

MINUTE of the MEETING of the LICENSING SUB-COMMITTEE of ORKNEY ISLANDS COUNCIL held in COUNCIL OFFICES, KIRKWALL on 1 APRIL 2011 at 11am

Present: Councillors Samuel J Harcus, Robin W Crichton, Andrew Drever, John H Eccles, Allan E Leslie, Russell P Madge, Eoin F Scott and Graham L Sinclair

Clerk to the Sub-committee: Hazel M M Flett, Senior Committees Officer

In Attendance: Fiona MacDonald, Solicitor to the Council
David Brown, Environmental Health Manager (for Items 1.1 and 1.2)

Acting Chief Inspector Edwin Graham, Northern Constabulary

Councillor Samuel J Harcus in the Chair

1 REVIEW OF LICENCE CONDITIONS

1.1 Market Operators

After consideration of a report by the Solicitor to the Council, copies of which had been circulated, with reference to the Minute of the Meeting of the Licensing Sub-committee held on 23 December 2010, paragraph 1.4, the Sub-committee:-

NOTED:-

- 1.1.1 that a consultation on the review of conditions currently attached to a market operator's licence was undertaken during the period 7 to 28 January 2011;
- 1.1.2 the response to the consultation, referred to at paragraph 1.1.1 above, as detailed in section 6 and related appendices to the report by the Solicitor to the Council; and
- 1.1.3 that, with effect from 1 April 2011, the duration of a market operator's licence was reduced to one year only, with the licence fee set at £211.

Councillor R P Madge moved that the maximum trading hours to be adopted in respect of market operators should be 8am to 8pm Mondays to Saturdays inclusive.

On receiving no seconder, his motion fell and the Sub-committee:-

RESOLVED, in terms of delegated powers:-

- 1.1.4 that the following maximum trading hours be adopted in respect of market operators:-
 - 1.1.4.1 10am to 5pm Mondays to Sundays inclusive;
- 1.1.5 that any application seeking trading hours outwith those detailed at paragraph 1.1.4 above, be referred to the Licensing Sub-committee for determination;
- 1.1.6 that powers be delegated to the Solicitor to the Council to approve applications for grant or renewal of market operator's licences, where the application was within the maximum trading hours and no objections were received, failing which the application should be referred to the Licensing Sub-committee for determination;
- 1.1.7 that the application form for grant or renewal of a market operator's licence, together with Notes for Guidance, the Public Notice and the Certificate of Compliance, as detailed at Appendix 1 to this Minute, be adopted; and
- 1.1.8 that the conditions to be attached to a market operator's licence, including special conditions in relation to markets dealing in food stuffs, together with the specific application form, as detailed in Appendix 2 to this Minute, be adopted.

1.2 Public Entertainment

After consideration of a report by the Solicitor to the Council, copies of which had been circulated, with reference to the Minute of the Meeting of the Licensing Sub-committee held on 23 December 2010, paragraph 1.3, the Sub-committee:-

NOTED:-

- 1.2.1 that a consultation on the review of conditions currently attached to a public entertainment licence was undertaken during the period 7 to 28 January 2011;
- 1.2.2 the response to the consultation, referred to at paragraph 1.2.1 above, as detailed in section 6 and related appendices to the report by the Solicitor to the Council; and
- 1.2.3 that, with effect from 1 April 2011, the duration of a public entertainment licence was reduced to one year only, with the licence fee set at £100.

The Sub-committee **RESOLVED, in terms of delegated powers:-**

- 1.2.4 that the application form for grant or renewal of a public entertainment licence, together with Notes for Guidance, the Public Notice and the Certificate of Compliance, as detailed at Appendix 3 to this Minute, be adopted;
- 1.2.5 that the conditions to be attached to a public entertainment licence, as detailed in Appendix 4 to this Minute, be adopted; and
- 1.2.6 that a temporary public entertainment licence should last for six months, with the fee being the same as that for a full licence, namely £100.

1.3 Vehicle Drivers

After consideration of a report by the Solicitor to the Council, copies of which had been circulated, with reference to the Minute of the Meeting of the Licensing Sub-committee held on 23 December 2010, paragraph 1.1, the Sub-committee:-

NOTED:-

- 1.3.1 that a consultation on the review of conditions currently attached to a vehicle driver's licence was undertaken during the period 7 to 28 January 2011;
- 1.3.2 the response to the consultation, referred to at paragraph 1.3.1 above, as detailed in section 6 and related appendices to the report by the Solicitor to the Council; and
- 1.3.3 that, with effect from 1 April 2011, the duration of a taxi driver's licence and a private hire car driver's licence was reduced to one year only, with the licence fee set at £60.

Councillor J H Eccles, seconded by Councillor A E Leslie, moved that reference to a minimum engine capacity be deleted from the guidance notes.

Councillor R P Madge, seconded by Councillor A Drever, moved an amendment the reference to a minimum engine capacity be retained in the guidance notes and expanded to include hybrid vehicles.

On a vote being taken 4 members voted for the amendment and 4 for the motion. On the casting vote of the Chair, the motion was carried.

Councillor G L Sinclair, seconded by Councillor A Drever, moved that the Licensing Authority should state a dress code for vehicle drivers, with reference to "shoes" being amended to "appropriate footwear".

Councillor J H Eccles, seconded by Councillor A E Leslie, moved an amendment that the Licensing Authority should not introduce a dress code for vehicle drivers.

On a vote being taken 2 members voted for the amendment and 6 for the motion, and the Sub-committee:-

RESOLVED, in terms of delegated powers:-

- 1.3.4 that the application forms for grant or renewal of a taxi driver's licence or a private hire car driver's licence and exemption from the requirement to carry guide, hearing and other assistance dogs, together with Notes for Guidance, as detailed at Appendix 5 to this Minute, be adopted; and
- 1.3.5 that the conditions to be attached to a vehicle driver's licence, as detailed in Appendix 6 to this Minute, be adopted.

1.4 Vehicle Operators

After consideration of a report by the Solicitor to the Council, copies of which had been circulated, with reference to the Minute of the Meeting of the Licensing Sub-committee held on 23 December 2010, paragraph 1.2, the Sub-committee:-

NOTED:-

- 1.4.1 that a consultation on the review of conditions currently attached to a vehicle operator's licence was undertaken during the period 7 to 28 January 2011;
- 1.4.2 the response to the consultation, referred to at paragraph 1.4.1 above, as detailed in section 6 and related appendices to the report by the Solicitor to the Council; and
- 1.4.3 that, with effect from 1 April 2011, the duration of a taxi operator's licence and a private hire car operator's licence was reduced to one year only, with the licence fee set at £137.

The Sub-committee **RESOLVED, in terms of delegated powers:-**

- 1.4.4 that the application forms for grant or renewal of a private hire car or taxi licence and a vehicle substitution on a taxi/private hire car licence, together with Notes for Guidance, as detailed at Appendix 7 to this Minute, be adopted; and
- 1.4.5 that the conditions to be attached to a vehicle operator's licence, as detailed in Appendix 8 to this Minute, be adopted.

2 PRIVATE HIRE CAR LICENCE 10

RESOLVED, on the motion of Councillor S J Harcus, seconded by Councillor R W Crichton, that, under Section 50A(4) of the Local Government (Scotland) Act 1973, the public should be excluded from the meeting for this item on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 6 Part I of Schedule 7A of the Act.

After consideration of a report by the Solicitor to the Council, copies of which had been circulated, the Sub-committee:-

RESOLVED, in terms of delegated powers, what action should be taken with regard to an individual private hire car licence.

The above constitutes the summary of the Minute in terms of the Local Government (Scotland) Act 1973 section 50C(2) as amended by the Local Government (Access to Information) Act 1985.

3 CONCLUSION OF MEETING

At 1pm the Chair declared the meeting concluded.

Signed: Sam Marcus

For Official Use:

FEE PAID	£
RECEIPT NO.	
DATE RECEIVED	
RECEIVED BY	

ORKNEY ISLANDS COUNCIL**CIVIC GOVERNMENT (SCOTLAND) ACT 1982****APPLICATION FOR GRANT/RENEWAL OF A MARKET OPERATOR'S LICENCE**

Please read the attached guidance notes before completing this form

Please answer Question 1 or 2, and **all** other questions, continuing on a separate sheet if necessary.

	Surname		Forename(s)
1. To be completed if a natural person (ie not a company or partnership) (a) Full name (Block Letters)			
(b) Home Address			
(c) Telephone No.			
(d) Age, Date and Place of Birth	Years	Date of Birth	Place of Birth
2. To be completed if not a natural person (eg Company or Partnership) (a) Full Name			
(b) Address of Principal or Registered Office			
(c) Name, private addresses and dates of birth of directors, partners or other persons responsible for its management			
(d) Full name, address and date of birth of employee or agent to carry on day-to-day management of the market. Give business hours telephone number of applicant or agent			
3. (a) Is applicant to carry out day-to-day management of the market? If not, give full name, address and date of birth of any employee or agent so engaged. Give business hours telephone number of applicant or agent.			

(b) Give name and address of person, company or firm, employing you to act as a market operator or state if self-employed				
4. Will the activity be operated for the benefit of a person other than the Applicant? If so, give full name, address and date of birth of that person.	YES/NO			
5. Describe the premises (including full address) in which the market is proposed to take place and enclose a site plan and layout plan(s) showing the location and layout of the market.				
6. State: (a) Day and Hours (b) Period of Year during which it is proposed to operate the market				
7. State: (a). the nature of the market (b). the maximum number of stalls (c). goods likely to be sold (d). number and location of toilet facilities				
8. Subject to the provisions of the Rehabilitation of Offenders Act 1974, has any party named in this form above ever been convicted of any crime or offence? (continue on a separate sheet if necessary). Please read the guidance notes accompanying this form before completing this section.				
Name	Date	Court	Offence	Sentence

<p>9. (a) Have any persons named in this form held or currently hold a market operators licence?</p> <p>If yes, which Authority granted the licence?</p> <p>What was the reference number?</p> <p>When was it granted?</p> <p>When did it expire?</p> <p>Was it revoked or suspended at any time?</p>	<p>YES/NO</p>
<p>(b) Have any persons named in this form ever applied for and been refused a market operators licence?</p> <p>If yes, which Authority refused the licence?</p> <p>When was it refused?</p>	<p>YES/NO</p>

DECLARATION:

***(A)** I/We declare that I/We shall, for a period of 21 days commencing with the date hereof, display at or near the premises so that it can conveniently be read by the public, a notice complying with the requirements of Paragraph 2(3) of Schedule 1 of the Civic Government (Scotland) Act 1982.

OR

***(B)** I/We declare that I/We are unable to display a notice of this application at or near the premises because I/We have no rights of access or other rights enabling me/us to do so, but I/We have taken the following steps to acquire the necessary rights, namely: (specify steps taken) but have been unable to acquire those rights.

***Delete (A) or (B) as appropriate.** Where declaration (A) is made there must be produced as soon as possible after the 21 days a Certificate that the Applicant has displayed the Notice.

(C) I/We declare that the particulars given by me/us on this form are correct to the best of my/our knowledge and belief.

(D) I/We understand that the information supplied by me/us as detailed in this form may be stored on a computer system by the Authority for the purpose of Licensing and that information may be disclosed to the Police and other relevant parties for vetting and background enquiries whilst processing and determining the application.

(E) I/We understand that the Authority is under a duty to protect the public funds it administers and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Signature of Applicant: **Date:**

Signature of Agent:
(if applicable) **Date:**

Any person who in, or in connection with the making of, this application makes any statement which he/she knows to be false or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable, on summary conviction, to a fine.

Please note that The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions)(Scotland) Order 2003 amends The Rehabilitation of Offenders Act 1974 and requires ALL previous convictions to be declared in relation to this application.

TO BE LODGED WITH THE SOLICITOR TO THE COUNCIL, COUNCIL OFFICES, KIRKWALL, KW15 1NY, TOGETHER WITH THE APPROPRIATE FEE

ORKNEY ISLANDS COUNCIL
CIVIC GOVERNMENT (SCOTLAND) ACT 1982
MARKET OPERATORS LICENSING
NOTES FOR GUIDANCE

The following notes are a brief outline of the requirements for Market Operator's Licences under the above Act. They should be treated as **guidelines only and not an authoritative statement of law**. They do not purport to be more than a guide to the main provisions of the Act in order that would be applicants may consider if they need to apply for a Licence. Applicants are recommended to study the relevant provisions of the Act and obtain any further advice from their Solicitor.

1 INTRODUCTION

In accordance with the Civic Government (Scotland) Act 1982, a Market Operator's Licence, issued by Orkney Islands Council as licensing authority, is required for carrying on a private market. A Market Operator's Licence shall not be required for carrying on either of the following:-

- (a) Functions held by charitable, religious, youth, recreation, community, political or similar organisations;
- (b) Markets held only for the sale of livestock, fodder or grain.

2 DEFINITIONS

Private Market means a market, whether covered or not, carried on by any person other than a local or public authority at which goods are offered by more than one seller for sale by retail to the public.

3 DETERMINATION OF AND DURATION OF LICENCES

- (i) **Full licences:** a licence will normally be issued after the elapse of 21 days from receipt of an application. In certain circumstances, eg where objections have been received, applications can take considerably longer to be determined. A Licence shall remain in force, unless previously suspended or revoked, for a period of one year from the date when it comes into force, or such shorter period as the licensing authority thinks fit. The Licence is not normally transferable.

- (ii) **Temporary Licences:** application may be made for a temporary licence which on being granted by the Council may have effect for a period not exceeding 6 weeks. A temporary licence is not capable of being renewed, but where application has also been made for a full licence for the same activity, the temporary licence, if granted, shall continue to have effect until the application for the full licence has been determined. Temporary licences may be granted earlier than the 21 day period specified for a full licence and the fee for a temporary licence is the same as for a full licence.

5 HOURS OF OPERATION

Orkney Islands Council normally grants a Market Operator's Licence with the following maximum trading hours:

10am to 5pm Mondays to Sundays inclusive

4 CONDITIONS

Orkney Islands Council may attach additional conditions to the licence as it sees fit, with each application being dealt with on its own merits. In addition to any other conditions which may be included, a Market Operator's Licence shall include conditions as to:-

- (a) the regulation of days and hours of opening;
- (b) the provision of adequate toilet facilities;
- (c) the layout of the site or premises on which the market is to be held; and
- (d) maintenance of order and public safety.

The Standard Conditions attached to these Notes will form part of the Licence to be granted.

5 INSURANCE

The Council requires Market Operators to hold Public Liability Insurance with a minimum indemnity of £5m. You will be required to produce evidence of this insurance.

6 NATURE OF AND LAYOUT OF MARKET

You are asked on the application form (at question 7) to provide details of the market and should provide information as to:-

- a) the nature of the market i.e. whether the market is to be indoor or outdoor, covered or in the open or is to take the form of e.g. a car boot sale;
- b) the maximum number of stalls (a plan should also be submitted with the application showing the layout of the stalls);

- c) the type of goods likely to be sold eg. Farm Produce, Household Goods, Antiques etc.; and
- d) the number of and location of toilet facilities at or near the market. This should also be shown on the location or layout plan of the market. Guidance as to what is required in terms of provision of toilet facilities can be obtained from the Council's Development and Environment Services by telephoning 01856 873535

7 GENERAL

The licence is granted to the **operator** of the market, and not the individual stall holders and any requirements or conditions imposed are therefore the responsibility of the operator who will, in effect, have to ensure that the stall holders comply therewith. Stall holders will not, for the purposes of trading in the market, require to have a Street Trader's Licence.

8 LICENCE TO BE RETAINED

The Licence must not be altered, erased or defaced in any way, must be kept clean and legible and must not be lent to or used by any other person. Should the Licence be lost or become defaced or illegible the Licence holder shall obtain a replacement from the Council on payment of the appropriate fee as detailed in the attached list of fees. The Licence holder shall produce his/her Licence within five days of being requested to do so by a Police Constable or an authorised Officer of the Council or the Fire Authority.

9 RETURN OF LICENCE

A Market Operator shall deliver his/her Licence to the Council:-

- (a) upon ceasing to act or trade as a Market Operator;
- (b) within seven days of receiving notice of the coming into effect of a decision of the Council to suspend or vary the terms of the Licence, or the decision of a Court to revoke it.

10 NOTIFICATION OF CONVICTIONS OR MATERIAL CHANGE OF CIRCUMSTANCES

The Licence holder shall notify the Council as soon as is reasonably practicable with any **convictions or other material change** in circumstances affecting him/her or the activity to which the Licence relates, including any particulars referred to in the application for grant, or latest application for renewal, of the Licence. **If in doubt, notify the Council of any changes.** In any event, the licence holder shall so advise the Council not later than 7 days after the date of such conviction or other material change.

11 NOTIFICATION OF MATERIAL ALTERATIONS

The Licence holder shall not make or permit to be made any material change to the premises without the prior **written** consent of the licensing authority unless in accordance with a requirement imposed by or in pursuance of any enactment other than parts I or II of the Civic Government (Scotland) Act 1982. **If in doubt as to whether consent is required, contact the Council.**

12 APPLICATION FORM AND FEES

Application forms are available online at www.orkney.gov.uk or from the Solicitor to the Council, Council Offices, School Place, Kirkwall, KW15 1NY (email: legal-services@orkney.gov.uk).

You should take care in completing the application form to list, subject to the terms of the Rehabilitation of Offenders Act 1974, all convictions against you. If you are in doubt as to whether or not to list a conviction you should seek independent advice.

In order to apply for a licence, the application form must be returned along with the appropriate fee

The following documentation must also be submitted before the licence can be issued:-

- the appropriate fee;
- permission of landowner;
- insurance policy;
- location plan and layout plan of the market (not larger than A3).

As soon as your application is submitted you should post a Notice on the Premises in the style attached. This requirement is not applicable to applications for temporary licences (see note 3(ii) above).

NB Where the application has been made by or on behalf of a company or partnership (ie a non-natural person) the address of the registered or principal office and the names of and the private addresses of the directors, partners or others responsible for its management should also be stated on the Notice. You should attempt to keep the Notice on display for a period of at least 21 DAYS and try and ensure that it does not become defaced or destroyed during that period, replacing the Notice if necessary.

When the required Notice has been displayed in accordance with the legislation, you should, on expiry of the 21 DAYS, complete and sign the Certificate of Compliance and send it to the office you submitted the application form to.

Your application will be referred to the Police, Development and Environment Services, and the Firemaster for comment.

Processing the Application

Your application must be considered within 3 months of its being lodged and the Council must reach a decision on it within 6 months.

If your application is granted, you will be notified accordingly. You will be issued with your licence. The licence should be displayed at all times. You should also show this licence to a police officer, an officer from Orkney Islands Council or to any member of the public on demand.

If your application is refused, or granted conditionally, you are entitled to ask the Council within 28 days to give reasons for such refusal, or the imposition of such conditions, and thereafter you are entitled to appeal to the Sheriff against the decision on various grounds. You should seek the advice of a solicitor if matters should get to that stage.

13 PRIOR REFUSAL

Please note that if you have applied for and been refused an application for a Market Operator's Licence unless your circumstances have altered, you will be unlikely to be granted an application.

If refused, you cannot apply for the same kind of licence in respect of the same activity or for the same premises, within one year of that refusal unless there has been a material change in circumstances.

14 OBJECTIONS

If, during the processing of your application, the Licensing Authority receives any objections to your application, you will be sent a copy of the letter(s) of objection(s).

Your application, the letter(s) of objection(s) and your response will then be referred to a meeting of the Licensing Sub-committee. You will be invited to attend the meeting and given the opportunity to address the Sub-committee.

A further appeal lies to the Sheriff Court.

15 OFFENCES

The following are criminal offences liable, on summary conviction, to a fine:-

- (a) Carrying on an activity for which a Licence under the Civic Government (Scotland) Act 1982 is required without such a Licence;
- (b) Failing to comply with a Condition of a Licence;
- (c) Failing to notify the Council of a material change in the circumstances of a Licensee;

- (d) Failing to obtain the consent of the Council before making any material change to any premises, vehicle or vessel to which the Licence relates;
- (e) Failing to surrender the Licence (1) after it has been superseded or (2) when the Licensee has given up the activity to which it relates;
- (f) Failing to disclose convictions in the Application Form;
- (g) Making a false statement when filling in the Application Form.

The above list is not exhaustive and reference should be made to the Civic Government (Scotland) Act 1982 for all offences under the Act.

ORKNEY ISLANDS COUNCIL

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that application has been made on the *[insert date]* day of *[insert month]*, 20*[insert year]* to Orkney Islands Council for a(n) *[insert type of licence]* Licence in respect of premises at *[insert details]* by:

Name:

Address:

.....

Day to day Manager(s)

.....

Address(es)

.....

Hours in which it is proposed to trade:

Any objections and/or representations in relation to the application may be made to the Solicitor to the Council, Council Offices, School Place, Kirkwall, KW15 1NY.

Objections and representations should be made in accordance with the following provisions, namely:

1. Any objection or representation relating to an application for the grant or renewal of a licence shall be entertained by the licensing authority if, but only if, the objection or representation:
 - (a) is in writing;
 - (b) specifies the grounds of the objection or, as the case may be, the nature of the representation;
 - (c) specifies the name and address of the person making it;
 - (d) is signed by him or on his behalf;
 - (e) was made to them within 21 days or whichever is the later or, as the case may be, latest of the following dates:
 - (i) where public notice of the application was given in a newspaper, the date when it was first so given;
 - (ii) where the Council have required the applicant to display the Notice again from a specified date; that date;
 - (iii) in any other case, the date when the application was made to them.
2. Notwithstanding (1)(e) above, it shall be competent for a licensing authority to entertain an objection or representation received by them before they take a final decision upon the application to which it relates if they are satisfied that there is sufficient reason why it was not made in the time required.
3. An objection or representation shall be made for the purposes of (1) above if it is delivered by hand within the time there specified to the licensing authority or posted (by registered or recorded post) so that in the normal course of post it might be expected to be delivered to them within that time.

ORKNEY ISLANDS COUNCIL

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

CERTIFICATE OF COMPLIANCE

I, *[insert name]*, being the applicant for a *[insert type of licence]* licence, hereby certify that a Notice has been posted at or near the premises at *[insert details]* from *[insert date]* to *[insert date]*, containing such information as is required by paragraph 2(3) of Schedule 1 to the above Act.

* Where the said Notice was removed, obscured or defaced during the above mentioned period, I took reasonable steps for its protection and replacement as follows:

[insert details and circumstances]

Date: Signature:

* Delete if not applicable

Return this form, duly completed, to the Solicitor to the Council, Council Offices, School Place, Kirkwall, KW15 1NY, when the required Public Notice has been displayed for the specified 21 days.

ORKNEY ISLANDS COUNCIL

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

**MARKET OPERATOR'S LICENCE
SCHEDULE OF CONDITIONS**

NOTE

It is a criminal offence in terms of section 7(2) of the Civic Government (Scotland) Act 1982 to fail to comply with any condition imposed on this licence.

1. The licence must not be altered, erased or defaced in any way, it must be kept clean and legible and must not be lent to or used by any other person.
2. The licence holder shall be present on the site of the market at all times whilst the market is being set up, or taken down or is operating, and shall have with him, at all times the licence issued to him by the Council.
3. The licence holder shall, when requested by an authorised officer of the Council or the fire authority or a police constable, produce the licence for inspection. The licence holder shall produce the licence immediately in accordance with condition 2 above failing which no later than within 5 days of being requested to do so.
4. The licence holder shall be permitted to trade during the following hours inclusive and at no other times:

[insert HOURS]
5. The licence holder shall take all reasonable steps to ensure that:
 - (a) Any person, whilst operating or trading at the market keep himself and his clothing clean and;
 - (b) Any movable structure, vehicle or stall etc, used for the purposes of operating at a private market, vehicle etc, where perishable goods or goods for human consumption are stored prior to sale, are kept in a clean and hygienic condition in accordance with the standards specified in the relevant food safety legislation.
6. The licence holder shall require prior consent and approval of the Council for the layout of the market.

7. The licence holder shall take all reasonable steps to ensure that there are adequate toilet facilities at or near the market [*Here specify objective standard in terms of number wc/urinals etc and wash-hand basins per stall(s)*] [*as per terms of current licence*]
8. Any stalls used on the market shall be of a form which can be speedily and easily removed, and where such stalls, movable structures, vehicles etc are used for the sale of food, they shall contain equipment for the proper cleaning and sterilising of all utensils and vessels used in connection there with, and the Licence holder shall for the avoidance of doubt comply at all times with the requirements of the relevant food safety legislation.
9. The licence holder shall take all reasonable steps to collect and remove any paper, garbage or other refuse which may be produced or may accumulate during the course of market trading, and shall take all reasonable steps to ensure that the market is kept in a tidy condition so far as is reasonably practicable. Without prejudice to the foregoing generality the licence holder shall place litter bins throughout the market in appropriate places for the deposit of paper or garbage or other refuse by customers, and also take all reasonable steps to ensure that the site of the market is clear of all refuse at the end of trading.
10. On written notice signed by any authorised Officer of the Council being given to the Licence holder or to his authorised representative, or any person operating at the market under the licence, that he has become unsuitable in respect of the unsatisfactory condition of his clothing or person, or that any movable structure, vehicle, stall etc is unsuitable, the Licence holder, representative or such other person on whom the notice has been served shall immediately cease to trade or operate until he remedies the cause of complaint to the satisfaction of the said authorised Officer.
11. If the licence holder ceases to act as a market operator for the unexpired period of his licence, or has received notification that the licence has been suspended by the Council, or that it has been revoked or suspended by a court, he shall within 3 days thereafter, deliver his licence to the Council.
12. The licence holder will maintain a register of stall holders trading on the market at any particular time, and make available for inspection to any authorised officer of the Council at any reasonable time during which the market is in operation. This will include names, addresses, vehicle registrations and proof of identity and ownership.
13. The licence holder shall ensure that stall holders operating on the market display a clear and prominent notice of their trading name and address.
14. The licence holder shall take all reasonable steps to intimate to the Council any changes, additions, alterations to any stalls/vehicles/movable structures which sell food or perishable items, in terms of the relevant food safety legislation.

15. The licence holder shall maintain public liability insurance to a minimum level of indemnity of £5,000,000 throughout the currency of the licence, and must notify the Council before permitting any alteration to be made the policy. When requested the licence holder shall exhibit to the Council the policy and any receipt for premiums or any other document relating thereto as the Council may require. The Council may require the level of indemnity figure to be increased at any reasonable time.
16. Any vehicle to be used at the market must be in place on the site of the market before members of the public are admitted, and must not be moved during the time when the market is open to members of the public. Any portable generators should be enclosed wherever possible to reduce noise and safeguard the public.

Conditions required by Environmental Health for all stall holders attending the Farmers and Continental Markets

1. General Food Safety Requirements

Training of Food Handlers

- Food Handlers at stalls handling high risk open foods should be trained to at least the REHIS elementary food hygiene certificate level, or equivalent.

Customers

- Where customers are encouraged to try before they buy, adequate arrangements must be in place to prevent food samples becoming contaminated, e.g. provision of separate containers for clean and used spoons, or use of individual cocktail sticks.

Registration of Food Businesses

- All businesses operating stalls should be registered as a food business with the Local Authority for the area in which they are based.

Personal Hygiene

- A high degree of personal hygiene must be maintained by all food handlers.
- Stall holders selling open food must wear suitable protective clothing, including headwear.
- A no smoking policy must be adhered to by all food handlers when at the stall or preparing foods.
- Waterproof coloured dressings should be provided at each stall.

Produce at Stalls

- No food must be placed on the ground.

2. Labelling Requirements

The name of any food sold loose must be displayed clearly.

All other foods sold which are pre-packed at premises other than the final seller must comply with the Food Labelling Regulations 1996 as amended. In particular they will require to be labelled with:

1. Name of the food.
2. List of ingredients (including the required name of any allergens)
3. A Best Before or Use By date.
4. Any special storage conditions, or conditions of use.
5. The name and address of the manufacturer or packer.
6. Particulars of the place of origin or provenance of the food, if failure to do so could mislead a customer.
7. Instructions for use, if it would be difficult to make use of the food without instructions.
8. Where cheeses (or other foods) are made from raw milk this information should be given.

3. Meat Product Standards

Meat products must comply with The Meat Products (Scotland) Regulations 2004. This requires certain meat products to contain a minimum percentage of meat, some examples of the meat percentage requirements are in the table below.

Name of Meat Product	Percentage of Meat Required		
	Meat from Pig	Meat from Rabbit or Bird or a mixture	Meat from any other species
Burger	67%	55%	62%
Chopped "X"	75%	41%	47%
Sausage	32%	26%	30%
Pork Sausage	42%		

4. Specific Food Safety Requirements

These additional requirements have been separated into four categories to reflect the risks associated with the different foods being sold and the degree of on site preparation:

- 1. Low Risk Pre-packed**
- 2. Low Risk Sold Loose With Handling/Sorting**
- 3. High Risk Pre-packed With No Preparation On Site**
- 4. High Risk with On Site Preparation**

1. Low Risk Pre-Packed

(Examples : Fruit and vegetables already made up in tagged quantities, i.e. no open handling at Stall. Fruit jam and honey jars, prepared bakery products in sealed containers)

Requirements:

- All displayed food should be covered or wrapped.
- Suitable facilities for the disposal of waste and waste water are required.

2. Low Risk Sold Loose

(Examples : Fruit and vegetables weighed to the desired quantity at stall)

Requirements:

- Customers should be discouraged from handling food themselves.
- Suitable facilities for the disposal of waste and waste water are required.
- A wash hand basin with hot and cold or warm potable water together with supplies of soap and disposable paper towels must be available in close proximity to the stall. (This can be a shared facility with neighbouring stalls).
- Work surfaces must be kept clean and will require regular cleaning throughout the day.

3. High Risk Pre-Packed With No Preparation On Site

(Examples : Selling vacuum packed cooked meat, wrapped cream cakes, packaged sea-foods, wrapped sandwiches, eggs and cheese)

Requirements:

- All displayed food should be covered or wrapped and transported under hygienic conditions.
- Suitable facilities for the disposal of waste and waste water are required.
- A wash hand basin with hot and cold or warm potable water together with supplies of soap and disposable paper towels must be available in close proximity to the stall. (This can be a shared facility with neighbouring stalls)
- Works surfaces must be kept clean and be constructed in such a way that they are smooth, impervious to moisture and capable of being easily cleaned.
- High risk foods should be delivered and stored on site under refrigeration at below 5°C.
- A probe thermometer for monitoring the temperature together with disposable sterile wipes must be available.

4. High Risk with preparation on site

(Examples: Cutting, portioning or preparing of raw or cooked meat products)

Requirements:

- Separate utensils and equipment must be used for raw and cooked foods.
- All displayed food should be covered or wrapped and transported under hygienic conditions.
- Customers should be discouraged from handling food themselves.
- Suitable facilities for the disposal of waste and waste water are required.
- A wash hand basin with hot and cold or warm potable water together with supplies of soap and disposable paper towels must be available at the stall, for the exclusive use of the business.
- A sink with a hot and cold potable water supply for the cleaning of equipment and utensils must be provided for the use of the business. It is recommended that the supply be piped to the sink.
- Works surfaces must be kept clean and be constructed in such a way that they are smooth, impervious to moisture and capable of being easily cleaned.
- High risk food should be delivered and stored on site under refrigeration at below 5°C.
- If food is required to be reheated prior to service, equipment to carry out this must be capable of reheating the food to a temperature of not less than 82°C.
- If food is being held hot, it must be held at a temperature of not less 63°C.
- A probe thermometer for monitoring the temperature together with disposable sterile wipes must be available.

Food Safety Management System

- All food business operators are required to have a food safety management system based upon the HACCP principles. Such a system details the controls in place to protect the food from contamination during the entire operation of the market and should be based on the nature and size of a food business i.e. a stall selling sealed sweets would have a far less complicated system than a stall preparing, cooking and selling hot food. You must provide Environmental Health with a copy of your food safety management system with your application form.

Health & Safety at Work

- The Health & Safety at Work etc. Act 1974 and the appropriate regulations must be adhered to at all times.
- Adequate precautions must be taken to reduce the possibility of customers tripping or falling at the stepped sections which surround the raised area where the stalls are to be positioned.
- Cables to and from stalls must be arranged in such a manner that they do not cause a trip hazard.
- All electrical plugs and connections must comply with British Standard BS/EN 60309-2:1999
- A test certificate for all portable electrical appliances must be available.
- If Liquefied Petroleum Gas (LPG) is used as a fuel, the following precautions have to be taken due to the explosive nature of the of the gas if a leakage occurs:
 - The cylinders must be stored upright with the valve securely fixed and accessible.
 - The length of any flexible tubing should not exceed 0.5 metres.
 - A dry powder fire extinguisher and fire blanket must be available at the stall.

Refuse Disposal

- All litter and refuse generated must be cleared from the market area and the surrounding environment on a regular basis during the trading hours.
- Adequate litter bins must be provided.

Noise

- Use of loudspeakers will not be permitted for advertising or promotion.
- There should be no increase in the existing background noise level at the nearest dwelling(s) due to noise generated from any fixed plant and equipment associated with the market.

Application Form for Stalls

- All businesses wishing to operate a stall at the market should complete the application form overleaf and return it to the Environmental Health at least 7 days prior to the date of the market.

APPLICATION FORM

Company Name:

Address:

.....

.....Postcode

Tel: No.

Company Branding

Contact Name

Registration

You will only be accepted for the market if you have previously sent to your Local Authority a completed registration form in terms of the Food Premises (Registration) Regulations 1991.

Which Local Authority are you registered with?

Food Hygiene Training

Are high risk open foods handled at the stall? Yes/No

If Yes, Details are required of all food handlers attending the Farmers Market and the food hygiene training they have received

Name(s)	Date of Training	Training Centre
.....
.....
.....
.....

Products available for sale from stall:

Product	Loose or pre packed	Place of Production including Local Authority
.....
.....
.....

Will you be doing cookery demonstrations/tastings? Yes/No

Will you be using Liquefied Petroleum Gas (LPG)? Yes/No

Producers of Meat/Game/Chicken

Where will your animals be slaughtered?

Contact phone number for above

Where will your product be packed?

Contact phone number for above

How will the product be transported to the Farmers Market?

Is the transport refrigerated? Yes /No

I have read the conditions of the Environmental Services Department and will comply with them in all respects.

Name

Signed

Date

Please complete and return this form at least **7 days** prior to the date of the market.

Please return to:-
Environmental Health
Orkney Islands Council
Council Offices
School Place
KIRKWALL
Orkney
KW15 1NY

fax 01856 886450
e-mail: env.health@orkney.gov.uk

For Official Use:

FEE PAID	£
RECEIPT NO.	
DATE RECEIVED	
RECEIVED BY	

ORKNEY ISLANDS COUNCIL**CIVIC GOVERNMENT (SCOTLAND) ACT 1982****APPLICATION FOR GRANT/RENEWAL OF A PUBLIC ENTERTAINMENT LICENCE**

Please refer to the attached notes for guidance when completing this form

Please answer Question 1 or 2, and **all** other questions, continuing on a separate sheet if necessary.

	Surname		Forename(s)	
1. To be completed if a natural person (ie not a company or partnership)				
(a) Full name (Block Letters)				
(b) Home Address				
(c) Telephone No.				
(d) e-mail Address				
(e) Age, Date and Place of Birth	Age	Date of Birth	Place of Birth	
2. To be completed if not a natural person (eg company or partnership)				
(a) Full Name				
(b) Address of Principal or Registered Office				
(c) Telephone No.				
(d) e-mail Address				
(e) Name, private addresses and dates of birth of directors, partners or other persons responsible for its management eg Office bearer of a Committee				
(f) Full name, address and date of birth of employee or agent to carry on day-to-day management of the activity				
3. Is applicant to carry out day-to-day management of the activity?	YES/NO			
If not, give full name, address and date of birth of the person/any employee or agent so engaged				

<p>4. Will the activity be operated for the benefit of a person other than the applicant? If so, give full name, address and <u>date of birth</u> of that person.</p>	<p>YES/NO</p>
<p>5. (a) Name (if any) and address of premises and/or location for which a licence is required (hereinafter called "the premises"). Include Grid Reference of the premises. (b) Are the whole premises to be used for public entertainment (c) If not, Please give details, by reference to a plan, of precisely which <u>part</u> or <u>parts</u> of the premises (ie which room or rooms) are to be used for the purposes of public entertainment (d) Provide the name and address of the owner of the premises (e) Is the event a travelling event and is due to take place in more than one location in the Council area ? If yes please supply addresses of other locations and event dates. (NB separate application for a public entertainment licence will be required for each location.)</p>	
<p>6. Specify the kind(s) of public entertainment or recreation to be carried on in the premises, if possible using the Council's defined categories of activities. Guidance Note 1.2</p>	
<p>7. Specify days of the week and the hours during which it is proposed the premises will be open for the purposes of the above public entertainment or recreation.</p>	
<p>8. Maximum number of persons proposed to be admitted to premises at any one time.</p>	
<p>9. Subject to the provisions of the Rehabilitation of Offenders Act 1974, has any party named in this form ever been convicted of any crime or offence? (continue on a separate sheet if necessary). Please read the guidance note 10 accompanying this form before completing this section.</p>	

Name	Date	Court	Offence	Sentence

<p>10.(a) Have any persons named in this form held or does currently holds a Public Entertainment Licence?</p> <p>If YES, when was the licence/permit granted?</p> <p>When did/does it expire?</p> <p>Which Authority granted the licence/permit?</p> <p>What was its reference number?</p>	<p>YES/NO</p>
<p>(b) Have any party named in question 1 or 2 above ever applied for and been refused a Public Entertainment Licence?</p> <p>If YES, when were they refused?</p> <p>Which Authority refused the licence?</p>	<p>YES/NO</p>

DECLARATION:

***(A)** I/We declare that I/We shall, for a period of 21 days commencing with the date hereof, display at or near the premises so that it can conveniently be read by the public, a notice complying with the requirements of Paragraph 2(3) of Schedule 1 of the Civic Government (Scotland) Act 1982.

OR

***(B)** I/We declare that I/We are unable to display a notice of this application at or near the premises because I/We have no rights of access or other rights enabling me/us to do so, but I/We have taken the following steps to acquire the necessary rights, namely: (specify steps taken) but have been unable to acquire those rights.

***Delete (A) or (B) as appropriate.** Where declaration (A) is made there must be produced as soon as possible after the 21 days a Certificate that the Applicant has displayed the Notice.

(C) I/We declare that the particulars given by me/us on this form are correct to the best of my/our knowledge and belief.

(D) I/We understand that the information supplied by me/us as detailed in this form may be stored on a computer system by the Authority for the purpose of Licensing and that information may be disclosed to the Police and other relevant parties for vetting and background enquiries whilst processing and determining the application.

(E) I/We understand that the Authority is under a duty to protect the public funds it administers and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Signature of Applicant: **Date:**

Signature of Agent:
(if applicable) **Date:**

Any person who in, or in connection with the making of, this application makes any statement which he/she knows to be false or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable, on summary conviction, to a fine.

Please note that The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions)(Scotland) Order 2003 amends The Rehabilitation of Offenders Act 1974 and requires ALL previous convictions to be declared in relation to this application.

TO BE LODGED WITH THE SOLICITOR TO THE COUNCIL, COUNCIL OFFICES, KIRKWALL, KW15 1NY, TOGETHER WITH THE APPROPRIATE FEE

Please confirm whether the following have been enclosed	Y	N	N/A
Appropriate fee			
Plans			
Structural Design Certificate			
Fire Test Certificate			
Electrical Mechanical or Gas Certificates			
Health and Safety Statement and Risk Assessment			

THE FOLLOWING INFORMATION MUST BE PROVIDED WITH ALL APPLICATIONS**1. PLANS**

- (a) A site plan at a scale of 1-500 must be provided showing all of the relevant details listed in **guidance note 3.1**
- (b) Floor plans must be provided of all buildings including temporary structures to which the Public have access having a floor area in excess of 30m². These should be at a scale of 1-50 and show the relevant details listed in **guidance note 3.1**

2. ACCESS

(a) Is car parking provided within 45m of the Licensed Area?	YES/NO
(b) If Yes, are disabled car parking spaces provided? These should be clearly designated and provided in a ratio of 1per 20 of the total spaces provided	YES/NO
(c) Is the access route from the car park to the licensed area suitable for wheelchair users or ambulant disabled persons? If the surface is not level or ramped, or if the car park is more than 45m from the licensed area, then consideration should be given to permit disabled car parking nearer or within the licensed area	YES/NO
(d) Has consideration for emergency vehicle access been incorporated into the site layout? guidance note 3.2	YES/NO
(e) What provision has been made for Traffic Management?	

3. BUILDINGS

(a) Will the event involve the use of temporary or permanent buildings or structures (including tented Structures)?	YES/NO
If Yes please provide the information for each building or structure on Table 1 overleaf and identify its location on the site plan	
(b) Emergency Exits – Are all the applicable requirements imposed by Guidance Note 3.3 being complied with (Provide details on Table 1)	YES/NO
(c) Emergency Lighting – Are all the applicable requirements imposed by Guidance note 3.4 being complied with (Provide details on Table 1)	YES/NO

4. ADDITIONAL REQUIREMENTS FOR TEMPORARY / TENTED BUILDINGS

<p>(a) Has a Structural Engineer's design certificate been provided for temporary buildings? If yes please supply a copy (Note – Certain types of marquee i.e. those less than 30m² in floor area, may not require a structural design certificate)</p>	<p>YES/NO</p>
<p>(b) In the absence of a Structural Design Certificate the Council will require to verify the competency of the Marquee erector. Please supply their name and address</p>	
<p>(c) Has the Temporary building been designed using a maximum wind loading of not less than 54m/s? If No, careful monitoring of weather conditions will require to be made and strict evacuation and dismantling procedures put in place. A written statement from the building erector must confirm the safe dismantling time.</p>	<p>YES/NO</p>
<p>Tented Structures (see Guidance Note 3.6) Requirements Under British Standard 7837:1996)</p>	
<p>(d) Does the fabric meet the appropriate level of performance in its behaviour in fire?</p>	<p>YES/NO</p>
<p>(e) Does the fabric have a valid test Certificate? (if Yes please supply a copy, if No the fabric must be coated with a fire retardant material and certified as compliant)</p>	<p>YES/NO</p>

5. STADIUMS / GRANDSTANDS / STAGES etc

<p>Are temporary raised platforms or other structures used for seating, staging, lighting, sound equipment etc. to be provided? If yes, please supply Structural Engineer's Certificate</p>	<p>YES/NO</p>
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6. MEANS OF FIREFIGHTING (see Guidance Note 3.7 Means for Firefighting)

<p>(a) Are all the applicable requirements imposed by Guidance Note 3.7 being complied with?</p>			<p>YES/NO</p>
<p>(b) Please list below details of fire fighting equipment available in and around the Licensed Area</p>			
Type of Equipment	Number / Size	Location	Is Equipment Regularly Maintained

7. NATURE AND QUANTITY OF ANY EXPLOSIVE OR HIGHLY FLAMMABLE MATERIALS STORED OR USED IN OR AROUND THE STRUCTURE, e.g. FUELS FOR HEATING, LIGHTING AND COOKING, FIREWORKS OR PYROTECHNICS

MATERIAL	QUANTITY	LOCATION AND USE	METHOD OF STORAGE

8. MEANS FOR GIVING WARNING (see Guidance Note Section 3.8 Means for Giving Warning)

(a) Are all the applicable requirements imposed by Guidance Note 3.8 being complied with?	YES/NO
(b) What provision is made for giving warning in case of fire?	
(c) What provision has been made for Public Address arrangements?	
(d) What provision is made for contacting the Emergency Services?	

9. STEWARDS. (See Guidance Note 3.9 Stewards)

(a) Are all the applicable requirements of guidance note 3.9 being complied with?	YES/NO
(b) Number of stewards provided	
(c) Please provide the name and address of any company employed to provide stewards	

STEWARDS NAMES	ADDRESSES

10. SANITARY FACILITIES (see Guidance Note 3.10 Provision of Sanitary Facilities)

	Male	Female	Disabled
(a) Please confirm the number of Male, Female and disabled sanitary facilities provided			
(b) Please show the location of these facilities on the site/floor plan. Please note that on large sites there may be a need to provide these in more than one location.			

11. ELECTRICAL, MECHANICAL AND GAS SAFETY CERTIFICATES (see Guidance Note 3.11)

(a) Does this application relate to premises with a fixed electrical installation?	YES/NO
(b) Will the event require provision of a temporary electrical installation?	YES/NO
(c) <i>Are there any pressure vessels, lifts or other mechanical equipment used on the premises which require statutory certification?</i>	YES/NO
(d) <i>Are any gas appliances used at the premises?</i>	YES/NO
(e) Will the event involve the use of fairground rides or similar equipment?	YES/NO
If the answer to any question in this section is yes please provide copies of the appropriate certificates as described in guidance note 3.11	

12. FIRST AID ARRANGEMENTS (Guidance Note 3.12)

Please provide details of First Aid arrangements	
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13. ENVIRONMENTAL ISSUES

Please provide details of the following where applicable:-	
(a) Person responsible for noise management	
(b) Arrangements for Water supply and Sewage disposal	
(c) Arrangements for collecting and disposing of refuse	
(d) Names and Addresses of any caterers attending the event	

14. MANAGEMENT OF HEALTH AND SAFETY (see Guidance Note 3.13)

Have all applicable requirements of guidance note 3.13 been complied with?	YES/NO
Please enclose a copy of your written statement and risk assessment(s)	

15. INSURANCE

Has third party liability insurance giving a minimum level of indemnity of FIVE MILLION POUNDS (£5,000,000) been provided	YES/NO
Please provide a copy of the policy	

16. SMOKING BAN

Do No Smoking Signs require to be displayed at premises	YES/NO
Are Event Organisers, Event Staff and other appropriate person(s) aware of responsibilities / role with regard to the Smoking Ban.	YES/NO

ORKNEY ISLANDS COUNCIL
CIVIC GOVERNMENT (SCOTLAND) ACT 1982
PUBLIC ENTERTAINMENT LICENCES
NOTES FOR GUIDANCE

The following notes give an outline of the requirements for Public Entertainment Licences under the above Act. They should be treated as **guidelines only and not an authoritative statement of law**. They do not purport to be more than a guide to the main provisions of the Act in order that would be applicants may consider if they need to apply for a Licence, applicants are recommended to study the relevant provisions of the Act and obtain any further advice from their Solicitor.

These notes also provide detailed guidance on the information which will require to be provided along with the application.

1 INTRODUCTION

In accordance with the Civic Government (Scotland) Act 1982, a Public Entertainment Licence, issued by Orkney Islands Council as licensing authority is required for the use of premises for public entertainment for the categories of entertainment listed.

1.1 What is a Place of Public Entertainment?

A place of public entertainment is **any place** including land where, on payment of money or monies worth, members of the public are admitted or may use any facilities for the purposes of entertainment or recreation but does not include:-

- (a) an athletic or sports ground, being used as such;
- (b) premises which have an indoor sports entertainment licence issued under Section 41(a) of the Act while being used as such;
- (c) an educational establishment while being used as such;
- (d) premises belonging to or occupied by any religious body while being used wholly or mainly for purposes connected with that body;
- (e) premises licensed under the Theatres Act 1968, the Cinemas Act 1985 or part II of the Gaming Act 1968;
- (f) premises in respect of which there is a Permit under Section 16 of the Lotteries and Amusements Act 1976 while being used in pursuance of the Permit;
- (g) licensed premises within the meaning of the Licensing (Scotland) Act 2005 in which public entertainment is being provided during the licensed hours within the meaning of the Act; or
- (h) premises in which machines for entertainment or amusement are being provided incidentally to the main purpose or use of the premises where that main purpose of use is not as a place of public entertainment.

1.2 What Entertainment is required to be Licensed?

A Public Entertainment Licence will be required for the use of premises, ie any place **including the use of land**, where members of the public are admitted or may use any facilities for the following purposes of entertainment or recreation:-

- (a) billiard, snooker and pool halls;
- (b) premises used for exhibitions;
- (c) premises used for fireworks displays;
- (d) premises used for health and fitness activities, including gymnasia and saunas;
- (e) premises used for laser displays and war games;
- (f) premises used for agricultural shows;
- (g) premises used for Go-Karting;
- (h) premises used for bungee-jumping and bungee-running;
- (i) premises used for bouncy castles or similar structures;
- (j) discos and dances;
- (k) musical performances;
- (l) lectures and illustrated talks;
- (m) concerts;
- (n) circuses;
- (o) fairgrounds;
- (p) travelling shows;
- (q) travelling funfairs.

NB. A Public Entertainment Licence will not be required by reason only of the performance of a play (Theatres Act 1968, Section 12(2)). Any public performance of a play would require to be licensed under the Theatres Act 1968 whether or not a Public Entertainment Licence is in force (for further information on and application forms for Theatre Licensing please contact the Council's Legal Services on (01856) 873535.)

2 CONDITIONS

Orkney Islands Council may attach additional conditions to the licence as it sees fit, with each application being dealt with on its own merits. The premises will be required to comply with the standard Conditions attached to these Notes and which will form part of the Licence being granted.

Note: no application is the same. If the event proposed is large scale, for example, a major open air concert involving the use of staging and other temporary structures such as marquees and temporary seating then considerable detail may be asked for. If the event is not "one-off" or the premises to be licensed are permanent, the appropriate Building Standards/ Fire Service approval may already be in place, and therefore little further information would be required.

The following forms a breakdown of what the Council will expect from you as The Licencee.

Planning effective preventative and protective measures e.g. fire precautions, traffic arrangements, first aid, checks on and maintenance of electrical, oil, gas and fire-fighting installations or equipment, maintenance of other safety equipment or mechanical equipment, repair and maintenance of all buildings or building components to prevent risk to users, ensuring evacuation procedures or other drills are effective, ensuring procedures are in place for all such measures, ensuring statutory duties are met such as those required by the Fire Precautions Act, Health and Safety at Work Act, Building (Scotland) Act or the Food Safety Act among others.

Having a written statement of policy, organisation and arrangements i.e. write down the detail of how all these measures will be undertaken, and by whom, and make them known to all those who will have any role in ensuring the health and safety of the public or employees.

Organising work and activities in a safe way to ensure that people are trained and competent to carry out work or activities without risk of an accident or danger to health e.g. employing only qualified and/or competent persons to undertake work, ensuring that all safety measures are taken to protect both the workers and public, ensuring that supervisory staff or attendants are effectively trained and aware of their duties.

Ensuring that risks are controlled e.g. carrying out risk assessments in respect of all activities likely to occur, and taking appropriate action where risks are identified.

Monitoring and reviewing the preventative and protective measures e.g. carrying out daily, weekly or other periodic checks to ensure that the measures which are proposed are actually carried out and effective; reviewing procedures and measures to take account of alterations, unusual events, changes in staff, equipment or materials.

Having a written statement of policy, organisation and arrangements i.e. write down the detail of how all these measures will be undertaken, and by whom, and make them known to all those who will have any role in ensuring the health and safety of the public or employees.

The Council will expect applicants to produce evidence that management issues have been fully addressed as these are essential components in ensuring the health & safety of members of the public.

For temporary events it is important that applications are made at an early stage, preferably at least three months prior to the event.

3 INFORMATION REQUIRED BY THE COUNCIL, FIRE SERVICE AND POLICE BEFORE CONSIDERING YOUR APPLICATION

3.1 Provision of Plans

An application for licence in respect of a building should be accompanied by a plan of the premises. These plans should include a floor plan of each floor to a scale of 1:50. A site plan, not larger than A3, to a scale of 1:500 should also be provided.

Floor Plan

The floor plan and accompanying documentation should show details of the following:

- Location of exit signs
- Location of fire exits, entrances, openings and stairs
- Fire-fighting points
- Toilet accommodation – giving number of appliances for each sex, and disabled persons
- Fixed or temporary seating arrangements
- Stage areas and construction
- Temporary structures
- Modular demountable staging
- Kitchen or Catering areas including bar areas
- Disabled viewing gallery
- Position of structural components, poles and guy ropes, etc
- Lighting points including emergency lighting
- Drinking water points
- Floor specification and make up
- Location of generators and power supplies

The Site Plan

The site plan should give details of the following:

- Parking provision
- Position of footpaths or private roadways within the site (indicate details of one-way systems etc)
- External lighting points
- Site of any LPG or fuel storage areas
- Location of overhead or temporary power lines or cables
- Position of fire points, hydrants or water supplies
- Emergency access for fire appliance
- Pedestrian access routes
- First aid and medical points
- Perimeter and barrier fencing
- Toilet accommodation and soakaways (including details of same)
- Any lighting, sound or stage structures or towers
- Location and type of fairground rides and amusements

- Event control points
- Animal housing areas
- Dangerous animal housing or display areas
- Motor vehicle race areas
- Location of nearest noise-sensitive premises
- Firework display areas
- Details of water supply including course or site of any private water supply and drinking water points
- Campsites

3.2 Access for Emergency Vehicles and Internal Routes

- (a) The site should be arranged to allow for adequate access for fire appliances and other emergency vehicles to within 45-60 metres of any structure including fuel storage facilities.

Access routes should not be less than 3.7 metres wide, should have no overhead structure or cables less than 4 metres above the ground, and should be capable of taking the weight of fire appliances (approx. 17 tonnes) in all weathers.

Turning facilities should be provided in any dead-end access route which is longer than 20 metres. Where access routes to and within the site are accessible via bridges, the weight restriction of the bridge should not be less than the weight of the vehicle expected to use it.

- (b) Emergency vehicle routes within the site should be clearly marked to identify them as such, and should be kept clear at all times.
- (c) Car parks should be sited away from marquees and large tents and parking should not be allowed on internal routes or between tents.
- (d) Access to hydrants and other water supplies should be free from obstruction with the hydrants being clearly indicated.
- (e) In order to reduce the risk of fire, grass should be cut as short as possible before marquees and large tents are erected, and the cuttings cleared away to a safe place.

In exceptionally dry weather, special care may be required, i.e. dampening the site down before erecting the tentage.

- (f) The use of a telephone or another method of calling the Fire Brigade in the event of a fire should be provided.
- (g) The spacing between portacabins, caravans and other structures should not be less than 6 metres.

- (h) An evacuation procedure must be produced following a Hazard Risk Assessment being carried out. This procedure must clearly explain to all staff and stewards the action to be taken to evacuate the event/area.

3.3 Emergency Exits

- (a) Where an event is licensed for public entertainment and more than 50 people are present, doors should be conventional (i.e. a fixed frame and door set fitted with panic bolts or latches). Where such doors are provided, the door frame sills and the ground in the immediate vicinity of the doorway should be levelled to avoid the risk of people tripping.

Where the marquee is of the traditional "pole" type and is to be erected on uneven ground, a solid door frame may not be suitable.

Alternatives are to provide a single-action, outward-opening device or outward-opening velcro fastening of a width suitable to the number of people likely to use the exit. The velcro fastening, under reasonable pressure, can allow the whole wall to open back providing a wide exit.

NOTE:- IF VELCRO FASTENING DEVICES ARE TO BE USED THEN THESE DOORWAYS MUST BE PERMANENTLY STEWARDED.

- (b) All exit doors forming a means of escape must be clearly and conspicuously marked with the method of opening.
- (c) Escape routes leading to Emergency Exits must be at least 1.3m wide and should be kept clear at all times
- (d) At all times when persons are within the structure, the doors which afford a means of escape should not be locked or fastened in such a manner that they cannot be easily and immediately opened from the inside, without the use of a key.
- (e) All exits for means of escape purposes must be clearly and conspicuously indicated.
- (f) Every structure should be provided with exits, which are sufficient for the number of occupants in relation to their width, number and siting. Normally no exit should be less than 1.05 metres wide.

Minimum Clear Width of Exit	Number of Persons
1.05 metres	1 to 160
1.65 metres	161 to 240
1.95 metres	241 to 320

- (g) Where the structure is intended to hold more than 60 persons, there should be not less than 2 exits.

- (h) Linking of Temporary Structure – It is essential to ensure that there are adequate means of escape from all parts of the combined structure, including (where necessary) the link itself.

3.4 Emergency Lighting

- (a) All parts of the structure to which the public have access and all external exitways should, if intended for use in the absence of daylight or where the fabric of the tested structure reduces visibility, be provided with normal lighting capable of providing sufficient illumination of those parts for the public to leave the structure safely.
- (b) A minimum standard of illumination should be maintained so that the structure cannot be plunged into total darkness whether deliberately or accidentally. Emergency lighting installed to comply with British Standard 5266: Parts 1-7: 1999/BS EN 1838: 1999 will be deemed to satisfy this requirement.

The emergency lighting system should be regularly serviced and should be tested before the public are admitted to the structure.

- (c) If at any time there is a failure of normal lighting, within all parts of the structure to which the public have access, and all external exitways should immediately be illuminated by some alternative means which enable the public to see their way out of the structure in safety.
- (d) The normal lighting should be kept on at all times when the public are in the structure, except in any part which is well lit by daylight and should illuminate all exit fire safety signs, unless they are self-luminous fire safety signs.
- (e) In the case of temporary structures which are erected for a limited period or are used as part of a travelling entertainment, a current certificate signed by a competent person confirming that the emergency lighting installation meets the requirements of British Standard 5266: Parts 1-7: 1999/BS EN 1838: 1999 should be acceptable, subject to a functional test prior to the first admission of the public.
- (f) Heat producing luminaires should be installed sufficiently clear of combustible materials to avoid the risk of fire.
- (g) Where portable generators are to be used, a minimum of two generators must be run simultaneously on separate lighting circuits to prevent a total blackout during the event. Both generator lighting circuits must clearly illuminate all Emergency Exits and the routes and signage leading to the exits

3.5 Temporary Structures

- (a) Detailed structural plans of any temporary raised platforms or other structures used for seating, staging, lighting and sound equipment will be required. These will require to be accompanied by a structural engineer's certificate certifying

their adequacy and suitability for the site and clearly stipulating any loading or other restrictions.

- (b) Procedures must be put in place to ensure temporary buildings can be dismantled to a safe condition in the event of inclement weather being forecast, particularly where winds will approach gusts of 54m/sec.

3.6 Requirements Under British Standard 7837:1996

- (a) Structure fabrics must conform with test 2B (Bottom Edge Ignition) of BS 5438: 1989.
- (b) All unattached lining materials should comply with British Standard 5867: Specification for fabrics, for curtains and drapes: Part 2 1980 flammability requirements.
- (c) All attached linings and drapes must conform to test 2B (Bottom Edge Ignition) of BS 5438: 1989.

3.7 Means for Fire Fighting

The level and provision of fire-fighting equipment should be agreed in advance of the event and will vary according to the local conditions and the structures and activities on site. The installation and maintenance of portable fire extinguishers should conform to British Standards BS EN3 and BS 7863: 1996. Where possible, firefighting equipment should be grouped to form fire points and these should be clearly and conspicuously indicated by the symbol described in the Health and Safety (Safety Signs and Signals) Regulations 1996.

One portable 9ltr water based extinguisher must be provided for each 200 square metres of floor area or part thereof. Also, special risk areas (bar, stages, kitchen etc) must be provided with at least one multipurpose extinguisher at each location, eg

TYPE OF EQUIPMENT	NUMBER/SIZE	LOCATION	IS EQUIPMENT REGULARLY MAINTAINED
Water Extinguisher	4 9 ltr	At the front of the structure as marked on the plan	Yes

3.8 Means for Giving Warning

- (a) Means should be provided for giving warning in case of fire and any other emergency. The means of giving warning should be such as to avoid creating alarm for the public whilst giving instant warning to appropriate members of staff or stewards. The use of a public address system with an agreed procedure may be sufficient.
- (b) A fire alarm system, if required, should comply with the recommendations for Type M of British Standard 5839: Part 1 and where an alarm system is installed

to comply with the British Standard a completion certificate should be provided. There may, however, be situations where a simpler means of raising the alarm could be regarded as adequate.

- (c) Manually operated sounders may be acceptable if each sounder will give a warning which is audible throughout the structure during a performance. Gongs, triangles, klaxons, bells and whistles may be acceptable as sounders, provided that they cannot be confused with any entertainment in progress.
- (d) Manual fire alarms should be mechanically reliable and the position chosen for the operation of any sounder should be as safe as possible from the effects of any fire risk. i.e. away from storage spaces, kitchens, etc.
- (e) Electrical "break-glass" call points should be situated on escape routes and be provided on a scale which allows any person to reach a call point without travelling more than 30m. Manual call points should comply with British Standard 5839: Part 2.
- (f) Any verbal warning to the public which requires them to leave the structure or site immediately should be phrased positively to leave the public in no doubt.
- (g) There must be a procedure to shut off the entertainment or noise to enable the alarm/P.A. to be heard.

3.9 Stewards

- (a) There should be competent stewards on duty during the whole time that the public are on the premises. These stewards should have been specifically instructed as to their essential responsibilities in the event of fire or other emergency. Account should be taken of the additional responsibility caused by the attendance of disabled persons and children.
- (b) The primary duty stewards is to ensure that safe conditions are maintained in the premises and to achieve this, they should:-
 - (i) ensure that no overcrowding occurs in any part of the premises;
 - (ii) keep all gangways and exits clear at all times;
 - (iii) prevent standing on seats or furniture; and
 - (iv) be aware of any special requirements needed to ensure the safe evacuation of the audience/patrons.
- (c) Stewards should be readily identifiable to the public by means of some conspicuous clothing or marking system which is visible under all lighting conditions.
- (d) The number of stewards on duty on the premises to assist persons entering or leaving should be not less than 1 for every 250, or part of 250 persons present; and

- (i) If the number of persons on the floor or tier is less than 100, there should be at least 1 additional steward on duty on that floor or tier.
- (ii) If the number of persons present on any floor or tier exceeds 100 there should be at least 2 additional stewards on duty on that floor or tier.

NOTE: The licensing authority may decide that because of the type of entertainment and/or the composition of the audience additional stewards should be on duty.

- (e) Where most of the audience are under the age of 16, the number of stewards on duty should not be less than one for every 100 or part of 100 within the auditorium and one steward for every 50 or part of 50 above the lowest floor.
- (f) All stewards and staff must be familiar with the type and location of Fire-fighting Equipment.

3.10 Provision of Sanitary Facilities

- (a) for fixed premises these should be provided in accordance with British Standard BS 6465 part 1, e.g. the table below indicates the likely number of facilities required for a building used as a place of public entertainment (without licensed bars)

Appliances	Males	Females
WC	1 for up to 250 males plus 1 for every additional 500 males or part thereof	2 for up to 40 females 3 for 41 to 70 females 4 for 71 to 100 females plus 1 for every additional 40 females or part thereof
Urinals	2 for up to 100 males plus 1 for every additional 80 males or part thereof	
Wash Basins	1 per WC and in addition 1 per 5 urinals or part thereof	1 plus 1 per 2 WCs or part thereof
Bucket/Cleaner's sink	Adequate provision should be made for cleaning facilities including at least one cleaner's sink	

- (b) For temporary events the table below shows a general guideline. This is based on a music event, though these figures may be too high for short duration/'non peak period events such as country fairs and garden parties, or too low for events with high levels of fluid consumption or where camping will occur.

For events with a gate opening time of 6 hours or more		For events with a gate opening time of less than 6 hours duration	
Female	Male	Female	Male
1 toilet per 100 females	1 toilet per 500 males, plus 1 urinal per 150 males	1 toilet per 12 females	1 toilet per 600 males, plus 1 urinal per 175 males

Washing facilities

Where possible, provide hand-washing facilities in the ratio of one per five toilets with no less than one hand-washing facility per ten toilets provided. Provide suitable hand-drying facilities. If paper towels are supplied, arrange for regular disposal and restocking.

Where warm water hand-washing facilities are available, provide adequate supplies of suitable soap. Antiseptic hand wipes or bactericidal soap should be provided where warm water is not available.

On sites where hand-washing facilities are supplied in the open air, consider the management of the facility to ensure that the surrounding ground does not become waterlogged leading to localised flooding.

(c) Sanitary Facilities for Disabled Persons

These should be provided within the overall number of facilities required, as follows:-

- (a) At least 1 unit (wc and washbasin) of unisex sanitary accommodation and accessed independently of any other sanitary accommodation; or
- (b) Where provided integrally within separate sanitary accommodation for males and females, at least 1 unit (wc and washbasin) of each unisex sanitary accommodation for each sex.

NOTE: A greater provision may be required dependent upon the distances between facilities. The total distance to be travelled from any point to the sanitary accommodation should not be more than 45m.

3.11 Electrical, Mechanical and Gas Safety

- (a) for fixed premises an application for licence should be accompanied by an electrical certificate in the form prescribed in Appendix 6 of BS 7671. The certificate will require to be signed by a qualified person who is
 - A professionally qualified electrical engineer
 - A member of the Electrical Contractors Association
 - A member of the Electrical Contractors Association of Scotland
 - A certificate holder of the National Inspection Council for Electrical Installation Contracting

- A Certificate Holder of the Scottish Electrical Certification (SELECT) scheme

(for temporary outdoor events the certificate from the qualified person will require to confirm that the electrical installation will be completely and safely installed under his/her supervision prior to the public being allowed access to the site)

- (b) An application should also be accompanied by a copy of any relevant statutory certification required in respect of pressure vessels, lifts or other mechanical equipment used on the premises.
- (c) If there is a gas installation on the premises the applicant will require to provide certification of inspection by a CORGI registered person qualified to inspect the equipment certified. Such certification will require to indicate that the installation complies with statutory gas safety requirements.
- (d) Where events include the provision of moving equipment or machinery such as fairground rides the applicant will require to provide a certificate of fitness from an independent and suitably qualified person.

3.12 First Aid & Medical Arrangements

The extent to which medical and first aid facilities will be required will vary widely depending on the nature of the event. The Health & Safety Executive's publication HSG 195 "The Event Safety Guide" gives guidance on facilities which should be provided at larger events. A minimum of two first aiders would normally be expected at small events.

3.13 Management of Health & Safety at Events

Management of Events

- (a) Persons providing public entertainment have a duty of care to those using the premises or venue for that purpose.
- (b) An effective system of management for the health and safety of employees and the public is an essential component in fulfilling that duty of care and must therefore address every aspect of health and safety. It requires that you examine your premises or venue, and the activities you intend to undertake, to ensure that there is no unacceptable risk to the health safety and welfare of those who enter the premises or venue. It includes ensuring that the building or venue are inherently safe, including equipment in the premises or venue and any activities carried out there.
- (c) An effective system of management should include the following components:

A written statement of how you will arrange control measures to ensure employees and the public's Health and Safety will require to be provided. Details required are:

- Person or persons responsible for Health and Safety Planning and Implementation
- Qualifications/competencies of people undertaking work activities
- Training of staff or attendants
- Plant and equipment maintenance records
- Written risk assessments of all activities (see examples below)
- Arrangements for monitoring control measures.

(d) **Risk Assessments** – A risk assessment is nothing more than a careful examination of what, at your event, could cause harm to people, so that you can weigh up whether you have taken enough precautions to make sure that no one gets hurt. There are five basic steps:-

STEP 1: Look for the hazards

STEP 2: Decide who might be harmed and how

STEP 3: Evaluate the risks and decide whether the existing precautions are adequate or whether more should be done

STEP 4: Record your findings

STEP 5: Review your assessment and revise it if necessary

The amount of detail required in a risk assessment will vary greatly depending on the type of premises or event. There are also many ways in which the assessment can be recorded, however, in all cases **KEEP IT SIMPLE!**

The following is a sample risk assessment in relation to a small village hall which gives one example of how this can be done.

RISK ASSESSMENT

Step 1: How can people get hurt

Hazards considered:

1. Fire
2. Electrics
3. Gas Cooker
4. Hazardous substances
5. Storage
6. Food Hygiene
7. Computer Equipment
8. Lone Working

Being in a public building with access for unsupervised public use, there may be an increased level of risk due to lack of knowledge associated with the hazards above. Extra safety measures may be required, A First Aid box is accessible at all times and is regularly checked.

Weekly, monthly and annual checks are made of the building, car park and grounds to check for any changes of circumstances, deterioration of equipment etc.

Step 2:

What could cause HARM?	WHO might be harmed and HOW?	EXISTING CONTROL MEASURES	EXISTING RISK High/Medium/Low	FURTHER ACTIONS REQUIRED?
Fire	Public and staff through burns and smoke inhalation	Fire Alarms, smoke alarms, fire fighting equipment, fire exits and signs are checked appropriately at regular intervals. In Letting Conditions hall users have to ensure all ashtrays are cleaned and emptied into the bin outside the building after their let.	Low	Yes – include in Lettings Conditions that users must take responsibility to make themselves aware of the location of fire fighting equipment, exits, etc. Also advise hall users that children should be kept out of the kitchen when cooker, kettles or hot water heaters are in use.
Electrics	Public and staff through electric shocks	Electrical equipment and leads checked annually by a qualified electrician and monthly checks are made for general wear and tear by staff	Low	Yes – plug covers are required for sockets as some of the hall users are young children

What could cause HARM?	WHO might be harmed and HOW?	EXISTING CONTROL MEASURES	EXISTING RISK High/Medium/Low	FURTHER ACTIONS REQUIRED?
Gas Cooker	Public and staff through gas inhalation or creating fire hazard	Gas cooker checked annually by a qualified person. Any member of public planning to use cooker is given verbal instructions. Written instructions are available in kitchen at all times.	Low	No
Hazardous Substances	Public may come into contact with hazardous cleaning substances and become ill	Hazardous cleaning substances are locked up when not in use. Staff using the substances will ensure they are controlled but it is the responsibility of the hall users to ensure that they and any accompanying children do not interfere with them.	Low	No
Storage	Public and staff through injury from falling equipment	Hall users are requested to store and stack chairs and tables in a safe manner. Storage cupboards checked regularly by staff to ensure equipment is stored safely.	Low	No
Computer Equipment	Public and staff through eye strain or injury	Computer set up as recommended by the manufacturer	Low	No
Food Hygiene	Public through illness from inappropriately prepared food	For public functions run by the Hall someone with a food hygiene certificate will oversee the preparation of food within the hall kitchen. Ensure hall users who are running a public event have someone with a food hygiene certificate	Low	Yes – send more people from the Hall Management Committee on the Elementary Food Hygiene Course.
Lone Working	Staff working alone in building with open public access	Staff made aware to ask anybody acting inappropriately to leave or leave themselves and contact Police	Low	No

3.14 Third Party Liability Insurance

The licence holder must provide proof that he holds third party liability insurance giving a minimum level of indemnity of FIVE MILLION POUNDS (£5,000,000) in respect of amusements, including inflatable equipment and small rides, and TEN MILLION POUNDS (£10,000,000) in respect of larger rides and activities.

3.15 Who are the Relevant People to Contact for Help?

Your application for a Public Entertainment Licence will be circulated to Council Services for vetting and will also be referred to the Police and Fire Services. If you require a building warrant or planning permission for the use of premises or erection of certain temporary or permanent structures, or seek to use parts of the public highway, then you should apply for the relevant permits or permissions well in advance to ensure that these are available when you make your application. We recommend that you consult relevant Council Services prior to making an application so that their requirements are made known to you at an early stage. The principal Services concerned with Public Entertainment Licences are:-

(a) Legal Services

For enquiries in relation to any matters detailed in paragraphs 1, 2 & 4 – 13 (inclusive) and temporary staging and construction of temporary structures for example marquees:-

Contact:- **Solicitor to the Council**

(b) Development and Environment Services

For matters concerning the content of paragraph 3 in respect of health and safety issues, noise, nuisance and risk assessment – management control and use of public roads.

Contact:- **Environmental Health Service or Roads Service**

(c) Fire Service

For matters detailed in paragraph 3 relating to fire safety, management of the premises in the event of an emergency, approval of maximum numbers of people for the premises and fire precaution measures:

Contact:- **Kirkwall station – (01856) 875428**

(d) Planning & Building Standards

For matters detailed in paragraph 3 regarding the provision of building warrants and planning permissions:

Contact:- **Development and Environmental Services**

(e) Police

For matters regarding public order/general management of premises:

Contact:- **Area Command Office - (01856) 872241**

4 WHAT HOURS WILL THE LICENCE BE GRANTED FOR?

You should state on the application form the earliest opening and latest closing times that you would require for public entertainment events on your premises and specify the days of the week on which these hours are requested.

If you have already been granted a Public Entertainment Licence and you wish to hold an event extending beyond the hours specified in your Licence, you may apply to the Council for a variation to your Licence conditions.

5 DETERMINATION OF AND DURATION OF LICENCES

- (i) **Full licences: in simple cases** a licence will normally be issued after the elapse of 21 days from receipt of an application. In other cases, eg where objections have been received, applications can take considerably longer to be determined. A Licence shall remain in force, unless previously suspended or revoked, for a period of one year from the date when it comes into force, or such shorter period as the Council thinks fit. The Licence is not normally transferable.
- (ii) **Temporary Licences:** application may be made for a temporary licence which on being granted by the Council may have effect for a period not exceeding 6 weeks. A temporary licence is not capable of being renewed, but where application has also been made for a full licence for the same activity, the temporary licence, if granted, shall continue to have effect until the application for the full licence has been determined. Temporary licences may be granted earlier than the 21 day period specified for a full licence and the fee for a temporary licence is half the fee for a full licence.

PLEASE NOTE THAT APPLICATIONS FOR THE GRANT OF A PUBLIC ENTERTAINMENT LICENCE SHOULD BE LODGED IN GOOD TIME FOR THE EVENT/LOCATION IN QUESTION.

Whilst every effort will be made to process complete applications as quickly as possible, if applications are not submitted in good time or lodged without all the necessary supporting documentation there is **no** guarantee that they will be processed in time for an event. Applicants are asked to bear in mind that a range of bodies require to be consulted, and if objections are lodged, a formal hearing before the Licensing Sub-committee will have to be convened to adjudicate on the application. This all takes time.

THE HEALTH & SAFETY EXECUTIVE EVENT SAFETY GUIDE RECOMMENDS THAT APPLICATIONS BE SUBMITTED A MINIMUM OF 3-6 MONTHS PRIOR TO AN EVENT.

All promotional literature for an event which requires a public entertainment licence should state "Subject to Licence" or similar so that members of the public are appropriately informed.

In the case of temporary licences applicants should note that it may well be necessary to carry out a final inspection on the day of an event before the licence can be issued.

6 LICENCE TO BE RETAINED

The Licence must not be altered, erased or defaced in any way, must be kept clean and legible and must not be lent to or used by any other person. Should the Licence be lost or become defaced or illegible the Licence holder shall obtain a replacement from the Council on payment of the appropriate fee as detailed in the attached list of fees. The Licence holder shall produce his/her Licence within five days of being requested to do so by a Police Constable or an authorised Officer of the Council or the Fire Authority.

7 RETURN OF LICENCE

The Licence shall be delivered to the Council:-

- (a) if the premises cease to be used as a place of public entertainment;
- (b) within seven days of receiving notice of the coming into effect of a decision of the Council to suspend or vary the terms of the Licence, or the decision of a Court to revoke it.

8 NOTIFICATION OF CONVICTIONS OR MATERIAL CHANGE OF CIRCUMSTANCES

The Licence holder shall notify the Council as soon as is reasonably practicable with any **convictions or other material change** in circumstances affecting him/her or the activity to which the Licence relates, including any particulars referred to in the application for grant, or latest application for renewal, of the Licence. **If in doubt, notify the Council of any changes and in any event not later than 7 days of any conviction or material change of circumstances.**

9 NOTIFICATION OF MATERIAL ALTERATIONS

The Licence holder shall not make or permit to be made any material change to the premises without the prior **written** consent of the licensing authority unless in

accordance with a requirement imposed by or in pursuance of any enactment other than parts I or II of the Civic Government (Scotland) Act 1982. **If in doubt as to whether consent is required, contact the Council.**

10 APPLICATION FORM AND FEES

Application forms are available online at www.orkney.gov.uk or from the Solicitor to the Council, Council Offices, School Place, Kirkwall, KW15 1NY (email: legal-services@orkney.gov.uk).

You should take care in completing the application form to list, subject to the terms of the Rehabilitation of Offenders Act 1974, all convictions against you. If you are in doubt as to whether or not to list a conviction you should seek independent advice on this matter.

In order to apply for a licence, the application form must be returned along with the following:-

- the appropriate fee.
- a site or location plan, no larger than A3, showing precisely which part or parts of the premises are to be used for the purposes of public entertainment.

Prior to issue of the licence the following documentation must also be submitted:

- Certificate of compliance to the effect that the required Public Notice has been posted.

As soon as your application is submitted you should post a Notice on the Premises in the style attached. This requirement is not applicable to applications for temporary licences (see note 6(ii) above).

NB Where the application has been made by or on behalf of a company or partnership (ie. a non-natural person) the address of the registered or principal office and the names of and the private addresses of the directors, partners or others responsible for its management should also be stated on the Notice. You should attempt to keep the Notice on display for a period of at least 21 DAYS and try and ensure that it does not become defaced or destroyed during that period, replacing the Notice if necessary.

When the required Notice has been displayed in accordance with the legislation, you should, on expiry of the 21 DAYS, complete and sign the Certificate of Compliance and send it to the office you submitted the application form to.

Your application will be referred to the Police, Development and Environment Services and the Chief Fire Officer for comment.

Processing the Application

Your application must be considered within 3 months of its being lodged and the Council must reach a decision on it within 6 months.

If your application is granted, you will be notified accordingly. You will be issued with your licence. The licence should be displayed at all times. You should also show this licence to a police officer, an officer from Orkney Islands Council or to any member of the public on demand.

If your application is refused, or granted conditionally, you are entitled to ask the Council within 28 days to give reasons for such refusal, or the imposition of such conditions, and thereafter you are entitled to appeal to the Sheriff against the decision on various grounds. You should seek the advice of a solicitor if matters should get to that stage.

11 PRIOR REFUSAL

Please note that if you have applied for and been refused an application for a Public Entertainment Licence then, unless your circumstances have altered, you will be unlikely to be granted an application.

If refused, you cannot apply for the same kind of licence in respect of the same activity or for the same premises, within one year of that refusal unless there has been a material change in circumstances.

12 OBJECTIONS

If, during the processing of your application, the Licensing Authority receives any objections to your application, you will be sent a copy of the letter(s) of objection(s).

Your application, the letter(s) of objection(s) and your response will then be referred to a meeting of the Licensing Sub-committee. You will be invited to attend the meeting and given the opportunity to address the Sub-committee.

A further appeal lies to the Sheriff Court.

13 OFFENCES

The following are criminal offences liable, on summary conviction, to a fine:-

- (a) Carrying on an activity for which a Licence under the Civic Government (Scotland) Act 1982 is required without such a Licence;
- (b) Failing to comply with a Condition of a Licence;
- (c) Failing to notify the Council of a material change in the circumstances of a Licensee;

- (d) Failing to obtain the consent of the Council before making any material change to any premises, vehicle or vessel to which the Licence relates;
- (e) Failing to surrender the Licence (1) after it has been superseded or (2) when the Licensee has given up the activity to which it relates;
- (f) Failing to disclose convictions in the Application Form;
- (g) Making a false statement when filling in the Application Form.

The above list is not exhaustive and reference should be made to the Civic Government (Scotland) Act 1982 for all offences under the Act.

14 SUMMARY

As stated earlier, the amount of information required will vary greatly depending on the nature of the application. To supplement the above list of contacts, you may wish to refer to the undernoted publications, particularly if your application is for a licence for a new building which is expected to be used regularly or for a large “one-off” event, the publications being:-

- *“Guide to Fire Precautions in Existing Places of Entertainment and Like Premises”* Home Office & SHHD
- *“The event safety guide”* HSE (HSG195) available from The Stationery Office Ltd, 71 Lothian Road Edinburgh EH3 9AZ
- *“Managing Crowds”(HS(G)(154)* available from HSE Books, Sudbury, Suffolk
- *“Code of Practice for Outdoor Events”* available from The National Outdoor Events Association, Surrey.
- *“A Guide to Organising Safe Events in Orkney”* available from Orkney Islands Council

For advice regarding sanitary accommodation for the disabled refer to British Standard BS 5810 1979, including any subsequent amendments, and to the *“Disability (Scotland) Access Guide”*.

For advice on Sanitary Accommodation refer to British Standard BS 6465 Part 1 1994 including any subsequent amendments. See also *“The event safety guide”*.

ORKNEY ISLANDS COUNCIL

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that application has been made on the *[insert date]* day of *[insert month]*, 20*[insert year]* to Orkney Islands Council for a(n) *[insert type of licence]* Licence in respect of premises at *[insert address]* by:

Name:

Address:

.....

Day to day Manager(s)

.....

Address(es)

.....

Hours in which it is proposed to trade:

Any objections and/or representations in relation to the application may be made to the Solicitor to the Council, Council Offices, School Place, Kirkwall, KW15 1NY.

Objections and representations should be made in accordance with the following provisions, namely:

1. Any objection or representation relating to an application for the grant or renewal of a licence shall be entertained by the licensing authority if, but only if, the objection or representation:
 - (a) is in writing;
 - (b) specifies the grounds of the objection or, as the case may be, the nature of the representation;
 - (c) specifies the name and address of the person making it;
 - (d) is signed by him or on his behalf;
 - (e) was made to them within 21 days or whichever is the later or, as the case may be, latest of the following dates:
 - (i) where public notice of the application was given in a newspaper, the date when it was first so given;
 - (ii) where the Council have required the applicant to display the Notice again from a specified date; that date;
 - (iii) in any other case, the date when the application was made to them.
2. Notwithstanding (1)(e) above, it shall be competent for a licensing authority to entertain an objection or representation received by them before they take a final decision upon the application to which it relates if they are satisfied that there is sufficient reason why it was not made in the time required.
3. An objection or representation shall be made for the purposes of (1) above if it is delivered by hand within the time there specified to the licensing authority or posted (by registered or recorded post) so that in the normal course of post it might be expected to be delivered to them within that time.

ORKNEY ISLANDS COUNCIL

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

CERTIFICATE OF COMPLIANCE

I, *[insert name]*, being the applicant for a *[insert type of licence]* licence, hereby certify that a Notice has been posted at or near the premises at *[insert details]* from *[insert date]* to *[insert date]*, containing such information as is required by paragraph 2(3) of Schedule 1 to the above Act.

* Where the said Notice was removed, obscured or defaced during the above mentioned period, I took reasonable steps for its protection and replacement as follows:

[insert details and circumstances]

Date: Signature:

* Delete if not applicable

Return this form, duly completed, to the Solicitor to the Council, Council Offices, School Place, Kirkwall, KW15 1NY, when the required Public Notice has been displayed for the specified 21 days.

ORKNEY ISLANDS COUNCIL
CIVIC GOVERNMENT (SCOTLAND) ACT 1982
PUBLIC ENTERTAINMENT LICENCE
SCHEDULE OF CONDITIONS

NOTE

It is a criminal offence in terms of section 7(2) of the Civic Government (Scotland) Act 1982 to fail to comply with any condition imposed on this licence.

DEFINITIONS

Within the conditions applicable to the undernoted licence, the following definitions shall apply:-

- 1.1 "This Licence" or "the licence" means the licence noted hereunder and for the avoidance of doubt shall include all the conditions attached to it either as under noted or by way of reference;
- 1.2 "The Council" means Orkney Islands Council and any officer authorised to act on its behalf in terms of this licence;
- 1.3 "The Licence holder" means the person (or if a non natural person the incorporated company) named in the licence;
- 1.4 "The Premises" means the premises specified in clause 2.2 of this licence;
- 1.5 "Patrons" or "Public" means persons admitted or seeking admission to the premises for any purpose other than the performance of duties in connection with the entertainment being provided;
- 1.6 "Chief Fire Officer" means the Chief Fire Officer of the Highland and Islands Fire and Rescue Service or his/her authorised Depute within the Orkney area; and
- 1.7 "The Act" means the Civic Government (Scotland) Act 1982.

2. LICENCE HOLDER AND PREMISES

2.1 Licence Holder

This licence is granted to [*insert name*] residing at [*insert address*]/whose registered office/address/principal place of business (*delete as applicable*) is situated at [*insert details*].

2.2 The Premises

The premises to which this licence applies are located at *[insert details]* and are shown for identification purposes only on the plan annexed and signed as relative to the licence.

2.3 Unless otherwise authorised in writing by the licensing authority, the premises shall be used for public entertainment only during the hours of *[insert hours]* and on any day except *[insert exceptions]*.

3. DURATION

The licence is granted on the *[insert day]* day of *[insert month]* Two Thousand and *[insert year]* and is valid “subject to the terms of the Act” up until and including the *[insert day]* day of *[insert month]* Two Thousand and *[insert year]*.

4. LICENSED USE

The use of the premises by the public for money or monies worth is restricted to the following forms of entertainment or recreational activities and matters wholly ancillary thereto, namely:-

[as per current licence conditions]

The number of persons admitted to the premises during any event at any one time shall not exceed *[as per current licence conditions]*. The occupancy capacity limit of the premises, that is the limit on the number of people permitted to occupy the premises at any one time, as specified herein, shall be determined by the Council in consultation with the Chief Fire Officer and shall not be exceeded. The licence holder shall take appropriate measures to ensure that controlled drugs (within the meaning of Section 2 of the Misuse of Drugs Act 1971) are not used on the premises.

5. GENERAL CONDITIONS

5.1 Licence Holder Not to Materially Alter Premises, etc Without Prior Authorisation

The licence holder shall not make or cause or permit there to be made any material change to the premises, without the prior written consent of the Council.

5.2 Licence Holder to Retain Occupational Control of the Premises

The licence holder shall retain occupational control of the premises, except with the prior written consent of the Council, such consent always to be conditional on any occupier complying with the conditions of the licence.

5.3 Premises to be Clean and Tidy

The premises shall be kept and, in due course, left in a clean and tidy condition to the satisfaction of the Council, with arrangements being made for the storage, collection and disposal of waste or refuse during and after use of the premises all to the satisfaction of the Council.

5.4 Restrictions on Use of the Premises

Use of the premises for pyrotechnics, lasers, other potentially hazardous special effects, firearms or any exhibition, demonstration or performance of hypnotism within the meaning of the Hypnotism Act 1954, shall not take place without the prior written consent of the Council. Application for such permission must be made in writing at least 14 days in advance of the planned entertainment and give full details of the proposed use. Further, in any event, the licence holder shall not exhibit any light which:-

- (i) by reason of its glare is liable to endanger aircraft or road traffic; or
- (ii) by reason of its liability to be mistaken for an aeronautical ground light or navigational ground light.

6. CONDITIONS REGARDING HEALTH AND SAFETY

6.1 Safety of Services, Plant and Equipment

The licence holder shall satisfy the Council as to the safety of any electrical or mechanical installation or safety of any relevant equipment associated with the operation of the premises.

6.2 Toilet Accommodation etc

- 6.2.1 The licence holder, having regard to the likely numbers frequenting the premises, shall make adequate provision, to the satisfaction of the Council, with regard to sanitary accommodation and drainage facilities.
- 6.2.2 The licence holder shall ensure that all toilet requisites are provided and that all toilets are kept clean and in an orderly condition and shall designate a suitable person or persons for those purposes.
- 6.2.3 Facilities shall be provided in all female toilets for the hygienic disposal of sanitary towels.
- 6.2.4 Means of locking or otherwise securing doors to all water closets or individual shower rooms shall be provided.

6.3 Premises to be Provided with Adequate Supply of Wholesome Water

The licence holder shall ensure that the premises shall be provided with an adequate supply of wholesome water. The supply of drinking water shall be available during the course of an event, at all times free of charge, and any drinking vessels provided must be clean.

6.4 Seating and Stages and Other Structures

Seating shall be designed, constructed and maintained so as to ensure safe use and allow free and ready access to all exits, all to the satisfaction of the Chief Fire Officer. Stages must be constructed and arranged so as to minimise the risk of fire. Stages and attendant fixtures and fittings (and for example, curtains, lights etc) must also be approved by the Chief Fire Officer.

6.5 Temporary Structures

Details of any temporary structures (with the exception of modular demountable staging previously notified to and approved by the Council) to be erected on the premises shall require to be submitted to the Council at least 14 days before any event together with, at the sole discretion of the Council and at the expense of the licence holder, a Structural Engineer's report or other such certification as the Council may require. Such structures shall not be erected without the prior written authority of the Council.

6.6 Management of the Premises

- 6.6.1 The licence holder shall ensure that an effective system is maintained for the management of the premises, and all events held therein, to ensure the health and safety and welfare of the public.
- 6.6.2 The licence holder shall ensure that adequate arrangements are in place in respect of fire precautions at the premises.

6.7 Fire Certificate

Where applicable, the licence holder must be in possession of a valid fire certificate in respect of the premises granted by the Chief Fire Officer or failing which, a letter from the Chief Fire Officer confirming that the premises meet the standards required by the Chief Fire Officer.

7. ANCILLARY CONDITIONS

7.1 Adjoining or Neighbouring Premises

The licence holder must ensure that no noise arising from the use of the premises shall give rise to reasonable cause for annoyance.

7.2 Third Party Liability Insurance

The licence holder must provide proof that he holds third party liability insurance giving a minimum level of indemnity of FIVE MILLION POUNDS (£5,000,000) in respect of the licensed use. The licence holder must exhibit the policy and any receipt for premiums or any other document relating to the policy, to the Council at no cost to the Council upon demand.

Notwithstanding the foregoing generality, Orkney Islands Council has resolved that the minimum level of public liability insurance in respect of amusements, including inflatable equipment and small rides shall be FIVE MILLION POUNDS (£5,000,000) and in respect of larger rides and activities shall be TEN MILLION POUNDS (£10,000,000).

7.3 The licence must be displayed in premises, replaced if required and produced when requested.

The licence holder must display the licence, and a valid certificate of third party liability insurance, in the premises so that it can be read by any patron or person entering the premises.

The licence must not be altered, erased or defaced and must be kept clean and legible. Should the licence be lost or become defaced or illegible the licence holder must obtain a replacement from the Council on payment of the appropriate fee. The licence holder must produce this licence within five days when required to do so by a Police Constable or authorised officer of the Council or authorised officer of the Chief Fire Officer.

7.4 Return of Licence to the Council

The licence holder shall return the licence to the Council within seven days of the following whereupon it shall cease to have effect:-

- (i) ceasing to use the premises as a place of public entertainment permanently;
or
- (ii) on being notified of a decision by the Council to vary the terms of or suspend the licence or the decision of a court to revoke it.

7.5 Licence Holder not to Undertake Fly Posting

The licence holder or the licence holder's servants or agents shall ensure that no fly posting is undertaken by the licence holder or on behalf of the licence holder in respect of any performance or event taking place in respect of the premises.

[Any condition in current licence in respect of fly posting and/or financial bonds shall continue in force].

7.6 Change in Circumstances

The licence holder must notify the Council as soon as is reasonably practicable of any material changes of circumstances affecting the licence holder, the premises or the licensed use, including any particulars referred to on the application for a grant or latest application for a renewal of a licence and in any event not later than 7 days of the date of any said material change of circumstances.

7.7 Application for Consent

Any request for any authorisation required in terms of this licence shall be made to the Solicitor to the Council, Council Offices, School Place, Kirkwall, KW15 1NY.

For Official Use:

FEE PAID	£
RECEIPT NO.	
DATE RECEIVED	
RECEIVED BY	

ORKNEY ISLANDS COUNCIL

CIVIC GOVERNMENT (SCOTLAND) ACT 1982**APPLICATION FOR THE GRANT OR RENEWAL OF
A TAXI DRIVER'S LICENCE OR PRIVATE HIRE CAR DRIVER'S LICENCE****Please read the attached guidance notes before completing this form**Please answer **all** questions, continuing on a separate sheet if necessary.

	Surname	Forename(s)	
1. (a) Full name (Block Letters)			
(b) Home Address			
(c) Telephone No.			
(d) Age, Date and Place of Birth	Age	Date of Birth	Place of Birth
2. Will the activity be operated for the benefit of a person other than the applicant? If so, give the full name, address and <u>date of birth</u> of that person.			
3.(a) Have you held during any continuous period of twelve months prior to the date of this application a full driver's licence issued under the Road Traffic Act 1972? (b) Please state Drivers Licence No.	<u>YES/NO</u>		
4. How long have you been driving motor vehicles?			
5. Name and address of the operator whose vehicle you will drive			
6. (a) Do you suffer from any physical or mental condition that affects your fitness as a driver or which would do so in the future?	<u>YES/NO</u>		
(b) If YES please provide details			

7. Has any party named in this form ever been convicted of any crime or offence? Please note that all current and spent convictions should be declared (continue on a separate sheet if necessary). Please read the guidance note accompanying this form before completing this section.				
NAME	DATE	COURT	OFFENCE	SENTENCE
8(a) Have any persons named in this form held or currently hold a Taxi Driver's Licence or Private Hire Car Driver's Licence? If yes, when was the Licence granted? When did/does it expire? Which Authority granted the Licence/Permit?			YES/NO	
(b) Have any persons named in this form ever applied for and been refused a Taxi Driver's or Private Hire Car Driver's Licence? If yes, when were they refused? Which Authority refused the Licence?			YES/NO	

DECLARATION:

- (A) I/We declare that the particulars given by me/us on this form are correct to the best of my/our knowledge and belief.
- (B) I/We understand that the information supplied by me/us as detailed in this form may be stored on a computer system by the Authority for the purpose of Licensing and that information may be disclosed to the Police and other relevant parties for vetting and background enquiries whilst processing and determining the application.
- (C) I/We understand that the Authority is under a duty to protect the public funds it administers and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Signature of Applicant: Date:

Signature of Agent:
(if applicable) Date:

Any person who in, or in connection with the making of, this application makes any statement which he/she knows to be false or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable, on summary conviction, to a fine.

Please note that The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions)(Scotland) Order 2003 amends The Rehabilitation of Offenders Act 1974 and requires ALL previous convictions to be declared in relation to this application.

TO BE LODGED WITH THE SOLICITOR TO THE COUNCIL, COUNCIL OFFICES, KIRKWALL, KW15 1NY, TOGETHER WITH THE APPROPRIATE FEE

For Official Use:

FEE PAID	£
RECEIPT NO.	
DATE RECEIVED	
RECEIVED BY	

ORKNEY ISLANDS COUNCIL**CIVIC GOVERNMENT (SCOTLAND) ACT 1982****APPLICATION FOR EXEMPTION FROM THE REQUIREMENT
TO CARRY GUIDE, HEARING AND OTHER ASSISTANCE DOGS****Please read the attached guidance notes before completing this form**Please answer **all** questions, continuing on a separate sheet if necessary.

	Surname		Forename(s)	
1. (a) Full name (Block Letters)				
(b) Home Address				
(c) Telephone No.				
(d) Age, Date and Place of Birth	Age	Date of Birth	Place of Birth	
2. (a) Taxi Driver's Licence Number				
(b) When was the Licence granted?				
(c) When does it expire?				
(d) Which Authority granted the Licence/Permit?				
(e) If granted by the Highland Council, the address of the issuing office?				
3 (Name and address of the operator whose vehicle(s) you drive?)				
4. Registration number(s) of the vehicle(s) you drive for the operator				

5.	(a)	Please state the medical grounds which you claim entitle you to exemption (you should attach a letter from your GP in support of your Application)	
	(b)	Are there any physical characteristics of the vehicle(s) you drive which support your Application and which you wish the Council to have regard to?	
	(c)	Name and address of your GP (the Council may require you to undergo a medical examination)	
6	(a)	Have you ever applied for exemption before	YES/NO
	(b)	If yes, was your Application successful?	YES/NO
	(c)	If refused when was it refused?	
	(d)	Which Authority approved/refused the Application?	

DECLARATION:

- (A) I/We declare that the particulars given by me/us on this form are correct to the best of my/our knowledge and belief.
- (B) I/We understand that the information supplied by me/us as detailed in this form may be stored on a computer system by the Authority for the purpose of Licensing and that information may be disclosed to the Police and other relevant parties for vetting and background enquiries whilst processing and determining the application.
- (C) I/We understand that the Authority is under a duty to protect the public funds it administers and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Signature of Applicant: Date:

Signature of Agent:
(if applicable) Date:

Any person who in, or in connection with the making of, this application makes any statement which he/she knows to be false or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable, on summary conviction, to a fine.

Please note that The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions)(Scotland) Order 2003 amends The Rehabilitation of Offenders Act 1974 and requires ALL previous convictions to be declared in relation to this application.

TO BE LODGED WITH THE SOLICITOR TO THE COUNCIL, COUNCIL OFFICES, KIRKWALL, KW15 1NY, TOGETHER WITH THE APPROPRIATE FEE

ORKNEY ISLANDS COUNCIL**CIVIC GOVERNMENT (SCOTLAND) ACT 1982****TAXI AND PRIVATE HIRE CAR LICENSING
NOTES FOR GUIDANCE**

The following notes are a brief outline of the requirements for Taxi and Private Hire Car Licences under the above Act. They should be treated as **guidelines only and not an authoritative statement of law**. They do not purport to be more than a guide to the main provisions of the Act in order that would be applicants may consider if they need to apply for a Licence. Applicants are recommended to study the relevant provisions of the Act and obtain any further advice from their Solicitor.

1 INTRODUCTION**Taxi and Private Hire Car Licences**

In accordance with the Civic Government (Scotland) Act 1982, a Taxi Licence or a Private Hire Car Licence, issued by Orkney Islands Council as licensing authority, is required for the operation of a vehicle as a Taxi or a Private Hire Car.

Taxi and Private Hire Car Drivers

Similarly, a Taxi Driver's Licence or a Private Hire Car Driver's Licence shall be required for driving or otherwise having charge of a Taxi or Private Hire Car. However, a person holding a Taxi Driver's Licence does not require a Private Hire Car Driver's Licence.

2 DEFINITIONS

- (a) **TAXI** means a hire car which is engaged, by arrangements made in a public place between the person to be conveyed in it (or a person acting on his behalf) and its driver for a journey beginning there and then.
- (b) **PRIVATE HIRE CAR** means a hire car other than a taxi.
- (c) **HIRE CAR** means a motor vehicle with a driver (other than a public service vehicle) which is, with a view to profit, available for hire by the public for personal conveyance.
- (d) **PUBLIC SERVICE VEHICLE** means a motor vehicle (other than a tram car) which is adapted to carry more than eight passengers and is used for carrying passengers for hire or reward.

If you have a vehicle which carries nine or fewer passengers (including the driver) which is, for a fee, available for hire by the public for personal conveyance you will require either a Taxi or a Private Hire Car Licence.

The main differences between Taxi and Private Hire Car are:

TAXI	PRIVATE HIRE CAR
A Taxi is required to display a Taxi sign on top of the vehicle approved by the Council	A Private Hire Car MUST NOT have a sign or other advertisement that suggests it is available for hire as a taxi
May wait on a Taxi Stance for trade	CANNOT wait on a Taxi Stance
May pick up passengers on the street without prior arrangement	May pick up passengers ONLY by prior arrangement
MUST have a meter affixed to the vehicle	MAY have a meter affixed to the vehicle
MUST be driven by a licensed taxi driver	Must be driven by EITHER a licensed taxi driver OR a licensed private hire car driver

3 OPERATOR'S LICENCE AND DRIVER'S LICENCE

The vehicle and the driver each require to be separately licensed. The licence for the vehicle is referred to in these notes as an "Operator's" Licence and each vehicle operated as a Taxi or a Private Hire Car requires a separate licence. The holder of an "Operator's" Licence must also obtain a Taxi or Private Hire Car Driver's licence in order to drive the vehicle to which his operator's licence relates.

4 OPERATOR'S LICENCE

Any vehicle proposed to be used a Taxi or Private hire car must:-

- (i) except with the approval of the Council, be less than five years old, unless it is a purpose built taxi, or equivalent, in which case it must be less than ten years old;
- (ii) be equipped to carry a minimum of four adult seated passengers (up to a maximum of eight adult seated passengers) in safety and comfort;
- (iii) have a minimum width of 122 centimetres (48 inches) across the rear passenger seat or compartment of the vehicle;
- (iv) have a minimum of four doors capable of being opened from the inside;
- (v) be fitted with a seat belt for each passenger;
- (vi) pass an initial inspection to an acceptable standard of safety and comfort and thereafter an annual inspection (except where the vehicle is older than five years the inspection period shall be every six months);
- (vii) be subject to random inspections.

5 METERS

All Taxis must have a Taxi Meter which has been tested and approved by the Council. (Taxis **must** have a meter. Private Hire Cars are not required to have a meter but may fit one if desired. If fitted it must be tested and approved by the Council). Before a Taxi Operator's Licence is issued, or PHC licence where a meter is fitted, the meter must be tested by the Council.

6 OBLIGATORY TEST CERTIFICATES (MOT)

Operators should be aware that, unlike ordinary vehicles which require an MOT after three years, **Taxis require an MOT Certificate after one year** of the date of first registration, in accordance with section 47 of the Road Traffic Act, 1988, and annually thereafter.

7 DRIVERS' LICENCES

- (a) The appropriate licence is required for driving, or otherwise having charge of, a Taxi or Private Hire Car. A person holding a Taxi Driver's Licence does not require a Private Hire Car Driver's Licence.
- (b) Any person who wishes to obtain a Licence to drive either a Taxi or a Private Hire Car must:-
- (i) have held during any continuous period of 12 months prior to the date of the application a full driving licence;
 - (ii) be a fit and proper person to hold a Licence;
 - (iii) be 18 years of age or more;
 - (iv) if suffering from any physical or mental condition likely to affect his/her fitness as a driver or which might do so in the future or if over 65 years of age, undertake and pass an annual medical examination as to his/her physical and mental fitness to carry out the duties of a Taxi or Private Hire Car Driver.
- (c) Comply with the Council's approved dress code as detailed below, be clean and tidy in their person or clothing, conduct themselves in a proper and civil manner and, while carrying a passenger, refrain from smoking.

Male Drivers

- Shirt with collar open neck or (preferably) with tie
- Trousers and appropriate footwear

Female Drivers

- A blouse, skirt or trousers and appropriate footwear.

The following must not be worn:-

- Baseball caps
- Track suits
- Denims or corduroy jeans
- T-shirts
- Football and other sports related shirts
- Polo shirts (unless they carry a logo specific to a taxi/PHC company)

8 CONDITIONS

Orkney Islands Council may attach additional conditions to the licence as it sees fit, with each application being dealt with on its own merits. The licence holder will be required to comply with the standard Conditions, attached to these Notes, which will form part of the Licence being granted.

Applicants for Taxi or Private Hire Car Drivers Licences should note that the conditions attached to their licence require them to carry guide, hearing or other assistance dogs in their taxi or hire car. Drivers who have a medical condition that would be aggravated by carrying dogs in their vehicle, can apply for exemption from this requirement, on medical grounds. **Please refer to the attached Advice Note for further details.**

9 DETERMINATION OF AND DURATION OF LICENCES

A licence will normally be issued after the elapse of 21 days from receipt of an application. In certain circumstances, eg where objections have been received, applications can take considerably longer to be determined. A Licence shall remain in force, unless previously suspended or revoked, for a period of one year from the date when it comes into force, or such shorter period as the Council thinks fit. The Licence is not normally transferable.

10 LICENCE TO BE RETAINED

The Licence must not be altered, erased or defaced in any way, must be kept clean and legible and must not be lent to or used by any other person. Should the Licence be lost or become defaced or illegible the Licence holder shall obtain a replacement from the Council on payment of the appropriate fee as detailed in the appendix to these notes. The Licence holder shall produce his/her Licence within five days of being requested to do so by a Police Constable or an authorised Officer of the Council or the Fire Authority.

11 RETURN OF LICENCE

An Operator or Driver shall deliver his/her Licence, licence plate and/or ID Badge to the Council:-

- (a) upon ceasing to act as an Operator or Driver; or
- (b) within seven days of receiving notice of the coming into effect of a decision of the licensing authority to suspend or vary the terms of the Licence, or the decision of a Court to revoke it.

12 NOTIFICATION OF CONVICTIONS OR MATERIAL CHANGE OF CIRCUMSTANCES

An Operator or Driver shall notify the Council as soon as is reasonably practicable (in any event no later than 7 days after the date of the conviction or other material change) with any **convictions or other material change** in circumstances affecting the licence holder or the activity to which the Licence relates, including any particulars referred to in the application for grant or latest application for renewal of the Licence. **If in doubt, notify the Council of any changes.**

13 NOTIFICATION OF MATERIAL ALTERATIONS

An Operator shall not make, or permit to be made, any material change to any vehicles without the prior written consent of the Council, unless in accordance with a requirement imposed by, or in pursuance of, any enactment other than parts I or II of the Civic Government (Scotland) Act, 1982. **If in doubt as to whether consent is required, contact the Council.**

14 APPLICATION FORM AND FEES

Application forms are available online at www.orkney.gov.uk or from the Solicitor to the Council, Council Offices, School Place, Kirkwall, KW15 1NY (email: legal-services@orkney.gov.uk).

You should take care in completing the application form to list, subject to the terms of the Rehabilitation of Offenders Act 1974, all convictions against you. If you are in doubt as to whether or not to list a conviction you should seek independent advice.

In order to apply, the application form for an **Operator's Licence** must be returned along with the appropriate fee. The following documentation must be submitted before the licence can be issued:

- Insurance document appropriate to the type of licence applied for;
- Vehicle Registration Document;
- MOT Certificate (if applicable (see note 6)).

The application form for a **Driver's Licence** must be returned along with the appropriate fee and the following:-

- Driver's Licence;
- two passport photographs for identity badge .

All applications will be referred to the Police for comment.

Processing the Application

Your application must be considered within 3 months of its being lodged and the Council must reach a decision on it within 6 months.

If your application is granted, you will be notified accordingly. You will be issued with your licence and an identification badge. The licence should be displayed at all times and the identification badge should be worn at all times when you are operating as a street trader. You should also show this licence and badge to a police officer, an officer from Orkney Islands Council or to any member of the public on demand.

If your application is refused, or granted conditionally, you are entitled to ask the Council within 28 days to give reasons for such refusal, or the imposition of such conditions, and thereafter you are entitled to appeal to the Sheriff against the decision on various grounds. You should seek the advice of a solicitor if matters should get to that stage.

15 VEHICLE AND METER TESTING

The Council will contact the Applicant to arrange an inspection of the vehicle and a meter test. The fees for these tests are not included in the initial application fee and require to be paid before the test will be carried out.

Similarly subsequent inspections/tests as required are not included in the initial application fee and will also require to be paid before being carried out.

16 ISSUE OF LICENCE

The Council will issue the Operator's Licence along with:-

- the standard Conditions;
- Operator's Plate to be fixed to the vehicle;
- Tariff of Taxi Fares (Taxi Operators only unless meter fitted to Private Hire Car).

The Council will issue the Driver's Licence along with:-

- the standard Conditions
- Taxi Driver's/Private Hire Car Driver's Badge.

17 SUBSTITUTION OF VEHICLES

The holder of a Taxi or Private Hire Car Licence may during the currency of his/her Licence substitute a vehicle for the vehicle in respect of which the Licence was originally granted. An application for substitution should be accompanied by the

appropriate fee. The same requirements with regard to documentation apply as with a licence application.

18 PRIOR REFUSAL

Please note that if you have applied for and been refused an application for an Operator's or Driver's Licence, unless your circumstances have altered, you will be unlikely to be granted an application.

If refused, you cannot apply for the same kind of licence in respect of the same activity (or, where the activity includes the use of a vehicle, for the same vehicle) within one year of that refusal unless there has been a material change in circumstances.

19 OBJECTIONS

If, during the processing of your application, the Licensing Authority receives any objections to your application, you will be sent a copy of the letter(s) of objection(s).

Your application, the letter(s) of objection(s) and your response will then be referred to a meeting of the Licensing Sub-committee. You will be invited to attend the meeting and given the opportunity to address the Sub-committee.

A further appeal lies to the Sheriff Court.

20 OFFENCES

The following are criminal offences liable, on summary conviction, to a fine and/or imprisonment:-

- (a) Carrying on an activity for which a Licence under the Civic Government (Scotland) Act 1982 is required without such a Licence;
- (b) Failing to comply with a Condition of a Licence;
- (c) Failing to notify the Council of a material change in the circumstances of a Licensee;
- (d) Failing to obtain the consent of the Council before making any material change to any premises, vehicle or vessel to which the Licence relates;
- (e) Failing to surrender the Licence (1) after it has been suspended or (2) when the Licensee has given up the activity to which it relates;
- (f) Failing to surrender an Operator's Licence and Licence Plate to the Council within TWENTY-EIGHT DAYS of selling or otherwise disposing of the vehicle to which the Licence relates;
- (g) Failing to disclose convictions in the Application Form;
- (h) Making a false statement when filling in the Application Form.

The above list is not exhaustive and reference should be made to the Civic Government (Scotland) Act 1982 for all offences under the Act.

ORKNEY ISLANDS COUNCIL**CARRIAGE OF GUIDE, HEARING AND OTHER ASSISTANCE DOGS IN TAXIS
AND PRIVATE HIRE VEHICLES
GENERAL ADVICE**

The Taxi Drivers' Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2002 and Private Hire Car Drivers' Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2004 require licensed taxi and private hire car drivers to carry guide, hearing and other assistance dogs accompanying disabled people, and to do so at no extra charge.

The dog must also be allowed to remain with the passenger. To enable drivers, who have a medical condition that would be aggravated by carrying dogs to continue to drive taxis, the Regulations also allow licensing authorities to issue a notice which exempts them from such a requirement.

**BUT SOME LICENSING AUTHORITIES ALREADY HAVE SIMILAR
REQUIREMENTS IN PLACE**

Yes, but the Regulations will make it mandatory for all licensing authorities to have the same requirements.

WHEN DID THE DUTIES COME INTO EFFECT?

The Regulations require licensing authorities to include the new duties in the conditions they attach to any **new or renewed taxi drivers' licence** issued on or after **3 MARCH 2003** and **31 MARCH 2004** for **private hire car drivers**.

TYPES OF DOGS COVERED

A guide dog trained to guide a blind person. Such dogs normally wear a harness.

A hearing dog trained to assist a deaf person. Such dogs normally wear a jacket with the name of the charity.

Any other assistance dog trained by a charity to assist a disabled person with a physical impairment such as epilepsy, or which otherwise impairs a person's ability to carry out routine daily tasks – the dog must be wearing a jacket inscribed with the name of the charity.

In the event that a taxi driver has any doubt over entitlement, the owners of these dogs should be able to produce an identity card showing the name of the relevant charity that trained the dog.

It is important to remember that all of these dogs are highly trained and will remain on the floor of your vehicle. They are very unlikely to damage or dirty it.

FAILURE TO COMPLY WITH NEW DUTY

By failing to comply with a condition of licence a taxi driver will (unless exempt from the requirement) be guilty of an offence under Section 7(2) of the Civic Government (Scotland) Act 1982 and will be liable on conviction of a fine up to £1,000. It would also be open to the local authority to consider suspending your licence.

EXEMPTIONS FROM THE REQUIREMENT TO CARRY DOGS

Exemption from these new duties can be sought on medical grounds only. It is anticipated that the number of taxi drivers whose medical condition is so serious that they cannot carry dogs in their taxi will be extremely small.

If you have a medical condition, such as severe asthma, which is aggravated by contact with dogs, or if you are allergic to, or have a chronic phobia of, dogs it may be possible for you to qualify for an exemption. Application for an exemption should be made to your licensing authority.

When considering your application for an exemption, the licensing authority will require details of your medical condition and may require you to undergo a medical examination and/or permission to contact your GP. If your application for exemption is successful you will be issued with a notice of exemption which will specify the vehicle or types of vehicle to which the exemption applies. You must display the notice of exemption by fixing it in a prominent position on the dashboard facing upwards or on the windscreen of the taxi facing outwards. The exemption notice must only be displayed when the person named on the notice is driving the taxi. (Note – Initially a taxi driver may not be required to comply with the new requirement until his/her licence is renewed unless the licensing authority already has similar arrangements in place under its discretionary powers. However, the Scottish Executive would encourage all taxi drivers to comply with the new requirement in advance of any renewal of licence).

APPEALS

In the event that a licensing authority turns down your application for an exemption, you can obtain reasons for the licensing authority's refusal and to appeal to a sheriff against the decision if you consider it appropriate to do so.

ORKNEY ISLANDS COUNCIL

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

VEHICLE DRIVER'S LICENCE
SCHEDULE OF CONDITIONS**NOTE**

It is a criminal offence in terms of section 7(2) of the Civic Government (Scotland) Act 1982 to fail to comply with any condition imposed on this licence.

Drivers should note that:

- a. No vehicle aged **5** years or more (at the time of first application) will be licensed by the Licensing Authority for use as a **taxi or private hire car**, with the exception of purpose built vehicles, which shall be considered on their own facts and circumstances by the Licensing Sub-committee.
 - b. No vehicle aged **10** years or more (at the time of renewal) will be licensed by the Licensing Authority for use as a **taxi or private hire car**, with the exception of prestige vehicles, purpose built taxis and vehicles adapted for the conveyance of disabled passengers which shall be considered on their own facts and circumstances by the Licensing Sub-committee.
1. The driver of a vehicle shall at all times, while he is in charge of a vehicle, have with him the vehicle driver's licence and identification badge issued by the Licensing Authority.
 2. The driver of a vehicle shall at all times, while he is in charge of a vehicle, wear on public display, the identification badge issued by the Licensing Authority.
 3. The driver of a vehicle shall exhibit the vehicle driver's licence on demand to any passenger, Police Officer or authorised officer of the Licensing Authority.
 4. The driver of a vehicle shall be bound to fulfil, or cause to be fulfilled at the time and location specified, an engagement to hire his vehicle which he has accepted, unless prevented by sufficient cause.
 5. The driver of a vehicle shall inquire of the hirer and passengers the amount of luggage that requires to be carried, and shall only accept a hire if the vehicle is capable of safely accommodation both passengers and luggage.
 6. The driver of a vehicle shall operate on shared hire only with the consent of the first hirer or passenger even if there is displayed on the vehicle a sign (approved by the Licensing Authority) indicating that the vehicle is available for shared hire.

7. The driver of a vehicle shall not be required to operate on a shared hire if no such sign (approved by the Licensing Authority) is displayed on the vehicle at the time of the initial hiring.
8. The driver of a vehicle shall not at any time convey in the vehicle more than the number of passengers the vehicle is licensed to carry.
9. The driver of a vehicle which has been hired shall drive to the destination by the shortest practicable route unless otherwise instructed by the hirer.
10. If the vehicle (fitted with a meter) is being used other as a taxi, taxi bus or private hire car, the hirer will be informed, prior to acceptance of the hire, (a) that the fare is not determined in accordance with the Council's fare structure; and (b) the cost of the journey, together with the method of calculating the cost.
11.
 - 11.1 The driver of a vehicle shall ensure that a taximeter fitted in the vehicle in his charge shall be operated at all times, within the Licensing Authority's area.
 - 11.2 The driver of a vehicle shall at the start of his use of the vehicle inspect the seals on the taximeter to ensure that the seals are intact.

Subject to Condition 23 below, on discovering that the seals have become broken or damaged, or that the taximeter has ceased to function correctly, the driver of a vehicle shall immediately withdraw the vehicle from service.

12. Subject to Condition 13 below the driver of a vehicle shall not unreasonably refuse to drive a passenger to any place within the area for which this licence is valid without reasonable cause.
13. The driver of a vehicle need not convey any hirer or passenger who is not in a fit and proper state to be carried, or whose condition or clothing is offensive or likely to cause damage to the interior of the vehicle, or permit to be carried in the vehicle in his charge any person who has vermin on his person, or who refuses to cease smoking in the vehicle when requested to do so by the driver, or who is accompanied by any animal which is likely to damage or soil the interior of the vehicle.
14. The driver of a private hire car, while he is in charge of the private hire car, shall not canvass or importune in any public place or street for hire.
15. The driver of a vehicle shall not refuse to carry luggage in the vehicle providing that the said luggage can be accommodated safely. In this respect, skis/snowboards, etc. should be carried on a properly fitted rack or safely on any other suitable place on or within the vehicle.
16. The driver of a vehicle shall give such assistance as he is able to give with loading and unloading luggage when required to do so but he shall not be required to leave the immediate proximity of the vehicle in doing so.

17. The driver of a vehicle, at the end of his shift, shall search the vehicle of which he is in charge for any property which may have been left therein. Any property found by the driver shall, as soon as practicable, be returned to the owner of the property if known or such property shall be handed in by the driver to any Police Station.
18. The driver of a vehicle , while carrying a passenger:
 - 18.1 shall be clean and tidy in his person;
 - 18.2 shall dress in clothing of a type or standard as laid down in the Council's Dress Code for vehicle drivers;
 - 18.3 shall conduct himself in a proper and civil manner; and
 - 18.4 shall not smoke whilst in charge of the vehicle.

Drivers must be of an overall appearance which is unlikely to cause offence to any section of the community

19. The driver of a vehicle shall not knowingly allow the vehicle, in his charge, to be used for illegal or immoral purposes, permit to be carried in the vehicle in his charge any article of a dirty, filthy or noxious nature or of an explosive or dangerous nature.
20. The driver of a vehicle shall ensure that the vehicle, including all body work, upholstery and fittings, is maintained in a safe and serviceable condition and is in a clean condition and appearance.
21. The driver of a vehicle shall take up his station on the stance in order of arrival and at such distance from the vehicle in front that persons walking may conveniently pass between them, and when a vehicle is driven off a stance, the driver of the vehicle immediately behind shall draw up his vehicle to take the place vacated, and the vehicle drivers on the stand behind shall draw up their vehicles in a like manner. A vehicle driver will not cause or permit his vehicle to wait on a vehicle stance if the stance already contains the maximum number of vehicles permitted on that stance. Potential hirers will be directed to the vehicle at the head of the stance in the first instance.
22. The driver of a vehicle, when the vehicle is hired or standing for hire, shall either sit in the driving seat of the vehicle or stand in the immediate proximity thereto except during any period he may be absent to announce the arrival of his vehicle to the hirer or when assisting the hirer with luggage to or from the vehicle or for any other necessary purpose.
23. In the event of the mechanism of the vehicle breaking down, or in any way becoming unfit to convey the hirer to the destination for which the vehicle is engaged, the driver shall only be entitled to charge any fare for the distance already travelled, and unless the hirer elects to wait until repairs are completed, or to use a substitute vehicle provided by or arranged for by the driver within a reasonable time, in which case the full fare for the completed journey shall be exigible, less the amount or fare chargeable for waiting as fixed by the Council.

24. A vehicle driver shall not demand or charge any sum over the maximum tariff approved by the Council.
25. The driver of a vehicle must, so far as is reasonably practicable, ensure that the passengers comply with the laws in respect of the wearing of seat belts.
26. The driver of a vehicle shall make all reasonable efforts to ensure that the hirer is aware of his arrival. In the absence of so doing, waiting time cannot be charged.
27. The hire shall be deemed to have been completed when the vehicle arrives at the destination of the engagement and the operation of the taximeter shall cease.
28. Where the vehicle has been hired:
 - 28.1 by or for a disabled person who is accompanied by a guide dog, a hearing dog or an assistance dog of that person; or
 - 28.2 by a person who wishes such a disabled person to accompany that person in the vehicle

the driver of the vehicle shall carry the disabled person's dog and allow it to remain with the disabled person and shall not make any additional charge for doing so.

Provided that this condition shall not apply if a notice of exemption from the duty to carry guide dogs, hearing dogs and assistance dogs has been issued by the Council and affixed in a prominent position on the dashboard facing upwards or the windscreen of the taxi, facing outwards.

29. If during the currency of this licence, the holder develops any medical condition which may affect their ability to hold a licence in terms of Group 2 Standards of the Medical Aspects of Fitness to Drive booklet issued by the Medical Commission on Accident Prevention, they shall forthwith notify the Council.
30. The holder of a vehicle driver's licence shall notify the Licensing Authority by letter to the Solicitor to the Council, School Place, Kirkwall, within 7 working days of any fixed penalty, conditional offer or conviction in any court relating to him.
31. The driver of a vehicle who changes his address shall within 7 days thereafter give notice thereof to the Council and shall produce his licence to the Council which shall endorse thereon the particulars of such change of address.

In these conditions:

"exclusive", as applied to the hire of a vehicle means that a single fare is payable by any one passenger for the whole hire of the vehicle, whether or not more than one passenger is carried; and "exclusive hire" shall be construed accordingly

"shared" as applied to the hire of a vehicle, means that each passenger is carried at a separate fare, payable to the driver; and shared hire shall be construed accordingly

"Taxi-bus" means a taxi which is being used, under a special licence granted under Section 12 of the Transport Act 1985, to provide a local service which is or requires to be registered under Part I of that Act, has been previously advertised and which has a destination and route which are not entirely at the discretion of the passengers

For Official Use:

FEE PAID	£
RECEIPT NO.	
DATE RECEIVED	
RECEIVED BY	

ORKNEY ISLANDS COUNCIL**CIVIC GOVERNMENT (SCOTLAND) ACT 1982****APPLICATION FOR THE GRANT OR RENEWAL OF
A PRIVATE HIRE CAR LICENCE OR TAXI LICENCE**

Please read the attached guidance notes before completing this form

Please answer Question 1 or 2, and **all** other questions, continuing on a separate sheet if necessary.

1. To be completed if a natural person (i.e. not a company or partnership) (a) Full Name (Block Letters)	Surname:		Forename(s):	
	(b) Home Address			
(c) Telephone No.				
(d) Age, Date and Place of Birth	Age	Date of Birth	Place of Birth	
2. To be completed if not a natural person (eg Company or Partnership) (a) Full Name				
	(b) Address of Principal Registered Office			
(c) Telephone No.				
(d) Full names, private addresses and dates of birth of all directors, partners or other persons responsible for the management of the business.				
(e) Full name, address and date of birth of employee or agent to carry on day-to-day management of the business.				
3. Does the applicant propose to operate the vehicle? If not, give full name, address and date of birth of any employee or agent who will manage the operation of the vehicle.	YES/NO			

<p>4. Will the activity be operated for the benefit of a person other than the applicant? If so, give the full name, address and date of birth of that person</p>	YES/NO			
<p>5. Registration number and date of first registration of the vehicle.</p>	Registration No.		Date of First Registration	
		Day	Month	Year
<p>6. Description of vehicle</p>	Make		Colour	
	Model		Width across back seat	
	CC Rating		Seating capacity (excluding driver)	
	Number of Doors		Luggage Capacity:	
	Chassis Number:			
	Is the Vehicle Wheelchair accessible?			
<p>7.(a) Has this vehicle been previously licensed as a taxi or hire car? (b) If so, give the name of the licence holder, the expiry date and reference number of the last licence.</p>	YES/NO			
<p>8.(a) Address of premises where vehicle is to be kept. (b) Address of premises from which the vehicle will be operated (if different from (a) above).</p>				
<p>9. During what hours and on what days will the vehicle be available for hire.</p>				
<p>10. Subject to the provisions of the Rehabilitation of Offenders Act 1974, has any party named in this form ever been convicted of any crime or offence? (continue on a separate sheet if necessary). Please read the guidance notes accompanying this form before completing this section.</p>				
Name	Date	Court	Offence	Sentence

<p>11 (a) Have any persons named in this form held or currently hold a Taxi Operator's Licence or Private Hire Operator's Licence?</p> <p>If yes, when was the Licence granted?</p> <p>When did/does it expire?</p> <p>Which Authority granted the Licence/Permit?</p>	<p>YES/NO</p>
<p>(b) Have any persons named in this form ever applied for and been refused a Taxi Operator's Licence or a Private Hire Operator's Licence?</p> <p>If yes, when were they refused?</p> <p>Which Authority refused the Licence?</p>	<p>YES/NO</p>

DECLARATION:

- (A)** I/We declare that the particulars given by me/us on this form are correct to the best of my/our knowledge and belief.
- (B)** I/We understand that the information supplied by me/us as detailed in this form may be stored on a computer system by the Authority for the purpose of Licensing and that information may be disclosed to the Police and other relevant parties for vetting and background enquiries whilst processing and determining the application.
- (C)** I/We understand that the Authority is under a duty to protect the public funds it administers and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Signature of Applicant: Date:

Signature of Agent:
(if applicable) Date:

Any person who in, or in connection with the making of, this application makes any statement which he/she knows to be false or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable, on summary conviction, to a fine.

Please note that The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions)(Scotland) Order 2003 amends The Rehabilitation of Offenders Act 1974 and requires ALL previous convictions to be declared in relation to this application.

TO BE LODGED WITH THE SOLICITOR TO THE COUNCIL, COUNCIL OFFICES, KIRKWALL, KW15 1NY, TOGETHER WITH THE APPROPRIATE FEE

For Official Use:

FEE PAID	£
RECEIPT NO.	
DATE RECEIVED	
RECEIVED BY	

ORKNEY ISLANDS COUNCIL**CIVIC GOVERNMENT (SCOTLAND) ACT 1982****APPLICATION FOR A VEHICLE SUBSTITUTION
ON A TAXI/PRIVATE HIRE CAR LICENCE****Please read the attached guidance notes before completing this form**Please answer Question 1 or 2, and **all** other questions, continuing on a separate sheet if necessary.

1. To be completed if a natural person (ie individual) (a) Full Name of licence holder (Block Letters)	Surname:		Forename(s):	
(b) Home Address				
(c) Telephone No.				
(d) Age, Date and Place of Birth	Age	Date of Birth	Place of Birth	
2. To be completed if not a natural person (eg Company or Partnership) (a) Full Name of licence holder				
(b) Address of Principal Registered Office				
(c) Telephone No.				
(d) Full names, private addresses and dates of birth of all directors, partners or other persons responsible for the management of the business.				
(e) Full name, address and date of birth of employee or agent to carry on day-to-day management of the business.				
3. Does applicant propose to operate the vehicle? If not, give full name, address and date of birth of any employee or agent who will manage the operation of the vehicle.				

<p>4. Will the activity be operated for the benefit of a person other than the applicant? If so, give the full name, address and <u>date of birth</u> of that person</p>	<p>YES/NO</p>				
<p>5. Registration number and date of first registration of the vehicle.</p>	<p>Registration No.</p>		<p>Date of First Registration</p>		
			<p>Day</p>	<p>Month</p>	<p>Year</p>
			<p></p>	<p></p>	<p></p>
<p>6. Description of vehicle</p>	<p>Make</p>	<p></p>	<p>Colour</p>	<p></p>	
	<p>Model</p>	<p></p>	<p>Width across back seat</p>	<p></p>	
	<p>CC Rating</p>	<p></p>	<p>Seating capacity (excluding driver)</p>	<p></p>	
	<p>Number of Doors</p>	<p></p>	<p>Luggage Capacity:</p>	<p></p>	
	<p>Chassis Number:</p>				
	<p>Is the Vehicle Wheelchair accessible?</p>		<p></p>		
<p>7.(a) Has this vehicle been previously licensed as a taxi or hire car? (b) If so, give the name of the licence holder, the expiry date and reference number of the last licence.</p>	<p>YES/NO</p>				
<p>8.(a) Address of premises where vehicle is to be kept. (b) Address of premises from which the vehicle will be operated (if different from (a) above).</p>	<p></p>				
<p>9. During what hours and on what days will the vehicle be available for hire.</p>	<p></p>				
<p>10. Please state reason for request for substitute vehicle eg original vehicle crashed and beyond repair.</p>	<p></p>				

11. Please state following details of original vehicle for which this vehicle is substituted.	<u>Registration Number</u>	Make/Model
	Taxi/Private Hire Car Licence Plate No.	Licence Reference No PHC/..... or TAXI/.....

DECLARATION:

- (A) I/We declare that the particulars given by me/us on this form are correct to the best of my/our knowledge and belief.
- (B) I/We understand that the information supplied by me/us as detailed in this form may be stored on a computer system by the Authority for the purpose of Licensing and that information may be disclosed to the Police and other relevant parties for vetting and background enquiries whilst processing and determining the application.
- (C) I/We understand that the Authority is under a duty to protect the public funds it administers and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Signature of Applicant: Date:

Signature of Agent:
(if applicable) Date:

Any person who in, or in connection with the making of, this application makes any statement which he/she knows to be false or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable, on summary conviction, to a fine.

Please note that The Rehabilitation of Offenders Act 1974 (Exclusions and Exceptions)(Scotland) Order 2003 amends The Rehabilitation of Offenders Act 1974 and requires ALL previous convictions to be declared in relation to this application.

**TO BE LODGED WITH THE SOLICITOR TO THE COUNCIL, COUNCIL OFFICES, KIRKWALL, KW15 1NY,
TOGETHER WITH THE APPROPRIATE FEE**

ORKNEY ISLANDS COUNCIL**CIVIC GOVERNMENT (SCOTLAND) ACT 1982****TAXI AND PRIVATE HIRE CAR LICENSING
NOTES FOR GUIDANCE**

The following notes are a brief outline of the requirements for Taxi and Private Hire Car Licences under the above Act. They should be treated as **guidelines only and not an authoritative statement of law**. They do not purport to be more than a guide to the main provisions of the Act in order that would be applicants may consider if they need to apply for a Licence. Applicants are recommended to study the relevant provisions of the Act and obtain any further advice from their Solicitor.

1 INTRODUCTION**Taxi and Private Hire Car Licences**

In accordance with the Civic Government (Scotland) Act 1982, a Taxi Licence or a Private Hire Car Licence, issued by Orkney Islands Council as licensing authority, is required for the operation of a vehicle as a Taxi or a Private Hire Car.

Taxi and Private Hire Car Drivers

Similarly, a Taxi Driver's Licence or a Private Hire Car Driver's Licence shall be required for driving or otherwise having charge of a Taxi or Private Hire Car. However, a person holding a Taxi Driver's Licence does not require a Private Hire Car Driver's Licence.

2 DEFINITIONS

- (a) **TAXI** means a hire car which is engaged, by arrangements made in a public place between the person to be conveyed in it (or a person acting on his behalf) and its driver for a journey beginning there and then.
- (b) **PRIVATE HIRE CAR** means a hire car other than a taxi.
- (c) **HIRE CAR** means a motor vehicle with a driver (other than a public service vehicle) which is, with a view to profit, available for hire by the public for personal conveyance.
- (d) **PUBLIC SERVICE VEHICLE** means a motor vehicle (other than a tram car) which is adapted to carry more than eight passengers and is used for carrying passengers for hire or reward.

If you have a vehicle which carries nine or fewer passengers (including the driver) which is, for a fee, available for hire by the public for personal conveyance you will require either a Taxi or a Private Hire Car Licence.

The main differences between Taxi and Private Hire Car are:

TAXI	PRIVATE HIRE CAR
A Taxi is required to display a Taxi sign on top of the vehicle approved by the Council	A Private Hire Car MUST NOT have a sign or other advertisement that suggests it is available for hire as a taxi
May wait on a Taxi Stance for trade	CANNOT wait on a Taxi Stance
May pick up passengers on the street without prior arrangement	May pick up passengers ONLY by prior arrangement
MUST have a meter affixed to the vehicle	MAY have a meter affixed to the vehicle
MUST be driven by a licensed taxi driver	Must be driven by EITHER a licensed taxi driver OR a licensed private hire car driver

3 OPERATOR'S LICENCE AND DRIVER'S LICENCE

The vehicle and the driver each require to be separately licensed. The licence for the vehicle is referred to in these notes as an "Operator's" Licence and each vehicle operated as a Taxi or a Private Hire Car requires a separate licence. The holder of an "Operator's" Licence must also obtain a Taxi or Private Hire Car Driver's licence in order to drive the vehicle to which his operator's licence relates.

4 OPERATOR'S LICENCE

Any vehicle proposed to be used a Taxi or Private hire car must:-

- (i) except with the approval of the Council, be less than five years old, unless it is a purpose built taxi, or equivalent, in which case it must be less than ten years old;
- (ii) be equipped to carry a minimum of four adult seated passengers (up to a maximum of eight adult seated passengers) in safety and comfort;
- (iii) have a minimum width of 122 centimetres (48 inches) across the rear passenger seat or compartment of the vehicle;
- (iv) have a minimum of four doors capable of being opened from the inside;
- (v) be fitted with a seat belt for each passenger;
- (vi) pass an initial inspection to an acceptable standard of safety and comfort and thereafter an annual inspection (except where the vehicle is older than five years the inspection period shall be every six months);
- (vii) be subject to random inspections.

5 METERS

All Taxis must have a Taxi Meter which has been tested and approved by the Council. (Taxis **must** have a meter. Private Hire Cars are not required to have a meter but may fit one if desired. If fitted it must be tested and approved by the Council). Before a Taxi Operator's Licence is issued, or PHC licence where a meter is fitted, the meter must be tested by the Council.

6 OBLIGATORY TEST CERTIFICATES (MOT)

Operators should be aware that, unlike ordinary vehicles which require an MOT after three years, **Taxis require an MOT Certificate after one year** of the date of first registration, in accordance with section 47 of the Road Traffic Act, 1988, and annually thereafter.

7 DRIVERS' LICENCES

- (a) The appropriate licence is required for driving, or otherwise having charge of, a Taxi or Private Hire Car. A person holding a Taxi Driver's Licence does not require a Private Hire Car Driver's Licence.
- (b) Any person who wishes to obtain a Licence to drive either a Taxi or a Private Hire Car must:-
- (i) have held during any continuous period of 12 months prior to the date of the application a full driving licence;
 - (ii) be a fit and proper person to hold a Licence;
 - (iii) be 18 years of age or more;
 - (iv) if suffering from any physical or mental condition likely to affect his/her fitness as a driver or which might do so in the future or if over 65 years of age, undertake and pass an annual medical examination as to his/her physical and mental fitness to carry out the duties of a Taxi or Private Hire Car Driver.
- (c) Comply with the Council's approved dress code as detailed below, be clean and tidy in their person or clothing, conduct themselves in a proper and civil manner and, while carrying a passenger, refrain from smoking.

Male Drivers

- Shirt with collar open neck or (preferably) with tie
- Trousers and appropriate footwear

Female Drivers

- A blouse, skirt or trousers and appropriate footwear.

The following must not be worn:-

- Baseball caps
- Track suits
- Denims or corduroy jeans
- T-shirts
- Football and other sports related shirts
- Polo shirts (unless they carry a logo specific to a taxi/PHC company)

8 CONDITIONS

Orkney Islands Council may attach additional conditions to the licence as it sees fit, with each application being dealt with on its own merits. The licence holder will be required to comply with the standard Conditions, attached to these Notes, which will form part of the Licence being granted.

Applicants for Taxi or Private Hire Car Drivers Licences should note that the conditions attached to their licence require them to carry guide, hearing or other assistance dogs in their taxi or hire car. Drivers who have a medical condition that would be aggravated by carrying dogs in their vehicle, can apply for exemption from this requirement, on medical grounds. **Please refer to the attached Advice Note for further details.**

9 DETERMINATION OF AND DURATION OF LICENCES

A licence will normally be issued after the elapse of 21 days from receipt of an application. In certain circumstances, eg where objections have been received, applications can take considerably longer to be determined. A Licence shall remain in force, unless previously suspended or revoked, for a period of one year from the date when it comes into force, or such shorter period as the Council thinks fit. The Licence is not normally transferable.

10 LICENCE TO BE RETAINED

The Licence must not be altered, erased or defaced in any way, must be kept clean and legible and must not be lent to or used by any other person. Should the Licence be lost or become defaced or illegible the Licence holder shall obtain a replacement from the Council on payment of the appropriate fee as detailed in the appendix to these notes. The Licence holder shall produce his/her Licence within five days of being requested to do so by a Police Constable or an authorised Officer of the Council or the Fire Authority.

11 RETURN OF LICENCE

An Operator or Driver shall deliver his/her Licence, licence plate and/or ID Badge to the Council:-

- (a) upon ceasing to act as an Operator or Driver; or
- (b) within seven days of receiving notice of the coming into effect of a decision of the licensing authority to suspend or vary the terms of the Licence, or the decision of a Court to revoke it.

12 NOTIFICATION OF CONVICTIONS OR MATERIAL CHANGE OF CIRCUMSTANCES

An Operator or Driver shall notify the Council as soon as is reasonably practicable (in any event no later than 7 days after the date of the conviction or other material change) with any **convictions or other material change** in circumstances affecting the licence holder or the activity to which the Licence relates, including any particulars referred to in the application for grant or latest application for renewal of the Licence. **If in doubt, notify the Council of any changes.**

13 NOTIFICATION OF MATERIAL ALTERATIONS

An Operator shall not make, or permit to be made, any material change to any vehicles without the prior written consent of the Council, unless in accordance with a requirement imposed by, or in pursuance of, any enactment other than parts I or II of the Civic Government (Scotland) Act, 1982. **If in doubt as to whether consent is required, contact the Council.**

14 APPLICATION FORM AND FEES

Application forms are available online at www.orkney.gov.uk or from the Solicitor to the Council, Council Offices, School Place, Kirkwall, KW15 1NY (email: legal-services@orkney.gov.uk).

You should take care in completing the application form to list, subject to the terms of the Rehabilitation of Offenders Act 1974, all convictions against you. If you are in doubt as to whether or not to list a conviction you should seek independent advice.

In order to apply, the application form for an **Operator's Licence** must be returned along with the appropriate fee. The following documentation must be submitted before the licence can be issued:

- Insurance document appropriate to the type of licence applied for;
- Vehicle Registration Document;
- MOT Certificate (if applicable (see note 6)).

The application form for a **Driver's Licence** must be returned along with the appropriate fee and the following:-

- Driver's Licence;
- two passport photographs for identity badge .

All applications will be referred to the Police for comment.

Processing the Application

Your application must be considered within 3 months of its being lodged and the Council must reach a decision on it within 6 months.

If your application is granted, you will be notified accordingly. You will be issued with your licence and an identification badge. The licence should be displayed at all times and the identification badge should be worn at all times when you are operating as a street trader. You should also show this licence and badge to a police officer, an officer from Orkney Islands Council or to any member of the public on demand.

If your application is refused, or granted conditionally, you are entitled to ask the Council within 28 days to give reasons for such refusal, or the imposition of such conditions, and thereafter you are entitled to appeal to the Sheriff against the decision on various grounds. You should seek the advice of a solicitor if matters should get to that stage.

15 VEHICLE AND METER TESTING

The Council will contact the Applicant to arrange an inspection of the vehicle and a meter test. The fees for these tests are not included in the initial application fee and require to be paid before the test will be carried out.

Similarly subsequent inspections/tests as required are not included in the initial application fee and will also require to be paid before being carried out.

16 ISSUE OF LICENCE

The Council will issue the Operator's Licence along with:-

- the standard Conditions;
- Operator's Plate to be fixed to the vehicle;
- Tariff of Taxi Fares (Taxi Operators only unless meter fitted to Private Hire Car).

The Council will issue the Driver's Licence along with:-

- the standard Conditions
- Taxi Driver's/Private Hire Car Driver's Badge.

17 SUBSTITUTION OF VEHICLES

The holder of a Taxi or Private Hire Car Licence may during the currency of his/her Licence substitute a vehicle for the vehicle in respect of which the Licence was originally granted. An application for substitution should be accompanied by the

appropriate fee. The same requirements with regard to documentation apply as with a licence application.

18 PRIOR REFUSAL

Please note that if you have applied for and been refused an application for an Operator's or Driver's Licence, unless your circumstances have altered, you will be unlikely to be granted an application.

If refused, you cannot apply for the same kind of licence in respect of the same activity (or, where the activity includes the use of a vehicle, for the same vehicle) within one year of that refusal unless there has been a material change in circumstances.

19 OBJECTIONS

If, during the processing of your application, the Licensing Authority receives any objections to your application, you will be sent a copy of the letter(s) of objection(s).

Your application, the letter(s) of objection(s) and your response will then be referred to a meeting of the Licensing Sub-committee. You will be invited to attend the meeting and given the opportunity to address the Sub-committee.

A further appeal lies to the Sheriff Court.

20 OFFENCES

The following are criminal offences liable, on summary conviction, to a fine and/or imprisonment:-

- (a) Carrying on an activity for which a Licence under the Civic Government (Scotland) Act 1982 is required without such a Licence;
- (b) Failing to comply with a Condition of a Licence;
- (c) Failing to notify the Council of a material change in the circumstances of a Licensee;
- (d) Failing to obtain the consent of the Council before making any material change to any premises, vehicle or vessel to which the Licence relates;
- (e) Failing to surrender the Licence (1) after it has been suspended or (2) when the Licensee has given up the activity to which it relates;
- (f) Failing to surrender an Operator's Licence and Licence Plate to the Council within TWENTY-EIGHT DAYS of selling or otherwise disposing of the vehicle to which the Licence relates;
- (g) Failing to disclose convictions in the Application Form;
- (h) Making a false statement when filling in the Application Form.

The above list is not exhaustive and reference should be made to the Civic Government (Scotland) Act 1982 for all offences under the Act.

ORKNEY ISLANDS COUNCIL

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

**VEHICLE OPERATOR'S LICENCE
SCHEDULE OF CONDITIONS**

NOTE

It is a criminal offence in terms of section 7(2) of the Civic Government (Scotland) Act 1982 to fail to comply with any condition imposed on this licence.

1. The holder of a vehicle operator's licence shall ensure that the vehicle, including all body work, upholstery and fittings, is maintained in a safe and serviceable condition and is in a clean condition and appearance.

Licence Application or Renewal Inspections

2. **Operators** are required to give to the Licensing Authority's Contracting Garage (W R Tullock & Sons Ltd, Castle Garage, Castle Street, Kirkwall) not less than 4 working hours' notice of the intention to present the vehicle for a vehicle inspection in connection with an application for a licence or renewal, together with any work required for an Advisory Note.

The 4 hours notice referred to at 2 above does not apply to any vehicle inspection at the instance of the Licensing Authority.

3. The hours for the Contracting Garage to undertake inspections (subject to appointments being made as referred to at 2 above are:

- 3.1 10am to 4pm Mondays to Fridays inclusive; and
- 3.2 10am to 12 noon Saturdays.

The times at 3.1 and 3.2 above exclude between the hours of 1pm and 2pm when the Contracting Garage is closed for lunch.

Saturday appointments require to be made no later than 2pm on the preceding Friday.

4. The Contracting Garage will not undertake inspections on the following dates:

Christmas Day	Easter Monday
Boxing Day	May Day Holiday
New Year's Day	Dounby Show Day
2 January	

5. **Operators** will not present or seek to present vehicles outwith the hours detailed at 3 above.

6. **Operators** wishing to remain on the premises during the inspections must remain in a waiting area at the premises of W R Tullock & Sons Ltd, Castle Garage, Castle Street, Kirkwall.
7. Any factor discovered which would result in the failure of the vehicle under MOT rules will automatically result in the failure of the vehicle under the Licensing Authority's inspection.
8. **Operators** will not present any vehicle for inspection unless it has been steam cleaned immediately prior to its presentation to the Contracting Garage.
9. **Operators** should note that:
 - 9.1 No vehicle aged **5** years or more (at the time of first application) will be licensed by the Licensing Authority for use as a **taxi or private hire car**, with the exception of purpose built vehicles, which shall be considered on their own facts and circumstances by the Licensing Sub-committee.
 - 9.2 No vehicle aged **10** years or more (at the time of renewal) will be licensed by the Licensing Authority for use as a **taxi or private hire car**, with the exception of prestige vehicles, purpose built taxis and vehicles adapted for the conveyance of disabled passengers which shall be considered on their own facts and circumstances by the Licensing Sub-committee.
10. **Operators** will exhibit to the Contracting Garage upon presentation of the vehicle, and prior to inspection, the vehicle registration document to enable the Contracting Garage to determine that the vehicle satisfies the requirements of the Council with regard to the age restrictions detailed at 9 above.

Fees

11. The Licensing Authority determined, as at 1 April 2011, that the following fees be met by the trade (ie the licence holder) and will be collected by the Contracting Garage on behalf of the Licensing Authority upon presentation of the vehicle for inspection:
 - 11.1 meter installation – new – £60
 - 11.2 meter installation – transfer between vehicles – £70
 - 11.3 meter test – £25
 - 11.4 vehicle inspection – £70
 - 11.5 vehicle inspection re-test – £50
12. Failure to pay the appropriate fee will result in the inspection not being undertaken by the Contracting Garage.
13. Advisory Notes require to be complied with and the vehicle represented to the Contracting Garage in accordance with 2 above within twenty eight days from date of issue of the Advisory Note.

Random Inspections

14. The holder of a vehicle operator's licence shall require the vehicle to undergo and pass any inspection as required by Orkney Islands Council as Licensing Authority. On receiving the notification to attend for a vehicle inspection the operator shall produce the vehicle for examination at the Licensing Authority's Contracting Garage as directed.
15. Failure to produce the vehicle at the Licensing Authority's Contracting Garage as directed will lead to a report to the Licensing Authority.

General

16. The holder of a vehicle operator's licence shall not ask or require a driver of a vehicle to do anything which would result in the driver committing a breach of the conditions attached to the grant of the driver's licence.
17. The holder of a vehicle operator's licence shall keep an up-to-date list of the names and addresses of all drivers employed by him and shall produce such list on demand to any authorised officer of the Council or to any Police Officer. The licensed operator or other person responsible for the management of the operation of the vehicle, shall keep, for a period of one year from the date of last entry, an up-to-date schedule of times when each driver is driving the vehicle.
18. The holder of a vehicle operator's licence shall be bound to fulfil or cause to be fulfilled, at the time and location specified, an engagement to hire the vehicle which he has accepted, unless prevented by sufficient cause.
19. 19.1 The holder of a vehicle operator's licence shall hold the vehicle registration document and the certificate of insurance in relation to the taxi required by the Road Traffic Act 1988. Where more than one name appears on the taxi or private hire car licence the vehicle registration document and the certificate of insurance shall be in the name of at least one of the persons whose names appear on the licence.
- 19.2 The holder of the vehicle operator's licence shall ensure that the Certificate of Insurance (or copy), in the operator's name, applicable to the vehicle is carried in the vehicle at all times, together with the vehicle registration document and MOT Certificate, where applicable (or copies thereof).
- 19.3 The holder of a vehicle operator's licence shall exhibit such documents and certificates to an authorised officer of the Council or a Police Officer when requested to do so.
20. The holder of a vehicle operator's licence shall ensure that, while the vehicle is in use, any external or internal plate and any other thing which has been issued by the Council for the purpose of indicating that the vehicle is a taxi or private hire car, are displayed at all times in positions as detailed by the Council.

21. The holder of a vehicle operator's licence shall not obliterate or deface any plate, or other thing which has been issued by the Council for the purpose of indicating that the vehicle is a taxi or a private hire car and which is fixed to the taxi or private hire car. If any such plate or other thing becomes obliterated or defaced so as not to be distinctly visible or legible or if any such plate, or other thing is lost, the holder of the vehicle operator's licence shall report this to the Council as soon as practicable and in any event within 7 days in order to obtain from the Council a replacement plate or other thing upon payment of the prescribed fee.
22. The holder of a vehicle operator's licence shall obtain from the Council a notice (or notices) detailing the approved taxi fares and charges, appropriate to exclusive or to shared hire of the taxi, and shall display the notice (or notices as appropriate) in the passenger compartment of the taxi in such a position that it (or they) will be visible to the passengers being carried and, subject to condition 23 below, no other table of fares and charges shall be displayed.
23. The holder of a vehicle operator's licence shall comply with the Council's fare structure at all times.
24. If the vehicle (fitted with a meter) is being used other as a taxi, taxi bus or private hire car, the hirer will be informed, prior to acceptance of the hire, (a) that the fare is not determined in accordance with the Council's fare structure; and (b) the cost of the journey, together with the method of calculating the cost.

Signs

25. The holder of a vehicle operator's licence shall not display on his vehicle any signs for the purpose of advertising its services as a taxi or private hire car, other than those approved by the Council.
26. The holder of a vehicle operator's licence shall be permitted to display commercial advertising on or in the vehicle only with the written permission and approval of the Council.
27. 27.1 The holder of a taxi operator's licence shall display upon the roof of his taxi a sign of a type approved by the Council for the purpose of identifying the vehicle as a taxi and while the taxi is available for shared hire he shall display in such position as approved by the Council a sign of a type approved by the Council for the purpose of indicating that the taxi is available for shared hire
- 27.2 The holder of a taxi operator's licence shall, at any time when the taxi is being used as a taxi-bus, cause to be displayed on the taxi, in such position and in such form as may be prescribed by the Council, a sign which indicates the taxi is being used as a taxi-bus
- 27.3 The holder of a private hire car operator's licence shall not display on the vehicle a roof sign of any kind.

Taximeter

28. The holder of a vehicle operator's licence shall:

- 28.1 not use, or cause or permit to be used, on the vehicle a road wheel, or tyre of a different circumference from that for which the taximeter affixed to the vehicle was designed, geared and has been tested by, or on behalf of, the Council;
- 28.2 have affixed to and used on the vehicle a meter which has been tested and approved by, or on behalf of, the Council;
- 28.3 only use a taximeter which has been stamped or sealed by, or on behalf of, the Council after testing and approval as to distance and time in accordance with the approved taxi fares and charges;
- 28.4 once a taximeter is fitted to his vehicle, not tamper with the taximeter or break or tamper with any seal or stamp on such taximeter or any attachment affixed thereto by the manufacturer or Council except to remove the taximeter for repair or replacement;

Should the seal be broken the taximeter shall immediately be submitted to the Contracting Garage to be re-tested and passed by, or on behalf of, the Council and the vehicle shall not operate until that has been undertaken.

- 28.5 ensure that the taximeter fitted to his vehicle is in a position approved (namely the central front console clearly visible to all front and rear seat passengers at all times) by the Council and illuminated to display the amount of fare recorded to the passenger(s);
- 28.6 not knowingly use, or cause or permit to be used, other than as a taxi-bus, the vehicle during any period that the seals affixed to the taximeter, where so affixed to the vehicle, are broken or detached; and
- 28.7 not knowingly use, or cause or permit to be used, a taximeter which is in any way defective.

Fares

29. The holder of a vehicle operator's licence shall, at any time when the vehicle is being used as a taxi-bus, cause to be displayed in the vehicle, in such a position and in such a form as may be prescribed by the Council so that it is clearly legible to passengers, a fare table containing sufficient information to enable a passenger to ascertain the fare for his journey or the manner in which that fare is calculated.

Fire Extinguisher, First Aid and Internal Lighting

30. The holder of a vehicle operator's licence must carry securely and accessible in a suitable fastener in the interior of the vehicle, a fire extinguisher of a type, which contains at least a 1Kg dry powder charge and otherwise which meets the current standard and in a position approved by the Council. The extinguisher shall be maintained in a satisfactory working condition at all times.
31. The vehicle must be equipped with a first aid kit in compliance with current Health and Safety standards
32. The holder of a vehicle operator's licence shall ensure that sufficient internal lighting is provided within his vehicle when not in motion.

Special Obligations

33. The holder of a vehicle operator's licence shall, within 28 days of ceasing to trade in relation to that vehicle or the selling or otherwise disposing of the vehicle to which the licence relates, deliver to the Council the licence and any plate or other thing issued by the Council for the purposes of indicating that the vehicle is a taxi or private hire car.
34. The holder of a vehicle operator's licence shall notify the Licensing Authority, by letter to the Solicitor to the Council, within 7 working days of any fixed penalty, conditional offer or conviction in any court relating to him.
35. The holder of a vehicle operator's licence who changes his address or place of business shall within 7 days thereafter give notice thereof to the Council and shall produce his licence to the Council who shall endorse thereon the particulars of such change of address or place of business.

Accident or Damage by Other Means

36. 36.1 The holder of a vehicle operator's licence, when the vehicle is damaged as a result of a vehicular accident or by any other means, shall report the damage to the Licensing Authority immediately and in any event no later than 2 days after the date that the damage occurred.
- 36.2 To ascertain if the vehicle still meets the Licensing Authority's standards, the vehicle shall, further to the notification referred to at 35.1 above, be presented to the Contracting Garage for inspection not later than 2 days (being days on which the testing facilities are available) after the occurrence of the accident or damage.
- 36.3 Between the accident or the damage by any other means having occurred and the vehicle being deemed, by the Contracting Garage to meet the Licensing Authority's standards, the vehicle shall be off the road, not operated as a taxi, taxi bus or private hire car and the plates shall be returned to the Licensing Authority.
- 36.4 Upon the Contracting Garage confirming that the vehicle meets the Licensing Authority's standard, the plates can be returned by the Licensing Authority to the licence holder.

36.5 The licence holder shall be liable to meet the fee fixed by the Council for such inspection.

37. In these conditions:

"exclusive", as applied to the hire of a vehicle, means that a single fare is payable by any one passenger for the whole hire of the vehicle, whether or not more than one passenger is carried; and "exclusive hire" shall be construed accordingly

"shared" as applied to the hire of a vehicle, means that each passenger is carried at a separate fare, payable to the driver; and shared hire shall be construed accordingly

"Taxi-bus" means a taxi which is being used, under a special licence granted under Section 12 of the Transport Act 1985, to provide a local service which is or requires to be registered under Part I of that Act, has been previously advertised and which has a destination and route which are not entirely at the discretion of the passengers