



18 September 2017

Dear Sir/Madam

A meeting of the Licensing and Appeals Committee will be held on Tuesday, 26 September 2017 in the New Council Chamber, Town Hall, Beeston at 10.00am.

Should you require advice on declaring an interest in any item on the agenda, please contact the Monitoring Officer at your earliest convenience.

Yours faithfully

Chief Executive

To: Members of the Licensing and Appeals Committee:

E H Atherton	R D MacRae
D Bagshaw	J C Patrick
D A Burnett (Chair)	M E Plackett
M J Crow	K E Rigby
T A Cullen	P D Simpson
W J Longdon (Vice Chair)	A W G A Stockwell

## AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest in any item on the agenda.

3. MINUTES

PAGES 1 - 3

The Committee is asked to confirm as a correct record the minutes of the meeting held on 13 June 2017.

4. LICENSING OF ULTRA LOW EMISSION VEHICLES PAGES 4 - 7

To ask members to consider licensing ultra-low emission vehicles in support of the current Hackney Carriage and Private Hire Licensing Policy emissions standard.

5. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 TOWN POLICE CLAUSES ACT 1847 HACKNEY CARRIAGE/ PRIVATE HIRE VEHICLES POLICY IN RESPECT OF PEDICABS PAGES 8 - 27

The Town Police Clauses Act 1847 permits the Council to grant licences for hackney carriages and the imposition of conditions on such vehicles. The Local Government (Miscellaneous Provisions) Act 1976 authorises the licensing of private hire vehicles and imposition of conditions on such vehicles. Before granting licences the Council, as Licensing Authority, must be satisfied that any vehicle is safe and suitable to be licensed as a hackney carriage or private hire vehicle.

6. EXCLUSION OF PUBLIC AND PRESS

**The Committee is asked to RESOLVE that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Schedule 12A of the Act.**

7. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 HACKNEY CARRIAGE/ PRIVATE HIRE DRIVER'S LICENCE PAGES 28 - 38

8. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 HACKNEY CARRIAGE/ PRIVATE HIRE DRIVER'S LICENCE PAGES 39 - 54

9. HACKNEY CARRIAGE AND VEHICLE LICENSING POLICY AMENDMENT PAGES 55 - 58

10. APPEAL AGAINST STAGE 2 DECISION UNDER THE COUNCIL'S GRIEVANCE POLICY PAGES 59 - 60

. BUNDLE A

# LICENSING AND APPEALS COMMITTEE

13 JUNE 2017

Present: Councillor D A Burnett, Chair

Councillors: E H Atherton	J C Patrick
D Bagshaw	M E Plackett
M J Crow	M Radulovic MBE
T A Cullen	P D Simpson
W J Longdon	A W G A Stockwell
R D MacRae	

An apology for absence was received from Councillor K E Rigby.

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. MINUTES

The minutes of the meeting held on 16 May 2017 were confirmed as a correct record.

3. LICENSING TRAINING

The Licensing Manager gave a presentation appraising members of all aspects of the Council's licensing functions and the Senior Solicitor advised the Committee in accordance with the Rules of Natural Justice, the Seven Principles of Public Life and members' interests.

Councillors Crow, MacRae and Radulovic did not attend the training presentation.

4. RESPONSE TO THE CONSULTATION ON THE COUNCIL'S HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

The Committee was advised of the results of the consultation on the new Hackney Carriage and Private Hire Licensing Policy, having been circulated with the Schedule of Responses prior to the meeting.

In relation to the Convictions and Fitness Policy, in view of the county-wide impact of the Policy, the Council's legal team had suggested that the policy be revisited at the Nottinghamshire Licensing Group (NALG) to maintain the level of commonality across the county. NALG was due to meet at Broxtowe on 7

July 2017 when the policy would be on the agenda. The revised policy would be brought back to the Licensing and Appeals Committee for approval.

**RESOLVED that the revised Hackney Carriage and Private Hire Licensing Policy be approved for adoption, subject to delegation of any minor amendments to be made by the Head of Public Protection in consultation with the Chair of the Licensing and Appeals Committee.**

5. EXCLUSION OF PUBLIC AND PRESS

**RESOLVED that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 2, 3 and 7 of Schedule 12A of the Act.**

6. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976  
HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

The Committee noted the hearing procedure, with particular reference to the Council's policy, natural justice and the code of conduct.

Members considered the representations made by the applicant, who appeared in person, the Council's licensing representative, the relevant legislation and the Council's Licensing Policy.

**RESOLVED that the applicant is a fit and proper person to hold a hackney carriage/private hire driver's licence and the application be granted.**

7. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976  
TOWN POLICE CLAUSES ACT 1976 – HACKNEY CARRIAGE/  
PRIVATE HIRE VEHICLES

The Committee noted the hearing procedure, with particular reference to the Council's policy, natural justice and the code of conduct.

The Council had been approached with a proposal to licence Electric Tricycles (Tuk Tuks). As these fall outside the current specification it was considered appropriate that members determine the matter. The applicant attended the meeting to speak in support of his application and a vehicle was provided for members' viewing and consideration.

Members were not satisfied that the vehicles were safe and suitable to be licensed as a hackney carriage or private hire vehicle since the application fell outside of the Council's specification relating to the licensing of vehicles. However, the Committee was minded to be supportive of the application in

principle, subject to the approval of relevant policy guidelines relating to the licensing of Tuk Tuks as hackney carriage/private hire vehicles.

**RESOLVED to defer the decision to grant/refuse a vehicle licence for 'electrical tricycles' (Tuk Tuks) subject to the approval of relevant policy guidelines relating to the licensing of Tuk Tuks as hackney carriage/private hire vehicles.**

## Report of the Chief Executive

**LICENSING OF ULTRA LOW EMISSION VEHICLES**1. Purpose of report

To ask members to consider licensing ultra-low emission vehicles in support of the current Hackney Carriage and Private Hire Licensing Policy emissions standard

2. Background

On 13 June 2017 The Licensing and Appeals Committee approved the new Hackney Carriage and Private Hire Licensing Policy after an 8 week consultation.

Part of the policy in 6.3 deals with the age and emissions of licensed vehicles (See appendix 1)

3. Detail

The current policy does not make mention of ultra-low emission vehicles such as the Nissan Leaf which has no quoted cubic capacity (cc). Currently the requirement is 1500cc minimum. There are other current criteria that such vehicles do not meet. However a number of enquiries have been made to the licensing team asking for further details of licensing such vehicles. It is proposed to amend the policy to allow for the licensing of such vehicles. The proposed amendments are contained in appendix 2

Licensing such vehicles will endorse the Council's commitment to improving air quality in the Borough and support the current Air Quality Management Plan.

**Recommendation**

**The Committee is asked to CONSIDER the matter and APPROVE amendments to the Hackney Carriage and Private Hire Licensing policy.**

Background papers

Nil

## APPENDIX 1

**Broxtowe Borough Council Hackney Carriage and Private Hire Licensing Policy****6.3 Vehicle age and emissions**

Licence plates for hackney carriage and private hire vehicles under 5 years old are issued annually and following a successful examination of the vehicle, plates will be issued. The old plates must be surrendered before new plates will be released. When a vehicle has reached the age of 5 years it will, on the next renewal, be licensed on a six monthly basis.

Subject to the vehicle successfully passing the examination, the vehicle will continue to be renewed up to the age of 8 years. Vehicles over the age of 8 years will not normally be licensed by the Council unless they are wheelchair accessible. Wheelchair accessible vehicles will normally be renewed up to the age of 10 years.

Where vehicles do not comply with the current vehicle age conditions, application may be made for an exceptional conditions test. This will normally take place at least two months before the expiry of the current licence so that should the vehicle fail the test, the applicant will have sufficient time to source a new vehicle. Further details of the exceptional condition process can be found in appendix H.

**Emissions**

The Environment Act 1995 and subsequent Regulations require local authorities to review and assess air quality on a regular basis. Where air quality falls below the national standards, the Council is required to declare an Air Quality Management Area (AQMA) and develop a plan which identifies how air quality standards will be improved.

In the Nottingham conurbation, vehicle exhaust emissions are a principal source of air pollution and this has resulted in the creation of several AQMAs along major roads including those within the City area. In this area, the levels of annual mean nitrogen dioxide do not comply with EU and national law. There is potential for the UK Government to be fined for breach of the EU limit values post 2015, and infringement proceedings have already been instigated by the European Commission.

It appears that a Clean Air Zone will be created by Nottingham City Council before 2020, which will have the effect of limiting access to the city of certain vehicles, which includes taxis unless they meet strict emission standards. Vehicles which breach these emission limits may be liable for a penalty charge yet to be determined.

Broxtowe Council's current Air Quality Action Plan includes measures to improve air quality from transport, including supporting the improvement of the hackney carriage and private hire fleet by setting minimum emission standards for vehicles licensed in the Borough. The Council aims to ensure that hackney carriages and private hire vehicles are of a good standard. It recognises that the high mileage and general wear and tear sustained by vehicles will have an impact on their continued serviceability over a period of time.

In the interests of air quality, the Council applies vehicle emission standards for licensed hackney carriage and private hire vehicles as part of the licensing process. It is viewed that this is justifiable to ensure the sustained improvement of Broxtowe's taxi fleet and to positively impact on the health and environment in the Borough.

European emission standards define the acceptable limits for exhaust emissions of new vehicles sold in EU member states. The emission standards are defined in a series of European Union directives staging the progressive introduction of increasingly stringent standards. Euro 4 emission standards became mandatory in 2005, Euro 5 in 2009 and Euro 6 in 2014. However, some of the main manufacturers adopted these standards much earlier.

From 13th June 2017 all vehicles licensed for the first time by Broxtowe Borough Council will be required to meet the following Euro Emission Standard

- Diesel vehicles Euro 6
- Petrol vehicles Euro 5

These levels are in line with Nottingham City Council's Clean Air Zone proposals due to take effect in 2019.



**APPENDIX 2**

**Proposed amendments**

The Policy to be amended as follows:

In order to support Broxtowe Borough Council's current Air Quality Action Plan and allow zero emission electric and hybrid vehicles to be licensed, an amendment be made to the current vehicle specification contained in the Hackney Carriage and Private Hire Licensing Policy with regard to boot space to enable such vehicles to be considered for licensing.

**Appendix I para 7 (L)**

0.36 Cubic metres (360 Litres) 12.7 Cubic Feet Luggage Capacity.

**Section 6 Para 6.3 (Final paragraph and bullet list)**

From 13th June 2017 all petrol vehicles licensed for the first time by Broxtowe Borough Council will be required to meet the following Euro Emission Standard

- Petrol vehicles Euro 5

From 13th June 2017 all diesel vehicles licensed for the first time by Broxtowe Borough Council will be required to meet the following Euro Emission Standard

- Diesel vehicles Euro 6

From 26th September 2017 all electric vehicles licensed for the first time by Broxtowe Borough Council will be required to meet the following Euro Emission Standard

- Zero emission vehicles minimum 70 kW

Note: Hybrid vehicles will still be required to have a minimum 1500cc engine capacity.

These levels are in line with Nottingham City Council's Clean Air Zone proposals due to take effect in 2019.

## Report of the Chief Executive

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976  
TOWN POLICE CLAUSES ACT 1847  
HACKNEY CARRIAGE/PRIVATE HIRE VEHICLES  
POLICY IN REPECT OF PEDICABS**1. Purpose of report

The Town Police Clauses Act 1847 permits the Council to grant licences for hackney carriages and the imposition of conditions on such vehicles. The Local Government (Miscellaneous Provisions) Act 1976 authorises the licensing of private hire vehicles and imposition of conditions on such vehicles. Before granting licences the Council, as Licensing Authority, must be satisfied that any vehicle is safe and suitable to be licensed as a hackney carriage or private hire vehicle.

2. Background

Following the Licensing and Appeals Committee Meeting on 13 June 2017, and the consideration of a proposal to licence Electric Tricycles, Members were not satisfied that the vehicles were safe and suitable to be licensed as hackney or private hire vehicles but were minded to support the application in principle and **RESOLVED to defer the decision to grant/refuse a vehicle licence for 'electrical tricycles' (Tuk Tuks) subject to the approval of relevant policy guidelines relating to the licensing of Tuk Tuks as hackney carriage/private hire vehicles.**

Following the previous committee meeting and discussions with the applicant, it has been agreed that the vehicles will be considered for licensing as private hire vehicles.

The previous report is attached as appendix 1. Policy guidelines have been drawn up for consideration and are attached to the report as appendix 2.

**Recommendation**

**The Committee is asked to CONSIDER the policy guidelines and RESOLVE accordingly.**

Background papers

Nil

## Report of the Chief Executive

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976  
TOWN POLICE CLAUSES ACT 1847  
HACKNEY CARRIAGE/PRIVATE HIRE VEHICLES**1. Purpose of report

Under the above Acts the Council licenses hackney carriage and private hire vehicles within the Borough. Before granting licences the Council, as Licensing Authority, must be satisfied that the vehicle is safe and suitable to be licensed as a hackney carriage or private hire vehicle.

2. Background

The Chief Executive is authorised under the Council's scheme of delegation to issue licences for hackney carriage and private hire vehicles. A recent application for a vehicle licence falls outside of the specification detailed in the current terms and conditions document as amended by the Committee in February 2015. Details of the current specification are set out in appendix 1.

The Council has been approached with a proposal to licence "Electric Tricycles". As they fall outside the current specification it is considered appropriate that the matter be considered and determined by members. The applicant has been invited to attend the meeting and speak in support of his application and a vehicle will be provided for members viewing and consideration. Guidelines for the consideration of such an application, together with the hearing procedure, are contained in appendix 1.

**Recommendation**

**The Committee is asked to CONSIDER the matter and RESOLVE accordingly.**

- (a) Applicant FBN Taxi Rental Ltd  
2c Triumph Road  
Nottingham  
NG7 2GA
- (b) Consideration
1. Is the vehicle safe and suitable? Will passengers be comfortable?
  2. Should the vehicle be licensed as a hackney carriage vehicle or private hire?
    - a. Can a meter be fitted?
    - b. Can plates be fitted?
    - c. Will the vehicle be able to use the taxi ranks?
  3. Will advertising be allowed?
  4. How many passengers?
  5. Age limit?
  6. Should the vehicle be licensed for 6 months/12 months?
  7. Inspection regime?
  8. Specification?
  9. Conditions?
  10. Licensed Drivers? (Test?)
  11. Insurance?
- (c) Current Specification

#### SECTION 4

#### VEHICLE APPLICATION

1. Application forms are obtainable through the post by telephoning or writing to the Council Offices or by collecting them in person from the reception desk at the Council Offices, Foster Avenue, Beeston. Forms are also available on the Council's website, [www.broxtowe.gov.uk](http://www.broxtowe.gov.uk) (If applicants have difficulty in completing the forms, eg because of language difficulties, assistance will be provided). Application forms should be completed by applicants **in their own hand** and submitted with the following documents:-
  - a. Certificate of Insurance

For public (hackney carriage) or private hire use as appropriate, giving the names of any additional drivers.
  - b. Vehicle Registration Document

If the vehicle has been recently purchased and the registration document is at Swansea, the applicant must provide proof of ownership, ie receipted bill of sale, giving full details of the vehicle (including model, engine capacity, colour, chassis and engine numbers) and produce the registration document as soon as received.

c. MOT Certificate

For both hackney carriages and private hire vehicles an MOT Certificate is required after the first year of registration and thereafter.

## d. A seating plan is required for a vehicle being licensed for more than four passengers

e. Fee

The appropriate fee for the licence.

2. Conditions

a. Licence plates for vehicles under 5 years are issued annually, following a successful examination of the vehicle, new plates will be issued. The old plates must be surrendered before new plates will be released. When a vehicle has reached the age of 5 years it will, on the next renewal, be licensed on a six monthly basis. Subject to the vehicle successfully passing the examination, the vehicles will continue to be renewed up to the age of 8 years. Vehicles over the age of 8 years will no longer be licensed by the council unless they are wheelchair accessible. Wheelchair accessible vehicles will be renewed up to the age of 10 years.

b. If a licence is granted to you this will be subject to conditions. Standard conditions are contained in a later section of this booklet.

3. Vehicle Examinations

On receipt of all the above matters, an appointment will be made for the vehicle to be inspected at Kimberley Works Depot. The vehicle should be fully prepared in advance for the examination. If it is for the renewal of a licence, the plate and the top-sign, if applicable, should be fixed in the proper manner. If the application is for a new hackney carriage licence, the top-sign should be fitted. A licence plate will be issued on successful completion of the examination.

**Please note:** Non-attendance for a vehicle inspection, not notified to the council prior to the arranged appointment will incur a re-inspection fee charged at the current rate.

a. Applications for vehicle licences should **NOT** be submitted until you are sure the vehicle meets the required standard.

Reminders will be sent in good time before renewal is due. The reminder will include a date and time for the vehicle to be tested. Licence holders will be required to submit paperwork and the fee at least **seven days** prior to the inspection date which will be as close to the expiry date of the existing licence as possible. If it is impossible to make the appointed inspection our licensing staff will do their best to re-arrange this, but as much notice as possible is required.

If the application and confirmation of the inspection are not received in time it will be assumed that it is not intended to renew the licence which will be cancelled from its expiry date.

The licence plate must be returned immediately after expiry of the licence

***Please Note : Only one reminder will be sent.***

- b. IF THE VEHICLE FAILS THE INSPECTION a new licence will not be granted and an existing licence may be suspended or revoked. All defects must be rectified and the vehicle returned for re-inspection within seven days. Failure to comply will result in the revocation of the licence or refusal to grant it in the case of a new one. There may be a re-inspection charge.

In the case of new applications, a licence will not be granted to a vehicle older than five years from date of first registration. "Q" plates will not be accepted.

***Note :***

***Cars will not be inspected unless the engine, bodywork and interior of the cars have been cleaned.***

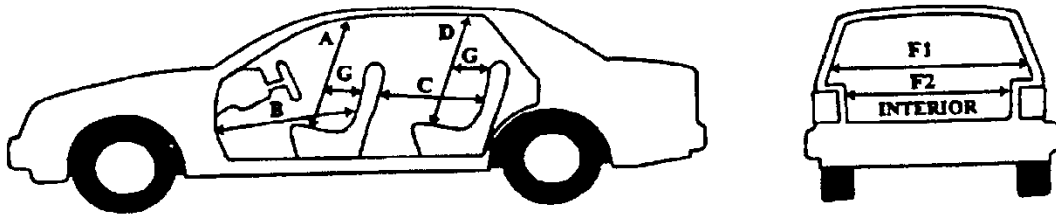
**SPECIFICATION FOR  
HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES**

**A VEHICLE MUST HAVE:-**

1. A minimum engine capacity of 1500cc (wef 03.02.2015).
2. Right hand drive.
3. Four passenger doors including the driver's door, except London-style cabs (Hackney Carriage only).
4. Seating
  - a. Seating should be for at least four, but not more than eight passengers in addition to the driver.
  - b. Rearward facing seats over or rearward of the rear wheels and axle(s) having normal access only through a rear door will not be permitted.
  - c. Folding or moving seats which are so constructed to provide access to other seats to which there is no direct access will not be permitted.
  - d. Sideway mounted seats will not be permitted.
5. Manufacturers gross vehicle weight for the tyres and suspension actually fitted to the vehicle must be sufficient for a minimum payload equal to a full fuel tank, the driver and the number of passengers for which a licence is requested (at 70kg per person) and luggage (at 20kg per passenger); and where propane or Liquid Petroleum Gas is used as the vehicle fuel, the weight of extra equipment must be within the gross weight limit).
6. Wheels and Tyres
  - (a) Four road wheels fitted with manufacturers recommended size tyres.

- (b) A spare tyre in accordance with the manufacturer's specification

7. Dimensions



- |    |   |  |
|----|---|--|
| A  | 93cm/36" min  | Cushion not compressed                   |
| B  | 96cm/37" min  | Seat fully rearwards                     |
| C  | 61cm/24" min  | Front seat fully rearward                |
| D  | 84cm/33" min  | Cushion not compressed                   |
| E  | 245cm/96" min   | Wheelbase                                |
| F1 | 133cm/52" min   | Interior width between doors             |
| F2 | 122cm/48" min   | Armrests                                 |
| G  | 25cm/10"  | Point of measurement parallel with squab |
| L  | 0.43 cu.m/15cu.ft (425Ltrs) min luggage capacity (hard luggage) |  |
8. A permanent roof which is watertight - a standard sun roof (ie sun roof fitted when new by manufacturer).
9. A separate locking luggage area (ie boot), or in the case of an estate vehicle, a permanent grille fitted sufficient to prevent luggage carried in the rear compartment from coming into contact with persons using the rear seat.
10. Seat belts for all passengers and drivers including rear irrespective of the age of the vehicle.
11. Nearside and offside exterior rear view mirrors.
13. Sufficient means by which a passenger can communicate with the driver.
14. An appropriate taxi meter (hackney carriages only). Hackney carriages shall be fitted with an approved taxi meter containing ONLY the fare rates approved by the Council. Private hire cars may be fitted with a meter set at rates approved by the operator, which must be declared to the Council in advance and which will be checked prior to the sealing of the meter. All meters will be sealed following inspection.
- If a private hire vehicle is not fitted with a meter at the time of the examination but is subsequently fitted, this must be declared to the Council immediately and the meter will then be checked and sealed.
15. The official rates of fare on display so as to be visible to all passengers in hackney carriages or a notice in private cards showing that the Operator has set the fare rates.
16. An MOT Certificate which must be produced on application (where applicable).

**NOTE: An MOT Certificate is required for hackney carriage and private hire vehicles after the FIRST YEAR of registration.**

17. A clean and smart appearance both externally and internally with a uniform body colour and free from signs of rust, corrosion and damage.
18. Tinted windows will not normally be permitted.

#### EQUIPMENT

1. Spare wheel and tyre - properly stored to protect passengers' luggage.
2. Jack.
3. Wheelbrace.
4. The vehicle shall be fitted with a first aid kit and a Dry Powder type fire extinguisher or other such type as accepted by the Council of at least 1 kilogramme capacity. The first aid kit must be carried in the passenger compartment of the vehicle. Both the first aid kit and the fire extinguisher must be fitted in such positions as to be readily available for use and bear the registered numbers of the vehicle indelibly marked. The fire extinguisher may be secured in the boot area provided a sign to that effect is displayed prominently and legibly inside the vehicle.
5. An approved first aid kit.

The first aid kit shall be carried in the passenger compartment and be clearly indicated. It should contain, **as a minimum**, the following items as prescribed in the Health and Safety (First Aid) Regulations 1981:-

- a. Serviceable box, roll, satchel or other suitable container in which to carry first aid items, **permanently marked with the vehicle registration number**
  - b. Basic instruction card covering expired air respiration, external cardiac compression, treatment of shock, recovery position and treatment for bleeding control (1)
  - c. Triangular bandages (2)
  - d. Large, sterile, unmedicated dressing (1)
  - e. Individually wrapped sterile adhesive dressings (6)
  - f. Safety pins (at least 2)
  - g. Individually wrapped moist cleansing wipes (6)
6. The vehicle shall carry a current Nottinghamshire A-Z map.



## VEHICLE TESTING

The vehicle will be tested in accordance with the MOT Testing Manual and the Local Authority Supplementary Testing Manual - copies of which are lodged with the main vehicle operators in Broxtowe and at the three Council Offices (Beeston, Eastwood and Stapleford) where they can be inspected during normal office hours. Individual copies can be supplied on request at a cost of £10.00 plus postage.

## ROAD TEST

The meter will be checked to ensure it complies, in the case of hackney carriages with the Council's prescribed rates currently in force or in the case of private hire vehicles with the rates declared by the operator. Private hire vehicles do not have to be fitted with a meter but where one is fitted it must be checked and sealed.

Vehicles which are designed to carry more than four persons may be licensed provided they comply as follows:-

(A seating plan must be agreed with the Licensing Department.)

1. Purpose-built London-style cabs may be licensed for five passengers (in the rear compartment) as hackney carriages.
2. Saloon cars with three rows of seats (ie up to seven passengers) may be licensed provided that, in emergency, passengers in the rear seat can leave the vehicle without having to climb over or tip up the seat in front.
3. A vehicle licence may be granted in respect of a minibus constructed or permanently adapted to carry up to but not exceeding eight passengers, ie eight seats plus the driver's seat, in which case the following requirements will also apply:-

Side-facing seating **WILL NOT** be permitted.

There must be appropriate emergency exit facilities - ie **TWO** unobstructed means of escape/exit.

**All luggage carried in the vehicle must be adequately secured by means of guards, straps or other suitable luggage restraints to prevent it from coming into contact with persons travelling in the vehicle. If one of the emergency doors is via a rear exit, luggage must not be stored in such a way as to hinder the use of that door.**

***NOTE:** Vehicles with more than eight passenger seats are small buses and cannot be licensed by the local authority. Operators wishing to use such vehicles should contact the Department of Transport/Traffic Commissioners. However, if a vehicle constructed to carry nine or more passengers is adapted or modified to reduce its capacity to eight or less, this conversion must be of a permanent nature and any such conversion must be notified to HM Customs and Excise immediately on completion of the conversion. Failure to do so may result in legal proceedings against the owner and/or convertor.*

**SECTION 5****VEHICLE LICENCE CONDITIONS**

Both the licence holder and driver shall observe and perform the following terms and conditions:-

**Licence Plates and Signs**

1. (a) Cause the number of the licence to be fixed and displayed on the vehicle at all times during which the vehicle is being used as a hackney carriage or private hire vehicle. The number is to be displayed by means of the licence disc and the licence plates issued by the Council.
  - (b) The licence plates shall be fixed and displayed externally to the **front and rear** of the vehicle, **the larger plate being affixed to the rear**. Both shall either be on the bumper or immediately above or immediately below it in such a position that the vehicle's registration mark is not obscured, with the particulars thereon facing outwards and in such a manner and place that the licence plate is **in the opinion of the Council** clearly visible. **Both** shall be affixed with **at least two screws** or on a **purpose made bracket** obtainable from local suppliers.
  - (c) The licence disc shall be fixed and displayed inside the vehicle windscreen in such a manner and place that the particulars thereon are clearly visible to a passenger being conveyed in the vehicle and persons outside.
2. The licence disc and plates referred to in condition 1 shall remain the property of the Council and shall be returned forthwith to the Licensing Clerk, Regulatory Services, Resources Directorate Broxtowe Borough Council, Council Offices, Foster Avenue, Beeston, Nottingham, NG9 1AB as soon as the licence holder no longer holds a licence issued by the Council which is in force in respect of the vehicle.

**Authority to Inspect Vehicles and Conduct Vehicle Inspections**

3. (a) An authorised officer of the Council or any person authorised by Regulatory Services, Resources Directorate or any police constable shall have the power at all reasonable times to inspect and test any **hackney carriage or private hire vehicle** licensed by the Council for the purpose of ascertaining its fitness.
  - (b) If the authorised officer of the Council or authorised person or the police constable is not satisfied with the fitness of the licensed vehicle, the **driver, proprietor or operator** shall, after being notified in writing, present the vehicle at the time and place specified for an examination.
4. Without prejudice to the provisions of condition 3 above, the **driver, proprietor or operator** shall present the hackney carriage or private hire vehicle for inspection and testing at such time as is specified in a notice served upon him by an

authorised officer of the Council or authorised person or any police constable requiring him to do so.

5. (a) If the authorised officer or authorised person or police constable is not satisfied as to the condition of the vehicle upon completion of the inspection required by condition 3(b) or condition 4, as the case may be, he or she may immediately suspend the vehicle licence and the **driver, proprietor or operator** shall forthwith upon being required to do so by the authorised officer or authorised person or police constable, cause the licence plate and licence disc to be removed from the vehicle and handed to the authorised officer or authorised persons or police constable who shall keep it in his custody until such time as he is satisfied as to the condition of the vehicle, whereupon the licence plate will be returned to the **driver, proprietor or operator**.
  - (b) An authorised officer of the Council, on inspecting a vehicle in the course of his or her duty and requiring it to be examined for the purposes of ascertaining its fitness, may suspend the use of such vehicle (and remove the disc and licence plate) until the examination has been carried out.
  - (c) The powers of suspension and removal in section (b) above shall also apply in the event that the vehicle inspected is unclean.
6. Without prejudice to the provisions of Conditions 3, 4 or 5 above, the vehicle shall be subject to an annual mechanical examination which will be conducted by the Council or its authorised representatives. Vehicles aged 5 years or more will be required to be examined twice a year.

### **Vehicles - General**

7. The vehicle shall be kept clean and well maintained in every way fit for public service.
8. The vehicle will only be permitted to carry the number of persons specified on the licence irrespective of whether they are children or not.
9. All vehicles shall be fitted with seatbelts, one for each passenger, plus the driver, which shall be readily accessible for use and maintained in a usable state of repair.

### **Vehicle Documentation**

10. At all times during the currency of the licence, there shall be in force:-
  - (a) A policy of insurance complying with the requirements of Part IV of the Road Traffic Act 1972
  - (b) A current vehicle excise licence.
  - (c) A Ministry of Transport (MOT) Certificate if relevant.

- (d) On being so required by an authorised officer, the driver shall produce to that officer for examination the certificate of insurance provided that if the driver fails to produce such certificate to that officer on request, he or she shall within seven working days of such request, produce it to that officer or to any other officer at the office of Regulatory Services, Resources Directorate, Broxtowe Borough Council, Council Offices, Foster Avenue, Beeston, Nottingham, NG9 1AB.
- (e) The operator or driver shall also produce, when required, the vehicle registration document and MOT certificate.
- (f) Licenses for vehicles not having the required documentation will be suspended.

### **Advertising on Vehicles**

11. Advertising is only permitted on the front door panels and is restricted to the company name and telephone number.

All private hire vehicles shall display on each side of the vehicle a sign stating the name of the operating company and the wording "Private Hire Advance bookings only"

- The company name shall be in letters at least 25mm high.
- The words "Advance bookings only" shall be in letters at least 25mm high.
- The words "Private Hire" shall be in letters at least 50mm high.
- The cost of the signs will be borne by the operator of the company.

### **HACKNEY CARRIAGE ONLY**

#### **Roof Signs**

12. (a) The hackney carriage (not being a purpose-built London-style vehicle) shall carry upon the roof a sign which shall bear to the front the words "FOR HIRE/TAXI" and to the rear the words "BROXTOWE BOROUGH COUNCIL NO." together with the carriage licence number. The sign required by this Condition shall be capable of being illuminated internally in such a manner that the above words are illuminated at all times when the vehicle is plying for hire but *not otherwise* and such sign shall be fixed in such manner and position and be of such size as shall be approved by the Council.
- The Licence holder and driver of the hackney carriage shall maintain such sign in efficient working order at all times. The sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire.

The basic sign is a standard 45cm/18in design. The sign shows green to the front with white lettering and the word 'TAXI' in 56mm tall letters with 'FOR HIRE' in 20mm tall letters above.

The rear of the sign shows a red light when illuminated and bears the words BROXTOWE BOROUGH COUNCIL in black 25mm lettering and No ..... in black 30mm letters and numbers. The sign shall only be illuminated when the vehicle is legally available for hire.

- (b) The rear facing illuminated section of the sign shall show a red light when switched on and the front shall show a green light.
- (c) If the hackney carriage is a purpose-built London-style vehicle - with a built-in sign bearing the word "TAXI" to the front - it shall be exempt from the requirement of Condition 12(a) above regarding the rear wording provided it is illuminated at all times when legally plying for hire.

### **Fare Meters and Fares for Hackney Carriages**

- 13. The hackney carriage shall be so constructed or adapted as to be capable of carrying a fare meter in a position acceptable to the Council and the face of the meter, showing the fare, shall be visible to all passengers.
- 14. The licence holder and driver of the hackney carriage shall cause the official rates of fare to be exhibited in the carriage as to be clearly visible by all passengers. The licence holder and driver shall ensure that at all times the table of fares are kept in such condition that all lettering thereon is clearly visible to the passengers and shall renew the same cards as often as is necessary in order to comply with these conditions. A dditional copies of the cards may be obtained from the Council.
- 15.
  - (a) The fare displayed on the taxi meter for the use of the vehicle when plying for hire within the district shall be strictly at the rate calculated in accordance with the scale of fares determined from time to time by the Council. The fare recorded shall be in figures, clearly legible and free from ambiguity and shall still apply even if the vehicle is used on a metered private hire journey.
  - (b) The meter shall only be brought into operation at the pick-up point of the journey.
  - (c) Only one charge shall be made for the journey. No separate fares are allowed.
- 16. The meter shall only contain microchips capable of recording the fares specified by the Council.

At times when extra charges apply, ie after 12:00 midnight, Bank Holidays, etc, these charges shall be recorded in and displayed on the meter as alternative rates.

17. Every hackney carriage shall have a provision for the carriage of a reasonable amount of luggage per passenger (at least 0.425 cubic metres (15 cubic feet or 425 litres) of available space) and the fare charged shall be for the hire of the hackney carriage and there shall be no extra charge for luggage.

**Licence Holders of Hackney Carriages and Private Hire Vehicles**

18. (a) The licensee shall not, within the borough of Broxtowe, act as a driver of a vehicle unless he has a current hackney carriage/private hire driver's licence issued to him by the Council.
- (b) The licence holder/driver shall not, within the borough of Broxtowe, employ or use or permit any person as a driver of the vehicle for the purposes of any hiring or permit or cause any other person to act as the driver of the vehicle for the purpose of any hiring unless the person holds a current hackney carriage/private hire driver's licence issued by the Council.
19. The licence holder/driver shall inform the Council in writing of any:-
- (a) Convictions or fixed penalty notices incurred, criminal or driving, during the period of the licence within seven days of the conviction;
- (b) County Court judgments in the case of bankruptcy, repossession order, etc within seven days of the judgment.
- (c) The licence holder must notify the Council in writing of any change of address (including any change of business address) during the period of the licence, within five working days of such change taking place.
- (d) The licence holder shall not assign or in any way part with the benefit of the licence. If he transfers his interest in the vehicle to any other person, he shall, not less than five working days after such transfer, give notice in writing thereof to the Council specifying the name and address of the person to whom the vehicle had been transferred.

**Documentation to be Maintained by Vehicle Licence Holders**

20. The licence holder shall maintain a list of the names and addresses of all persons employed, or otherwise used, by him or her for the purposes of driving the vehicle, and shall make such a list available for inspection by the Council on demand.
21. A hackney carriage vehicle may be operated on a private hire basis on the terms and conditions applicable.
22. The licence holder and driver shall, as soon as reasonably practicable and in any case within seventy-two hours of any accident involving the vehicle, report the occurrence to the Council.

**Dual Licensing**

23. Dual licensing of vehicles (ie the licensing of a vehicle with two authorities) is **NOT** accepted by the Council.

24. A hackney carriage may not ply for hire outside the borough. The licence holder and driver shall be familiar with the precise borough boundaries.

If a rank, at the time of the driver's arrival, is occupied by the full number of carriages authorised to occupy it, the driver should proceed to another rank. On arriving at a rank not already occupied by the full number of carriages authorised to occupy it, the driver should station the carriage immediately behind the carriage or carriages on the rank and so as to face in the same direction. From time to time, when any other carriage immediately in front is driven off or moved forward, the driver shall cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

### **Special Events Vehicles**

25. Anyone wishing to licence a "special events vehicle" i.e. limousine, fire engine, etc must consult with the Licensing Department prior to doing so.

### **ROLE OF THE COMMITTEE**

1. For the purposes of its licensing functions, the Committee acts as an impartial quasi-judicial Licensing Authority. Its role is to determine whether licences should be granted, renewed or in cases where licensees fall below the standards required by the Authority, to revoke, suspend or warn those licensees.
2. In hearing cases, sufficient opportunity should be given to the applicant, and to the Council's licensing representative, to present their cases. The applicant is entitled to bring a friend or representative with them to support them in presenting their case or speak on their behalf. The hearing procedure is outlined below.
3. Both the applicant and the Council's licensing representative are open to cross-examination from each other and by the members of the Committee.
4. The cross-examination should take the form of questions only. It must be remembered that the purpose of the hearing is to hear both sides of the case and not to lecture the applicant, as regards the standard expected of him. If the applicant is found to be wanting in the standards expected, then the time for bringing this to his attention is after the Committee have made their determination.

### **HEARING PROCEDURE**

1. The Chairman will open the hearing and introduce the members of the committee and officers present.
2. The Chairman will ask the applicant and his/her representative to introduce themselves and state whether they intend to call witnesses.
3. The Chairman will remind (if necessary) the applicant that he/she can be represented by a legal representative at his/her own expense.
4. The Chairman will summarise the reason for the hearing.

5. The Chairman will ask the applicant or his/her representative to present his/her case and call any witnesses.
6. The Chairman will invite members to ask questions of the applicant/representative and witnesses.
7. The Chairman will invite the applicant/representative to sum up.
8. The Chairman will ask the applicant/representative to confirm that he/she has said all he/she wishes to.
9. The Chairman will confirm with the members that they have all the information they require to properly consider the matter.
10. The applicant and other parties present will leave the meeting so that the Committee can consider the matter in private.
11. The Clerk, legal adviser and licensing officer will remain to advise the members.
12. When the Committee has reached its decision, the applicant/representative will be invited back into the room. The Chairman will advise of the decision and the reason(s) for reaching it.
13. The Chairman will inform the applicant of the date on which the decision will take effect and of any right of appeal.

**An appeal to the Magistrates Court must be lodged within 21 days of the date on which written confirmation of the decision is received by the applicant.**



## APPENDIX 2

**Legislative Background**

S48 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a District Council must be satisfied that the vehicle is safe comfortable and secure before granting a licence.

*48 Licensing of private hire vehicles.*

(1) *Subject to the provisions of this Part of this Act, a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:*

*Provided that a district council shall not grant such a licence unless they are satisfied—*

*(a)that the vehicle is—*

*(i)suitable in type, size and design for use as a private hire vehicle;*

*(ii)not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;*

*(iii)in a suitable mechanical condition;*

*(iv)safe; and*

*(v)comfortable;*

*(b)that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of [F1Part VI of the Road Traffic Act 1988],*

*and shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licences are granted by the council.*

(2) *A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.*

(7) *Any person aggrieved by the refusal of a district council to grant a vehicle licence under this section, or by any conditions specified in such a licence, may appeal to a magistrates' court.*

**Issues of Potential Concern**

When considering the proposed policy amendments, members will need to consider the following matters which were raised at the previous meeting:

1. Is the vehicle safe and suitable? Will passengers be comfortable?
2. Should the vehicle be licensed as a hackney carriage vehicle or private hire?
  - a. Can a meter be fitted?
  - b. Can plates be fitted?
  - c. Will the vehicle be able to use the taxi ranks?
3. Will advertising be allowed?
4. How many passengers?
5. Age limit?
6. Should the vehicle be licensed for 6 months/12 months?
7. Inspection regime?
8. Specification?
9. Conditions?
10. Licensed Drivers? (Test?)
11. Insurance?

Councillors will note in Appendix 1 that there are a number of conditions to be complied with under the current policy approved on 13 June before a PHV can be licensed and the vehicles in question do not comply with those conditions.

It is important to note that neither of the pedicabs holds a vehicle safety standards approval and is therefore not subject to the structural safety testing and crashworthiness capability of vehicles approved under the standards. Licensing such a vehicle may be seen as endorsing that it is safe for the general public to be carried in the same manner as currently approved vehicles.

Neither the seater or 4 seater pedicab is suitable for disabled passengers and will not be able to carry wheelchairs or luggage.

Seat belts in both pedicabs are lap belts only and unsuitable for use by children under 14 years of age.

There are potential concerns in relation to the possibility of pedicab wheels becoming trapped in tram lines

The vehicles do not afford passengers protection from the elements which may be a concern in inclement weather.

### **Drivers**

It is proposed that ALL drivers of any vehicles licensed by the Council must comply with all current driver requirements. This will include an intended use of the pedicabs primarily within the Broxtowe Borough Council district. Note: There appears to be no training course available to Pedicab drivers. Councillors may wish to consider some test of cycling ability. The Licensing manager is making enquiries as to relevant training courses and will update Councillors at the meeting.

### **Vehicles**

The applicant has asked that both 2 passenger and 4 passenger pedicab vehicles be licensed. The 2 seater vehicle was presented to the Committee on 13 June 2017 and is pedal/battery operated with a maximum speed of 15.5 mph.

The 4 seater vehicle is battery powered only and has a similar top speed.

Both vehicles are referred to as pedicabs

The applicant has obtained V5 Vehicle Registration documents from the Driver and Vehicle Licensing Agency (DVLA) for the 4 seater battery powered pedicabs. These will be liable to an annual MOT test after reaching 12 months old, in the same manner as private hire vehicles. The Licensing Manager will be liaising with Garage staff at Kimberley to produce an inspection schedule for testing.

The 2 seater pedicabs will not be registered with DVLA as they have an element of pedal power which exempts them from the process. It is not envisaged that the vehicles will use cycle lanes due to their size. However both pedicabs will be required to meet normal cycle safety standards as set out in the specification.

### **Changes if Pedicabs are to be licensed**

If Councillors are minded to approve licensing of such vehicles, the vehicles will be licensed as PHVs and an Operator licence will be required under the current Private Hire Operator conditions.

The following vehicle Specifications, conditions and procedures will apply.

## **Pedicab Policy Conditions and Procedures (Appendix to Policy)**

### **Application Process**

1. PHV application form to be submitted.
2. Vehicle Registration Document (V5) document to be provided where appropriate.

3. Insurance certificate to cover private hire and reward. with a minimum of £5 million passenger risk cover.
4. MOT certificate if more than one year old (As per legislation) for 4 seater pedicab or an appropriate cycle test certificate
5. Appropriate fee as set out in the current schedule.
6. Vehicle must meet current applicable specifications as detailed in the Pedicab Vehicle Licence Conditions.
7. Taxi Plates to be affixed and displayed as required

### **Pedicab Vehicle Licence Conditions and Specification**

1. The pedicab must at all times comply with the requirements of the EN 15194 (EPAC – Electrically Power Assisted Cycles), Pedal Cycle (Construction and Use) Regulations 1983, the Pedal Bicycle (Safety) Regulations 2003 and the Road Vehicle Lighting Regulations 1989.
2. The pedicab will be so constructed that it has a minimum of three wheels, one at the front and at least two at the rear.
3. The pedicab must be fitted with a minimum of one front position light and a minimum of two rear position lamps and two rear retro reflectors. These lights must be powered by the vehicle battery.
4. The steering wheel when turned to full lock will not affect the stability of the pedicab when turning.
5. Tyres must comply with the following requirements:-
  - a. tread pattern clearly visible over the whole tread area
  - b. no exposed cords
  - c. the load ratings of all tyres must be suitable for a pedicab when fully loaded.
6. Any electrical installations to the pedicab must be adequately insulated, protected from passengers and any battery fitted must be of the type that does not leak.
7. There must be at least one mirror fitted to the offside of the pedicab in order to monitor other road users. A nearside mirror is also permitted.
8. The floor covering of the passenger compartment must be of a non-slip material which can be easily cleaned. Any holds or handles to aid passenger access or egress should be clearly identified with high visibility yellow markings.
9. Any canopy or roof, when fitted, must remain fixed in position until required to be raised or lowered which will be achieved by means of a locking mechanism to secure the canopy or roof when raised or lowered and must remain water-tight.
10. The front and rear seat dimensions must be adequate to accommodate two adult passengers based on a width of 450mm per passenger.
11. Visibility from the passenger compartment must not be restricted by the design of the pedicab.

12. If the canopy or roof restricts vision then clear panels should be fitted to aid vision.
13. Every pedicab licensed by Broxtowe Borough Council shall be fitted with seatbelts or lap belts which will be adequate to retain the passenger in the vehicle and must bear an EC or BSI mark. Where lap belts are fitted the pedicab shall not be used to convey children.
14. The rider's controls and the surrounding area of the controls must be so designed that the rider has adequate room. The rider must be able to easily reach and quickly operate the controls and give hand signals when required. The position of the rider's seat must not be such that it restricts access or egress to the passenger compartment.
15. All pedicabs shall be required to be fitted with an audible warning instrument (bell) complying with the Pedal Cycles (Safety) Regulations 2003.
16. A first aid kit must be carried at all times. Contents as specified in the current policy.
17. Pedicabs and all their fittings must be maintained to standards that meet these conditions of licence throughout the validity of the licence. They must be kept clean and in good order at all times and will be subject to tests and inspections. Any pedicab found to be not properly maintained may have its licence suspended until such time as it is re-presented for inspection having had the defect(s) rectified.
18. The materials used to form the passenger seats should be waterproof so that they will not absorb or retain water and should be constructed of a suitable fire-resistant material to BS 5852 Part 1, 1979 or equivalent.
19. The pedicab shall be of a design which has the rider to the front and passengers seated to the rear.
20. The pedicab shall not display any other signs or notices except those detailed above or approved by the Council.
21. The licensed proprietor shall immediately notify the Council of the name and address of any other proprietor or person concerned in the keeping, employing or letting for hire of the licensed pedicab.
22. Upon a change of proprietor, the Council shall be notified within 14 days of such change by the licensed proprietor (which expression includes both Companies and Partnerships).
23. The Council's Licensing Section shall be notified within 72 hours of the following:-
  - a. a) any accident or incident affecting the safety, performance or appearance of the licensed vehicle or the comfort or convenience of passengers,
  - b. b) any alteration in the design or construction of the vehicle which may affect its general condition or suitability for use as a pedicab.
24. The licensed proprietor of a pedicab shall permit the inspection of all documents relating to the licensed vehicle at all reasonable times and by prior arrangement by authorised Officers of the Council or Police Officers.

25. Every pedicab shall display licence plates, supplied by the Council, externally to the front and rear of the vehicle. so that it is clearly visible. The licence plate will remain the property of the Council and must be returned to the Council immediately upon a change of vehicle or when requested upon the suspension, revocation or expiry of a vehicle licence.
26. Licensed vehicles must also display a sign, supplied by the Council, inside the vehicle in a visible position to passengers, displaying the Council's details and the plate number of the vehicle.
27. The sign will remain the property of the Council and must be returned to the Council when requested upon the suspension, revocation or expiry of a vehicle licence.
28. A private hire driver's badge (ID badge) must be worn by the driver at all times when the rider is working,