

ASHFIELD DISTRICT COUNCIL



Council Offices,
Urban Road,
Kirkby in Ashfield
Nottingham
NG17 8DA

Agenda

Licensing Committee

Date: **Thursday, 22nd February, 2018**

Time: **6.30 pm**

Venue: **Committee Room, Council Offices, Urban Road,
Kirkby-in-Ashfield**

For any further information please contact:

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01623 457317

LICENSING COMMITTEE

Membership

Chairman: Councillor Cathy Mason

Councillors:

Lee Anderson
Tony Brewer
Helen Hollis
Nicolle Ndiweni
Paul Roberts
Mike Smith

Jim Aspinall
David Griffiths
Mick Murphy
Christine Quinn-Wilcox
Robert Sears-Piccavey
Sam Wilson

FILMING/AUDIO RECORDING NOTICE

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SUMMONS

You are hereby requested to attend a meeting of the Licensing Committee to be held at the time/place and on the date mentioned above for the purpose of transacting the business set out below.



R. Mitchell
Chief Executive

AGENDA

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1. **To receive apologies for absence, if any.**
2. **Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests.**
3. **To receive and approve as a correct record the minutes of the meeting of the Committee held on 15th September, 2016.** 5 - 6
4. **Licensing Authority Activity Report: 2017 Calendar Year.** 7 - 16
5. **Hackney Carriage and Private Hire Licensing Policy.** 17 - 44

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LICENSING COMMITTEE

Meeting held in the Committee Room, Council Offices, Urban Road, Kirkby-in-Ashfield,

on Thursday, 15th September, 2016 at 6.30 pm

Present: Councillor Mike Smith in the Chair;

Councillors Jim Aspinall, Chris Baron,
Helen Hollis, Glenys Maxwell, Mick Murphy and
Nicolle Ndiweni.

Apologies for Absence: Councillors Tony Brewer, Cathy Mason,
Paul Roberts and Robert Sears-Piccavey.

Officers Present: Peter Barrow, Chris Booth, Edd deCoverly
Alan Maher and Kieran Stockley.

L.1 Declarations of Disclosable Pecuniary and Non Disclosable Pecuniary/Other Interests.

Cllr Glenys Maxwell declared a Non Disclosable Non Pecuniary Other Interest on Item 4.

L.2 To receive and approve as a correct record the minutes of the meeting of the Committee held on 2 December 2015

The Minutes of the meeting of the Committee held on 2 December 2015 were approved as a true record.

L.3 Creation of a Hackney Carriage and Private Hire Licensing Policy

Members were told that the Council currently has in place several policy and guidance notes for the Hackney Carriage and Private Hire Taxi industry. However, it does not have a single overarching policy, covering both of them as a whole. The report to Committee recommended that the Committee should now follow national best practice by agreeing a new Hackney Carriage and Private Hire Licensing Policy for the District. This policy, it was explained, would apply to both new and existing drivers, vehicles and service operators. If agreed, the policy would be implemented from 17 October 2016.

The Committee was informed that there had been extensive consultation on the proposed new policy. A letter had been sent to all licensed drivers and private hire operators explaining the proposed policy and asking them for their views. The draft had also been placed on the Council's web site. Members were told that four responses had been received. Three of these had been in writing. The fourth was an oral response. Members considered the responses,

which were set out in the report. Several of the suggestions made by the respondents had been accepted and incorporated into the policy. Others had been rejected. The reasons why the suggestions had been accepted or rejected were discussed and supported by Members.

The Licensing Policy Officer, Peter Barrow, then explained in detail to the Committee what the new policy would cover and how it would differ from the existing policy framework. These changes, he stated, were set out in Section 3.9 of the report.

Members discussed the report and the proposed policy. During the discussion, they heard that as part of an ongoing inquest into a fatality by the Coroner all Nottinghamshire Hackney and Private Hire licensing authorities in the County had been asked to review their licensing policies and that as a consequence comparable reviews had or were taking place across Nottinghamshire. They also heard that the Coroner might make some specific recommendations to the authorities when the inquest concludes, which is expected to happen in October.

The Committee welcomed the fact that policy reviews had taken place across the County and that there would be greater convergence between authorities, in terms of how they approached the licensing of Private Hire and Hackney Carriages, which would benefit both the public and the industry.

At the conclusion of the meeting the Members of the Committee made it clear that they all supported the new policy and agreed that it be adopted.

RESOLVED

- a) That the Licensing Committee approves the Hackney Carriage and Private Hire Licensing Policy and that the policy be implemented on 17 October 2016;
- b) That the Licensing Committee agrees that authority for the Policy be applied to both new and existing applicants of Hackney Carriage and Private Hire Drivers, Vehicles and Operators;
- c) That the Licensing Committee delegates authority to the Service Director, Places and Communities, to make any minor amendments to the Policy.

Reasons

To establish an overarching policy for the licensing of the Hackney Carriage and Private Hire industry in the District.

The meeting closed at 7.05 pm

Chairman.

Report To:	LICENSING COMMITTEE	DATE:	22ND FEBRUARY 2018
Heading:	LICENSING AUTHORITY ACTIVITY REPORT: 2017 CALENDAR YEAR		
Portfolio Holder:	ENVIRONMENT		
Ward/s:	ALL		
Key Decision:	No		
Subject to Call-In:	No		

Purpose of Report

To inform the Licensing Committee of the progress made by the Licensing Authority in relation to the carrying out of the licensing functions during the 2017 calendar year.

Recommendation(s)

The Licensing Committee is recommended to:

- a) Note the content of the report; and**
- b) Make any comments and recommendations regarding the future work of the Licensing Authority.**

Reasons for Recommendation(s)

The report covers data on service volumes; details of licensing hearing decisions; decisions made under delegated powers; information on volumes of applications and enforcement activities.

The report also details the programmes of modernisation that have been put in to effect since December 2016, and the future workings of the Authority, in order for Members to provide feedback to the Licensing Team Leader.

Alternative Options Considered (With Reasons Why Not Adopted)

None.

Detailed Information

Introduction

This report has been created in order to bring to Members' attention the work carried out by the Licensing Authority during the 2017 calendar year, in order to promote the working of the Authority.

The Licensing Authority has a statutory duty to facilitate applications for licences, and to ensure compliance with rules and regulations by licence holders.

The matters detailed within this report have been carried out by Licensing Sub-Committees and Officers delegated with authority to determine applications relating to the following licensing functions.

Licensing Act 2003:	Alcohol / Regulated Entertainments / Late Night Refreshment
Gambling Act 2005:	Betting / Gaming / Small Society Lotteries
Local Government (Miscellaneous Provisions) Act 1976 Town Police Clauses Act 1847	Hackney Carriage & Private Hire (Drivers, Vehicles, Operators)
Town Police Clauses Act 1889	Omnibuses
Local Government (Miscellaneous Provisions) Act 1982	Sex Establishments / Street Trading Consents / Acupuncture / Electrolysis / Ear Piercing / Tattooing
Animal Boarding Establishments Act 1963	Kennels & Catteries and Home Boarding
Breeding of Dogs Act 1973	Dog Breeders
Dangerous Wild Animals Act 1976	Dangerous and rare wild animals
House to House Collections Act 1939	Charitable collections made door to door
Police, Factories (Miscellaneous Provisions) Act 1916	Charitable collections made on the street
Pet Shop Act 1951	Pet Shops where animals are sold
Riding Establishments Acts 1963 & 1970	Horse riding premises
Zoo Licensing Act 1981	Zoos
Nottinghamshire County Council Act 1985 Part IV	Massage & Special Treatments (incl. Laser Treatments)
Scrap Metal Dealers Act 2013	Scrap Metal Sites and Collectors

Applications Received by the Licensing Authority during the 2017 calendar year

The table below provides data on the new licence / registration applications received and processed during the last calendar year (not including renewals). The data also details (where applicable) the total number of licences in force at the end of the 2017 calendar year (which includes renewals).

	2017	TOTAL IN FORCE
LICENSING ACT 2003		
New Personal Licences	88	1277
New Licences (Premises / Clubs)	14	404
Minor Variations (Premises / Clubs)	12	N/A
Full Variations (Premises / Clubs)	2	N/A
Reviews (Premises / Clubs)	1	N/A
Administrative Changes (Premises / Clubs)	103	N/A
Temporary Event Notices	128	N/A
Notification of Interest (Premises / Clubs)	5	N/A
GAMBLING ACT 2005		
Gaming Notifications	2	58
Gaming Machine Permits	0	13
Club Machine Permits	0	18
Temporary Use Notices	0	N/A
Occasional Use Notices	0	N/A
New Premises Licence	0	20
HACKNEY CARRIAGE & PRIVATE HIRE		
New Drivers (3 Year Licence)	92	362
New Vehicles (1 Year Licence)	49	299
New Operator (5 Year Licence)	3	18
STREET TRADING CONSENTS (Annual Consent)		
New Consents issued (Maximum of 15 trading sites)	5	11
SEX ESTABLISHMENTS (Annual Licence)		
New Licences issued	0	0
ANIMAL WELFARE (Annual Licence)		
New Dog Breeding Establishments	1	5
New Home Boarding Establishments	2	13
New Kennels & Catteries	0	9
New Pet Shops	0	8
New Riding Establishments	0	1
New Zoos	0	0
BEAUTY TREATMENTS (Annual Licence)		
New Massage & Special Treatments Premises	6	38
BODY MODIFICATIONS (One-off Registration)		
New Tattooing Registrations	8	55
New Acupuncture Registrations	2	16
New Electrolysis Registrations	0	30
New Ear Piercing Registrations	1	69
SCRAP METAL (3 Year Licence)		
New Collectors	3	12
New Sites	0	3
TOTAL APPLICATIONS GRANTED IN 2017	527	2739

The 2017 calendar year has seen a significant increase in applications being received by the Licensing Authority. Our expected financial position at the end of the 2017/18 Council year is one of being cost-neutral, as opposed to one of a £20,00 deficit at the end of the previous Council year.

This improvement in income has resulted in the Authority not having to seek to amend the licence fees and charges previously set, enabling our customers a period of stability and reassurance as they seek to invest in their businesses.

Reasons for the upturn in applications and income relate to:

- **The business relationships being developed by the Licensing Team Leader with the local licensed trades, resulting in the Trades having confidence in the Authority and as such being willing to invest in the local area;**
- **The Council's "Transformation Ashfield" vision that appeals to businesses that wish to buy into a more diverse and varied local economy that promotes aspiration, and in turn leads to internal competition within the Trades to seek to self-improvement;**
- **The modernisation of the licensing functions which has streamlined and simplified processes and procedures for customers and staff, and ensured the promotion of a transparent, aspirational, fair, and accountable Licensing Service seeking to balance the needs of local businesses with the needs of local communities.**
- **The streamlining of the Hackney Carriage & Private Hire Licensing function to create a "one-stop-shop" function, resulting in licensees only visiting the Council Offices when submitting an application by way of a pre-booked appointment, therefore increasing the time available to them to be earning;**
- **The promotion of regular compliance checks (sometimes with "Hub" Partners) undertaken in an open manner, with the intention of assisting businesses consistently meet the standards required of them, rather than such checks being something that individuals / businesses should fear;**
- **The implementation of monthly direct debit instalment payments for Street Trading Consent that reduces the financial risk such businesses face at "start-up"; and**
- **The provision of online and electronic information / payments to assist customers obtain the service they require promptly.**

It is hoped that this trend of increased applications and income continues, in order to further promote the good work of the Licensing Authority, and in turn assist with transforming the Ashfield District as per the Council's vision.

Discussions have been held with a number of Taxi companies and Private Hire Operators who see Ashfield as a viable location for them to set up bases, supporting their associated companies in other Council areas. Key to ensuring that these discussions lead to additional income is the need to promote a Hackney Carriage & Private Hire Licensing Policy that is best tailored to the financial and social climate experienced locally, whilst ensuring that those who we licence are adequately regulated by way of conditions, safeguarding training and compliance checks.

A report detailing proposed amendments to the Hackney Carriage & Private Hire Licensing Policy is to be heard at this Licensing Committee meeting.

Compliance and Enforcement

At the start of the 2017 calendar year, a map of all of the licensed premises within the Ashfield District was created, and each premises risk-assessed, and categorised accordingly.

- **Higher risk premises (i.e. alcohol led venues, larger capacity premises) are visited twice each year for compliance checks to ensure that they operate in accordance with the conditions of any licence / licensing objectives.**
- **Medium risk premises (i.e. Taxi Companies, Private Hire Operators, betting shops, late night takeaways, off licences, animal welfare premises, beauty treatment centres and body modification premises, etc.) are visited annually.**
- **Low risk premises (i.e. restaurants, family-orientated premises) are visited once every two years.**

In order to uphold the expectations of “Better Regulation”, our day time visits are carried out using carbonated “inspection sheets”, with the licensee being provided with a copy at the end of the inspection. The Officers carrying out the inspections therefore have a two year programme set up to complete the necessary visits.

A letter detailing any issues of non-compliance / contraventions that are found is sent to the licensee, and a deadline set for them to evidence their compliance. The objective of the compliance work is to assist the relevant Trades better understand the standards, rules and regulations that are in place, and in turn promote a more professional and respected trade to all those who work in, live in and visit our District.

All complaints received in relation to licensees are investigated in accordance with recently implemented procedures, so as to ensure accountability, transparency, and proportionality, with all matters being detailed in writing so as to ensure accuracy in complaint handling, and to allow the person complained about to have a chance to provide his / her account of any alleged incident.

The table below provides data on the number of enforcement actions taken during the 2017 calendar year across all of our licensing functions.

LICENSING ACT 2003	121
GAMBLING ACT 2005	0
HACKNEY CARRIAGE & PRIVATE HIRE	416
STREET TRADING CONSENTS	2
SEX ESTABLISHMENTS	0
ANIMAL WELFARE	3
BEAUTY TREATMENTS	11
BODY MODIFICATIONS	1
SCRAP METAL	0
TOTAL ENFORCEMENT ACTIONS DURING 2017	554

The majority of enforcement actions related to minor breaches of licence requirements relevant to each of the licensing functions (i.e. failures to display licence, failures to prevent noise nuisances, vehicles with minor bodywork imperfections, illegal parking, etc.).

More serious matters of concern that resulted in enforcement action during the year included:

- **The development and implementation of Action Plans to turn around the concerns the “Hub Partnership” held in relation to 3 licensed premises which had been venues where disorderly conduct had occurred or had shown a pattern of regular disorder.**
- **A Review of a Premises Licence following continual failures by a Public House to adhere to licence conditions / uphold licensing objectives.**
- **The suspension of 6 Hackney Carriage & Private Hire (Dual) Driver Licences following the licence holders’ failures to evidence that they remained a “fit and proper” person to continue to hold a licence.**
- **The subsequent revocation of 3 Hackney Carriage & Private Hire (Dual) Driver Licences following the licence holders continued failures to evidence that they remained a “fit and proper” person to continue to hold a licence.**
- **The suspension of 7 licensed vehicles that were found to be maintained to such a poor standard that Officers could not allow them to remain in service.**

Other than the day-time inspections that were carried out, several night-time / weekends operations were conducted, in order to investigate the issues that complaints related to, and for Officers to become better acquainted with how the local night time economy operated and what pressures local business felt.

The objectives of the pro-active compliance checks, and the late night enforcement inspections, are to ensure that the Authority has a keen eye on how the licensed trade upholds the licensing objectives, to record the actions of the Authority in a transparent manner, to place on record that enforcement actions had been undertaken and advice given to resolve any issues of non-compliance, and to build and maintain a productive relationship with licence holders.

In total 180 licensed premises were visited during the 2017 calendar year, as well as 22 visits made to local taxi ranks and Taxi companies / Private Hire Operator establishments.

Licensing Sub-Committee Cases

During the 2017 calendar year 3 Hearings were held to determine Licensing Act 2003 applications, as detailed below:

- **Chequers, Hucknall: (Review of a Premises Licence):** Applied for by Nottinghamshire Police on the grounds of repetitive failures to uphold the licensing objective of the prevention of crime and disorder. Licence revoked.
- **Lyngary’s, Hucknall: (New Premises Licence):** 3 x Interested Parties. Application granted as applied for subject to the addition of conditions and operating policy agreed with the Licensing Authority.
- **Havana Blue, Hucknall: (New Premises Licence):** 1 x Interested Party. Application granted as applied for subject to the addition of conditions and operating policy agreed with the Licensing Authority.

Officer Decision Record (ODR) Cases

During the course of the 2017 calendar year 6 hearings were held by the Service Director: Place & Communities in relation to the suitability of applicants and existing licence holders of a Hackney Carriage & Private Hire (Dual) Driver Licence:

	Granted	Warning	Refused	Suspended	Revoked
New Driver	2	0	1	N/A	N/A
Existing Driver	3	0	0	0	0

Matters that led to the ODR hearings included relevant information contained on Enhanced Disclosure & Barring Services Reports, concerns in relation to the health of drivers, and complaints alleging improper conduct by drivers.

Appeals made during the 2017 calendar year

The Licensing Authority was the subject of one appeal during the period reported on, relating to the decision to revoke the Premises Licence held by Punch Taverns Ltd in relation to Chequers, Hucknall.

The appeal was withdrawn following the grant of a New Premises Licence with an operating schedule agreed between the applicant and Nottinghamshire Police.

Prosecutions carried out during the 2017 calendar year

The Licensing Authority did not initiate any prosecutions during the reporting period.

Notable Achievements

The Licensing Authority has devised a “pool” of conditions and policies for licensed premises that are predominantly sale of alcohol led and provide late night regulated entertainment. These conditions compliment the “pool” also devised by Nottinghamshire Police.

Any application made for a new or existing licence, if it does not address the concerns of the Licensing Authority will be met by way of a representation, seeking the applicant to agree to specific conditions and policies contained within this “pool”, relevant to the nature of the application.

The operational policies being asked for from applicants of such establishments include:

- **CCTV**
- **Conditions of Entry**
- **Crowd Dispersal**
- **Safeguarding (Children and Vulnerable Adults)**
- **Noise**
- **Queue Management**
- **Responsible Service of Alcohol**
- **Security Measures**
- **Underage Sales & False Identification**
- **Zero Tolerance Drugs**

The aim of this approach is to ensure that appropriate and necessary conditions are imposed to promote the licensing objectives, and that the relevant policies are in place for the type, location and characteristics of each premises.

A Hackney Carriage & Private Hire Licensing “One-Stop-Shop” system was introduced during the year, resulting in a significant improvement of the function (as testified by the Customer Service Feedback received), and significantly reducing the time required by staff and customers to process driver, vehicle and operator applications.

Furthermore, with the efficiency savings made by the introduction of the “One-Stop-Shop” system, other staff were freed up to carry out compliance checks, and the previous backlogs of work were eliminated.

The Licensing Team now is able to turn service requests around within one working day.

Future Work

The Licensing Authority continues to enjoy a productive working relationship with the Environmental Health Service, Environmental Protection Service and Nottinghamshire Police.

Protocols for joint enforcement operations, including those relating to Alcohol Test-Purchasing and Multi-Agency Operations have been developed by the Licensing Manager and approved by the previous Service Director: Place & Communities. It is hoped that during the 2018 calendar year these joint enforcement operations can be programmed into our working patterns, so as to ensure a regular presence within the night-time economy.

Further modernisation of the Licensing Team is planned, so as to ensure that all areas of work are streamlined, cost-effective, and designed to best serve our customers’ needs, whilst at the same time ensuring that we are well prepared to meet the demands placed on us.

Member Training will again take place, and it is intended that various Sub-Committee scenarios be acted out, to assist Members with their decision making duties at such hearings.

The Statement of Licensing Policy and the Statement of Gambling Policy will both be reviewed later in 2018, with the intention that any revision be consulted upon, and then implemented and adopted during early 2019.

The Hackney Carriage & Private Hire Licensing Policy requires updating in order to ensure that the Trade better understands the legal responsibilities placed on it, that drivers follow a “best practice” blue-print consistently, and to shape the Policy in such a way as to be directly relevant to the local economy and as such reduce as best as possible some of the financial burdens faced by those seeking to become proprietors of licensed vehicles.

A report detailing proposals to amend the Hackney Carriage & Private Hire Licensing Policy is to be heard at this meeting.

Implications

Corporate Plan:

The Council has a duty to carry out its licensing functions in accordance with the relevant legislation and regulations in force for each of the functions detailed within this report.

By carrying out its licensing functions, the Licensing Authority will contribute towards the reduction of crime and disorder within the District, and seek to improve community safety and environmental quality, whilst in turn seeking to promote a vibrant and sustainable local economy.

Legal:

Information Only.

There are no legal implications contained within this report.

Finance:

Information Only.

The report states that Licence applications have increased during the year, leading to an expectation that the cost of the Licensing Service will be fully recovered in 2017/18. No fee increases are planned for 2018/19, but additional income is anticipated from additional Licences (as noted in the Fees & Charges report to Cabinet, 18 January 2018).

This report is effective from 22/02/2018 and has the following financial implications.

Budget Area	Implication
General Fund – Revenue Budget	Increased income £49k.
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk:

Risk	Mitigation
The Council has a statutory duty to carry out its licensing functions.	Approved processes, procedures and policies are in force to ensure that the Licensing Authority minimises any risks it may be exposed to when carry out its licensing functions and decision making processes.

Human Resources:

Information Only.

There are no direct HR implications contained within this report.

Equalities *(to be completed by the author):*

Information Only.

There no diversity or equality implications contained within this report.

Other Implications:

None.

Reason(s) for Urgency (if applicable):

Not applicable.

Background Papers

None.

Report Author and Contact Officer

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Licensing Team Leader
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Report To:	LICENSING COMMITTEE	DATE:	22ND FEBRUARY 2018
Heading:	HACKNEY CARRIAGE & PRIVATE HIRE LICENSING POLICY: PROPOSALS TO AMEND THE CONDITIONS ATTACHED TO THE GRANT OF LICENCES FOR DRIVERS, VEHICLES & OPERATORS; AND TO AMEND THE AGE LIMITS APPLICABLE TO LICENSED HACKNEY CARRIAGE & PRIVATE HIRE VEHICLES		
Portfolio Holder:	ENVIRONMENT		
Ward/s:	ALL		
Key Decision:	No		
Subject to Call-In:	No		

Purpose of Report

To seek the modernisation of conditions attached to the grant of licences issued to drivers, proprietors and operators of Hackney Carriage and Private Hire Vehicles in order to promote a professional and customer focused licensed Trade; whilst seeking to reduce the financial costs incurred by those seeking to provide licensed vehicles and considering the long term objective of reducing vehicle pollution across the District.

Recommendation(s)

The Licensing Committee is recommended to:

- a) Approve the proposed conditions to be attached to the grant of driver, vehicle and operator licences;
- b) Approve the revisions to the age limit criteria applicable to Hackney Carriage and Private Hire Vehicles;
- c) Authorise the Licensing Manager carry out a consultation on the proposals detailed within this report; and
- d) Authority be delegated to the Chair of the Licensing Committee, in conjunction with the Service Director: Place & Communities, to consider any responses to the consultation, make any relevant changes to the Policy and finalise accordingly.

Reasons for Recommendation(s)

The report seeks the implementation of conditions to be attached to drivers, vehicles and operators licensed by this Authority, and reflect today's Hackney Carriage and Private Hire Trade.

The report also seeks amendments to the age limits currently adopted in relation to Hackney Carriage and Private Hire vehicles in order to reduce the financial costs faced by local businesses when purchasing vehicles to be used to provide transport services, whilst seeking to also promote a strategy to reduce vehicle pollution.

Alternative Options Considered (With Reasons Why Not Adopted)

None.

Detailed Information

Introduction

The current Hackney Carriage & Private Hire Licensing Policy came into effect on 17th October 2016, and was the subject of textual amendments that took effect on 10th October 2017.

The primary legislation that is in place that regulates the Hackney Carriage and Private Hire Trade is contained within the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, and the Deregulation Act 2015.

However, whilst the current Policy highlights both the Authority's dedication to safeguarding the public and an expectation that proprietors will maintain their licensed vehicles to a suitable standard, the conditions attached to the grant of Driver, Vehicle and Operator licences appear not to have been reviewed for a considerable time, which in turn has led to a lack of understanding and consistency in the Trade when seeking to adhere to the legal requirements placed upon it, and assist the Trade to work towards the principles of "best practice".

Furthermore, in light of the need to promote a modern and professional local taxi trade that enhances the programme of transformation across the District, and encourages local business to feel confident when investing in the local economy, this report seeks to review the current criteria in relation to the age limit specifications that are in force when licensing Hackney Carriage and Private Hire vehicles.

The proposals contained within this report have already been discussed at a Taxi Trade Meeting held by the Licensing Manager with a number of licence holders, and these proposals were supported by those who attended the meeting.

Any decision by this Committee to approve the proposals contained within this report, will require a public consultation to be undertaken, the results of which will be placed before the Chair and Service Director: Place & Communities for consideration, ahead of any recommendations being made to Council.

The Licensing Manager joined Ashfield District Council in December 2016 having previously worked for a number of other Licensing Authorities, and in that time has sought to modernise the working practices that are carried out locally, and to engage with the various Trades across all of our licensing functions, in order that our policies and working practices best suit the needs of local businesses, promote the needs of the general public, and place Ashfield on the map as a District which is attractive to investors.

When carrying out compliance checks on the Hackney Carriage and Private Hire Trade, and during general discussions with Trade members, the Licensing Manager has found there to be a perceived lack of trust towards the Council, and a real lack of communication with the Trade when developing local policy.

In order to promote a respected and professional local Trade, the Licensing Manager has reviewed the current conditions that are attached to licences, and has sought to overhaul and modernise the requirements placed on the Trade by way of new conditions (to replace those currently in force). These new conditions are transparent and enforceable, and do not place any additional duties on the Trade that the aforementioned primary legislation does not already require. By wording such requirements by way of licence conditions, all licence holders and new applicants will have a “best practice” set of conditions within which to go about their working day.

When formulating these new conditions, the Licensing Manager sought to utilise his own previous experiences of modernising Licensing Authorities and Taxi Licensing functions, and benchmarked other Authorities (and sought advice from the Institute of Licensing and the National Private Hire Association) in order to ensure that all of these new conditions were relevant, necessary and appropriate to the objectives of promoting public safety, and promoting a respected and professional Trade.

Attached at **Appendix One** are the proposed conditions to be attached to the grant of a Hackney Carriage & Private Hire (Dual) Driver Licence, at **Appendix Two** are the proposed conditions to be attached to the grant of a Hackney Carriage or Private Hire Vehicle Licence, and attached at **Appendix Three** are the proposed conditions to be attached to the grant of a Private Hire Operator Licence.

It is proposed that these appendices directly replace the current text contained within the Hackney Carriage & Private Hire Licensing Policy. Copies of the current Policy will be provided at this meeting, but the Policy can be found in advance online at: <https://www.ashfield.gov.uk/media/3662/hackney-carriage-and-private-hire.pdf>

Hackney Carriage and Private Hire Vehicles: Age Limits

Ashfield District Council currently places the following stipulations on the permitted age limits for licensed vehicles:

HACKNEY CARRIAGES:

1. New Hackney Carriage Licences will only be issued for wheelchair accessible vehicles.
2. All new Hackney Carriages must be less than **two** years old on initial application.
3. The following upper age limits apply:

- All vehicles must be replaced when they reach 12 years of age.
- Replacement vehicles must be younger than the vehicle they replace but in all cases they cannot be any older than **eight** years old from the date of first registration.

- Existing Hackney Carriages that are **not** wheelchair accessible may be replaced with a non-wheelchair accessible vehicle (e.g. saloon).
- Existing Hackney Carriages that are wheelchair accessible **must** be replaced with a vehicle that is younger than that vehicle but in all cases the replacement vehicle cannot be not more than 9 years old from date of first registration **and** must also be wheelchair accessible vehicle.

PRIVATE HIRE VEHICLES:

1. All new Private Hire Vehicles must be less than **two** years old on initial application.
2. The following upper age limits apply:
 - All vehicles must be replaced at 12 years old from date of first registration.
 - Vehicles that reach 12 years old or younger from the date of first registration must be replaced with vehicles that are younger in age but in all cases the replacement vehicle cannot be any older than eight years of age from its first date of registration.
 - Existing Private Hire Vehicles that are wheelchair accessible must be replaced with a wheelchair accessible vehicle that is not more than **nine** years old from the date of first registration and in any case must be younger than the vehicle they are replacing.
 - Replacement vehicles must be newer than the existing licensed vehicle.

It is felt that the requirement for all “new” Hackney Carriage and Private Hire Vehicles submitted for a licence having to be under 2 years of age (from date of first registration as detailed on the V5 Log Book) places a heavy financial burden on many seeking to start or grow their business, and leads to business looking at other District Council areas where such age limits are less restrictive, in order to start and grow.

Furthermore, the upper age limit of 12 years (meaning that no licence may be in force for any vehicle when it reaches such an age) results in proprietors having to remove such vehicles from service owing to a licence having been issued for less than the standard 1 year period, rather than allow them to take up a full annual licence in the knowledge that such a licence will simply not be “renewed” should the vehicle be of 12 years of age or more.

The following amendments to the age limits are proposed in order to reduce the financial burden on business by amending the “entry age limit” to that of “under 5 years of age”, and to allow for a vehicle that reaches 12 years of age to remain licensed (if such a licence is in force), but that no licence shall be renewed should the vehicle at the time of the renewal application being made have reached 12 years of age or more.

HACKNEY CARRIAGES:

1. New Hackney Carriage Licences will only be issued for wheelchair accessible vehicles.
2. All new Hackney Carriages must be less than **five** years old from date of first registration on initial application.
3. The following upper age limits apply:
 - No vehicle licence will be renewed on any vehicle that is of 12 years of age or more.
 - Replacement vehicles shall meet with the requirements of a New Hackney Carriage Vehicle Licence.
 - Existing Hackney Carriages that are **not** wheelchair accessible, when replaced, may be replaced with a non-wheelchair accessible vehicle (e.g. saloon) but must be less than **five** years old from date of first registration on initial application.

- Existing Hackney Carriages that are wheelchair accessible, when replaced, must be replaced with a vehicle meeting the requirements of a New Hackney Carriage Vehicle Licence.

4. Date of first registration shall mean the date of first registration in the UK, or the date of manufacture in the case of vehicles first registered outside the UK.

PRIVATE HIRE VEHICLES:

1. All new Private Hire Vehicles must be less than **five** years old from date of first registration on initial application on initial application.
2. The following upper age limits apply:
 - No vehicle licence will be renewed on any vehicle that is of 12 years of age or more.
 - Replacement vehicles shall meet with the requirements of a New Private Hire Vehicle Licence.
 - Existing Private Hire Vehicles that are **not** wheelchair accessible, when replaced, may be replaced with a non-wheelchair accessible vehicle (e.g. saloon) but must be less than **five** years old from date of first registration on initial application.
 - Existing Private Hire Vehicles that are wheelchair accessible, when replaced, must be replaced with a vehicle meeting the requirements of a New Private Hire Vehicle Licence.
3. Date of first registration shall mean the date of first registration in the UK, or the date of manufacture in the case of vehicles first registered outside the UK.

The above proposals promote a consistent approach to the replacing of licensed vehicles by ensuring that any replacement vehicle meets with the vehicle age requirements of a new licence, and as such enables a continual modernisation of the licensed fleet, whilst reducing the financial outlay faced by proprietors.

Environmental Considerations

When assessing the environmental impact of the proposal to amend the age limit requirements currently in force locally, the introduction of an “under 5 years of age” strategy would mean that the emissions of such vehicles would meet with Euro Emission Standard V (applicable since 1st January 2011) and Euro Emissions Standard VI (applicable since 1st January 2015).

Under the present age limit requirements, the Council permits Euro Emissions Standard IV vehicles to obtain a licence when they are used to replace existing older vehicles, simply by them being newer than the vehicle they replace (but such vehicles may be no older than 8 years of age if a saloon Hackney Carriage or 9 years of age if a wheelchair accessible Hackney Carriage or a Private Hire vehicle).

In order to promote the reduction of vehicle pollutants, not only within the Ashfield District, but beyond (as our vehicles frequently attend destinations outside of the Ashfield District which have their own Air Quality Strategies applicable to their licensed vehicles), and to provide an incentive to Private Hire Operators to utilise zero / low emission vehicles, it is further proposed that the £30.00 annual charge levied against a Private Hire Operator Licence per vehicle in his / her employ be waived, should such a vehicle that is provided with pre-booked work by the Operator be of zero / low emissions (as defined within the tables below):

For vehicles first registered before 1st April 2017:

Vehicle Excise Duty Band	CO2 Emissions (g/km)
A	up to 100
B	101-110
C	111-120

For vehicles first registered from 1st April 2017:

CO2 emissions (g/km)	Petrol and Diesel	Alternative Fuel
0	£0	£0
1 - 50	£10	£0
51 - 75	£25	£15

Should such a proposal be acceptable, the Fees and Charges applicable to the Private Hire Operator licensing regime will be amended accordingly to reflect such a decision.

Implications

Corporate Plan:

The Council has a duty to carry out its licensing functions in accordance with the relevant legislation and regulations in force for each of the functions detailed within this report.

By carrying out its licensing functions, the Licensing Authority will contribute towards the reduction of crime and disorder within the district, and seek to improve community safety and environmental quality, whilst in turn seeking to promote a vibrant and sustainable local economy.

Legal:

The applicable legislation is set out in the report.

Finance:

Information Only

No financial implications for the Council.

This report is effective from 22/02/2018 and has the following financial implications.

Budget Area	Implication
General Fund – Revenue Budget	None

General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk:

Risk	Mitigation
The Council has a statutory duty to carry out its licensing functions.	Approved processes, procedures and policies are in force to ensure that the Licensing Authority minimises any risks it may be exposed to when carry out its licensing functions and decision making processes.

Human Resources:

Information Only.

There are no direct HR implications contained within this report

Equalities *(to be completed by the author):*

Information Only.

There no diversity or equality implications contained within this report.

Other Implications:

None.

Reason(s) for Urgency (if applicable):

Not applicable.

Background Papers

- Appendix One:** Proposed Conditions to be attached to the grant of a Hackney Carriage & Private Hire (Dual) Driver Licence.
- Appendix Two:** Proposed conditions to be attached to the grant of a Hackney Carriage or Private Hire Vehicle Licence.
- Appendix Three:** Proposed conditions to be attached to the grant of a Private Hire Operator Licence.

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APPENDIX ONE

HACKNEY CARRIAGE & PRIVATE HIRE (DUAL) DRIVER LICENCE: CONDITIONS

1. The Driver shall behave in a civil and orderly manner at all times when carrying out his or her duties, and not act in a manner to a passenger, member of the public or other licence holder that may:
 - Cause any person to take offence at their actions;
 - Cause any person to believe their actions are inappropriate;
 - Cause any person to fear for their physical safety;
 - Cause any person to doubt their integrity; and
 - Bring in to disrepute the integrity of the Council for having issued a licence to such person.
2. The Driver shall be clean and presentable in appearance, and if one is supplied wear the uniform provided by the employer.
3. The Driver shall wear on his or her person, the badge issued by the Council for that purpose in a position clearly visible to passengers, and if requested produce it on demand to the passenger or Authorised Officer.
4. The Driver shall not at any time lend or give his or her badge or licence to any other person, save for the copy of the licence that is required by these conditions to be given to the Private Hire Operator.
5. The Driver shall report the loss of the licence and/or badge to the Council as soon as such loss becomes known, and arrange an appointment with the Licensing Officer for the issue of any replacement and make payment for any appropriate fee.
6. The Driver shall not at any time drive a vehicle if he or she no longer holds, has had suspended or is disqualified from holding a DVLA driving licence for that type of vehicle.
7. The Driver shall, before commencing to drive the vehicle, deposit a copy of his Hackney Carriage & Private Hire (Dual) Driver licence with his/her Private Hire Operator for retention by the Operator until such time as he/she ceases to be permitted or employed to drive the vehicle or any other vehicle used by the same Operator.
8. The Driver shall only drive vehicles licensed by Ashfield District Council, unless he or she is appropriately licensed to use a vehicle licensed by another Authority.
9. The Driver shall not drive a licensed vehicle if he or she is not insured to do so.
10. The Driver shall not drive a licensed vehicle without the licence plate securely attached to the rear bumper or rear bodywork of the vehicle (save for those Private Hire Vehicles that have been granted an Exemption Notice).
11. The Driver shall when driving or in charge of a vehicle, wear a seat belt at all times and understand that the Driver is only exempt from wearing a seatbelt when actually carrying passengers for hire or reward.

12. The Driver shall ensure that the all passengers aged 12 years or more or whose height is 135cm or more, wear a seat belt throughout the duration of the journey.
13. The Driver shall, when carrying passengers who are children aged under 12 years of age or whose height is less than 135cm, ensure that:
 - Children under 3 years of age, if carried in the front seat, are seated in the appropriate child car seat;
 - Children under 3 years of age, if carried in the rear seats, are secured by way of the appropriate child restraint;
 - Children under 3 years of age, if no child car seat is available, may travel unrestrained on the rear seats;
 - Children aged 3 years or more but under 12 years of age or up to 135cm tall, if carried in the front seat, are secured by way of the appropriate child restraint or seatbelt;
 - Children aged 3 years or more but under 12 years of age or up to 135cm tall, if carried in the rear seats, are secured by way of the appropriate restraints or seatbelts.
14. The Driver shall when driving the vehicle take all reasonable precautions to ensure the safety of passengers and other road users.
15. The Driver shall drive the vehicle with full regard to the speed restrictions in force on any roads travelled.
16. The Driver shall drive the vehicle with full regard to the conditions of the road and all climate hazards.
17. The Driver shall ensure that before the vehicle is used, that copies of the Certificate of Insurance, Certificate of Compliance and M.O.T. Certificate are available within the vehicle, so as to be available to an Authorised Officer upon request.
18. The Driver shall if it has been agreed, or whose employer has agreed, to attend a certain time and place, (unless delayed or prevented by some reasonable cause) attend with the vehicle as agreed.
19. The Driver shall not carry more people in the vehicle than the number of persons permitted by the vehicle licence (or as stated on the vehicle licence plate).
20. The Driver shall not carry any other person in the vehicle without the permission of the hirer.
21. The Driver shall when collecting any passenger proceed to the requested destination by the shortest available route, and if asked by the passenger, indicate the route they are going to take, subject to any directions given by the hirer.
22. The Driver shall deliver the passenger to their chosen destination as agreed when the booking was made, unless he or she has exceptional cause to do so, or is otherwise directed by the hirer.

- 23.** The Driver shall:
- Take a reasonable amount of luggage including wheelchairs and children’s pushchairs (the pushchair shall be folded and secured in the luggage area of the vehicle);
 - Give reasonable assistance in loading and unloading luggage;
 - Give reasonable assistance in removing luggage to or from the entrance of any building, station or place at which he or she takes up or sets down passengers.
 - Give reasonable assistance to elderly, vulnerable or disabled persons with entering or alighting from the vehicle, and any other reasonable assistance during the course of the journey.
- 24.** The Driver shall when in charge of a designated Wheelchair Accessible Hackney Carriage or Private Hire Vehicle make the vehicle available for hire to any person requiring “wheelchair mobility assistance”, and provide any necessary assistance to assist the wheelchair user with entering or alighting from the vehicle, and any other reasonable assistance during the course of the journey. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirement it shall issue a certificate of exemption.
- 25.** The Driver shall not charge a higher price for any journey, for a person requiring “mobility assistance” than would otherwise be charged for a person without a need for the provision of “mobility assistance” for the same journey.
- 26.** The Driver of a vehicle which has been hired, by or on behalf of a blind or partially sighted person, or a disabled person who is accompanied by his / her assistance dog, or by a person who wishes such a blind or partially sighted person, or a disabled person to accompany him / her in the vehicle shall, carry the passenger and his dog, allow it to remain with the passenger and not make any additional charge for doing so. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirement it shall issue a certificate of exemption. The driver is not compelled to convey any other type of animal.
- 27.** The Driver shall if the hirer of a vehicle is accompanied by any animal(s) make sure that it is securely contained to the satisfaction of the driver, if he deems fit, carry the passenger and his animal(s) and not make any additional charge for doing so. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirement it shall issue a certificate of exemption.
- 28.** The Driver shall ensure that any animal(s) transported in the licensed vehicle are placed in the rear seating compartment of the vehicle.
- 29.** The Driver shall, if asked to transport an unaccompanied child or if a passenger requests that the Driver wait until they are safely inside the house, agree to such requests.
- 30.** The Driver shall not, without reasonable cause, unnecessarily prolong in distance or time, the journey for which the vehicle was hired.
- 31.** The Driver shall provide a written receipt to the hirer if requested to do so.

- 32.** The Driver shall immediately after the termination of any hiring of the vehicle or as soon after as practicable carefully search the vehicle for any property which may have been accidentally left there.
- 33.** The Driver shall deliver any property which is left in the vehicle as soon as possible and in any event within 24 hours to a Police Station in the Council's district, and if required to do so, leave it in the custody of a Police Officer having obtained a receipt for it. The Driver shall notify his/her Operator of such an action having been undertaken.
- 34.** The Driver shall not sound the vehicle horn when arriving at an address to pick up passengers.
- 35.** The Driver shall respect the request of a passenger should that passenger choose not to engage in conversation.
- 36.** The Driver shall not play any radio or other sound reproducing equipment in the vehicle, except for the purpose of sending or receiving messages, without the express consent of the hirer.
- 37.** The Driver shall not drink or eat in the vehicle whilst a passenger or passengers are on-board.
- 38.** The Driver shall not whilst driving (including whilst stationary with the vehicle engine running and the handbrake not engaged) use a handheld mobile phone or any other handheld electronic mobile device, other than a two- way radio, which performs an interactive communication function by transmitting and receiving data.
- 39.** The Driver shall comply at all times to the Health Act 2006 and shall not at any time smoke (including electronic cigarettes) or permit any passenger to smoke (including electronic cigarettes) in any licensed Hackney Carriage or Private Hire vehicle.
- 40.** The Driver shall not at any time when driving the vehicle cause or permit the vehicle to stand at any bus stop or in any bus lay-by.
- 41.** The Driver shall not at any time when driving the vehicle permit the vehicle to be driven in any bus lane, with the exception of bus lanes that specifically permit such use.
- 42.** The Driver shall not at any time when driving the vehicle cause or permit the vehicle to stand in a disabled bay without displaying the appropriate badge or other lawful authority.
- 43.** The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be parked in such a position so as to cause an unnecessary obstruction or be in a dangerous position (e.g. double parked, parked at or close to a road junction).
- 44.** The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be driven on or become stationary on a footway.

45. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be stationary on double yellow lines, other than to allow passengers to board or alight from the vehicle.
46. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be stationary on a single yellow line, in contravention of the notices displayed, other than to allow passengers to board or alight from the vehicle.
47. The Driver shall not travel on any restricted road within the Ashfield District boundary, unless he or she is either carrying a passenger, or travelling to collect a passenger, and such a restriction does not apply to the road when the Driver is carrying or travelling to collect a passenger.
48. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to make any illegal manoeuvre, and/or cause any hazard, obstruction or inconvenience so as to contravene any traffic laws, regulations, orders or guidance outlined in the current Highway Code.
49. The Driver shall not drive a vehicle while having use of illegal drugs or misused legal drugs (including alcohol).
50. The Driver shall notify the Licensing Officer in writing, within 14 days, of any change in his or her details that have occurred since the most recent application made to the Licensing Officer (i.e. home address, telephone number, etc), and pay the appropriate fee for his/her record to be amended accordingly.
51. The Driver shall notify the Council in writing as soon as possible and in any event within 14 days of any illness or injury affecting his fitness to act as a driver, and if requested by an Authorised Officer must agree to a Medical Examination being carried out to ensure such illness / injury would not give rise to concerns for public safety.
52. The Driver shall notify the Council in advance, in writing, if he or she is to be away from the address shown on the licence (and recorded as the home address on the records of the Licensing Authority) for a period of more than 28 days.
53. The Driver shall declare all relevant motoring endorsements, and all offences, cautions and convictions on any application to renew the licence. No caution or conviction should be omitted from any application.
54. The Driver shall, if subject of any formal Police action including if arrested, released on Police Bail, charged with an offence, convicted of an offence, summonsed for an offence, reported for an offence or received a fixed penalty notice for an offence (including motoring endorsements) or accepts a caution, he or she must (within 14 days of the action) give full details of it to the Council in writing.
55. The Driver shall not willfully obstruct any Authorised Officer, or fail to comply with any requirement made by such a person without reasonable cause, or fail to give any such person any other assistance or information such person may reasonably require in the performance of his or her duties.

- 56.** The Driver shall when driving or in charge of a Private Hire Vehicle record in a suitable book, with bound consecutively numbered pages, or by electronic means, the following particulars at the start of each shift:
- her/his name and badge number prior to the commencement of each hiring;
 - the date and time the hiring was allocated to that vehicle;
 - the name of the hirer;
 - the time and place of pick-up;
 - the destination; and
 - upon completion of each hiring, the fare charged.
- The Driver shall make such book available for inspection on request by an authorised officer of the Council or a Police Officer and shall keep such records for a minimum period of 12 months.
- 57.** The Driver shall when driving or in charge of a Hackney Carriage Vehicle and in the employ of a Private Hire Operator record in a suitable book, with bound consecutively numbered pages, or by electronic means, the following particulars at the start of each shift:
- her/his name and badge number prior to the commencement of each hiring;
 - the date and time the hiring was allocated to that vehicle;
 - the name of the hirer;
 - the time and place of pick-up;
 - the destination; and
 - upon completion of each hiring, the fare charged.
- The Driver shall make such book available for inspection on request by an authorised officer of the Council or a Police Officer and shall keep such records for a minimum period of 12 months.
- 58.** The Driver shall not whilst driving or in charge of a Private Hire Vehicle ply for hire or otherwise tout or solicit on a road or other public place any person to hire or be carried in any Private Hire vehicle; or permit any other person to do so.
- 59.** The Driver shall not whilst driving or in charge of a Hackney Carriage Vehicle when outside of the Ashfield District Council area ply for hire or otherwise tout or solicit on a road or other public place any person to hire or be carried in any Hackney Carriage Vehicle; or permit any other person to do so.
- 60.** The Driver shall not whilst driving or in charge of a Private Hire Vehicle offer the vehicle for immediate hire whilst the driver is on a road or other public place except where such an offer is first communicated from the Private Hire Operator to the driver by telephone, radio, or other such apparatus fitted to the vehicle.
- 61.** The Driver shall not whilst driving or in charge of a Hackney Carriage Vehicle when outside of the Ashfield District Council area offer the vehicle for immediate hire whilst the driver is on a road or other public place except where such an offer is first communicated from the Private Hire Operator to the driver by telephone, radio, or other such apparatus fitted to the vehicle.
- 62.** The Driver shall not whilst driving or in charge of a Private Hire Vehicle park in a “prominent position” (i.e. where people are likely to congregate, locations with a high level of footfall, near a taxi rank), and be in attendance of the vehicle without a booking having been made for him or her to be at such a location, that may encourage any person to approach the vehicle in the belief that the driver and the vehicle are available for immediate public hire.

- 63.** The Driver shall when driving a Hackney Carriage or Private Hire Vehicle outside of the Ashfield District Council area not park on any rank in any other Council area, nor park in a “prominent position” (i.e. where people are likely to congregate, locations with a high level of footfall, near a taxi rank), and be in attendance of the vehicle without a booking having been made for him or her to be at such a location, that may encourage any person to approach the vehicle in the belief that the driver and the vehicle are available for immediate public hire.
- 64.** The Driver shall not whilst driving or in charge of a Private Hire Vehicle, contact the Private Hire Operator to request a booking be made on behalf of any person.
- 65.** The Driver shall not whilst driving or in charge of a Hackney Carriage Vehicle whilst travelling outside of the Ashfield District Council area, contact the Private Hire Operator to request a booking be made on behalf of any person.
- 66.** The Driver shall not whilst driving or in charge of a Private Hire Vehicle park on a taxi rank.
- 67.** The Driver of a vehicle equipped with a taximeter shall ensure that the table of fares is displayed in a clearly visible position in the vehicle, and provide an explanation of the table of fares if so requested by the passenger.
- 68.** The Driver shall when driving a vehicle equipped with a taxi-meter ensure that during any hiring the face of the taxi-meter is at all times plainly visible to the passengers.
- 69.** The Driver shall when driving a vehicle equipped with a taxi-meter set the meter into operation when the hirer starts her or his journey unless the hirer asks the hiring to engage the vehicle by time, or at the time pre-arranged for the journey to start as requested by the hirer.
- 70.** The Driver shall when driving a Hackney Carriage Vehicle ensure that the Hackney Carriage Statement of Fares & Charges as issued by the Ashfield District Council is kept within the vehicle in such a position as to be clearly visible to any passenger, and made available to any passenger or Authorised Officer who so requests
- 71.** The Driver shall when driving a Private Hire Vehicle, equipped with a taxi-meter, ensure that a Table of Fares as issued by the Private Hire Operator is kept within the vehicle and made available to any passenger or Authorised Officer who so requests.
- 72.** The Driver shall if the vehicle is involved in an accident, inform the vehicle proprietor immediately, in order that the vehicle proprietor may contact the Licensing Officer within 72 hours of the incident occurring.
- 73.** The Driver shall if the vehicle is involved in an accident, and is requested to do so, give his or her name and address and any other reasonable details, and the vehicle proprietors name and address and the number of the vehicle to any injured party or Authorised Officer.

74. The Driver shall if the vehicle is involved in an accident and if any other party is injured and is requested to do so give the details of the vehicle insurance to any injured party or Authorised Officer.
75. The Driver shall when driving a Hackney Carriage to a taxi rank and finding that the taxi rank is occupied by the full number of Carriages authorised to do so, proceed to another stand, and not park on or near a taxi rank that is full.
76. The Driver shall when driving a Hackney Carriage on arriving at a rank that is not fully occupied station the vehicle immediately behind the last Hackney Carriage so as to face in the same direction. When the Hackney Carriage immediately in front of the vehicle being driven by the Driver moves forward, the Driver shall also move forward to allow more Hackney Carriages to join the rank.
77. The Driver shall when driving a Hackney Carriage not cause an obstruction when parked on a taxi rank and when the vehicle is the first vehicle on the rank be in constant attendance and be ready to be hired at once by any person.
78. The Driver shall when driving a Hackney Carriage not park on a rank in the Ashfield District for any purpose other than for standing for hire.
79. The Driver shall carry a copy of these conditions within the vehicle and make them available for inspection by the hirer or any passenger, or Authorised Officer upon request, and be familiar with the conditions of the Driver licence and of the Enforcement Procedures as detailed in the Councils Policy on the Relevance of Warnings, Offences, Cautions and Convictions.
80. The Driver shall enroll with the Disclosure and Barring Services (DBS) Update Service and maintain any necessary agreements and arrangements with that Service so as to ensure that the Licensing Authority (should it have a reasonable requirement to do so) may access the licence holders DBS record in order to promote the objectives of public safety and safeguarding, and to prevent delay in the determination of the renewal of the licence.

A licence holder has a right of appeal to a Magistrate's Court against the imposition of the Conditions attached to a licence, by virtue of Section 300 – 302 of the Public Health Act 1936.

APPENDIX TWO

CONDITIONS ATTACHED TO THE GRANT OF A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE LICENCE

Hackney Carriage and Private Hire Vehicle Licences are issued subject to the following conditions. You are advised to study these carefully and you are warned that for non-compliance with any **one** condition, the licence may be revoked or suspended.

1. The vehicle licence shall be valid for a period of one year and shall be renewable on the anniversary of the original licence until the vehicle is either replaced or reaches the upper age limit.
2. a) The Proprietor of a licensed vehicle shall not cause or allow the vehicle to be used unless:
 - The Driver of the vehicle holds a Hackney Carriage & Private Hire (Dual) Driver Licence issued by Ashfield District Council, and is insured by the proprietor, to drive the vehicle.
 - The number of the vehicle licence is fixed and displayed on the vehicle at all times during which the vehicle is licensed, by means of the Licence Plate issued by the Council to the Proprietor.
 - The Licence Plate is fixed and displayed outside on the rear of the vehicle with the particulars thereon facing outwards, in such a position that the vehicle's registration mark is not obscured, and in such a way as the Plate can be easily removed. The Plate must not be fixed to the vehicle with any form of adhesive, nor within the rear windscreen area of the vehicle.
 - The Licence Plate is clearly visible in daylight from the road at the rear of the vehicle.
- b) The Licence Plate referred to in these Conditions shall remain the property of the Council and shall be returned forthwith to the Licensing Team, Ashfield District Council, Urban Road, Kirkby-in-Ashfield, Nottinghamshire, NG17 8DA, if the Proprietor no longer holds a vehicle licence issued by the Council which is in force in respect of the vehicle.
- c) The Proprietor of a licensed vehicle shall report the loss of any plate or licence to the Police and Licensing Team as soon as such loss becomes known. The Licensing Team must also be advised of the Crime Number issued by the Police.
- d) A replacement plate (and bracket) is obtainable on payment of a fee.
- e) A fee is charged for duplicate paper licences.
3. a) The Proprietor shall ensure that vehicles are maintained in a good mechanical and structural condition at all times and be capable of satisfying the Council's mechanical and structural inspection at any time whilst the vehicles are licensed with this Authority.
- b) The vehicle must be a single uniform colour.
- c) The interior and exterior of the vehicle shall be kept in a clean condition and maintained in a safe condition by the Proprietor.

- d) The Proprietor of a licensed vehicle must not cause or permit the vehicle to be used unless it complies with the Council's vehicle specification and the conditions attached to the licence.
4. a) The Proprietor shall permit an Authorised Officer or any Police Constable to inspect the vehicle at all reasonable times.
- b) The Proprietor shall present the vehicle for inspection and testing, by an Authorised Officer, at any time and place within the District of Ashfield as specified in a notice, provided that the Council shall not under the provisions of this condition require the Proprietor to present the vehicle for inspection and testing on more than three separate occasions during any period of twelve months.
- c) If, upon completion of the inspection, the Authorised Officer or Police Constable is not satisfied as to the condition of the vehicle for use as a hire vehicle, the Proprietor shall be asked to remove and surrender the Licence Plate from the vehicle. This will be kept by the Authorised Officer or Police Constable until such time as the condition of the vehicle is satisfactory, when it will then be returned to the Proprietor.
5. All accidents must be reported to the Licensing Team, in writing, within 72 hours of the accident occurring. Such a responsibility is that of the Vehicle Licence Holder and the Driver of the vehicle at the time of the accident.
6. The proprietor of a Hackney Carriage or Private Hire Vehicle, in the event that following an accident, he or she does not believe that the vehicle requires taking out of service / replacing, and who wishes to continue to use the vehicle as a licensed Hackney Carriage or Private Hire Vehicle shall make the vehicle available to the Licensing Officer, who will inspect the vehicle and decide whether the vehicle is fit to continue in service.

If the Authorised Officer considers the damage to be such that the vehicle may continue in service until such time as a permanent repair is undertaken these must be undertaken within 28 days of the damage occurring and a letter authorising the use of the vehicle for a maximum period of 28 days will be issued by the Licensing Officer and shall be retained within the vehicle during the permitted period.

If any damage is considered by the Licensing Officer to be extensive enough to affect the safety or general appearance of the vehicle it must be immediately withdrawn from service and the plate removed. The vehicle must be repaired before the plate is re-affixed and the vehicle returned to service. In the case of any dispute as to fitness for service the vehicle will be taken to the Council nominated testing station where a qualified mechanic will give a binding decision, which will be final. The owner will pay the fee for such examination.

7. a) Hackney Carriage Vehicle must have an illuminated sign on the roof of the vehicle bearing the word "TAXI" on the front and Ashfield District Council on the rear, unless a sign is manufactured into the body work of the vehicle, in which case Ashfield District Council must be displayed on the rear of the vehicle.

- b) A Private Hire Vehicle must display signs on the front doors of the vehicle identifying the Private Hire Firm, giving the name and telephone number. There must also be a sign indicating that the vehicle must be pre-booked. (i.e. 'Advanced Booking Only')
- c) A Private Hire Vehicle must **not** display any sign or notice:
- which consists of or includes the words 'TAXI', 'TAX' or 'CAB' whether in the singular or plural or as part of another word; or
 - which consists of the words 'FOR HIRE'; or
 - Where the form of wording is in any such way as to suggest that the vehicle on which it is displayed is presently available to pick up any passengers wishing to hire it or would be so available if not already hired.
8. a) General advertising is permitted on the rear door panels and rear screen of all licensed vehicles. This is in addition to the advertising of the company name and telephone number that is permitted on the front door panels of the licensed vehicle.
- b) All proposed advertisements must be submitted to the Licensing Team for consideration.
- c) Each advertisement will be considered on its merit and the Licensing Team will make their decision known to the applicant in writing, within 14 days.
- d) All advertisements must be approved in writing **prior** to affixing it to the hire vehicle.
- e) Advertisements must comply with the guidelines issued by the Advertising Standards Agency.
- f) Advertisements of the following nature will not be permitted: Alcohol products, Tobacco products, Religious references, Political references, Controversial references.
- g) All advertisements must be in good taste.
- h) Advertisements must be in a material that cannot be easily soiled and that can be firmly attached to the interior or exterior of the vehicle, as appropriate.
- i) The material used in the rear screen of the hire vehicle must not inhibit in any way the view through the rear screen.
- j) All advertising mediums must be kept in a clean and good condition.
- k) Any advertising that has become damaged, is peeling or has been defaced in any way must be removed from the hire vehicle immediately.
- l) Where an advertisement has been refused there is a right of appeal to the Service Director and /or Licensing Committee.

9. a) The Hackney Carriage and Private Hire vehicle must not be used to carry a greater number of passengers than the number prescribed in the licence.
- b) When the Hackney Carriage or Private Hire vehicle is used to carry children, the following requirements shall be adhered to:
- All passengers aged 12 years or more, or whose height is 135cm or more, wear a seat belt throughout the duration of the journey; and
 - For children aged under 12 years of age, or whose height is less than 135cm, that:
 - Children under 3 years of age, if carried in the front seat, are seated in the appropriate child car seat;
 - Children under 3 years of age, if carried in the rear seats, are secured by way of the appropriate child restraint;
 - Children under 3 years of age, if no child car seat is available, may travel unrestrained on the rear seats;
 - Children aged 3 years or more but under 12 years of age or up to 135cm tall, if carried in the front seat, are secured by way of the appropriate child restraint or seatbelt;
 - Children aged 3 years or more but under 12 years of age or up to 135cm tall, if carried in the rear seats, are secured by way of the appropriate restraints or seatbelts.
- c) Wheelchair Access Vehicles have space(s) reserved for the carrying of wheelchairs. The restraining mechanisms are designed purposely for the restraint of wheelchairs only. Pushchairs **MUST** be folded and secured in the luggage compartment of the vehicle, infants should be safely restrained in a passenger seat in compliance with the seat belt regulations. Infants **MUST NOT** be transported in a pushchair.
- d) Only items belonging to passengers may be carried in the luggage space of the vehicle, except a fire extinguisher and first aid kit (i.e. no cleaning products, oils etc. belonging to the vehicle or driver may be carried).
- e) Animals belonging to the Proprietor or the driver must not be allowed to ride in the vehicle when the vehicle is working. Any animal of the hirer is to be conveyed in the rear of the vehicle **with the exception of** guide or assistance dogs which will remain with the hirer at all times (even if they are in the front) and which must be carried free of charge.
10. a) The Proprietor of a licensed Hackney Carriage or Private Hire Vehicle in which a taximeter is installed shall not cause or permit the vehicle to be used unless the taximeter is so constructed, attached to the vehicle and maintained as to comply with the following requirements:
- The taximeter is fitted with a key or other device, so that the taximeter can be switched on and the word "hired" will appear;
 - Such key or device shall be capable of being locked so that the taximeter can be switched off and no fare recorded;
 - When the taximeter is in operation, the fare shall be recorded in figures clearly legible and free from ambiguity.
 - The Hackney Carriage fare shall not exceed the rate of fares set by the Council;

- The taximeter shall be placed so that all letters and figures on its face can be seen by passengers in the vehicle and for that purpose, the letters and figures shall be capable of being suitably illuminated during any period of hiring.
- b) The Proprietor of a licensed **Hackney Carriage** must not allow the vehicle to be used unless the table of fares fixed by this Council is displayed clearly inside the vehicle. Where other fares are programmed into the meter there must also be a table of fares displayed for the additional fares.
- c) The Proprietor of a licensed **Private Hire Vehicle** in which a taximeter is installed must not allow the vehicle to be used unless there is on display the table of fares fixed by him which he proposes to charge.
11. a) If the proprietor wishes to surrender the licence at any time, he or she must do so by way of written confirmation to the Licensing Team, and the vehicle licence and licence plate be returned to the Licensing Team within 7 days of the notification of surrender.
- b) Should the vehicle be sold or transferred in any other way, to continue as a licensed vehicle within the period of the licence, the vehicle licence holder shall notify the Licensing Team in writing of such a matter within 7 days of the date that he or she sold or transferred the ownership of the vehicle.
- c) Should the vehicle be sold or transferred in any other way, to continue as a licensed vehicle within the period of the licence, the new proprietor shall also be provided with the following:
- A signed letter stating:
 - The make / model / colour / registration number / vehicle licence number
 - The date of sale
 - To whom the vehicle was sold
 - A bill of sale for the vehicle
 - A valid Certificate of Compliance
 - A valid M.O.T. Certificate
 - The current vehicle licence
- d) Should the vehicle be sold or transferred in any other way, to continue as a licensed vehicle, the new proprietor shall arrange for an appointment with the Licensing Team in order to carry out the “transfer of ownership” of the vehicle licence, and submit to the Licensing Team his / her application and the documents referred to at c) above.
- e) The Proprietor of a licensed vehicle shall produce the vehicle licence for inspection, at the request of any Police Constable.
- f) The Proprietor of a licensed vehicle shall ensure that copies of the following documents are kept in the vehicle at all times whilst it carries out licensable duties, and that all Drivers are aware of the documents are located, should they be asked to produce it to an Authorised Officer:
- Vehicle Log Book
 - Valid Certificate of Compliance
 - Valid M.O.T. Certificate
 - Valid Certificate of Insurance

And the Proprietor shall produce the following original documents at the request of an Authorised Officer of the Council (either forthwith or at the main Council Officers, within five days (including weekends) of the request being made):

- Current DVLA Driving Licence;
- Vehicle Log Book
- Valid Certificate of Compliance
- Valid M.O.T. Certificate
- Valid Certificate of Insurance

- g) At all times the proprietor of a licensed vehicle must keep in force in relation to the use of the vehicle, a Policy of Insurance complying with the requirements of Part VI of the Road Traffic Act 1988.
- h) Any change of vehicle on insurance must be notified to the Council on or before the change takes place.
- i) On changing address the Proprietor of a licensed vehicle shall return the licence, for amendment, to the Licensing Team within 14 days of the change, together with the appropriate fee.
- j) The licence shall be returned to the Licensing Team upon expiry, revocation or suspension, within 7 days.
- k) The Proprietor of a licensed vehicle shall maintain a list of names and addresses of all drivers of the vehicle, and maintain a record that provides information as to which driver has use of the vehicle at all times, and produce this information to the Licensing Team on request.
- l) Where the vehicle is licensed as a Private Hire Vehicle or Hackney Carriage with another Authority during the period of this licence, the Licensing Team must be notified and the licence with this Authority may be subject to revocation.
- 12.** a) The Proprietor of a licensed vehicle who has agreed, undertaken, or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless prevented because of some unavoidable reason, cause the vehicle to attend at such appointed time and place.
- b) Only Ashfield Licensed Hackney Carriages may stand on a Taxi Rank or ply for hire within Ashfield District.
- c) Private Hire Vehicles may not ply for hire or stand on a taxi rank for any reason which includes the picking up or dropping off passengers.
- d) All bookings for Private Hire Vehicles must be made in advance.
- e) All Private Hire Vehicles must display door signs that state all bookings must be made in advance, i.e. '**ADVANCE BOOKINGS ONLY**'.
- 13.** The Proprietor shall ensure that any radio equipment fitted to the licensed vehicle is at all times kept in a safe and sound condition and maintained in proper working order.

- 14.** The Proprietor of a licensed vehicle shall ensure that:
 - a) There is no smoking (including the smoking of electronic cigarettes) within the vehicle at all times. This applies to both drivers and passengers; and
 - b) No smoking signs are displayed within the vehicle.
- 15.** The Proprietor of a Hackney Carriage and Private Hire Vehicle shall, within fourteen days of any offence, caution or conviction, disclose to the Council, in writing, details of the offence, caution or conviction and any penalties imposed on him during the term of his licence.
- 16.** The proprietor of a licensed vehicle shall within 7 days of any request made by an Authorised Officer, make available any records or other information that would reasonably assist with an investigation.
- 17.** The proprietor of a licensed vehicle shall not wilfully obstruct an Authorised Officer, or without reasonable excuse fail to comply with any requirement made by such a person, or without reasonable cause, fail to give any such person any other assistance or information such person may reasonably require in the performance of his or her duties.
- 18.** The proprietor of a Hackney Carriage or Private Hire vehicle shall provide the Private Hire Operator to whom he or she supplies the vehicle to undertake journeys with a copy of his or her Vehicle Licence during the period that the vehicle is utilised so.
- 19.** The proprietor of a Private Hire vehicle shall notify the Council in advance, in writing, if he or she is to be away from the address shown of the licence, for a period of more than 28 days.
- 20.** The proprietor of a Private Hire vehicle shall ensure that a copy of these conditions are retained within the vehicle and made available for inspection by the hirer or any passenger, or Authorised Officer upon request.

A licence holder has a right of appeal to a Magistrate's Court against the imposition of the Conditions attached to a licence, by virtue of Section 300 – 302 of the Public Health Act 1936.

APPENDIX THREE

CONDITIONS ATTACHED TO A PRIVATE HIRE OPERATOR LICENCE

1. The Operator shall keep a record and maintain such a record at his/her premises detailing the particulars of all vehicles operated by him or her, which shall include the following:
 - the licence plate numbers;
 - the registration numbers;
 - the names and addresses of the proprietors;
 - the names and addresses of drivers;
 - the licence (badge) numbers of drivers;
 - copies of licences for all licensed vehicles and drivers; and
 - copies of insurance certificates for all licensed vehicles.

2. The Operator shall, before a hiring starts, record in a suitable book the pages of which are numbered consecutively, or by use of a suitable computer programme the following particulars:
 - a. the date and time of the booking;
 - b. the name and contact telephone number / email address (if either are available) of the hirer and, where the booking is received from another operator, the name of that operator;
 - c. the manner in which the booking was made (i.e. whether by telephone, in person, or by electronic means);
 - d. the time and place at which it is intended that the passenger shall be collected;
 - e. the destination (which may be recorded electronically at the conclusion of the journey using GPS tracking);
 - f. the time at which the driver was allocated the booking;
 - g. the registration number and licence plate number of the vehicle allocated to the booking;
 - h. the licence number of the driver who will attend the booking; and
 - i. where the booking is passed onto another operator by way of “sub-contracting”, the name and address of that operator.

3. The Operator shall keep the records referred to in the above conditions and make available for inspection on request by an authorised Officer of the Council or a Police Officer for a period of not less than 12 months. If the records are maintained by the use of a computer, the operator shall ensure that a print-out of any record kept can be provided at any time the business is in operation, on request by an authorised officer of the Council or a Police Officer for a period of not less than 12 months.

4. The Operator shall within 7 days of any request made by any Authorised Officer, make available any records or other information that would reasonably assist with an investigation. Any failure to comply with the reasonable request of the Licensing Officer will be considered relevant when assessing the suitability of the applicant to continue to hold a Private Hire Operator licence.

5. The Operator shall within 7 days of receipt, notify the Council in writing of any complaints concerning the cleanliness or condition of a vehicle, or of a complaint against a driver, in the employ of the Operator, made by any person or organisation.

6. The Operator shall not invite or accept a booking for a Licensed Vehicle, or control or arrange a journey to be undertaken by such vehicle, without first making available in writing, or giving orally, or by means of electronic communication to the person making the booking information as to the basis of charge for the hire of the vehicle.
7. The Operator shall not charge a higher price for any journey, for a person who requires “mobility assistance” than would otherwise be charged for a person without such a need for “mobility assistance” for the same journey.
8. The Operator shall not accept a booking for a vehicle to carry more passengers than the vehicle is licensed to carry.
9. The Operator shall not take any bookings requested directly by the driver of any licensed vehicle.
10. The Operator shall, when accepting a booking for a vehicle to attend at an appointed time and place, ensure that unless delayed or prevented by some sufficient cause, a suitable vehicle attends at that appointed time and place.
11. The Operator shall provide, and ensure that any vehicle in his employ that is fitted with a taxi-meter carries and displays upon request a list of the tariffs charged by the Operator.
12. The Operator shall take all necessary measures, including those requested by the Licensing Officer, Police Officer or other Authorised Officer to prevent vehicles in its employment, from parking or congregating in such a manner as to cause a nuisance to any reasonable person.
13. The Operator shall take all necessary measures, including those requested by the Licensing Officer, Police Officer or other Authorised Officer, so as to prevent drivers of Private Hire Vehicles in his or her employ from parking in a “prominent position” (i.e. where people are likely to congregate, locations with a high level of footfall, near or on taxi ranks) and being in attendance of the vehicle without a prior booking for that location having been provided to the driver, that may encourage any person to approach the vehicle in the belief that the driver and the vehicle are available for immediate hire.
14. The Operator shall take all necessary measures, including those requested by the Licensing Officer, Police Officer or other Authorised Officer, so as to prevent drivers of Hackney Carriage and / or Private Hire Vehicles in his or her employ when such vehicles are utilised outside of the Ashfield District Council area from parking in a “prominent position” (i.e. where people are likely to congregate, locations with a high level of footfall, near or on taxi ranks) and being in attendance of the vehicle without a prior booking for that location having been provided to the driver, that may encourage any person to approach the vehicle in the belief that the driver and the vehicle are available for immediate hire.
15. The Operator shall maintain an adequate supply of livery, and provide such livery upon request to the driver of a Licensed Vehicle in his or her employ should such livery be found to be absent, deteriorated or perished.

- 16.** The Operator shall not, knowingly or without the prior written consent of the Council, engage in partnership with, or allow or suffer any involvement in the management of the Operator hereby licensed by:

 - any person who has been convicted of an offence under the Local Government (Miscellaneous Provisions) Act 1976 or any other legislation relating to Private Hire and Hackney Carriage licensing; and
 - any person who, for the purposes of Part II of the said Act, has been found by any Licensing Authority not to be a fit and proper person to hold a Hackney Carriage & Private Hire (Dual) Driver Licence or Private Hire Operator Licence.

- 17.** The Operator shall inform the Council in writing, and within 14 days of him / her having been:

 - Arrested;
 - Released on Police Bail
 - Reported for an offence
 - Summoned for an offence
 - Charged with an offence
 - Convicted of an offence
 - Summoned for an offence
 - Cautioned by a Police Officer
 - Received a County Court judgment;
 - The subject of any bankruptcy proceedings, individual voluntary arrangements and composition agreements with creditors.

- 18.** The Operator shall be responsible for the actions of any manager, supervisor or any other person appointed to run the Private Hire Operator business on his / her behalf.

- 19.** If provision is made by the Operator on his or her premises for the reception of members of the public proposing to hire a vehicle, the Operator shall ensure that the premises are in a clean and tidy condition at all times, and that adequate arrangements are made for the seating of customers within the premises.

- 20.** The Operator shall not permit any person who is behaving in a manner likely to give rise to concerns regarding the safety of other members of the public, to remain upon the premises in respect of which this licence is in force.

- 21.** The Operator shall understand that Private Hire Operator licence is not transferable.

- 22.** The Operator shall notify the Council immediately (and in any case within 7 days) of any change in the Operator's business address, in the vehicles operated by the Operator or in the drivers employed to drive them; and make payment of any associated fee for the maintenance of the licence following such amendments being made.

- 23.** The Operator shall ensure that every driver employed to drive the vehicles operated by the Operator holds a Hackney Carriage & Private Hire (Dual) Driver Licence and is acquainted with the conditions attached to such a driver licence.

24. The Operator shall ensure that the holder of any Hackney Carriage Vehicle Licence or Private Hire Vehicle Licence relating to a licensed vehicle operating under his / her Operator licence is acquainted with the conditions attached to such a vehicle licence.

A licence holder has a right of appeal to a Magistrate's Court against the imposition of the Conditions attached to a licence, by virtue of Section 300 – 302 of the Public Health Act 1936.

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