size and weight specification

3.8 Vehicles may be granted an exemption from the requirement under the conditions of licence for private hire vehicles to be right hand drive.

3.9 Vehicles with sideways facing seating may be considered for private hire licensing.

- 3.10 The passenger compartment of the vehicle may be fitted with darkened or blackened glass if approved by the Council.
- 3.11 The driver's compartment, including the front passenger seat must not be fitted with darkened or blackened glass.
- 3.12 The licence holder shall not at any time use or permit to be used in the vehicle a radio scanner or citizen band radio.

#### **4.0 Use of Vehicle**

4.1 The proprietor of the vehicle shall: -

- Ensure that the vehicle is at all times only driven by a person who holds a current private hire vehicle driver's licence issued by Worthing Borough Council
- Not permit to be conveyed in the vehicle more than the number of persons for which the vehicle is licensed, regardless of the age or size of the passengers
- Ensure that in any advertisement publicising their business, the vehicle is only licensed to carry a maximum of eight passengers
- Not convey any passengers in the front compartment of the limousine
- Not supply any intoxicating liquor in the vehicle unless there is in force an appropriate authorisation under the Licensing Act 2003 permitting the sale or supply of the same
- If the occupants are below the age of 18, there should be no alcohol in the vehicle for consumption or otherwise
- Any glassware in the vehicle must be made of either shatterproof glass or plastic
- The driver shall not play or permit the performance of any media that, given its age classification or content, is unsuitable for the age of the passengers in the vehicle
- If the vehicle parks to provide some sort of entertainment to its passengers, the relevant authorisation must be in place in accordance with the Licensing Act 2003
- When directed by the Council, display and maintain any notices in conspicuous position.

**Appendix E**

**Private Hire Operator's Licence Conditions**

**1. Provision and Furnishings of Private Hire Vehicles**

- 1.1 The operator shall ensure that at all times the vehicles including its seating, flooring and fittings are kept in a clean and tidy condition and if in the reasonable opinion of the Council's Licensing Officer a lack of cleanliness and/or tidiness is such as to render its use by the public undesirable he shall notify the proprietor thereof whereupon the proprietor shall not use or cause or permit the use of the vehicle as a private hire vehicle until such time as the Licensing Officer has re-inspected the vehicle and confirmed it is clean and tidy.

**2.0 Display of Licence Plates, Signs and Advertising**

- 2.1 The operator shall ensure that the licence plate issued and allocated by the Council is affixed to the outside of the carriage, on or adjacent to the rear bumper, or in such other position as may be approved by the Licensing Officer.
- 2.2 The operator shall ensure maintenance of such licence plate in a clean and legible condition and shall inform the Council immediately should it be lost or broken or become defaced.
- The operator may display on the outside or inside of the vehicle the following:
    - Private hire car sign (which may be issued by the Council) on the windscreen
    - Vehicle Licence plate
    - Approved West Sussex County Council School Transport Sign when operating in conjunction with school contracts and
    - Any other thing required to be displayed by law



- 2.3 The operator may display advertising on a private hire vehicle provided it complies with Appendix D of this policy
- 2.4 Any advertising material shall not contain the words "Taxi", "Hackney", "Cab" or "For Hire". This restriction includes the use of the words when used within the proprietor's company name, log, website or email address. The advertising material shall be non-reflective.
- 2.5 Nothing shall be advertised which might reasonably cause offence to members of the public

### **3.0 Records**

- 3.1 The operator shall keep a permanent record of every booking of a private hire vehicle invited and accepted by him, whether direct from the hirer or by undertaking the bookings at the request of another operator. The records shall be made available for inspection by the Council's Licensing Officer upon request. The record entries must be made before the commencement of each journey and shall include:
- The time and date of the booking
  - The time and date of the pickup point
  - Details of the destination
  - The name and contact details of the hirer
  - The registration number of the vehicle and driver allocated for the journey
  - Drivers Call sign
- 3.2 All records kept by the operator pursuant to Condition 3.1 above shall be preserved for a period of not less than twelve months following the date of the relevant entry.
- 3.3 The operator shall keep written records of the particulars of all private hire vehicles operated by him and shall include a copy of the licensed driver's private hire licence, details of the proprietors, registration number and drivers of such vehicles together with any radio call sign used.
- 3.4 The operator shall ensure that each driver has their own call sign. Drivers must not share the same call sign.

- 3.5 The Operator will securely retain the licenses of all drivers engaged to work for them and make them available for inspection as required.
- 3.6 It is the operator's responsibility to ensure that every driver that works on his circuit holds a current private hire drivers licence.
- 3.7 It is the operator's responsibility to ensure that every vehicle operating on their circuit has the following:
- Valid Certificate of Insurance for Hire and Reward
  - Valid Certificate of Compliance
  - Valid Private Hire Vehicle Licence
  - Valid Road Fund Licence
- The operator is required to keep a record of all the above and ensure that the drivers are reminded if any of the documents are due to expire.

- 3.8 If any documents expire the operator must ensure the driver cannot work on the circuit until valid documents have been submitted to the operator.

#### **4.0 Conduct of Proprietors**

- 4.1 The operator shall not accept any person as a passenger in a private hire vehicle unless the passenger or someone on his behalf previously requested the hiring by telephone, letter, email, text or personal call to the office or business premises of the proprietor.
- 4.2 The operator shall not permit an order or request for a hiring to be transmitted by means of a radio set installed in a licensed private hire vehicle, from a private hire vehicle to an operator.
- 4.3 The operator shall not by calling out or otherwise, importune any person to hire such a vehicle and shall not make use of the services of any other person for that purpose.
- 4.4 The operator will comply with the Department for Transport 'Taxi & Private Hire Vehicle Licensing Best Practice Guidance'.

## **5.0 Miscellaneous**

- 5.1 The operator shall notify the Council forthwith should he/they change address.
- 5.2 The operator shall notify the Council forthwith of any intended change in use of a licensed vehicle, or of any relevant change of particulars supplied at the time of application for this licence.
- 5.3 This licence must be kept in the possession of the operator and must not be passed to any unauthorised person. It must be produced when requested by any authorised officer of the Council or any police officer.
- 5.4 In the event of loss or damage to this licence the Licensing Section must be informed immediately so that a replacement licence can be issued.
- 5.5 This licence must not be altered or defaced in any way.
- 5.6 The operator must take all reasonable steps to ensure that there is no radio scanning equipment in the vehicles at any time.
- 5.7 Since 2001 private hire vehicles must carry guide, hearing or other assistance dogs belonging to passengers, free of charge, unless a driver has a proven medical condition that would preclude such action. Licensed drivers have a responsibility to ensure that the proprietor they drive for is aware of such condition when they are first employed. The dog must be allowed to remain with the passenger.
- 5.8 If you wish to operate a greater number of vehicles than permitted under your licence, you will need to apply for a new operator's licence with payment of the appropriate fee, and submit your original licence to be surrendered upon grant of the new licence. You would not be entitled to any refund in respect of the surrendered licence.
- 5.9 No person or corporate or incorporated body may hold more than one operator's licence.



## Appendix F

### Hackney Carriage Vehicle Conditions of Licence

#### **1.0 Licence Plate**

- 1.1 The proprietor must ensure that the licence plate provided and allocated to him by Worthing Borough Council is maintained in a clear and legible condition and is securely affixed to the outside rear of the Carriage. Magnets, Double Sided Tape and Velcro are not acceptable for securing the plate.
- 1.2 The Council must be informed as soon as practicable should the licence plate be lost, broken or defaced.
- 1.3 The Proprietor shall not cause or permit the vehicle to be used or operated with the said plate so defaced that any figure or material particular is illegible.
- 1.4 The internal licence plate issued by the Council must be affixed to the nearside part of the windscreen in such a position where the telephone number on the rear of the internal licence plate can be clearly seen by passengers and must be displayed at all times.

#### **2.0 Vehicle Change of Use**

- 2.1 The Proprietor must notify the Council of any intended change in use of the specified vehicle, or any change in the particulars supplied at the time of application for the licence and of any modifications made to the vehicle, including seating arrangements.

2.2 A proprietor shall give 7 days written notice to the Council of his intention to transfer this licence to another vehicle and shall not permit that vehicle to be hired until this licence has been endorsed by the Council.

### **3.0 Vehicle Licence**

3.1 In the event of loss of or damage to this licence the Council must be informed immediately so that a replacement can be issued.

3.2 On revocation, expiry, transfer or suspension of the licence, the licence and the plate issued in respect of the vehicle must be returned to the Council forthwith upon service of a notice on the Proprietor.

3.3 A new licence will only be issued to a vehicle which is less than 7 years old from first date of registration and with no more than 60,000 on the odometer in the vehicle.

3.4 The proprietor shall advise the Council in writing within 14 days of any change of address or contact number.

### **4.0 Insurance**

4.1 The proprietor shall ensure that the vehicle is not to be used unless there is in force in relation to the vehicle a policy of insurance complying with the requirements of the Road Traffic Acts and which covers the vehicle for the carriage of passengers for public hire.

4.2 A copy of a vehicle's current valid insurance document must be kept with the vehicle and available for inspection by the Licensing Officer or Police Officer.

4.4 On renewal of the policy, a copy should be lodged with the Council at the earliest opportunity.

### **5.0 Interior Appearance**

5.1 The interior of the vehicle should always be in a clean and tidy state and fit for purpose.

5.2 Carpets, upholstery and cloth trim are to be clean and undamaged. Good quality seat covers and carpet mats may be used, provided that each is a matching set, of a colour co-ordinating with the vehicle and kept in good condition

5.3 All plastic fascia, door linings, roof linings and trim are to be kept free from marks, stains and damage

- 5.4 All doors, locks and windows are to be in full working order and in good condition
- 5.5 All interior lights and fascia illumination are to be in full working order and in good condition
- 5.6 All windows are to be kept free of dirt, grime and marks
- 5.7 Boot space/luggage areas to be kept clean and vehicle equipment properly stowed

## **6.0 Tinted Windows**

- 6.1 Vehicles are manufactured and produced with window glass in various tints or film coatings from clear to jet-black, the latter making it impossible to view into the passenger compartment. The removal of film coating from windows is far less expensive than the changing of glass. These heavily tinted windows may be of concern to women passengers travelling alone, and parents of children travelling unaccompanied. Many of the vehicles supplied with tinted glass are acceptable, however in the interests of safety and reassurance of passengers, tinted glass or mirrored glass that restricts all view into the passenger compartment will not be accepted on licensed vehicles.

## **7.0 Fire Extinguisher & First Aid Kit**

- 7.1 All vehicles must carry a standard motorist's first aid kit and an easily accessible and compliant fire extinguisher, both of which must carry an expiry date and remain in a serviceable condition.
- 7.2 Vehicles licenced to carry 5 or more passengers must also carry a glass hammer.

## **8.0 Accidents**

- 8.1 In the event of a vehicle being involved in an accident, the proprietor must inform the Council the next available working day of any accident causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein.

## **9.0 Disability Access**

- 9.1 Hackney carriage vehicles adapted to carry wheelchairs must comply with the conditions below.
- 9.2 Where a vehicle is utilised for the carriage of passengers in a wheelchair, the following conditions shall apply:

- Loading of the wheelchair is from the side or the rear of the vehicle. Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus.
- Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit.

9.3 Vehicles which have been converted to carry wheelchairs must provide a Certificate from an approved converter

9.4 A suitable restraint must be available for the occupant of a wheelchair

9.5 Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper

9.6 Ramps and lifts must be securely stored in the vehicle before it may move off.

9.7 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (S.I. 1998/2307).

9.8 Any such equipment must be maintained in good working order and be available for use at all times.

9.9 A certificate confirming that the equipment has been tested and approved must be supplied to the Licensing Officer on an annual basis.

9.10 Where a vehicle is designed or adapted to carry a wheelchair, the proprietor/operator shall ensure that the driver has received sufficient training to load and convey wheelchair bound passengers.

## **10.0 Luggage in Estate Cars and MPV Vehicles**

10.1 Luggage should not be stacked above the height of the rear seats unless the vehicle is designed, or fitted with suitable luggage restraints or covers to prevent luggage from entering the passenger compartment.

## **11.0 Taximeters**

11.1 The proprietor of a hackney carriage shall ensure the vehicle is fitted with a taximeter approved by the Council, and that meter shall be maintained in a sound working condition at all times.

- 11.2 The taximeter shall be set for up to the current maximum tariff agreed by the Council and no unauthorised adjustment of the meter shall be made.
- 11.3 The proprietor shall ensure the "For Hire" sign or other illuminated sign is extinguished when the fare commences, and the taximeter brought into operation.
- 11.4 The taximeter shall be of the clock calendar type or an approved taximeter and charge no more than the wording of the Councils current maximum fare tariff.
- 11.5 The taximeter must not be altered or tampered except with the approval of the Council and must be retested by the Council if it is altered.
- 11.6 Show the fare recorded on the taximeter in plainly legible figures, and the word "FARE" shall be clearly displayed so as to apply to such figures.
- 11.7 Be kept surely fixed in such a position so that the fare recorded is visible to all passengers within the vehicle at all times, and the figures shall be illuminated for this purpose whenever necessary.
- 11.8 The taximeter must be sealed at all times and if a seal is broken the Licensing Office must be notified as soon as possible.

#### **12.0 Fare Table**

- 12.1 A hackney carriage proprietor shall ensure that a copy of the current fare table supplied by the Council is on display inside the hackney carriage at all times and that table is not concealed from view or rendered illegible when the vehicle is for hire.

#### **13.0 Two Way Radios**

- 13.1 The proprietor shall ensure that any radio equipment fitted to the licensed vehicle is at all times kept in a safe and sound condition and maintained in proper working order.

#### **14.0 Mobile Telephones**

- 14.1 Mobile telephones may only be used with a hands-free kit.

#### **15.0 Smoking**

- 15.1 Under the Health Act 2006 and the Smoke-free (Signs) Regulations 2007, all hackney carriage vehicles are required by law to be smoke free at all times and are



also required to display the prescribed no-smoking signs and the signage must be displayed in a prominent position.

- 15.2 E cigarettes or similar are not permitted to be used within the vehicle this is to avoid any doubt of cigarette type and the uncertainty of any long term health risk

## **16.0 Roof Sign**

- 16.1 Each hackney carriage vehicle (with the exception of those vehicles with a built in roof light) shall display at all times an illuminable white roof sign which meets the criteria laid out below

- 16.2 Vehicles which have a built-in roof sign or light may be exempt from displaying the standard roof light if the Licensing Officer is satisfied that the built-in roof light is an acceptable alternative.

- 16.3 The roof light must comply with the criteria below.

- measure 76cm in width x 15cm in length x 16cm in height.
- be of "Aero" type design
- include the Worthing Borough Council logo in colour on the left hand side of the front face of the sign.
- The logo must measure not less than 13cm in height by 13cm in width.
- display in the middle of the front face of the sign the following words in the format shown below:

WORTHING

TAXI

- The letters comprising the word 'WORTHING' shall be not less than 3cm in height, and the letters comprising the word 'TAXI' shall be not less than 7cm in height.
- Include the hackney carriage proprietor's licence number on the right hand side of the front face in numbers measuring not less than 6 cm in height.
- The rear face of the sign there shall be displayed only one telephone number of the operator or proprietor of the vehicle, in digits measuring not less than 9cm in height. The rear face of the sign may be left blank if the operator or proprietor does not wish to display his/her telephone number.

- All letters and numbers displayed must be solid black in colour and be in Flute B font.
- The sign must be white on the front face. The sign may be red or white on the rear face but must be red at the rear when illuminated.
- No words or numbers may be displayed on the sign except as set out above.
- The illumination mechanism shall not be operated during any period for which the vehicle is hired or when the vehicle is not hired and is outside the Borough of Worthing

16.4 Vehicles with a purpose built integral roof sign are exempt from the above conditions.

16.5 The roof sign must be displayed at all times regardless whether the vehicle is working for public hire or private use. Failure to do so may result in the suspension of the vehicle licence.

16.6 Door plates issued by the council must be displayed at all times and will be placed on the rear door by the handle.

#### **17.0 Door Signage**

17.1 Hackney carriage vehicles shall display door signs on the lower panel of each front door of the vehicle.

17.2 The door signs will be ordered and authorised by the Council and proprietors will be advised when the door signs are ready for collection.

17.3 These door signs must be displayed at all times. Failure to display these door signs may result in the suspension of the vehicle licence.

#### **18.0 Pre-Booked Fares**

18.1 Hackney Carriages may be used for pre-booked shared journeys providing they comply with the criteria below.

18.2 The vehicle's proprietor must notify the Council in writing that the vehicle is to be used for pre-booked shared journeys.

18.3 The taximeter must be calibrated for the calculation of separate fees for separate journeys and has been tested and sealed by the Council.

18.4 A record of all pre-booked shared journeys undertaken by the vehicle shall be kept by the proprietor and stored for a period of 6 month.

18.5 The hackney carriage may be used for a pre-booked shared journey only where the hirers have consented to the journey when booking in advance and where the consent of all hirers has been recorded

The record entries must be made before the commencement of each journey and shall include:

- The time and date of the booking
- The time and date of the pickup point
- Details of the destination
- The name and contact details of the hirer
- The registration number of the vehicle and driver allocated for the journey
- Drivers Call sign

18.6 The driver of a hackney carriage vehicle which is used for pre-booked shared journey must produce copies of all pre-booked shared journeys if requested by a Council officer.

## **19. Vehicle Fitness Test**

19.1 Vehicle Fitness Testing is required every 12 month for vehicles under 10 years old and every 6 months for vehicles more than 10 years old.

19.2 If a vehicle fails the Vehicle fitness test and the vehicle still has a valid MOT Certificate the vehicle cannot be used as a licenced vehicle until a valid Vehicle fitness test has been issued.

19.3 It is the proprietor's responsibility to ensure the vehicle has a valid Certificate of Fitness at all times whilst the vehicle is licenced.

19.4 The vehicle fitness must be carried out at the nominate MOT testing station Commerce Way Lancing BN15 8TA.

19.5 Vehicles older than 10 years old will be assessed on a case by case basis and a licence will only be given to vehicles with no mechanical defects and no visible defects or blemishes to the external bodywork or internal trim.

## **20.0 Advertising**

20.1 The following type of advertising may be permitted on hackney carriage vehicles:-

20.2 Display screens on rear headrests or in the rear compartment of wheelchair accessible vehicles.

20.4 Advertising may also be displayed on the rear doors providing the advert comply with the following criteria:-

- Advertisements may only be displayed on the rear wings a vehicle and must be correctly affixed to a continuous flat surface. (NOTE: Vehicles which meet the conditions of fitness of the Public Carriage Office may also advertise inside the vehicle on the base of the occasional seats or along the bulkhead on top of the passenger/ driver partition. All such advertisements must be encapsulated in clear non-flammable plastic);
- any advertisements shall not exceed 30 inches by 15 inches.
- advertisements must be of such a form as not to become easily soiled or detached.
- all materials used and adhesives shall be of non-flammable substances
- advertisements shall not contain matters relating to alcohol, smoking, or give offence to the public.
- the prior approval of the Head of Planning and Environmental Services shall be sought in each case to the form and content of the advertisement.

## **21 CCTV Installation in Hackney Carriage Vehicles**

21.1 CCTV systems for preventing and detecting crime are well established. Purpose made In-car CCTV systems, including digital stills systems are a more recent development. They can deter crime and harassment of drivers. When a crime does occur, the images can provide information to assist in an investigation and evidence for court proceedings.

21.2 The installation and use of in-car CCTV in hackney carriage vehicles is permitted by the Council, subject to specification detailed below:

- Visual Recordings only are not viewable by passengers or drivers
- It operates effectively in difficult light conditions inside vehicles
- It provides images of adequate quality for evidence

- Material is only accessible by the police and authorised personnel of the Licensing Authority for the purpose of aiding investigation.
- Notices must be displayed on the vehicle so that passengers are aware that CCTV is in use.

Please contact your insurance company to ensure that a system fitted to your vehicle does not materially alter or invalidate your insurance.

DRAFT

**Appendix G**

**Hackney Carriage Vehicle Specification**

**1.0 Vehicle Specification**

1.1 When licensing hackney carriage vehicles the Council has to consider the need for safety, convenience, and comfort of passengers in vehicles that operate in rural, urban and motorway environments. The size and engine capacity have also to be considered given that all vehicles are required to carry their licensed number of passengers together with their luggage. The Council considers that a vehicle should be of manufacturers' original specification and shall be constructed and designed: -

- For the Carriage of not less than 4 and not more than 8 passengers with the provision of a seatbelt for each passenger.
- With the seat provided for each passenger having a minimum width of 405 millimetres (16 inches) measured across its narrowest part.
- Not to be left-hand drive. Right hand drive passenger vehicles offer the driver clearer and safer vision in an overtaking manoeuvre, and also eliminate the need for a front seat passenger to alight from the vehicle into the road.
- With an engine having a capacity of at least 1600 cc. including vehicles badged by the manufacturer as "1.6" models.
- To have windows to the side and rear providing natural light to passenger compartment.

1.2 In the interest of safety each vehicle should have a minimum 4 doors, which are capable of being opened from the inside.

1.3 The passenger carrying capacity will be at the discretion of the Council

- The rear seat of the vehicle must be a minimum of 1.22 meters long (405 mm, 16 inches per person)
- All seats must be fitted with fully operational seat belts

- The number of passenger seats must remain as stated on the vehicle licence
  - There must be no alteration to the seating configuration without notifying the Council
  - All seats must be forward or rear facing
  - All vehicles must be able to seat a minimum of 4 passengers in comfort with sufficient legroom for all passengers
  - The seat covering must be clean and in a good state of repair.
- 1.4 The vehicle and its fittings must, when being presented for inspection and at all times during when it is licensed and available for hire:
- Be safe
  - Be tidy
  - Be clean
  - Comply with all relevant statutory requirements applicable to the class of vehicle to which it belongs including, but without prejudice to the Motor Vehicle (Construction and Use) Regulations which currently apply.
- 1.5 The vehicle must be maintained throughout the term of the vehicle licence to a high standard of appearance to the complete satisfaction of the Council.
- 1.6 The licensed vehicle shall be white and no other colour unless it is a purpose built vehicle approved by the Council.
- 1.7 In view of the high mileage covered by Hackney Carriage vehicles and the interval between examinations, the depth of tyre tread on all vehicles must, at all times, be a minimum of 2mm.
- 1.8 All paintwork will be professionally finished and the vehicle free from dents and damage to either bodywork or fittings. Bare metal, primer paint, visible rust and perforations will not be permitted.





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**Local Government (Miscellaneous Provisions) Act 1982 – Schedule 4  
Draft Street Trading Policy**

**Report by the Director of Customer Services**

**1. Summary**

- 1.1 Members are requested to agree a draft statement of Street Trading Licensing Policy, prepared in accordance with the requirements of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, as a basis for consultation with stakeholders.

**2. Background**

- 2.1 Street Trading means the selling, or exposing, or offering for sale, of any article in a street. A street for the purposes of this definition includes any road, highway, footway, beach or other area to which the public have free access without payment.
- 2.2 In 1988 Worthing Borough Council first adopted controls under the provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (the act) to control street trading in certain areas of the town centre where complaints had been received regarding the conduct of some street traders. Over the years other areas have been added to the list of streets in which street trading is regulated to address specific concerns associated with different areas of the borough.
- 2.3 When these controls were first adopted members formulated some basic principles that officers have used to consider street trading applications. Applications that have not met the criteria have been refused under delegated powers or been referred to this committee for consideration.
- 2.4 The act does not require that Local Authorities publish a statement of Licensing Policy but members and officers have expressed their opinion that a formal Worthing Borough Council street trading policy would assist in administering the function and any future deliberations regarding street trading applications.
- 2.5 This draft policy incorporates the original principles members set out in 1988.
- 2.6 When adopting a formal licensing policy it is standard practice that the council undertakes consultation with our partner authorities, including the Police, and representatives of other stakeholders, including businesses and local residents before any statement is considered for adoption.

### **3. Consideration**

- 3.1 A draft statement of Street Trading Licensing Policy is attached to this report. The draft statement accords with the provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. (Appendix A)
- 3.2 This document has been prepared as a starting point for members' consideration. The policy will need to be considered section by section. Although it may suggest one particular approach it is only guidance and members will have to consider each point on its merits. The policy attached has been drafted to stimulate debate and members will need to decide if this is appropriate and need to be satisfied that they are not fettering their discretion but setting up a general standard. Members need to be aware that they can move away from and/or review any aspect of the policy at any time in the future if they wish.
- 3.3 The draft policy that is given initial approval by members will then be used as a basis for consultation. An eight week consultation period is proposed. A list of proposed consulted is included. (Appendix B)
- 3.4 The consultation results and a final version incorporating any changes to be considered will be brought back to this committee towards the end of this year.

### **4. Legal Implications**

- 4.1 In determining this matter the principles of the Human Rights Act 1998 must be taken into consideration and the convention rights of both individuals and businesses given due weight.
- 4.2 Members must consider each licensing matter on its own merits, and in accordance with the principles of natural justice, as well as the provisions of the Local Government (Miscellaneous Provisions) Act 1982. All relevant factors must be taken into account, and all irrelevant factors must be disregarded.
- 4.3 All licensing matters, before Committee, must be considered against the backdrop of anti-discriminatory legislation, such as the Equality Act 2010 and also in accordance with the Council's stated policy on Equal Opportunities.
- 4.4 In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas.

## **5. Other Implications**

- 5.1 Any decision taken will have regard for the local environment and, in particular, any conditions attached for the purposes of preventing public nuisance will take this principle into account.
- 5.2 There are no significant crime & disorder, equal opportunities, race relations or financial implications arising from this report. Crime and disorder, and environmental implication have been considered.

## **6. Recommendation**

- 6.1 **Members are asked to consider and comment on the attached draft statement of Street Trading Licensing Policy.**
- 5.2 **Members are asked to approve the adoption of the draft policy, with any amendments agreed at the meeting, as the basis for consultation; and to agree to receive a further report to consider the results of the consultation**

**Jane Eckford**  
**Director of Customer Services**

### **Principal Author and Contact Officer:**

Simon Jones

Senior Licensing Officer - Tel: 01273 263191 or [simon.jones@adur-worthing.gov.uk](mailto:simon.jones@adur-worthing.gov.uk)

### **Background Papers:**

- Local Government (Miscellaneous Provisions) Act 1982 – Schedule 4  
<http://www.legislation.gov.uk/ukpga/1982/30/contents>
- Adur & Worthing Councils' Guide to Street Trading  
<http://www.adur-worthing.gov.uk/licensing-and-permits/streets-highways-towns/>

### **Appendices:**

- Appendix A - Draft statement of Street Trading Licensing Policy & Appendices
- Appendix B - Draft List of Consultees

Commerce Way, Lancing

Ref: SJ/Lic.U/WBC Street Trading Policy

Date: 7 July 2014.

## **Schedule of other matters**

### **1.0 Council Priority**

1.1 Matter considered and no issues identified.

### **2.0 Specific Action Plans**

2.1 Matter considered and no issues identified

### **3.0 Sustainability Issues**

3.1 Matter considered and no issues identified

### **4.0 Equality Issues**

4.1 Brought to the attention of members within the report otherwise no issues identified.

### **5.0 Community Safety issues (Section 17)**

5.1 Matter considered and no issues identified

### **6.0 Human Rights Issues**

6.1 Human rights concerns are brought to the committee's attention within the report.

### **7.0 Reputation**

7.1 Matter considered and no issues identified.

### **8.0 Consultation**

8.1 Standard consultation suggested and detailed in appendix B of the report.

### **9.0 Risk assessment**

9.1 Matter considered and no issues identified.

### **10.0 Health & Safety Issues**

10.1 No issues identified

### **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified.

### **12.0 Partnership working**

12.1 Matter considered and no issues identified.

Appendix A



**DRAFT STATEMENT OF STREET TRADING  
LICENSING POLICY**

Local Government (Miscellaneous Provisions) Act 1982

**July 2014**

**Draft 2**



## **WORTHING BOROUGH COUNCIL STREET TRADING POLICY**

The Borough of Worthing is situated in the County of West Sussex which contains seven local councils in total; Worthing is a compact urban seaside borough. It is one of the largest towns in terms of population in West Sussex with around 100,000 residing in an area of 3300 hectares. Worthing Borough Council and Adur District Council are served by a single officer structure but remain separate Authorities

Adur & Worthing Councils are committed to working in partnership to support and improve the local economy by supporting businesses in the creation of jobs and regenerating neighbourhoods whilst promoting and supporting charity and community events.

Both councils seek to strengthen ties with Business Partnerships such as the Adur and Worthing Chamber of Commerce and Adur & Worthing Business Partnership and will endeavor to reduce red tape in regulation and regeneration and will always look for opportunities for economic development and allow communities to be more involved in decisions.

### **1. Introduction**

Street trading is defined as selling, or exposing or offering for sale, of any article (including living things and vehicles) in a street. Street trading is controlled under provisions of the Local Government (Miscellaneous Provisions) Act 1982. Due to complaints received from the public over the years, regarding the activities of some street traders, both Adur District & Worthing Borough councils have adopted powers under the above act to regulate this activity.

Worthing Borough Council (The Council) is the Licensing Authority under the Local Government (Miscellaneous Provisions) Act 1982 responsible for the administration and enforcement of the Act within the borough of Worthing. This includes, among other duties, the granting of street trading permissions and enforcement of the legislation. These duties have been delegated to the Council's Licensing & Control Committee and Licensing Unit.

This statement has been prepared and updated in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982. The statement sets out the policies the Council will generally apply to promote its licensing objectives when making decisions on applications made under the Act.

### **2. Licensing Objectives**

In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under a duty to exercise its licensing functions with due regard to the likely effect on, and the need to do all it reasonably can to prevent, crime and disorder in its areas. The possible crime and disorder implications are clearly relevant factors in the consideration of all street trading consent applications.

In giving "due regard" to these possible implications officers and members, when considering a street trading application, renewal or review, will consider and weigh up all the information available and any representations made particularly those from the Police.

The Local Government (Miscellaneous Provisions) Act 1982 does not define objectives but Worthing Borough Council considers the following as the main objectives that have to be addressed when considering any licence or consent application:

- Prevention of Crime & Disorder
- Prevention of Public Nuisance

- Public Safety
- Protection of children & vulnerable persons

### 3. Purpose

The purpose of the Council's street trading policy is to create a street trading environment which complements premises-based trading, is sensitive to the needs of residents, provides diversity and consumer choice, and seeks to enhance the character, ambience and safety of local environments. It is further intended to set out the requirements and standards expected of street traders in Worthing.

### 4. What is Street Trading?

Street trading means selling, exposing or offering for sale any article or the supplying of or offering to supply any service in a street. The term 'street' includes any road, footway, the beach, seafront or other open area to which the public have access without payment. The street trading policy will therefore include all hot and cold food vendors (including ice cream vendors) and all vendors of non-food products who trade on static pitches from any vehicle (including bicycles and/or motorbikes), stall, barrow, trailer, basket, bag, box, vessel, easel, board or tray or any other thing (whether specifically constructed or adapted for such use) used as a container for or the display of any article. The policy also covers the selling of vehicles and other seasonal items (such as Christmas trees).

In 1988 Worthing Borough Council adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 in a number of areas in the borough and has extended these controls in a number of other areas since.

Much of the borough of Worthing is unregulated as far as street trading is concerned. As long as a trader complies with his or her general legal requirements they are free to trade in these unregulated streets. The only obvious obligation the trader has trading in an unregulated area is to ensure their stall, van or trailer is legally & safely parked and is not causing an obstruction either itself or through its customers.

Other areas of the borough do have controls in place. There are two types of designated area in Worthing with Street Controls. Certain streets have been designated as 'prohibited streets' for street trading purposes and others 'consent streets'. No trading can take place in 'prohibited streets'. Trading can take place in the 'consent streets' but only with the formal permission of the Council.

A full list of the prohibited and consent streets is included in Appendix 1.

### 5. Exemptions from the need to obtain Consent

Some types of trade are legally exempt from the need to obtain a street trading consent. These include:

- a person trading under the authority of a pedlars' certificate granted under the Pedlars Act 1871. Pedlars should remain mobile and not occupy the same location for any period longer than 5 minutes, unless trading commences within that 5 minutes, in which case he/she should leave as soon as he is able after trading ceases. Each new location occupied should be at least 200m away from the previous one and at least 50m away from a location being occupied by another person.
- trade carried out by delivery drivers making regular deliveries to households e.g. milkmen;
- trade carried on at a petrol filling station;



- newspaper vendors trading in accordance with paragraph 1(3) of schedule 4

## **6. Fee Structure**

Worthing Borough Council will require payment of a fee before granting a street trading consent. The fee will primarily reflect the area in which trading will take place, the length of time for which a licence may be granted. The fees will be reviewed on an annual basis. Consents may be applied for and granted for:

- Annually
- Quarterly
- Monthly
- Daily

The Council's Licensing & Control Committee, having delegated authority under the Council's Constitution, may set fees and review the fee structure annually in relation to their areas of responsibility, in consultation with other appropriate Council Officers and Committees.

## **7. Other Street Trading Issues**

Other activities related to street trading that would not normally require the issue of a licence:

- Events based and run for the benefit of the community such as fetes and carnivals, where any financial gain from such events is entirely reinvested in the community. Organisers of such events should contact the Worthing Town Centre Manager for guidance.
- Sales of articles by householders on non-public land adjoining their homes (e.g. garage sales), so long as the sale is not being run as a business. Consent will not normally be required for these activities.
- Trading at or adjoining a shop premises as part of the business or shop would not need an additional street trading licence.
- Markets, car boot sales and other related activities organised or permitted by the council on land owned by the council would not normally require a licence.

## **8. Consultation**

Before publishing this Policy Statement, the Council consulted with Sussex Police, Adur & Worthing Safer Communities Partnership, the Environmental Protection Team, West Sussex County Council Highways Agency, West Sussex County Council Trading Standards Service, Worthing Town Centre Initiative and bodies representing local businesses and residents in the Borough.

The Council apportions proper weight to the views expressed by all the persons/bodies consulted before its Policy Statement takes effect.

Before any new streets are designated as 'prohibited' or 'consent', or changes made to their designation is authorised, the Council will consult and seek written observations from relevant parties listed above and any

others that it appears to the Council are likely to be affected by the authorisation, ward councillors and officers, and/or from other parties as directed by the Licensing & Control Committee.

The Council will also advertise the proposals as stipulated in the act and consider any responses received. Any objection from consultees will be assessed against the criteria in 9 below and may be referred to the Licensing & Control Committee for determination.

Any proposed change to standard conditions (see 12 below) will be consulted with appropriate parties where relevant.

Sussex Police, WSCC Highways Agency and Worthing Town Centre Initiative have been identified as 'responsible authorities' with regard to street trading applications. They will be consulted on all applications for new street trading consents in the town centre. The Senior Licensing Officer is empowered to consult any other parties he/she deems relevant.

## **9. Site Assessment**

The Council has identified suitable sites for street trading that are largely in areas where commercial activity is already taking place or problems have dictated controls are required. Other areas within the borough may be considered if there is a strength of local opinion that they should be included.

In determining whether to consider other areas to allow street trading, the Council will have regard to:

- any effect on road safety, either arising from the siting of the pitch or from customers visiting or leaving;
- any loss of amenity caused by noise, traffic or smell;
- existing Traffic Orders e.g. waiting restrictions;
- any potential obstruction of pedestrian or vehicular access;
- any obstruction to the safe passage of pedestrians;
- the safe access and egress of customers and staff from the pitch and immediate vicinity (including adequacy of lighting);
- disabled access.

## **10. Nature of Goods and Trading Hours**

### Worthing Town Centre

Applications for street trading consents within the town centre will only be considered in respect of Montague Street, Montague Place, South Street (northern end), Bath Place and Portland Road (South of Shelley Road) which are currently the only designated "consent" streets in the town centre. Applications will be considered on individual merit but are only likely to be given consent in exceptional cases where the proposed activity will add colour and interest to the local environment. Applications for permits in Bath Place and Shelley Road will normally only be considered for organised markets.

Consents will not normally be granted where the proposed trading would compete directly with shops and businesses in the vicinity unless the Council considers the increase in footfall attracted to the area by the street trading to be sufficiently beneficial to the area as a whole to justify making an exception. In such cases

it may grant consent for the sale of goods and services which complement those provided by nearby shops but may decide to grant such authorisation on a trial basis.

Consents will not be granted where the proposed trading would have an undesirable effect on the character of the area, create excessive obstruction, lead to an increase in litter or over-use of the area. In addition trailers and mobile vans, or the like, will not normally be permitted. The number of 'permanent' consent permits issued is limited and currently set at 3 permits in and around Montague Place.

#### Marine Crescent & Marine Drive

Applications for street trading consents for the coast roads in Worthing will only be considered in respect of Marine Crescent & Marine Drive. These are the only designated 'consent' streets, under the provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. Brighton Road, Marine Parade and West Parade are designated 'prohibited' streets and permission to trade cannot be granted.

Controls were adopted in this area because of residents' complaints regarding the conduct of fast food caterers. Applications will again be considered on individual merit but consent is only likely to be given to registered ice cream vans or if the proposed business is sympathetic to the sea side area and in exceptional cases where the proposed activity will add colour and interest to the local environment.

Consents will not be granted where the proposed trading would compete directly with businesses in the vicinity or would have an undesirable effect on the character of the area; create excessive obstruction, lead to an increase in litter or over-use of the area.

Consent to trade in Marine Crescent & Marine Drive will normally only be given to trailers, stalls, mobile vans or the like. The number of consent permits issued is limited and currently set at 10 permits

#### Hours

Street trading hours will be determined on a pitch-by-pitch basis and consideration will be given to the trading hours of shops in the immediate vicinity and the service being provided to residents and visitors in the area. Trading will normally be restricted to between the hours of 08.00hrs and 19.00hrs but exceptions will be considered.

The size, design and appearance of the van, trailer, stall, barrow, or cart etc. used must be agreed by the Senior Licensing Officer.

The selling of motor vehicles on the public highway on a commercial basis will not be permitted and all applications for this specific activity will be declined.

### **11. Issue of Street Trading Consent**

Street trading consents will normally be issued for a period of twelve months, to be used for a minimum of five days per week, unless the applicant can provide an alternative scheme acceptable to the Senior Licensing Officer.

Shorter term Consents will also be considered on a daily, weekly or monthly basis.

- an application should be made on the appropriate form (see Appendix 2) and must be completed in full before any application for a street trading consent will be considered. Any incomplete application will be returned;
- fees for consents must be paid in full at the time of application and should be submitted by cheque or postal order made payable to Worthing Borough Council;

- any application must be received at least 28 days prior to the first proposed day of trading;
- where an application is refused the fee will be returned less an administration fee of £25;

The holder of a street trading consent will be made aware that it may be necessary for the Local Authority to clean and maintain pavements, verges or the highway within the area granted Consent. If possible, prior notice will be given of any work required or of any planned routine maintenance, which will affect the ability to trade.

There may however be times when the permitted area will be unavailable for trading purposes due to utility, maintenance or construction. This is a normal function of the Highway Authority and will not, therefore, be subject to compensation.

In accordance with this policy the Senior Licensing Officer will determine applications after consultation with Sussex Police, WSCC Highways Agency and Worthing Town Centre Initiative. In addition he/she may consult any interested parties deemed relevant and other council officers. Applications that do not comply with this policy may be refused by the Authorised Officer or referred to the Licensing & Control Committee for determination.

If more than one application is received for a pitch at one time, it will be offered to the applicant whose proposal is considered most suitable for the particular pitch and at the discretion of the Senior Licensing Officer; such applications may be referred to the Licensing & Control Committee.

Consent cannot be issued to a person under the age of 17 years.

Licences are not transferrable. If a business with an existing licence ceases to trade a new licence will need to be obtained by any trader intending to use the same location.

All consents will expire, unless renewed, on the date specified in the consent. There is no automatic right of renewal. A 'consent permit' may not be renewed by the council for any reason, for instance if changes to the use of the area or local environment are planned. Refusal to renew will not be subject to compensation under any circumstances.

## **12. Refusal of Applications**

The Senior Licensing Officer will consider all applications for consent on their individual merit but an application may be refused if the application does not fit in with the council's policy, the applicant is unsuitable to hold the consent by reason of having been convicted of an offence, the application does not address the council's licensing objectives or for any other reason. The Applicant will be notified of and given reasons for the refusal in writing.

If the Applicant is not satisfied with the decision, they may make a written representation within 28 days of notification of the refusal, that the application be put before the Licensing & Control Committee for further consideration. Once arrangements have been made for the representation to be heard by the Licensing & Control Committee, the applicant will be advised in writing of the date, time and place where the representation will be heard.

The Local Government (Miscellaneous Provisions) Act 1982 does not allow any legal appeals against the decision of the Council in relation to the refusal of Street Trading Consents. However, an applicant aggrieved by a decision of the Council may seek a Judicial Review of the decision, should it be felt necessary.

### **13. Conditions and Enforcement**

Standard conditions will be attached to the 'street trading consent' detailing the holder's responsibilities to address the licensing objectives by maintaining public safety, avoid creating nuisance and generally preserve the amenity of the locality. (See appendix 3)

In addition, specific conditions may also be attached in connection to the days and hours when street trading is permitted, the goods which may be sold and the size of the pitch.

Failure to promote the licensing objectives or comply with any condition may lead to revocation of the street trading consent by the Senior Licensing Officer or referral to the Licensing & Control Committee for a review hearing. Where a 'consent' has been revoked by the Senior Licensing Officer the permit holder has the right to request his case be referred to the Licensing & Control Committee for a review hearing within 28 days of receiving the written notification. If a 'street trading consent' is revoked no refund of the 'consent' fee will be made.

The proprietor or stallholder may be held liable for any damage caused to the verge, pavement, highway or any other item of street furniture caused through the operation of his/her business.

Persons trading in prohibited streets and in consent streets without consent and who are not exempt will commit an offence and may be the subject of enforcement action. Other relevant offences which can be committed are set out in paragraph 10 of schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. Enforcement action may include the seizure and forfeiture of any article in the possession and / or control of a person committing a relevant offence.

### **14. Food Safety Requirements**

#### Registration of a Food Business

Food businesses are required to register with the Local Authority where the business operates or in the case of mobile vehicle the Local Authority where the vehicle is kept. Registration must take place at least 28 days before the business starts trading. Registration is free and simply informs the Council that a business will be starting up. It does not mean that the Council has approved the business as complying with the law nor does it give the business any special rights to trade.

#### Food Safety Act 1990

The Food Safety Act requires that food, which is handled, is safe for consumption. The detailed requirements that must be met to ensure that food is safe are laid out in the Food Hygiene (England) Regulations 2006.

In addition to the above legislative requirements, proprietors of food businesses are also required to provide a documented food management system. Information on food hygiene legislation and providing a documented food management system is available on the Food Standards Agency Website at [www.food.gov.uk](http://www.food.gov.uk).

### **15. Other relevant legislation**

In addition to the conditions attached to the street trading consent, applicants should be aware that there may be other relevant legislation which may impact on their business whilst they are trading such as:

- Health and Safety;

- Electrical Safety;
- Fire safety;
- Storage of Liquid Petroleum Gas (LPG);
- Food Hygiene;
- Pricing, labelling and copyright;
- Nuisance
- Waste storage and duty of care
- Licensing Act 2003

This policy will be the subject of periodic monitoring and review on a frequency of no more than five years. This policy will inform the detailed conditions attached to every street trading consent and will be applied in a manner which is consistent with the Council's equalities policies.

## 16. Concessions

Concession areas include Worthing promenade from King George V Avenue along to East Worthing and the beautiful Beaches, Parks and Gardens within Worthing borough & Adur district. These areas are owned by the Councils and concessions are let to local businesses following approval by the Concessions Working Group, which includes relevant Members & Officers of the Councils. Certain concessions are subject to tender, although most are not. Concessions are managed by the Regeneration Team at Adur & Worthing Councils.

### Useful Contacts:

- The Licensing Unit, Housing, Health & Community Safety  
Adur & Worthing Councils  
9 Commerce Way, Lancing  
BN15 8TA  
Email: [licensing.unit@adur-worthing.gov.uk](mailto:licensing.unit@adur-worthing.gov.uk)  
Tel: 01273 263192
- Sussex Police - Worthing & Adur Licensing Team  
Email: [ws\\_licensing\\_wor@sussex.pnn.police.uk](mailto:ws_licensing_wor@sussex.pnn.police.uk)
- Housing & Environmental Protection Group  
Email: [environmental.protection@adur-worthing.gov.uk](mailto:environmental.protection@adur-worthing.gov.uk)
- Development Control Group  
Planning Services  
Email: [planning@adur-worthing.gov.uk](mailto:planning@adur-worthing.gov.uk)

- West Sussex Trading Standards Service  
Email: [trading.standards@westsussex.gov.uk](mailto:trading.standards@westsussex.gov.uk)
- West Sussex Highways Agency  
Email: [highways.southern@westsussex.gov.uk](mailto:highways.southern@westsussex.gov.uk)
- Worthing Town Centre Initiative  
Email: [info@worthingtowncentre.co.uk](mailto:info@worthingtowncentre.co.uk)

**Appendix One:**  
**List of Prohibited Streets:**

Ann Street  
Anscombe Road  
Ardsheal Road  
Bedford Row  
Bernard Road  
Boulevard (North of Nelson Road)  
Broadwater Street West  
Brighton Road  
Buckingham Road  
Chapel Road  
Chatsworth Road  
Columbia Drive  
Crescent Road  
Cross Street  
Dominion Road  
Findon Road  
George V Avenue  
Goring Way  
Graham Road  
Ham Road  
High Street  
Liverpool Road  
Liverpool Terrace  
Marine Parade  
Marine Place  
Mulberry Lane  
New Street  
Offington Lane  
Oxford Road  
Portland Road (North of Shelley Road)  
Prospect Place  
Railway Approach  
Rectory Road  
Sompting Road  
South Farm Road (north of Ardsheal)  
South Street  
South Street Tarring  
Steyne  
Teville Gate  
Teville Place  
Teville Road  
Union Place  
Victoria Road  
Wallace Avenue  
Warwick Street  
West Buildings  
West Parade

No street trading of any description, including the sale of motor vehicles, is allowed in these streets and the Council under this act has no power to make exception.



**List of Consent Streets:**

Montague Street  
Montague Place  
South Street Square

The Council allows street trading in these streets under licence but has a strict policy that vendors are not competing with local shops, not selling fast food, not operating from a van or trailer and are adding colour to the town. Fast Food and Ice Cream Vans clearly would not receive a licence to operate in the above consent streets. Plots are strictly limited.

Bath Place  
Portland Road (South of Shelley Road)

The Council allows street trading as part of an organised approved market.

Marine Crescent  
Marine Drive

These are consent streets on West Worthing sea front and the licensing of Ice Cream vans and/or beverage vendors is considered but not fast food or the sale of motor vehicles. The number of licences issued is strictly limited.



Licensing Unit, 9 Commerce Way, Lancing, BN15 8TA

**Application for a Street Trading Consent for Worthing Town Centre**

Local Government (Miscellaneous Provisions) Act 1983 – Schedule 4

**IMPORTANT: Please read attached guidance notes before completing the form.**

1.	<b>Name of Applicant in full:</b>			
	<b>Address:</b>			
	<b>Telephone Number:</b>			
2.	<b>State the precise location at which you wish to trade (a sketch plan would be helpful)</b>  <b>(Note: Street Trading is permitted in Montague Street, Montague Place and South Street (Northern end) only.</b>			
3.	<b>What articles do you wish to trade in?</b>			
4.	<b>Give details (including dimensions) of any portable stall or other equipment which you wish to use in connection with your trading (<u>But</u> – see Guidance Note 2)</b>			
5.	<b>What is the duration of the consent for which you are applying?</b>	<b>(1 day/1 week/1 year/other) – please specify</b>		
6.	<b>Which days of the week do you wish the street trading consent to cover?</b>			
7.	<b>Between what times do you wish to be authorised to trade?</b>			
8.	<b>Please give details of any convictions you have relating to acts of violence or dishonesty :</b>			
	<b>Date of Conviction</b>	<b>Convicting Court</b>	<b>Offence</b>	<b>Penalty</b>

I apply for a street trading consent on the terms set out above and declare that the information given on this application form is, to the best of knowledge and belief, correct.

Signed .....

Dated .....

**Notes :**

1. It is an offence (punishable with a fine of up to £1,000) for a person, in connection with an application for a street trading consent, to make a false statement which he or she knows to be false in any material respect, or which he or she does not believe to be true. It is also an offence to trade at a different place or at different times to those specified in the consent.
  
2. The fee for a day's trading consent or for a week's trading consent is payable on application. The fee for a one year consent is payable on grant or in quarterly instalments, if more convenient.
  
3. If a 'consent' is granted, the applicant will be required to submit two passport size photographs and proof of £5,000,000 public liability insurance.

**Data Protection**

It should be noted that Adur & Worthing Councils may make any enquiries considered necessary (e.g. from another Section or Department of the Councils, Department of Social Security, employer, bank or other financial institution), to assess licence applications.

Details regarding licensing applications (whether or not they proceed) will be retained in paper form and/or in a computer record by Adur & Worthing Councils. Applicants should be aware that the Councils will retain the information provided in connection with applications for a period of up to 10 years and such information may be retained as either hard copy or as a computerised record.

Applicants have the right to see certain records held about them on payment of an appropriate fee under the provisions of the Data Protection Act.

**Please return form to :**

**Licensing Unit  
Adur & Worthing Councils  
9 Commerce Way  
Lancing  
BN15 8TA**

Licensing Unit, 9 Commerce Way, Lancing, BN15 8TA

**Application for a Street Trading Consent for  
Marine Crescent & Marine Drive, Worthing**

Local Government (Miscellaneous Provisions) Act 1983 – Schedule 4

**IMPORTANT:** Please read attached guidance notes before completing the form.

<b>1.</b>	<b>Name of Applicant in full</b>	
	Address (home and where the vehicle is stored if different)	
	Telephone Number(s) including mobile	
<b>2.</b>	<b>Vehicle Details (including registration number, date of registration, vehicle make, and livery)</b>	
<b>3.</b>	<b>What articles do you wish to trade in?</b>	
<b>4.</b>	<b>Give details (including dimensions) of any portable stall or other equipment which you wish to use in connection with your trading (<u>But</u> – see Guidance Note 2)</b>	
<b>5.</b>	<b>Food Business Establishment registration – Name of local authority and date of last inspection.</b>	
<b>6.</b>	<b>On what date due you wish the consent to begin?</b>	

<b>7.</b>	<b>Which days of the week do you wish the street trading consent to cover?</b>			
<b>8.</b>	<b>Between what times do you wish to be authorised to trade on each of the days specified in (6.) above?</b>			
<b>9.</b>	<b>Please give details of any convictions you have.</b>			
	<b>Date of Conviction</b>	<b>Convicting Court</b>	<b>Offence</b>	<b>Penalty</b>

I apply for a street trading consent on the terms set out above and declare that the information given on this application form is, to the best of knowledge and belief, correct.

Signed .....

Dated .....

**Notes:**

- 4. It is an offence (punishable with a fine of up to £1,000) for a person, in connection with an application for a street trading consent, to make a false statement which he or she knows to be false in any material respect, or which he or she does not believe to be true. It is also an offence to trade at a different place or at different times to those specified in the consent.**
- 5. The fee for a year's trading consent is payable on approval of your application.**
- 6. If a consent is granted, the applicant will be required to submit two passport size photographs, proof of public liability insurance and a cheque for the full fee.**

**Data Protection**

It should be noted that Adur & Worthing Councils may make any enquiries considered necessary (e.g. from another Section or Department of the Councils, Department of Social Security, employer, bank or other financial institution), to assess licence applications.

Details regarding licensing applications (whether or not they proceed) will be retained in paper form and/or in a computer record by Adur & Worthing Councils. Applicants should be aware that the Councils will retain the information provided in connection with applications for a period of up to 10 years and such information may be retained as either hard copy or as a computerised record.

Applicants have the right to see certain records held about them on payment of an appropriate fee under the provisions of the Data Protection Act.

### **Appendix 3**

#### Standard Conditions of Trading Consents

The Trader shall:

1. not trade otherwise than on the days and between the times specified in the consent;
2. not trade otherwise than at the location specified in the consent;
3. not trade in any articles other than those specified in the consent;
4. keep the consent so that it can be immediately produced for inspection by an authorised Officer of Worthing Borough Council or Sussex Police;
5. hold public liability insurance cover in the sum of £5,000,000 to cover injuries or loss to members of the public;
6. remove all litter from the site at the end of each period of trading;
7. not cause obstruction in the street or danger to persons using it;
8. not cause any nuisance or annoyance to any person (whether using the street or otherwise).

### **Appendix 4**

#### **Street Trading Fees 2014/15**

Street Trading Consents – Town Centre (non-vehicles)

Annual	1950.00
Week	110.00
Day	45.00

Street Trading Consents – Marine Crescent & Marine Drive (vehicles)

Annual	117.00
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## Appendix B



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### Local Government (Miscellaneous Provisions) Act 1982 – Schedule 4 Draft Street Trading Policy Consultation List

July 2014

#### 1. INTERNAL CONSULTEES

- Alex Bailey – Chief Executive
- John Mitchell – Director of Communities
- Scott Marshall - Director for the Economy
- Paul Yallop – WBC Leader
- Bryan Turner – WBC Deputy Leader
- All Councillors

#### 2. PUBLIC CONSULTEES

- Adur & Worthing Councils' Web Pages

#### 3. AUTHORITY CONSULTEES

- Sussex Police  
District Commander – Cl Jo Banks  
Worthing & Adur Licensing Team
- Fire & Rescue Service

Central Operations Group Station Manager – Roy Barraclough

- West Sussex County Council Highways Dept.  
Brian Morgan
- Worthing Town Centre Initiative  
Sharon Clarke
- West Sussex Trading Standards Service  
Richard Sargeant

#### **4. INDUSTRY CONSULTEES**

- Worthing & Adur Chamber of Commerce  
17 Liverpool Gardens, Worthing, West Sussex
- National Market Traders Federation  
Email: [genoffice@nmtf.co.uk](mailto:genoffice@nmtf.co.uk)

#### **5. RESIDENTIAL CONSULTEES**

- Becket Residents' Association  
E-mail: [porterrussj@gmail.com](mailto:porterrussj@gmail.com)
- Broadwater (Worthing) Community Association  
[chairmanbca@ntlworld.com](mailto:chairmanbca@ntlworld.com)
- East Worthing Community Association  
East Worthing Community Association, Pages Lane, Worthing, West Sussex, BN11 2NQ
- Findon Valley Residents' Association  
E-mail: [d.goncalves@zoom.co.uk](mailto:d.goncalves@zoom.co.uk)
- Friends of Homefield Park  
E-mail: [homefieldparkaction@gmail.com](mailto:homefieldparkaction@gmail.com)
- Goring Residents' Association  
Email: [janzalexander@gmail.com](mailto:janzalexander@gmail.com)
- Goring Chase Residents' Association Ltd  
E-mail: [robert.smytherman@ntlworld.com](mailto:robert.smytherman@ntlworld.com)
- Heene Community Association  
E-mail: [heene.community@ntlbusiness.com](mailto:heene.community@ntlbusiness.com)
- High Street Tarring Residents' Association  
High Street, West Tarring, Worthing, West Sussex, BN14 7NR
- High Salvington Residents' Association  
E-mail: [mary.hsra@hotmail.co.uk](mailto:mary.hsra@hotmail.co.uk)



- Offington Park Residents Association  
e-mail: [chris@caratscafebar.com](mailto:chris@caratscafebar.com)
- South Broadwater Residents' Association  
Email: [tim.nicholls1@ntlworld.com](mailto:tim.nicholls1@ntlworld.com)
- The Community House  
E-mail: [aedwards@worthing-homes.org.uk](mailto:aedwards@worthing-homes.org.uk)
- The Ilex Conservation Group  
E-mail: [fandalee@ntlworld.com](mailto:fandalee@ntlworld.com)

## **6. NON INDUSTRY CONSULTees**

- West End Traders Association - Diane Guest  
[food@thesandwichbar.co.uk](mailto:food@thesandwichbar.co.uk)
- Worthing Pubwatch Chairperson – Peter Wilson  
[wilson@totalise.co.uk](mailto:wilson@totalise.co.uk)
- Rotary Club of Worthing
- Adur & Worthing Safer Communities Partnership  
[safer.communities@adur-worthing.gov.uk](mailto:safer.communities@adur-worthing.gov.uk)

