

Agenda

Environment and Licensing Committee

Date: **Tuesday 13 July 2021**

Time: **4.15 pm**

Place: **Council Chamber**

For any further information please contact:

Democratic Services

committees@gedling.gov.uk

0115 901 3844

Environment and Licensing Committee

Membership

Chair Councillor Marje Paling

Vice-Chair Councillor Nicki Brooks

Councillor Pat Bosworth
Councillor Roxanne Ellis
Councillor Des Gibbons
Councillor Julie Najuk
Councillor Martin Smith
Councillor Sam Smith
Councillor Clive Towsey-Hinton
Councillor John Truscott
Councillor Paul Wilkinson

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AGENDA

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- 2 **To approve, as a correct record, the minutes of the meeting held on 15 June 2021** 5 - 7
- 3 **Declaration of Interests.**
- 4 **Amendment of Hackney Carriage Vehicle Licence Conditions** 9 - 21
Report of the Head of Environment
- 5 **Any other item which the Chair considers urgent.**
- 6 **Exclusion of the Press and Public.**
To move that under Section 100(A)(4) of the Local Government Act 1972 the public and press be excluded from the meeting during consideration of the ensuing report on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.
- 7 **Application for a One Year Joint Hackney Carriage / Private Hire Drivers Licence - AMK** 23 - 25
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MINUTES ENVIRONMENT AND LICENSING COMMITTEE

Tuesday 15 June 2021

Councillor Marje Paling (Chair)

Present: Councillor Nicki Brooks Councillor Roxanne Ellis
Councillor Pat Bosworth Councillor Julie Najuk
Councillor Liz Clunie Councillor Paul Wilkinson

Absent: Councillor Des Gibbons, Councillor Sam Smith,
Councillor Clive Towsey-Hinton and Councillor John
Truscott

Officers in Attendance: L Chaplin, A Dubberley and R Pentlow

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies were received from Councillors Gibbons, Towsey-Hinton and Truscott. Councillor Clunie attended as substitute.

2 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 18 MAY 2021

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

3 DECLARATION OF INTERESTS.

None.

4 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

5 EXCLUSION OF THE PRESS AND PUBLIC.

RESOLVED:

That, the Members being satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information that under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during the consideration of the ensuing reports on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

6 APPLICATION FOR A ONE YEAR HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - AMS

Consideration was given to a report of the Corporate Director, which had been circulated prior to the meeting, regarding an application for a one year Joint Hackney Carriage/Private Hire Driver's Licence for AMS. AMS attended the meeting and was accompanied by his legal representative who addressed the committee. In making its decision, the Committee found that there were exceptional mitigating circumstances surrounding the offences which allowed for departure from the Council's approved Policy and Guidelines.

RESOLVED to:

- 1) Approve AMS's application for a one year Joint Hackney Carriage/Private Hire Driver's License; and
- 2) Issue a warning to the applicant that he should contact the licensing authority if he requires any information about the terms of his license.

7 CHANGE OF CIRCUMSTANCES OF THE HOLDER OF THREE YEAR HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - KM

Consideration was given to a report of the Corporate Director, which had been circulated in advance of the meeting, regarding a change of circumstances following information received about the holder of a Joint Hackney Carriage/ Private Hire Driver's Licence.

KM attended the meeting with his wife and addressed the Committee.

In making the decision the Committee applied the Council's approved Policy and Guidelines, having found that there were no exceptional circumstances to depart from them.

RESOLVED:

To revoke the Hackney Carriage/Private Hire Driver's Licence held by KM, giving KM 21 days to surrender the licence.

KM was advised of the right of appeal against the decision of the Committee.

8 CHANGE OF CIRCUMSTANCES OF THE HOLDER OF THREE YEAR HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - WA

Consideration was given to a report of the Corporate Director, which had been circulated in advance of the meeting, regarding a change of circumstances following information received about the holder of a Joint Hackney Carriage/Private Hire Driver's Licence.

WA did not attend the committee and had been in touch with the licensing department to surrender his licence.

In making the decision the Committee applied the Council's approved Policy and Guidelines.

RESOLVED:

To revoke the Hackney Carriage/Private Hire Driver's Licence held by WA with immediate effect.

The Committee was informed that KM would be advised of the right of appeal against the decision of the Committee.

9 UPDATE ON APPEAL

Consideration was given to a report of the Corporate Director which gave information about a recently decided appeal against the revocation of a license.

RESOLVED:

To note the information.

The meeting finished at 5.45 pm

Signed by Chair:

Date:

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Report to Environment and Licensing Committee

Subject: Amendment of Hackney Carriage Vehicle Licence Conditions

Date: 13 July 2021

Author: Head of Environment

Purpose

To inform Members of a request to a change to the Hackney Carriage Vehicle Licence Conditions, Condition 6 Roof Signs, by removing the requirement for a roof sign to be affixed to the roof of the vehicle in a proper manner and position at all times. A copy of the written request can be found at Appendix A

Recommendation(s)

THAT:

- 1) **Members do not make any changes to Hackney Carriage Vehicle Licence Conditions.**

1 Background

1.1 The Local Government (Miscellaneous Provisions) Act 1976 ("the Act") enables district councils to administer licences for Hackney Carriage and Private Hire vehicles and drivers. The Act provides that a district council may attach to the grant of a licence such conditions, as it may consider reasonably necessary.

1.2 Such provision of the Act is provided under s47 (1) which states:

A district council may attach to the grant of a licence of a Hackney Carriage under the Town Police Clauses Act of 1847, (1847 Act) such conditions as the district council may consider reasonably necessary.

1.3 The Act also provides that a district council may require any Hackney Carriage licensed by them to be of such design, or appearance or bear distinguishing marks to enable the vehicle to be clearly identified as a Hackney Carriage.

Such provision of the Act is provided under s47 (2) which states:

Without prejudice to the generality of the foregoing subsection, a district council may require any Hackney Carriage licensed by them under 1847 Act, to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a Hackney Carriage.

- 1.4 Currently, the authority does not prescribe any specific vehicle design, make or model to which a Hackney Carriage licence may be granted. The only distinguishing marks to identify the vehicle as a Hackney Carriage are the vehicle licence plates, (only visible when viewing the vehicle from the front or rear) and the roof sign, which is visible regardless from where the vehicle is viewed.
- 1.5 The High Court judgment on *Stockton-on-Tees Borough Council v Fidler, Hussain and Zarmanian* [2010] EWHC 2430 (Admin), had a significant impact not only on the Hackney Carriage and Private Hire trade, but also the licensing authorities up and down the country. It was judged that drivers of Hackney Carriages are considered not to be operating without a licence, while undertaking fares awarded to them via any Private Hire Operator outside the licensing authority area. As a result, a number of authorities across the country, including this authority, received an increased number of both driver and Hackney Carriage vehicle licence applications.
- 1.6 Facilitated by the High Court judgment referred to above, a considerable number of Gedling Borough Council licensed Hackney Carriages were and continue to operate, undertaking private hire work in both neighbouring and remote local authority areas. Meaning clear identification as to the licensed vehicle type is all the more important, to both the public and enforcement agencies.
- 1.7 Following the introduction of the Deregulation Act 2105, which amended the Taxi and Private Hire licensing regime, a review of all driver, operator and vehicle licence conditions and the vehicle specification, inspection and testing regime was undertaken. On 9th February 2016, following the review, Members of Environment & Licensing Committee approved, that after consultation, the Hackney Carriage Vehicle Licence Conditions presented at the time, be attached to the grant of a Hackney Carriage vehicle licence from 1st April 2016.
- 1.8 On 11th September 2018, following a request from a licensed Hackney Carriage Driver, Members of Environment & Licensing Committee were asked to consider an amendment to the Hackney Carriage Vehicle Licence Conditions, specifically relating to the displaying of roof signs. The proposed amendment to the condition was to avoid any future ambiguity in relation to the wording of the Condition.
- 1.9 The amendment to the Conditions, considered by Members in September 2018, not only removed ambiguity in relation to the wording of the Condition, but reinforced the provision afforded to district councils, allowing them to require any Hackney Carriage licensed by them to bear such marks as shall clearly identify the vehicle as a Hackney Carriage.

- 1.10 Following a 4-week consultation period, the Hackney Carriage Vehicle Licence Conditions were approved and continue to be attached to the grant of a Hackney Carriage vehicle licence. A copy of the current Conditions can be found at Appendix B.
- 1.11 By having the roof sign in situ at all times, it acts as a distinguishing feature, which clearly identifies the vehicle as a Licensed Hackney Carriage, whilst operating both inside and outside of the licensing authority area. Such a feature is considered an important asset for public and passenger safety.
- 1.12 Roof signs not only act as a clear and distinguishable feature, assisting the public with the identification as to the type of vehicle licence under which the driver and vehicle are operating. It also acts as an indicator to enforcement agencies and personnel, of the type of licence under which both driver and vehicle should be operating. The requirement to display a roof sign in accordance with the licence conditions is an important condition. A condition, which the Licensing Section regularly enforces.
- 1.13 Regardless of design and specification, it is a common sight up and down the country that vehicles licensed as a Hackney Carriage are furnished with a roof sign. Research has shown that all of the licensing authorities across Nottingham and Nottinghamshire require vehicles licensed as a Hackney Carriage to display a roof sign. Either as a condition of licence, or as a requirement within the vehicle specification.

2 Proposal

- 2.1 It is proposed that the Hackney Carriage Vehicle Licence Conditions are not changed to incorporate the request as set out in the written request – Appendix A

3 Alternative Options

- 3.1 That the Hackney Carriage Vehicle Licence Conditions are amended to incorporate the request as set out in the written request – Appendix A

4 Financial Implications

- 4.1 There are no financial implications.

5 Legal Implications

- 5.1 The Local Government (Miscellaneous Provisions) Act 1976 provides for any person aggrieved by any conditions attached to a Hackney Carriage Vehicle Licence may appeal to the Magistrates Court.

6 Equalities Implications

- 6.1 There are no equalities implications arising from this report.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 There are no carbon reduction/sustainability implications arising from this report.

8 Appendices

- 8.1 Appendix A – Application for change in Hackney Carriage Vehicle Licensing Conditions
- 8.2 Appendix B – Hackney Carriage Vehicle Licence Conditions (Current)

9 Background Papers

- 9.1 None

APPLICATION FOR A CHANGE IN HACKNEY CARRIAGE VEHICLE LICENSING CONDITIONS

Hackney Carriage Driver Licence Number:

Hackney Carriage Vehicle Licence Number:

I have been working as a hackney carriage driver since December 2019, have been with Gedling Borough Council throughout and I have had excellent service from the council. I have worked throughout the pandemic, and have taken approximately five thousand fares in that period, the overwhelming majority have been private hire through my operator, but some have been stand alone, of these stand alone trips, these were mostly NHS staff, free of charge. I make a point of not working the rank, and decided on becoming a taxi driver, to not take cash or have cash in the vehicle at any time when working, it is safer for all concerned. I do not confine my work to a specific borough or city or area, but do try to do as much work as I can in the area of Gedling Borough Council. One of the reasons I do not take passengers 'on the meter' is because the licensed area is so wide, and in my view, difficult to define, therefore I would rather take private hire work only, and not inadvertently fall foul of the rules, which I make a conscious effort to follow to the letter.

I have taken over 6000 fares for the operator I work with, and have not had a single complaint. Of course, as a hackney carriage, I can legally take fares booked through any private hire operator in the United Kingdom, however I currently only work with one operator, and have no intentions of changing that.

Over time I have discovered an issue which I feel I must raise, it is both an issue of driver/passenger/public safety and also convenience. The requirement under the vehicle licensing conditions is that when the vehicle is in use it must have the 'FOR HIRE' roof sign attached (**Section 6 of the Hackney Carriage Vehicle Licensing Conditions**), this has resulted in quite a few events that have been unpalatable, both for passengers and also for myself, these have happened both in Gedling Borough and elsewhere, including one event that took place in Portsmouth after dropping off a pre booked passenger who I had transported from Nottingham.

Members of the public have tried to open the car door when stationary at traffic lights, both with passengers on board and when I am alone, they have tried to get into the vehicle when I have been setting down passengers, they have also attempted to alight the vehicle when I have been waiting for a pre booked passenger. On one occasion a passenger opened the front door of the vehicle, not knowing there was a passenger in the rear, and attempted to hire the vehicle, he was mortified when he realised a passenger was already inside, and profusely apologised, but this was not a nice experience for all concerned. He stated the 'FOR HIRE' roof sign shouldn't be on the vehicle when not for hire, I advised him it had to be, to adhere to the conditions of the license, there was and is no option to remove it, and the option to illuminate it is impracticable, if operating in day light. On another occasion a member of the public and a pre booked passenger argued over who would be transported, I intervened and advised it was the passenger who had pre booked my vehicle for hire, and apologised to the member of the public concerned. There have been numerous other events, thankfully they have not been major, however this is just a matter of time.

These events, and the consequences that follow, are directly attributable to the 'FOR HIRE' roof sign on the vehicle, and if it wasn't present, I am almost 100% certain these incidents would not have occurred.

I am applying for a change in licensing conditions, to add a provision that if the vehicle proprietor and/or

driver wishes to, the hackney carriage vehicle can be operated without the 'FOR HIRE' sign attached to the roof, when taking pre booked passengers only, through a private hire operator.

The following legislation is important here:

- Section 47 (1) of the Local Government (Miscellaneous Provisions) Act 1976 allows a licensing council to attach conditions to the granting of a hackney carriage vehicle licence, that are **reasonable necessary**, emphasis added.
- Section 47 (2) of the Local Government (Miscellaneous Provisions) Act 1976 provides for a licensing council to specify that the hackney carriage licensed may be of such design or appearance, as to make the vehicle **identifiable as a hackney carriage**, emphasis added.
- Section 47 (3) of the Local Government (Miscellaneous Provisions) Act 1976 provides for an individual aggrieved by any conditions imposed, to appeal to a magistrate's court.
- Section 3 (2) of The Health and Safety at Work Act 1974 states that hackney carriage drivers have a duty to conduct their work in such a way that does not put others at risk, in relation to their health and safety.

I submit, that the provision requiring the 'FOR HIRE' roof sign to be attached to the roof of, or anywhere on the vehicle at all times, is **not reasonably necessary** when specifically taking only pre booked passengers, via a private hire operator, as a hackney carriage licensed driver can do so. In addition, I also submit that the vehicle is clearly **identifiable as a hackney carriage** without it, owing to the fact that '**HACKNEY CARRIAGE**' is written on both front and rear vehicle plates, in black letters on the rear, and white letters on the front, these are clearly visible and can be seen by passengers from both front and rear, naturally.

Lastly, it is also strongly arguable that the sign itself, is presenting a clear obstacle to ensuring the health and safety of passengers, members of the public and drivers. In this case specifically, when it is not required, and the driver is not plying for hire, there should be an option to remove it from the vehicle and place it in a secure location within that vehicle, most appropriately the boot.

I therefore make this application, and hope it can be approved. I am willing to discuss this in person, if The Environment and Licensing Committee wish to do so.

Kind regards,

Hackney Carriage Vehicle Licence Conditions

Definitions

"The Council" means the Gedling Borough Council.

"Authorised Officer" means any Officer authorised in writing by the Council for the purpose of these conditions and any statutory requirements relating to taxi licensing.

"Hackney Carriages" or "vehicle" has the same meaning as in the Town Police Clauses Act 1847.

"1976 Act" means the Local Government (Miscellaneous Provisions) Act 1976.

"Proprietor" means the person or persons or body named in this licence as the Proprietor of the vehicle and includes a part Proprietor and, in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement, means the person in possession of the vehicle under that agreement.

"Technical Test" means such test as the Council may prescribe to assess the mechanical fitness and suitability of the vehicle.

"Licence Plate" means the plate issued by the Council for the purpose of identifying the vehicle as a Hackney Carriage Vehicle duly licensed by the Council.

"Vehicle Specification" means the specification document agreed by the Council. A copy of the vehicle specification be found on www.Gedling.gov.uk under taxi licensing, or a copy can be requested from the Reception Desk at the Civic Centre offices.

The Proprietor shall observe and perform the following terms and conditions:-

1. Vehicle

- A The vehicle shall be maintained throughout the Licence period so as to comply at all times with the Vehicle Specification approved by the Council, and the interior and exterior of the Hackney Carriage shall be kept in a clean condition and maintained in a safe condition throughout the duration of the Licence.
- B Any damage to a Hackney Carriage shall be reported to the Council by the Proprietor within seventy-two hours of such damage in accordance with the 1976 Act and until such damage is repaired to the satisfaction of the Authorised Officer of the Council, the vehicle shall not be used for hire.
- C The Proprietor shall permit an Authorised Officer or any Constable to inspect the vehicle at all reasonable times. If the Authorised Officer or Constable is not satisfied as to the condition of the vehicle for use as a

Hackney Carriage, the Proprietor shall, after being notified in writing, present the vehicle for inspection at such place within the District of Gedling as is specified in such notice.

- D Without prejudice to the provisions of Condition 1C of these conditions, the Proprietor shall present the vehicle for inspection and testing at such time and at such place within the district of Gedling as specified in a notice served upon the Proprietor by the Council requiring the Proprietor so to do. Provided that the Council shall not, under the provisions of this paragraph, require the Proprietor to present the vehicle for inspection and testing on more than two separate occasions during any one period of twelve months.
- E If the Authorised Officer or Constable is not satisfied as to the condition of the vehicle for use as a Hackney Carriage upon completion of the inspection required by Condition 1 C or 1 D of these Conditions, he/she may immediately suspend the vehicle Licence. The Proprietor shall forthwith upon being required so to do by the Authorised Officer, cause the Licence Plate to be removed from the vehicle and handed to the Authorised Officer or 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 shall be returned to the Proprietor.
- F The Hackney Carriage Vehicle Licence shall be valid for a period of six months, where the vehicle is over 3 years of age.
- G The Hackney Carriage Vehicle Licence shall be valid for a period of twelve months, where the vehicle is 3 years of age or under and has mileage of less than 36,000 miles
- H (i) If, on inspection, the vehicle fails the technical test, the vehicle must be submitted for re-inspection within fourteen days.
- (ii) If the Proprietor fails to comply with Condition 1 H (i), an additional fee as set out in the Council's Scale of Fees at the time, will be payable when the vehicle is finally inspected.
- I There shall be provided and maintained in the vehicle at all times when it is in use or available for hire, a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances such equipment to be carried in such a position in the vehicle so as to be readily available for immediate use in an emergency.
- J The vehicle is to carry a set of replacement fuses of various amp rating and replacement bulbs – to include headlight, tail light, side light, brake light, indicator light and rear number plate light as minimum.
- K The proprietor shall ensure that a Hackney Carriage that is mechanically unable to proceed shall not remain on the stand longer than is necessary to call for assistance to remove that Hackney Carriage from that stand.
- L Space saver tyres are allowed provided:

- I. the type of space saver tyre is an original part of the vehicle's design and manufacture.
- II. the space saver tyre is limited to use in an emergency situation only at a maximum speed of 50 mph. Distance and mileage is to comply with manufacturers instructions.

2. Licence Plate and Drivers Badge

- A The licence plates issued by the Council shall at all times be kept affixed to the outside of the front and rear of the vehicle, in an upright position, either on or immediately above or below the bumper 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 plates are clearly visible by daylight from the road on both the front and rear of the vehicle
- B The Licence Plate referred to in Condition 2A of these Conditions shall remain the property of the Council and shall be returned forthwith to Customer Services, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham. NG5 6LU on expiry of the Licence unless the Council has granted a further Hackney Carriage Licence in respect of the vehicle, if the Proprietor no longer holds a Hackney Carriage Licence issued by the Council which is in force in respect of the vehicle.
- C The Proprietor of a licensed Hackney Carriage, shall report the damage, loss or theft of any Plate to Customer Services, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham as soon as such damage or theft becomes known.
- D In the event of a Plate being stolen, the Proprietor shall make a report immediately to the local police station.
- E Replacement Plates will be issued for a fee determined by the Council and payable by the Proprietor.
- F The proprietor is to ensure the identity badge holder is mounted inside the vehicle in such a location that it can be seen from all seats within the vehicle. One of the two Drivers badges issued by the Council of the person driving the vehicle is to be mounted in the holder at any time while the vehicle is plying for hire or being used for hire.

3. Documentation

- A At all times the Proprietor shall during the currency of this Licence, keep in force in relation to the user of the vehicle as a Hackney Carriage, a policy of insurance complying with the requirements of Part VI of the Road Traffic Act 1972 to include hire and reward.
- B On being so required by an Authorised Officer, the Proprietor of the

vehicle shall produce to that Officer for examination, the Certificate of insurance issued by the Insurer in respect of the vehicle for the purposes of Part VI of the Road Traffic Act 1972 and/or proof of ownership of the vehicle and/or the full current MOT Certificate for the vehicle.

- C Provided that if the Proprietor fails to produce the said documents to that Officer, the Proprietor shall, within five days of such a request, produce them to that Officer or to any other Authorised Officer at the Licensing Section, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham NG5 6LU.
- D The Proprietor shall notify the Council in writing of any change of address (including a change of business address) during the period of the Licence within seven days of such a change taking place.

4. Advertisements

- A Any advertisement on the vehicle shall be confined to a notice fixed to any of the side door panels of the vehicle containing the following information:-
 - (i) Name of Operator and
 - (ii) Telephone number of Operator.

The design of the notices shall be approved by the Council.

- B No other advertising material shall be exhibited on the vehicle without the prior written approval of the Council's Environment and Licensing Committee.

5. Taxi Meters and Data Systems

- A Taximeters fitted to Gedling Borough Council Hackney Carriages must be of a type previously approved for use under the Measuring Instruments (taximeters) Regulations 2006, and any vehicle presented to the Council after 1 April 2016 for a Hackney Carriage licence must be fitted with calendar controlled taximeter, locked and sealed by the manufacturer/supplier so that tariff rates change automatically and cannot be changed or tampered with manually by any person.
- B Some meters can be controlled by remote control. The use of remote controls is not permitted in vehicles licensed by Gedling Borough Council.
- C Where fitted, taximeters must be maintained in a safe condition in accordance with manufacturer's guidelines. All taximeters should be fitted in a position, approved by the Council's vehicle tester, where they are not obstructed by other fixtures or fittings within the vehicle and in a place where they are clearly visible to all passengers conveyed in the vehicle
- D The meter must comply with the Council's Hackney Carriage Fares Scale. A copy of this Scale must be displayed in your vehicle where it is visible to all passengers.
- E You must have the meter satisfactorily tested by an Authorised Officer of the Council before it is used. With effect from 1st April 2016, any meter

fitted to a Hackney Carriage must be calendar controlled and sealed.

- F The meter must be accurate, be capable of showing that the vehicle is or is not hired.
- G When the meter is working, the fare must be clearly legible. This fare must be unambiguous and must not exceed the rate as given in the Council's Hackney Carriage Fares Scale.
- H The word "FARE" must be clearly printed on the meter so it clearly indicates the fare displayed.
- I You must report any failure of the meter to the Council by 10.00am the next working day.
- J The meter must only be brought into action and the fare or charge must only commence from the point at which the hirer starts his/her journey.
- K A GPS taxi management & dispatch system consisting of a mobile data head and a central dispatch system manufactured may be fitted in accordance with the manufacturer's instructions. The GPS system is not a taximeter. It can be used alongside the vehicle's approved taximeter but must not replace it.

6. Roof Signs

- A The Proprietor of the Hackney Carriage provided with a taxi meter not fitted with a flag or other device bearing the words "FOR HIRE" shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements, that is to say;
 - (i) the front of the sign shall bear the words "FOR HIRE" in plain letters at least one and a half inches in height and the back of the sign shall bear the initials "GBC" or the words "GEDLING BOROUGH COUNCIL" and the plate number
 - (ii) 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
 - (iii) the sign shall be capable of being lit internally so that it is illuminated when the Hackney Carriage is "FOR HIRE" but not so illuminated otherwise
 - (iv) the roof sign shall be affixed to the roof of the vehicle in a proper manner and position at all times.
 - (v) the Proprietor of the Hackney Carriage shall maintain so far as is reasonably applicable such sign in efficient working order at all times.
 - (vi) no other signs shall be displayed on the roof of the vehicle unless by prior written approval from the Councils Environment & Licensing Committee.

7. Fares

- A The Proprietor of the Hackney Carriage herein licensed shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council and notified to the Proprietor. Such rate or fare shall be calculated by distance and time and may be subject to variation from time to time.
- B The Proprietor of the Hackney Carriage shall cause the current table of fares, as fixed from time to time by the Council, to be exhibited inside the carriage. The Proprietor shall not cause the fares table to be concealed or rendered illegible at any time while the vehicle is plying for hire or being used for hire. (Additional copies of the fares may be obtained from Customer Services, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham NG5 6LU).
- C The fare charged shall be for the hire of the Hackney Carriage and there shall be no extra charge for luggage.

8 Hackney Carriage Undertaking Private Hire Work

- A If a Hackney Carriage is to undertake private hire work via bookings received from a licensed operator, the proprietor should notify the Council of the operator's company name through which the vehicle is run. If the Hackney Carriage proprietor changes the operator through whom they run the vehicle, then the change must be notified to the Council within 48 hours of such a change.
- B Regardless of how the Proprietor operates the vehicle, once a vehicle is licensed by the Council as a Hackney Carriage, the vehicle remains a Hackney Carriage until such time the licence has either:
 - I. expired
 - II. suspended
 - III. revoked
 - IV. surrendered

The vehicle must therefore be fitted with a compliant meter, rooflight, identity badge holder and licences plates, first aid kit, fire extinguisher and replacement bulbs and fuses as specified at all times.

9. Hackney Carriage Drivers

- A The Proprietor shall not in the district act as a driver of a vehicle unless he has obtained a current combined Hackney Carriage/Private Hire Vehicle Drivers Licence issued by the Council.
- B The Proprietor shall not in the district;
 - (i) employ or use any person as the driver of the vehicle for the purpose of any hiring unless the person concerned is the holder of a current Hackney Carriage/Private Hire Drivers Licence issued by the Council
 - (ii) permit any other person to act as the driver of a vehicle for the

purpose of any hiring unless the person concerned has a current combined Hackney Carriage/Private Hire Vehicle Drivers Licence issued by the Council.

- C The Proprietor shall maintain a list of the names and addresses of all persons employed or otherwise used by him for the purposes of driving the vehicle and shall on request inform the Council of the content of such a list.

10. Radios

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

11. Transfers

The Proprietor shall not assign or in any way part with the benefit of the Licence. If he/she transfers his/her interest in the Hackney Carriage Vehicle to any other person he/she shall, not less than fourteen days before such transfer, give notice in writing thereof to the Council specifying the name and address to whom the vehicle is to be transferred. If, for any reason the Proprietor does not wish to retain the Hackney Carriage Vehicle Licence, he/she must immediately surrender and return the Licence and Plate if appropriate to the Planning and Environment Department, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham.

PENALTIES

The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part II of the Act, shall be guilty of an offence and may be liable on summary conviction to a fine not exceeding £1,000 where no other specific penalty is expressed. In addition, such action may lead to the suspension or revocation of an existing Licence or the non-renewal of such a Licence.

Your attention is drawn to the various provisions contained in the 1976 Act which you are advised to obtain and read carefully.

N.B. These conditions are additional to the statutory requirements relating to Hackney Carriages contained in the Town Police Clauses Act 1847 (and any byelaws made thereunder) and the Local Government (Miscellaneous Provisions) Act 1976.

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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