

Notice of meeting of

Licensing & Regulatory Committee

To: Councillors Firth, Gillies (Chair), Horton, Looker and Moore (Vice-Chair)

Date: Friday, 4 September 2009

Time: 2.00 pm

Venue: Guildhall

AGENDA

1. Declarations of Interest

At this point, Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. Minutes

(Pages 1 - 4)

To approve and sign the minutes of the meeting held on 3 July 2009.

3. Public Participation

At this point in the meeting, members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Committee's remit can do so. The deadline for registering is **5:00 pm on Thursday 3 September 2009.**

**4. Proposed Introduction of Driving Standards (Pages 5 - 14)
Agency Private Hire and Hackney Carriage
Driving Assessment for New Applicants.**

This report requests that Members consider amending the Council's existing policy for Hackney Carriage and Private Hire drivers licence applications by introducing a requirement for new applicants to with their application a certificate of completion of a driving standards assessment for taxi drivers as provided by the Driving Standards Agency.

**5. Designated Public Places Order - Clarence
Gardens.** (Pages 15 - 18)

This report advises Members of a petition presented at Council on 9 July 2009 requesting that the council "ban the consumption of alcohol in Clarence Gardens" following concerns of an increasing level of disturbance resulting from "inappropriate drinking" and the actions taken by Officers.

**6. Any other business which the Chair decides is
urgent under the Local Government Act 1972.**

Democracy Officer:

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For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting Laura Bootland Democracy Officer

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

City of York Council

Committee Minutes

MEETING	LICENSING & REGULATORY COMMITTEE
DATE	3 JULY 2009
PRESENT	COUNCILLORS FIRTH, GILLIES (CHAIR), HORTON, MOORE (VICE-CHAIR) AND B WATSON (SUBSTITUTE)
APOLOGIES	COUNCILLORS LOOKER

16. DECLARATIONS OF INTEREST

At this point Members were asked to declare any personal or prejudicial interests they may have in the business on the agenda.

Councillor Gillies declared a personal non prejudicial interest as he used to be the owner of a Hackney plate.

Councillor Moore declared a personal and prejudicial interest in agenda item 4 as he was on the Environment Appeal Panel which referred the matter of tinted windows to this Committee.

17. MINUTES

RESOLVED: That the minutes of the meeting held on 1 May 2009 be approved and signed as a correct record by the Chair.

18. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme, on general issues within the remit of the Committee.

19. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCE CONDITION IN RESPECT OF TINTED WINDOWS.

Members considered a report which followed a referral from the Environment Appeals Panel to reassess the hackney carriage and private hire vehicle licence condition in respect of tinted windows.

2 Members of the Public had registered to speak on this item:

Bill Brolly, Secretary of the Independent Taxi Association stated that a certain level of tinted glass can be beneficial to customers to protect them from the sun but felt the condition needed revising.

Mr. Kerr, Secretary of the Private Hire Association advised that the feeling now within the trade is that the tinted glass ruling does not work and needs to be removed or radically altered. He stated that following his own enquiries, he found that local salesmen are not knowledgeable about levels of tint and drivers purchase vehicles not knowing whether the glass will pass the transmittance test. Manufacturers do not advise on what the levels of window tint are on new vehicles. Vauxhall advised him that it would cost £2800 to alter one of they're vehicles to non privacy glass and that Vauxhall vehicles now have some level of window tint as standard.

In November 2006 the Licensing and Regulatory Committee approved a new condition which required licensed vehicles to be fitted with windscreen glass that has a light transmittance of 75% and all other glass to have a transmittance of not less than 70%. Prior to the condition being approved, the York Taxi Association and the York private Hire association were consulted and both were in agreement with the proposals. All hackney proprietors were then notified of the change of conditions. Despite the notification there has been some difficulty in applying the condition, and vehicles were being brought to test with over tinted glazing. It was agreed internally and with the trade, following a discussion document, that vehicles with non compliant glass could continue to operate but from that time the policy would be rigidly applied. On 20th April the Environment Appeals panel heard an appeal from a proprietor regarding officers decision to replace a rear windscreen with 43% transmittance. His appeal was upheld on the basis that the visibility through the rear screen would be no better if glass of 70% transmittance were fitted due to the vehicles construction. In light of the appeal and the fact that vehicles are being fitted as standard with tinted glass, the Environment Appeals Panel requested that the matter be brought back to the Licensing and Regulatory Committee for review.

Members queried whether other authorities drivers are experiencing difficulties with sourcing suitable vehicles and glass. Officers replied that there are no figures available but in London and Manchester the vehicles are purpose built.

Following debate, members felt that a relaxation of the condition would be acceptable providing that the relaxation applies only to the rear windows of estate vehicles where tinted glass is being issued as standard by manufacturers.

RESOLVED:

- (i) All licensed vehicles shall be fitted with windscreen glass that has a light transmittance of 75%, and
- (ii) All other window glass shall have a light transmittance of not less than 70% EXCEPT those parts of the rear window or any side windows adjacent to the luggage space in any estate-type vehicle which can be of any manufacturers tint providing it is not opaque.

- (iii) Any self applied material shall satisfy the requirements of I) and ii) above if it has been approved by the Council.
- (iv) Neither I), ii) or iii) above shall apply to tinted glass fitted by the manufacturer in respect of vehicles currently licensed by the Council.

REASON: To provide for the safety of passengers and the driver and to enable effective enforcement of taxi licence conditions.

20. EXTERNAL ADVERTISING ON HACKNEY CARRIAGE VEHICLES

Members considered a report which asked them to consider the future policy concerning external advertising on hackney carriages. The report follows a successful appeal against the implementation of a single livery for hackney carriages.

It was reported that there was a member of the public registered to speak on this item:

Mr. Brolly, the Secretary of the Independent Taxi Association stated that hackney carriage drivers who already have extensive advertising on their vehicles would like to let the advertising contracts run before having to make any changes to their vehicles.

The current vehicle licence conditions state that no advertising shall be allowed without the consent of the council. This condition would have been replaced by the adoption of a standard black livery. However, following a successful appeal against the implementation of a single livery, the policy on external advertising needs to be reviewed. The only requirement is for vehicles to display the city crest decal on the front door panels.

Officers advised members that whatever decision they reached would affect any future advertising on vehicles, but any vehicles with advertising already in place would be permitted to see they're advertising contracts through to the end.

Certain members commented that from an aesthetic point of view, it would be better that vehicles had no advertising at all as it is important what York's hackney carriages look like, however, overall members were happy to support the recommendation and chose option 2.

RESOLVED: That **Option 2** be approved and that advertising for hackney carriages be restricted in the same way as for private hire vehicles ie no advertising the entire side of the vehicle but permitted on the front and rear.

REASON: To ensure that full prominence is given to to the coat of arms decal which aids identification of the vehicle as a City of York licensed hackney carriage.

21. ANY OTHER BUSINESS WHICH THE CHAIR DECIDES IS URGENT UNDER THE LOCAL GOVERNMENT ACT 1972.

Further to an Environment Appeal on 2 July, the Chair felt that the rest of the Committee should be made aware of the Driver Standards Agency (DSA) test for Taxi Drivers. This had been discussed at the appeal in some depth and it was apparent that it was an issue which Members required further information on.

The Licensing Manager advised that currently, other than passing a normal driving test there are no requirements for taxi drivers to pass any further tests. In 1999 Leeds Council piloted a test for new Taxi Drivers which includes specific elements of the conveyance of passengers and provides training in assisting disabled passengers. It is also designed to raise the standard of driving in potential Taxi Drivers.

Currently, 73 Councils have adopted the test and the DSA frequently asks if City of York Council would be interested in adopting the test.

RESOLVED: That the Licensing Manager brings a report concerning the test to the Licensing and Regulatory Committee.

REASON: To inform Members fully about the DSA test for Taxi Drivers.

Action Required

1. Officers to prepare a report for the Committee on DSA taxi drivers test. DH

Councillor Gillies, Chair

[The meeting started at 2.00 pm and finished at 3.00 pm].



Licensing and Regulatory Committee

4th September 2009

Report of the Director of Neighbourhood Services

PROPOSED INTRODUCTION OF DRIVING STANDARD AGENCY PRIVATE HIRE AND HACKNEY CARRIAGE DRIVING ASSESSMENT FOR NEW APPLICANTS

Summary

1. This report requests members to consider amending the council's existing policy for hackney carriage and private hire driver's licence applications by introducing a requirement for all new applicants to submit with their application a certificate of completion of a driving standards assessment specifically designed for hackney carriage and/or private hire vehicle drivers' as provided by the Driving Standard Agency (DSA).

Background

2. Section 59(1) of the Local Government (Miscellaneous Provisions) Act 1976 provides that the Council must not grant a licence to drive a hackney carriage or private hire vehicle unless they are satisfied (a) the applicant is a fit and proper person to hold a driver licence and (b) that they have held a full driving licence for a minimum of 12 months.
3. Currently there is no requirement for applicants wishing to drive either a hackney carriage or private hire vehicle in York to undergo any additional practical driving test, designed to test their skills in taxi driving other than the normal driving test.
4. Whilst applicants must have held a DVLA driving licence for at least 12 months in advance of applying for a taxi licence, applicants for either a hackney carriage and/or private hire driver's licence may otherwise apply to the Council irrespective of the date on which they may have taken a driving test.
5. It is widely accepted that driving skills, knowledge and standards can fade with the passage of time. Over recent years the area has seen an increase in a number of overseas drivers taking up employment as hackney carriage and private hire drivers. Some of these drivers have qualified in their native country but have not passed a test in the UK. Increasingly, the department has seen a rise in the number of drivers accumulating 9 points or more on their driving licences. The introduction of the DSA driving test and assessment will be a

positive step towards addressing some of the concerns raised by these changes.

6. In most areas of professional driving a test is completed to show the suitability of the applicant in that field of driving. Hackney carriage and private hire drivers are the only group of professional drivers in the country who are not required to pass a further national driving standards test before they are allowed to carry passengers for hire or reward.

Driving Standard Agency test

7. The Driving Standard Agency (the DSA) is the Government authorised body that administers the compulsory driving test scheme in the UK, the passing of which is a requirement to the granting and issuing of a conventional driving licence for a motor vehicle.
8. Since 1999 the DSA offer a discretionary driving assessment for the drivers of hackney carriage and private hire vehicles. The DSA hackney carriage and private hire driving assessment is specifically designed to test the skills required to drive a taxi safely and includes assessment of awareness and anticipation, effective planning relating to road conditions, correct use of speed and passenger safety and comfort.
9. The test can also incorporate the loading and unloading of wheelchair bound passengers in suitably constructed vehicles. Consequently, the test will give a good assessment of the applicants driving ability and suitability to be licensed.
10. The assessment can be conducted at any DSA driving test centre. The nearest centres located to York are at Pontefract, Doncaster, Leeds and Wakefield. If members should be mindful to recommend the introduction of the DSA hackney carriage and private hire driving assessment, the DSA have indicated they would provide the necessary examiners and facilities at the DSA training centre at Murton Way, Osbaldwick, York, with a suggested start date of April 2010.
11. The cost of the DSA driving assessment is set at £67.53 including VAT during the week and £81.24 including VAT if conducted out of hours. All fees will be met by the applicant.

Neighbouring Authorities

12. The DSA have reported that by September 2009, 137 local authorities will have adopted the DSA test for hackney carriage and private hire drivers.
13. In the Yorkshire and North East regions, the following authorities have introduced the DSA test: East Riding of Yorkshire, Hambleton, Leeds, Doncaster, Darlington, Wakefield, Barnsley, Rotherham, Middlesbrough and Durham.

Benchmarking and consultation

14. Whilst no data was found with regard to the requirement to complete the

disability awareness training, 137 licensing authorities require the DSA driving standards assessment to be completed by new applicants before a hackney carriage or private hire driver's licence is granted.

York Private Hire Association

15. The proposals were put to the York Private Hire Association at their bi-monthly meeting with Taxi Licensing department on 28th April 2009. The proposed introduction of such assessment was well received. The YPHA fully support the introduction of the DSA test for new applicants.

York Taxi Association

16. The proposals were put to the York Taxi Association (YTA) at their bi-monthly meeting on 12th May 2009. Whilst the YTA support in principle the introduction of the DSA driving test for new applicants they point out this would create another barrier to be overcome before an applicant be granted a licence. It would also increase the already considerable cost of becoming a taxi driver.

17. **Department for Transport's Best Practice Guidance for Taxi & Private Hire Licensing - Published October 2006**

The Licensing Section has consulted with the Department for Transport's Best Practice Guidance for Taxi & Private Hire Licensing which states:- Many local authorities rely on the standard car driving licence as evidence of driving proficiency. Others require some further driving test to be taken. Local authorities will want to consider carefully whether this produces benefits which are commensurate with the costs involved for would be drivers, the costs being in terms of both money and broader obstacles to entry into the trade. However, they note that the Driving Standard Agency provides a driving assessment specifically designed for taxis.

Options

18. Option 1 - To make no changes to the existing policy.
- Option 2 - To adopt the requirement for all new applicants for a hackney carriage or private hire driver's licence to attain a pass in the Driving Standard Agency test and assessment before their application is considered by the Council.

That this policy should come into effect on 1st April 2010.

- Option 3 - (i) To adopt the requirement for all new hackney carriage and private hire drivers to attain a pass in the Driving Standard Agency test and assessment before their application is considered by the Council.
- (ii) In addition, where deemed necessary, to adopt the requirement in discipline or complaints matters involving licensed drivers.

(iii) That this policy should come into effect on 1st April 2010

Analysis

19. The reasoning and analysis of the proposal has been set out in previous paragraphs.

Corporate Priorities

20. An efficient, high quality, taxi service will reduce the dependence on the private car for short journeys in and around the city contributing to making York a sustainable city.
21. Taxis also remain the key transport out of the city late at night. The safe transportation out of the city of those enjoying the late night economy contributes significantly to the reduction of crime and disorder and anti social behaviour making York a safer city.

Implications

22. **Financial:** Payment for the DSA test will be paid by the driver direct to the DSA. There are no cost implications for the authority.

Human Resources (HR): None.

Equalities: None.

Legal: Under sections 47, 48 and 51 of the 1976 Act, licensing authorities may attached conditions to the granting of a licence for private hire driver and vehicle licences and hackney carriage vehicle licences.

A person who is aggrieved by the amended licence conditions has the option to appeal against them to the local Magistrates' court.

Crime and Disorder: To ensure that members of the public are transported safely in appropriately licensed vehicles driven by identified, trained and vetted licensed drivers.

Information Technology (IT): None.

Property: None.

Other: None.

Risk Management

23. In compliance with the Council's risk management strategy any decisions made which are unreasonable or unlawful could be open to legal challenge resulting in loss of image, reputation and potential financial penalty.

In coming to any decision on this matter the Council can minimise risk by

ensuring it takes all factors into consideration in coming to its decision. The decision should be reasonable in the light of the information available.

Recommendation

24. Members are asked to approve Option 3:-

- (i) To adopt the requirement for all new applicants for a hackney carriage or private hire driver's licence to attain a pass in the Driving Standard Agency test and assessment before their application is considered by the Council.
- (ii) In addition, where deemed necessary, to adopt the requirement in discipline or complaints matters involving licensed drivers.
- (iii) That this policy should come into effect on 1st April 2010.

Contact Details

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Chief Officer Responsible for the report:

Andy Hudson
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Report Approved Date 19th August
2009

Wards Affected:

All

For further information please contact the author of the report

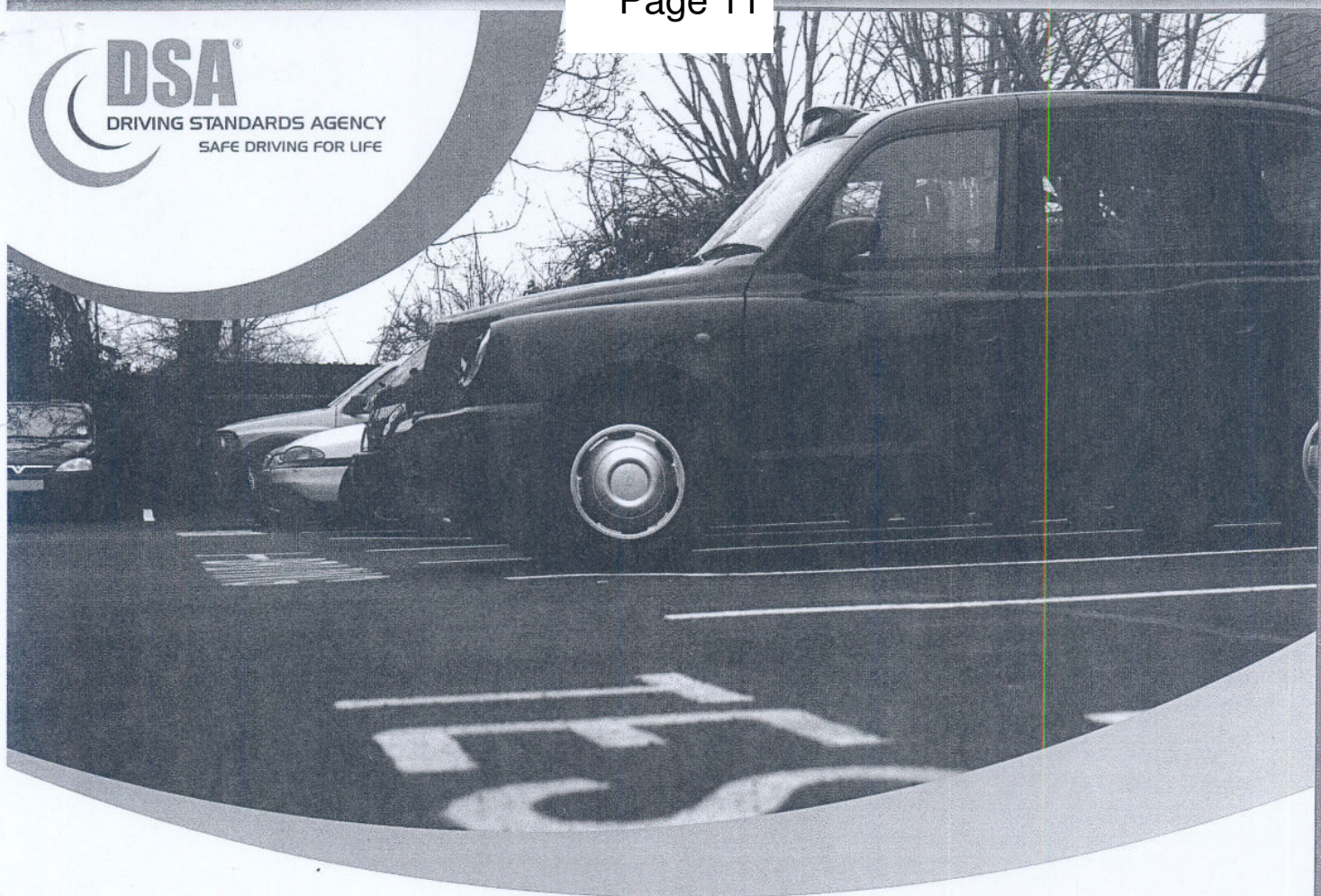
Background Papers

Department for Transport's Best Practice Guidance for Taxi and Private Hire Licensing.

Annexes

Annex 1 – Driving Standards Agency Hackney Carriage Assessment – All you need to know about the agency's taxi testing services.

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Private hire - hackney carriage assessment

All you need to know about the agency's taxi testing services





The Driving Standards Agency (DSA) is committed to improving driving standards through its testing and assessment activities. All drivers must take responsibility for developing the correct attitude and approach towards safe and considerate driving. This combined with a sound knowledge of defensive driving will make our roads safer; a safer environment for all road users.

As a professional driver you have a special responsibility to ensure that your passengers have a safe, comfortable and enjoyable journey. You may have years of driving experience and will be able to demonstrate a good standard of driving on the taxi test.

The principles of good driving practice are set out in our official publication "*The official DSA guide to Driving - the essential skills*". Study them and by putting them into practice you can demonstrate to your passengers and other road users that you are a professional driver.

Transport is an essential part of modern life, but there are environmental consequences. I would encourage you to read the chapter 'Eco-safe driving and the environment' in the publication mentioned above. If you follow the advice set out you will become a more environmentally-friendly driver – your journeys will be more comfortable. This could considerably reduce your fuel bills and emissions that cause damage to the atmosphere.

There are millions of journeys made every year by Hackney Carriage and Private Hire vehicles. Consider taking on board good sound advice. This will ensure a service delivered by professional taxi drivers who take pride in their driving and the service they give to their customers.

Rosemary Thew



HACKNEY CARRIAGE / PRIVATE HIRE ASSESSMENT EXPLAINED

TPH25D

16 Clearance to obstructions

Allow plenty of room to pass stationary vehicles, obstructions and be prepared to slow down or stop. A door may open, a child may run out or a vehicle may pull out without warning.

17 Response to signs/signals

You should understand and be able to react to all traffic signs and road markings, You must act correctly at traffic lights, and check that the road is clear before proceeding when the green light shows, Obey signals given by police officers, traffic wardens and school crossing patrols, Look out for signals given by other road users, including people in charge of animals, and be ready to act accordingly.

18 Use of Speed

You should make safe, reasonable progress along the road bearing in mind the road, traffic and weather conditions and the road signs and speed limits, Make sure that you can stop safely, well within the distance you can see to be clear, Do not speed. Remember, as a new driver, your licence will be revoked if you accrue six or more penalty points during the first two years, and you will have to retake and pass both theory and practical tests.

19 Following distance

Always keep a safe distance between yourself and other vehicles. Remember, on wet or slippery roads it takes much longer to stop. When you stop in traffic queues leave sufficient space to pull out if the vehicle in front has problems.

20 Maintain progress

In order to pass your test you must show that you can drive at a realistic speed appropriate to the road and traffic conditions. You should approach all hazards at a safe, controlled speed, without being over cautious or interfering with the progress of other traffic. Always be ready to move away from junctions as soon as, it is safe and correct to do so, driving excessively slowly can create dangers for yourself and other drivers,

21 Junctions (including roundabouts)

You should be able to judge the correct speed of approach so that you can enter a junction safely and stop if necessary. Position your vehicle correctly. Use the correct lane - if you are turning right, keep as near to the centre of the road as is safe. Avoid cutting the corner when turning right. If turning left, keep over to the left and do not swing out. Watch out for cyclists and motorcyclists coming up on your left and pedestrians who are crossing, you must take effective observation before moving into a junction and make sure it is safe before proceeding.

22 Judgements

Only overtake when it is safe to do so. Allow enough room when you are overtaking another vehicle. Cyclists and motorcyclists need as much space as other vehicles; they can wobble or swerve suddenly. Do not cut in too quickly after overtaking. Take care when the width of the road is restricted or when the road narrows. If there is an obstruction on your side or not enough room for two vehicles to pass safely, be prepared to wait and let the approaching vehicles through.

When you turn right across the path of an approaching vehicle, make sure you can do so safely, other vehicles should not

have to stop, slow down or swerve to allow you to complete your turn.

23 Positioning

You should position your vehicle sensibly, normally well to the left. Keep clear of parked vehicles and position correctly for the direction that you intend to take. Where lanes are marked, keep to the middle of the lane and avoid straddling lane markings. Do not change lanes unless necessary.

24 Pedestrian Crossings

You should be able to recognise the different types of pedestrian crossing and show courtesy and consideration towards pedestrians. At all crossings you should slow down and stop if there is anyone on the crossing. At zebra crossings you should slow down and be prepared to stop if there is anyone waiting to cross. Give way to any pedestrians on a pelican crossing when the amber lights are flashing. You should give way to cyclists as well as pedestrians on a toucan crossing and act correctly at puffin crossings.

25 Position / Normal Stops

Choose a safe, legal and convenient place to stop, close to the edge of the road, where you will not obstruct the road and create a hazard. You should know how and where to stop without causing danger to other road users.

26 Planning

You must be aware of other road users at all times. You should always think and plan ahead so you can judge what other road users are going to do, predict how their actions will affect you and react in good time. Take particular care to consider the actions of the more vulnerable groups of road users such as pedestrians, cyclists, motorcyclists and horse riders. Anticipate road and traffic conditions, and act in good time, rather than reacting to them at the last moment.

27 Ancillary Controls

You should understand the function of all the controls and switches, especially those that have a bearing on road safety. These include indicators, lights, windscreen wipers, demisters and heaters. You should be able to find these controls and operate them correctly when necessary, without looking down. You may now use www.dsa.gov.uk to re-book your practical driving test online.

28 Health Declaration

You must declare any change to your health status since you last applied for a licence. It is a criminal offence for you (or anyone else) to make a false statement in order for you to obtain a driving licence and can lead to prosecution.





HACKNEY CARRIAGE / PRIVATE HIRE ASESMENT EXPLAINED

TPH25D

1a Eyesight Test

At the start of the test the examiner asked you to read a vehicle registration number. If you required glasses or contact lenses, you must wear them whenever you drive. If you had problems with the eyesight test, perhaps you should consider consulting an optician.

1b Highway Code Safety

If you didn't need to take a separate theory test, for example to obtain a licence for a tractor or other specialist vehicle, you will have been asked questions on the Highway Code and other related motoring matters.

You will have also been asked to identify some traffic signs. If you had difficulty with these questions make sure that you study properly by reading as wide a range of publications as you can to increase your understanding. If you have already passed a theory test you will not have been asked Highway Code questions at the practical test stage; but you should still have a thorough knowledge of it.

Safety questions (if applicable) - you should know the location of, and be able to operate, safety components such as fire extinguisher, fuel cut-off switch and emergency door.

On taxi tests, you will additionally be asked 'Cabology' questions (General questions relating to taxis and taxi driving)

2 Controlled stop

You will need to be able to display a high level of skill in bringing your vehicle to a stop, safely, promptly and under full control avoiding locking the wheels. Remember that in wet weather it can take twice as long to stop safely.

3, 4 and 5 Reverse exercises

You will need to display the ability to control the vehicle safely whilst reversing to the left, right, when parking on the road or into a parking bay.

You must take good effective all round observation throughout the manoeuvre and show consideration to other road users.

6 Turn in the road

You will need to display the low speed control and observation skills necessary to carry out this exercise safely with due regard for other road users and pedestrians.

7 Vehicle Checks

You will need to display to the examiner a basic knowledge of the fundamental safety checks applicable to your vehicle, for example safe fluid levels, lighting and tyre checks.

8 Taxi manoeuvre

You must be able to display the ability to turn your car around by whatever means available, making sure you take effective, all round observation showing consideration to other road users and pedestrians.

You should control your vehicle smoothly making proper use of the clutch, accelerator, brakes and steering. You should not use a driveway or allow your vehicle to mount the pavement as this could damage your vehicle.

9 Taxi wheelchair

You should be able to securely erect wheelchair ramps, safely install the wheelchair and an imaginary wheelchair occupant into your vehicle, ensuring the wheelchair and its occupant are secured in readiness for the journey then reverse the entire process.

10 Vehicle & trailer combinations (uncoupling / re-coupling)

You will need to demonstrate the skills necessary when uncoupling and re-coupling your vehicle, driving the towing vehicle to a designated position prior to re-coupling safely.

11 Precautions

Before you start the engine make sure that you are comfortably seated and all controls can be safely operated.

12 Control

This section covers, where appropriate, the safe and controlled use of accelerator, clutch, gears, footbrake, parking brake, and I steering. Additional specific control elements apply to the drivers of different vehicle categories.

Always try and use the vehicle controls as smoothly as possible. This means less wear and tear on your vehicle and a smoother ride for your passengers. Make proper use of your accelerator and clutch to make a smooth start. Always depress the clutch just before you stop. Select the correct gear to match the road and traffic conditions. Change gear in good time but not too soon before a hazard. Do not allow the vehicle to coast by running on in neutral or with the clutch depressed.

There should be no need to look down at the gear lever when changing gear. Use the footbrake smoothly and progressively. Brake in plenty of time for any hazard. Make full use of the parking brake whenever it would help you to prevent the vehicle rolling backwards or forwards, and if you are parking. Steer the vehicle as smoothly as possible.

Avoid harsh steering, or steering too early or too late as it may cause you to hit the kerb or swing out towards another road user. If you are riding a motorcycle slowly, maintain a straight line and do not allow the machine to wobble towards other vehicles.

13 Move off

You will need to demonstrate your ability to move off smoothly and safely on the level, on a gradient and at an angle taking the correct precautionary observations.

14 Use of mirrors - Rear observations

Use all the mirrors fitted to your vehicle safely and effectively. You must always check carefully before signalling, changing direction or changing speed. Use the Mirrors Signal Manoeuvre (MSM) routine effectively.

15 Signals

You must signal clearly to let others know what you intend to do. You should only use the signals shown in the Highway Code if it would help other road users (including pedestrians).

Always signal in good time and ensure that the signal has been cancelled after the manoeuvre has been completed. Do not beckon to pedestrians to cross the road.



Licensing and Regulatory Committee**4 September 2009**

Report of the Director of Neighbourhood Services

DESIGNATED PUBLIC PLACES ORDER – CLARENCE GARDENS**Summary**

1. This report advises members of a petition presented at Council on 9 July 2009 requesting that the council “ban the consumption of alcohol in Clarence Gardens” following concerns of an increasing level of disturbance resulting from “inappropriate drinking” and the actions taken by officers.

Background

2. Under section 13 of the Criminal Justice and Police Act 2001 powers exist for a local authority to make a Designated Public Places Order (DPPO) where there is alcohol related nuisance or annoyance to the public in an area. The effect of an order is that the police have powers to require a person to stop drinking alcohol in that area and to request the surrender of alcohol in any opened or sealed container. Failure to comply is an arrestable offence and subject to a maximum fine of level 2, currently £500.
3. During Autumn 2008 concerns were being expressed by local ward councillors and council officers that people drinking alcohol in Clarence Gardens and the adjoining children’s play area were causing nuisance and disturbance to other users of the facilities. At that stage evidence started to be collected to evaluate the potential to make a DPPO.
4. In the spring of 2009 problems escalated. Reports of drinkers fighting, using foul and abusive language, intimidating other garden users, vandalism and littering were received.
5. Work on cutting back shrubbery to increase visibility was undertaken. Meetings occurred with the police and Arc Light staff regarding the problems.(It should be noted that problems existed before the hostel moved into the area and subsequently not all those involved in antisocial drinking are from the hostel). Anti social behaviour still continued.
6. In May 2009 support was sought of North Yorkshire Police for the making of a DPPO, full support was received. Support was also received from ward councillors. A 324 name petition was received signed by local residents and

users of the gardens requesting that the council ban the consumption of alcohol in the area. This petition was presented to full council on 9 July 2009.

7. In accordance with the statutory procedure for making an order a public notice was placed in the Press on 16 July 2009 seeking any representations to the making of the order to be submitted by the 17 August 2009. No representations were received.
8. Accordingly, under officer delegation, the order has now been made. It must be publicised in the local press and will come into force when signage has been erected in the area to advise users of its existence.

Consultation

9. Full statutory consultation has been carried out as outlined in the report.

Options

10. This report is for members' information as a petition has been submitted to the council.

Analysis

11. Members will note that the effect of the order is not a total ban on the consumption of alcohol in the area but gives the police powers to deal with anti social drinking. The success, or otherwise, of the order relies on its enforcement by the police.

Corporate Strategy

12. The control of the consumption of alcohol in public places contributes to making York a safer city.

Implications

Financial

13. The cost of making the order will be in the region of £2,000 and will be met from existing budgets.

Human Resources (HR)

14. None.

Equalities

15. None.

Legal

16. The correct legal procedure has been followed in the making of the DPPO.

Crime and Disorder

17. The additional powers granted to the police under the terms of the order will assist in effective control of anti social behaviour in the area.

Information Technology (IT)

18. None.

Property

19. None.

Other

20. None.

Risk Management

21. There is no risk to the council in making this order as all legal processes have been followed.

Recommendations

22. Members are asked to note the content of this report.

Contact Details

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Chief Officer Responsible for the report:

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Assistant Director (Neighbourhoods and
Community Safety)

Report Approved



Date 17/8/09

Specialist Implications Officer

Legal – Sandra Branigan

Tel 01904 551040

Wards Affected: Clifton and Guildhall



For further information please contact the author of the report.

Background Papers:

Criminal Justice and Police Act 2001

Annexes

None

RH/GE

17 August 2009

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