

# Agenda

## Environment and Licensing Committee

Date: **Tuesday 16 April 2024**

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Time: **4.15 pm**

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Place: **Council Chamber**

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For any further information please contact:

**Democratic Services**

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# Environment and Licensing Committee

## Membership

**Chair** Councillor Alison Hunt

**Vice-Chair** Councillor Marje Paling

Councillor Boyd Elliott  
Councillor Rachael Ellis  
Councillor Des Gibbons  
Councillor Julie Najuk  
Councillor Sue Pickering  
Councillor Alex Scroggie  
Councillor Martin Smith  
Councillor Clive Towsey-Hinton  
Councillor Paul Wilkinson

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## **Responsibility of Committee:**

- 1) All non-executive functions of the Council with regard to:
  - a) Environmental health
  - b) Health and safety at work (other than the exercise of the functions of the Council in the capacity of employer)
  - c) Food hygiene and safety
  - d) Animal health and hygiene
- 2) The determination of applications for licences, approvals, consents, permission or registration or direct regulation of any person or the enforcement of any such licence, approval, consent, permission or regulation with regard to the functions in relation to contaminated land, control of pollution, air quality and noise and statutory nuisance listed in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
  - a) All non-executive functions of the Council with regard to licensing and registration of:
    - 1) Caravan sites

- 2) Hackney Carriages and Private Hire Vehicles, drivers and operators
- 3) Entertainments
- 4) Betting, gaming and lotteries
- 5) Theatres and cinemas
- 6) Street trading and markets
- 7) All other licensing functions listed in Part B of Schedule 1 to the Regulations other than those relating to streets and highways.

- b) Any function relating to contaminated land
- c) The discharge of any function relating to the control of pollution or the management of air quality.
- d) The service of an abatement notice in respect of a statutory nuisance
- e) The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.
- f) The inspection of the authority's area to detect any statutory nuisance
- g) The investigation of any complaint as to the existence of a statutory nuisance.

1. Power to issue licences authorising the use of land as a caravan site.
2. Power to license the use of movable dwellings and camping sites.
3. Power to license Hackney Carriages and Private Hire Vehicles.
4. Power to license drivers of Hackney Carriages and Private Hire Vehicles.
5. Power to grant permits in respect of premises with amusement machines.
6. Power to register societies wishing to promote lotteries.
7. To consider applications for hazardous substances consent.
8. Power to grant permits in respect of premises where amusements with prizes are provided.
9. Power to consider and determine applications for public entertainment licences.
10. Power to licence sex shops and sex cinemas.
11. Power to licence performances of hypnotism.
12. Power to licence premises for acupuncture, tattooing, ear piercing and electrolysis.
13. Power to licence markets and street trading.
14. Power to licence night cafes and take away food shops.
15. Power to licence dealers in game and the killing and seeking of game.
16. Power to register and licence premises for the preparation of food.
17. Power to licence scraps yards.
18. Power to licence premises for the breeding of dogs.
19. Power to licence pet shops and other establishments where animals are kept or bred for the purposes of carrying on a business.
20. Power to licence dangerous wild animals.
21. Power to licence knackers' yards.
22. Power to licence persons to collect for charitable and other causes.
23. Power to approve meat product premises and to approve premises for the production of minced meat or meat preparations.
24. Power to approve dairy establishments and egg product establishments.
25. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling both raw meat and ready to eat foods.
26. To keep a register of food business premises.
27. Power to register food business premises.
28. Power to issue arena and theatre licences.
29. Power to licence zoos.
30. To consider and determine applications for public entertainment licences.
31. The functions of the Council under the following legislation:
  - I. House to House Collections Act 1939 as amended by the Local Government Act 1972;

- II. Betting, Gaming and Lotteries Act 1963 - 1971 as amended by the Gaming and Lotteries (Amendment) Act 1980.
  - III. Gaming Act, 1968 as amended by the Lotteries and Amusement Act 1976.
32. Power to fix those fees and charges falling within the remit of the Committee.

# AGENDA

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- 1 **Apologies for Absence and Substitutions.**
- 2 **To approve, as a correct record, the minutes of the meeting held on 12 March 2024.** 7 - 8
- 3 **Declaration of Interests.**
- 4 **Any other item which the Chair considers urgent.**
- 5 **Amendments to Equality Act 2010 following the introduction of the Taxi & Private Hire Vehicles (Disabled Persons) Act 2022** 9 - 29  
Report of Head of Environment
- 6 **Request for approval of licensed vehicle livery** 31 - 36  
Report of Head of Environment
- 7 **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.
- 8 **Application for a one year Joint Hackney Carriage/Private Hire Drivers Licence - AL** 37 - 38  
Report of Head of Environment
- 9 **Application for a three year Joint Hackney Carriage/Private Hire Drivers Licence - MR** 39 - 41  
Report of Head of Environment
- 10 **Change of circumstances Hackney Carriage/Private Hire Drivers Licence - AD** 43 - 57  
Report of Head of Environment

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## MINUTES ENVIRONMENT AND LICENSING COMMITTEE

Tuesday 12 March 2024

Councillor Alison Hunt (Chair)

Present: Councillor Marje Paling Councillor Alex Scroggie  
Councillor Rachael Ellis Councillor Martin Smith  
Councillor Des Gibbons Councillor Clive Towsey-Hinton  
Councillor Julie Najuk Councillor Paul Wilkinson  
Councillor Sue Pickering

Absent: Councillor Boyd Elliott

Officers in Attendance: C Allcock, J Brough, B Hopewell and A Hutchinson

### 17 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillor Elliott.

### 18 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 6 FEBRUARY 2024.

#### RESOLVED:

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

### 19 DECLARATION OF INTERESTS.

None.

### 20 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

### 21 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.

### 22 APPLICATION FOR A ONE-YEAR JOINT HACKNEY

## **CARRIAGE/PRIVATE HIRE DRIVERS LICENCE- GA**

Consideration was given to a report of the Head of Environment, which had been circulated in advance of the meeting, regarding an application for a one year joint Hackney Carriage/Private Hire Driver's Licence for GA.

GA attended the meeting along with a friend and they both addressed the Committee.

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

### **RESOLVED:**

To refuse GA's application for a Joint Hackney Carriage/Private Hire Driver's Licence.

23

## **CHANGE OF CIRCUMSTANCE OF JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE- HA**

Consideration was given to a report of the Head of Environment, 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.

HA attended the meeting along with a friend and he addressed the Committee.

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

### **RESOLVED to:**

- 1) To suspend HA's licence for 56 days; and
- 2) Issue a warning to HA that such conduct fell short of the expected standard for Hackney Carriage Drivers and that further such incidents would result in another appearance before the Committee.

HA was given 21 days to surrender his licence and was advised of his right to appeal against the decision of the Committee.

The meeting finished at 6.20 pm

Signed by Chair:  
Date:





## **Report to Environment & Licensing Committee**

**Subject:** Amendments to Equality Act 2010 following the introduction of the Taxi & Private Hire Vehicles (Disabled Persons) Act 2022

**Date:** 16<sup>th</sup> April 2024

**Author:** Head of Environment

### **Purpose**

To inform Members' of the introduction of the Taxi & Private Hire Vehicles (Disabled Persons) Act 2022 (the '2022 Act'), which amends the Equality Act 2010 (the '2010 Act'), by amending existing duties, and placing new duties on local licensing authorities ('LLA'), drivers of both taxis and private hire vehicles and private hire operators.

To update Members' on the requirement for LLAs to maintain and publish a list of designated wheelchair accessible vehicles ('WAV') under s.167 of the 2010 Act.

To seek Members' approval to amend the Gedling Borough Council Statement of Policy and Guidelines for the Licensing of Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators to incorporate information regarding these duties.

To seek Members' approval to delegate all functions and responsibilities under the 2022 Act and any regulations made there under, to the Chief Executive.

### **Recommendation(s)**

#### **THAT:**

- 1) Members approve the amendments to the Gedling Borough Council Statement of Policy and Guidelines for the Licensing of Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators to incorporate information regarding these duties, found at Appendix 1 of this report.
- 2) Members note the amendment to s.167 of the 2010 Act and the legal obligation on the Council to maintain and publish a list of designated wheelchair accessible vehicles.

- 3) Members delegate all functions and responsibilities under the 2022 Act and any regulations made there under, to the Chief Executive.

## 1 Background

- 1.1 In April 2018, members approved the Policy on the Carriage of Persons in Wheelchairs when Carried in a Designated Vehicle, following the introduction of statutory guidance issued to local authorities under the 2010 Act. This Act brought together a number of existing laws into one place making it easier to use. The 2010 Act legally protects people from discrimination in the workplace and in wider Society.
- 1.2 Part 12 of the 2010 Act specifically relates to the use of taxis and private hire vehicles by disabled persons, and their rights when using such services provided by drivers of taxi and private hire vehicles, and operators of private hire vehicles.
- 1.3 On 29<sup>th</sup> June 2022, the 2022 Act came into force. The 2022 Act amends Part 12 of the 2010 Act by introducing new, and amending existing duties placed upon local authorities, taxi and private hire drivers and private hire operators.
- 1.4 The aim of the 2022 Act is to ensure disabled people can access and use taxi and private hire services with confidence, and not be discriminated against.
- 1.5 Before the introduction of the 2022 Act, duties were only placed on the drivers of taxis and private hire vehicles which were designated as Wheelchair Accessible Vehicle (WAV) and regarding passengers travelling with assistance dogs. The 2022 Act now places new duties on all drivers of non-designated WAV taxis and private hire vehicles when dealing with disabled passengers. The full details of the new duties can be found in the proposed amendments at Appendix A.
- 1.6 Drivers of Gedling licensed taxis and private hire vehicles will be advised and made aware of their duties imposed upon them by the 2022 Act via email and that it is a criminal offence for private hire operators and drivers of taxis and private hire vehicles (unless exempt) to fail to comply with these duties. The new duties will also be made available to the service users through the Council's website and Council's Contacts magazine.
- 1.7 Prior to the implementation of the 2022 Act, section 167 of the Equality Act 2010 stated that a licensing authority **may** maintain a list of vehicles which are designated as WAV. The 2022 Act amends section 167 which now states licensing authorities **must** maintain and publish a list of licensed taxi and private hire vehicles which are designated as being WAV.

- 1.8 Section 166 of the 2010 Act allows drivers to apply for an exemption from certain of the duties. All applications will determined by the licensing authority. An exemption certificate will be granted if the Council are satisfied that it is appropriate to do so, on medical or physical grounds.

The licensing authority are responsible for the enforcement of drivers' duties under the 2010 Act as well as, the administration of any exemption requests received from any of its licensed drivers who drive either a designated or non-designated wheelchair accessible vehicle, and the maintenance of the Designated Vehicle List.

- 1.9 Section 172 of the 2010 Act enables vehicle owners to appeal against the decision of a licensing authority to include their vehicle on the designated list. That appeal should be made to the Magistrates' court and must be made within 28 days of the vehicle in question being included on the published list.

Section 172 also enables drivers to appeal against the decision not to issue an exemption certificate under section 166, 169 and 171, that appeal should also be made to the Magistrates' court within 28 days beginning with the date of the refusal.

- 1.10 The 2022 Act also places new duties on private hire vehicle operators. The operator must accept a booking for a vehicle if the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person. The operator must not make or propose to make any additional charge for carrying out and fulfilling the booking made by or on behalf of a disabled person.

- 1.11 Making the suggested amendments to the Gedling Borough Council Statement of Policy and Guidelines for the Licensing of Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators will provide clarity to both licensed drivers, private hire operators and service users and provide information about the Council's roles and responsibilities with regards to disabled persons having access to and for their safe carriage within licensed Taxis and private Hire vehicles.

## **2 Proposal**

- 2.1 That Members approve the amendments to the Gedling Borough Council Statement of Policy and Guidelines for the Licensing of Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators
- 2.2 That Members delegate all functions and responsibilities under the 2022 Act and any regulations made there under, to the Chief Executive.

### **3 Alternative Options**

- 3.1 Members could choose not to approve the amendments. This would potentially leave licensed drivers and private hire operators unclear about their duties, and service users unaware of their protections. Officers would therefore not recommend this course of action.

### **4 Financial Implications**

- 4.1 The implementation and communication of the new duties and policy will be met through existing budgets.

### **5 Legal Implications**

- 5.1 The new duties introduced under the 2022 Act along with the existing duties under The 2010 Act are law and must be adhered to. Drivers of taxi and private hire vehicles, and operators of private hire vehicles may face criminal charges if they are found in breach of the duties.
- 5.2 Under the 2022 Act it is now a legal requirement that the Council maintain and publish a list of WAV's and that this is kept under review. We also have a legal duty to issue exemption certificates to drivers if appropriate.

### **6 Equalities Implications**

- 6.1 EIA form attached at Appendix 2
- 6.2 Disabled drivers who may be unable to comply with some of the new 'assistance duties' will have the ability to apply for an exemption.

### **7 Carbon Reduction/Environmental Sustainability Implications**

- 7.1 None

### **8 Appendices**

- 8.1 Appendix 1: Suggested amendments to the Gedling Borough Council Statement of Policy and Guidelines for the Licensing of Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators to incorporate information on the existing and new duties.
- 8.2 Appendix 2: Equality Impact Assessment

### **9 Background Papers**

- 9.1 None

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**Statutory Officer approval**

**Approved by:**

**Date:**

**On behalf of the Chief Financial Officer**

**Approved by:**

**Date:**

**On behalf of the Monitoring Officer**

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## **The Equality Act 2010**

On 28 June 2022, the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022 took effect in England, Scotland, and Wales. It amended the Equality Act 2010 to introduce new, and amend existing, duties for Taxi and Private Hire Vehicle (PHV) drivers and Operators alike. The aims are to ensure that disabled people can use taxi and PHV services with confidence that they will not be discriminated against.

This section provides an overview of the new and amended duties placed on taxi drivers, private hire drivers and operators however a breakdown of the responsibilities under each section of the legislation can be found at Appendix VI.

### **Wheelchair Accessible Vehicles**

Under the Section 167 of the Equality Act 2010 the Council are required to administer a list of licensed vehicles which are occupied wheelchair accessible. This list is referred to as the Designated Vehicles list and is available at:

[www.gedling.gov.uk](http://www.gedling.gov.uk). Occupied wheelchair accessible means the wheelchair user is able to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in the wheelchair. Such vehicles are referred to as Wheelchair Accessible Vehicles (WAV).

### **Overview and explanation of duties on drivers**

Sections 164A, 165, 165A, 168, and 170 place duties on drivers to ensure that disabled people have specific rights and protections to access taxis and PHVs, to receive assistance when using these services, and to not be charged extra for doing so.

We recommend that the driver or operator asks every passenger whether they require assistance. For hired vehicles, this should be at the booking stage. For taxis, this should be when the vehicle is hailed or approached at the taxi rank or on the street.

Where applicable, service providers should also update booking websites and smartphone applications to collect this information from passengers, allowing, for example, a person with dementia to ask for assistance in locating the vehicle or a wheelchair user to state their intention to remain in their wheelchair while travelling. This will also give the driver or operator the opportunity to advise the passenger on how they will provide assistance, for example to explain how the vehicle's ramp will be used or to establish an appropriate place for a wheelchair user to enter the vehicle.

### **Sections 164A and 165: duties to carry and assist any disabled person**

164A and 165 place duties on drivers to carry and assist disabled passengers without making, or proposing to make, an extra charge for doing so. Drivers who are subject to section 165 have an additional duty to carry the passenger whilst seated in their wheelchair.

**The duties at section 164A apply to:**

Drivers of any taxi or PHV which is not included on the Gedling Borough Council list of designated wheelchair accessible vehicles, where the passenger is disabled, including wheelchair users (with the assumption that the wheelchair user transfers to a passenger seat to travel) drivers of any vehicle which is included on a designated list, where the passenger is disabled and not a wheelchair user.

**The duties at section 165 apply to:**

Drivers of any vehicle which is included on the Gedling Borough Council designated list, where the passenger is in a wheelchair, the vehicle has been hired by or for a disabled person who is in a wheelchair or by another person who wishes to be accompanied by a disabled person who is in a wheelchair.

The application of section 164A or 165 is based on whether the vehicle is designated wheelchair accessible and the circumstances of the disabled passenger.

Although each situation will be different, and reasonable mobility assistance will be subject to other applicable law – including health and safety legislation – we would expect drivers to provide basic assistance which could include, but may not be limited to:

- a) opening the passenger door
- b) folding manual wheelchairs and placing them in the luggage compartment
- c) installing the boarding ramp
- d) securing a mobility aid within the passenger compartment

Depending on the weight of the wheelchair or mobility aid and the capability of the driver, reasonable mobility assistance could also include (but may not be limited to) pushing a manual wheelchair or light electric wheelchair up a ramp or stowing a light electric wheelchair in the luggage compartment.

A driver should, however, only touch a wheelchair or mobility aid or seek to provide physical assistance if the user gives permission for them to do so.

We expect drivers to communicate with passengers when providing assistance, as this will be key to understanding a disabled person's needs. We recommend drivers:

- a) ask passengers what help they need
- b) listen to and understand the response, and then
- c) act on what they have been asked to do, seeking clarification, if necessary, on how to provide what is needed

Whilst access to the vehicle may be dependent on the wheelchair or mobility aid itself, drivers should not carry any unessential items in the boot of the vehicle which could prevent a wheelchair or mobility aid from being stowed there, or (in the case of designated vehicles) carry any unessential items in the passenger seating area



which could prevent a wheelchair user from travelling while seated in their wheelchair.

The requirement not to charge a disabled person extra means that a meter should not be activated before, or left running, whilst the driver performs duties required by the Equality Act 2010.

### **Section 165A: duties on drivers to assist a passenger to identify and find the vehicle**

Section 165A places duties on drivers to assist any disabled passenger to find or locate their pre-booked taxi or PHV without making, or proposing to make, an additional charge for doing so.

The section 165A duties apply to any pre-booked taxi driver and any PHV driver, regardless of whether their vehicle is designated as being wheelchair accessible or not, provided:

- the vehicle has been hired by or for a disabled person, or by another person who intends to accompany a disabled person the driver of the PHV or pre-booked taxi has been made aware before the start of the journey that the passenger requires assistance to identify and/or find that vehicle.

Drivers and operators should not attempt to identify a person's impairment or disability, only what type of assistance the driver needs to provide in order for the passenger to board, travel in, and alight from the vehicle in safety and reasonable comfort.

In order to help fulfil the duties at section 165A, drivers should familiarise themselves with the most common communication methods a person may require in order to identify and/or find the vehicle. These communication methods include, but are not limited to:

- a) giving audio directions for a visually impaired passenger (calling the passenger once at the pick-up point)
- b) giving visual directions (for example, the colour and registration of the vehicle) for a hearing-impaired passenger
- c) repeating key information for a passenger with mental or cognitive impairments

### **Sections 168 and 170: duties on drivers to carry assistance dogs**

Sections 168 and 170 place duties on drivers of taxis (under s168) and PHVs (under s170) to carry an assistance dog and allow them to remain with their user without making, or proposing to make, an additional charge for doing so.

It is an offence for a driver to propose to make, as well as to make, an additional charge for carrying out the duties in these sections. For example, a driver must not add a surcharge to the meter for carrying an assistance dog. The taximeter should not be activated until both the passenger and assistance dog are properly settled,

and the vehicle is ready to depart. Equally, the taximeter should be stopped as soon as the destination is reached, and before any unloading takes place.

### **Offences for PHV operators**

#### **Section 167A: offences for PHV operators not to refuse or fail a booking for a disabled person**

Section 167A makes it an offence for a PHV operator to refuse or fail to accept a booking from, or on behalf of, a disabled person because (i) the person is disabled or (ii) to prevent a driver from being subject to the duties at sections 164A, 165, or 165A. It also makes it an offence for a PHV operator to make, or propose to make, an additional charge for carrying out of any duty imposed on the driver of the private hire vehicle under section 164A, 165 or 165A.

#### **Section 170: offences on PHV operators not to refuse or fail a booking for an assistance dog user**

Section 170 makes it an offence for a PHV operator to refuse or fail to accept a booking from, or on behalf of, an assistance dog user:

- a) because the person will be accompanied by an assistance dog or;
- b) to prevent a driver from being subject to the duties at section 170

Operators should book trips for assistance dog users as they would for any other passenger, for example using the nearest driver to the point of pick-up, regardless of any preference that driver may have not to carry a dog.

### **Driver Exemptions**

Some drivers may have a physical condition or medical grounds which make it impossible or unreasonably difficult for them to provide the sort of physical assistance which the mobility assistance duties in the Equality Act 2010 require.

Section 166 requires Licensing Authorities to grant exemptions to applicable drivers specifically from the “mobility assistance” duties at 164A(5)(e) and 165(4)(e). This means that drivers with such exemption certificates are not exempt from any of the other duties at sections 164A, 165, or 165A. This applies to all such exemption certificates whether newly granted or previously held.

An exemption may be issued for as short or long a period as the Licensing Authority considers appropriate, bearing in mind the nature of the relevant physical or medical condition.

Separately to the exemptions at section 166 of the Equality Act 2010, Licensing Authorities can also issue exemptions to drivers under sections 169 (for taxi drivers) and 171 (for PHV drivers) relating to the duties to carry assistance dogs (sections 168 and 170). A driver with a section 166 exemption is not exempt from the duties at sections 168 or 170 in relation to carrying assistance dogs. Likewise, a driver with a 169 or 171 exemption is not exempt from the mobility assistance duties at 164 or 165.

Exemption certificates, which show the photograph of the driver, must be displayed in the vehicle whenever the driver is working. Information on how to apply for an exemption is at: <https://www.gedling.gov.uk/business/taxis/> or by contacting the Licensing Team at: [licensing@gedling.gov.uk](mailto:licensing@gedling.gov.uk)

### **Enforcement of responsibilities**

If you have a concern about a driver and or the private hire operator not fulfilling their duties, we ask that you report your concerns to the Council as soon as you can. We need to be able to identify the driver and or the private hire operator, so information from you about the registration number, the licence number of the vehicle and/or the name of the driver/operator is essential. It will also help if you can give us the names and addresses of any other witnesses.

We want to know about anything that may make a driver non-compliant with the duties of a driver of a designated vehicle. For instance:

- Refusal to carry a disabled passenger, their wheelchair and or mobility aids.
- Refusal or reluctance by the driver to assist a disabled passenger to get into or out of the vehicle; load the passengers' luggage, wheelchair or mobility aids into or out of the vehicle.
- Overcharging by way of adding an additional charge for the carriage of, and or the assisting a disabled passenger.
- Incorrectly displaying of an Exemption Notice within the vehicle
- Displaying an expired, fake or counterfeit Exemption Notice

You can report any concerns:

- By telephone – 0115 9013971
- Via our web site – [www.gedling.gov.uk/complaints/](http://www.gedling.gov.uk/complaints/)
- In person at Civic Centre Arnot Hill Park, Arnold Nottingham NG5 6LU
- Write to us at Licensing Section, Civic Centre, Arnot Hill Park, Arnold, Nottingham NG5 6LU

If sufficient information is provided we will investigate the complaint. Various actions can be taken should a complaint be upheld including the possibility of prosecution. Any driver or operator found to be in breach of their duties will face up to a £1000 fine.

## **The duties on taxi drivers and PHV drivers and operators under the Equality Act 2010 as amended by the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022**

### **Duties on drivers of non-designated wheelchair accessible Hackney Carriages and PHVs**

#### **Section 164A**

##### **Disabled passenger**

Any disabled passenger, including wheelchair users.

##### **Duties**

1. To carry the passenger
2. To carry their wheelchair (e.g. in the boot of the vehicle)
3. To carry their mobility aids
4. To take reasonable steps to carry the passenger in safety and reasonable comfort
5. To provide reasonable mobility assistance
6. Not to make, or propose to make, any charge for carrying out the above duties

##### **Defences**

1. That the driver could not reasonably have known that the passenger was disabled (in order to comply with the duties)
2. It would not have been possible or reasonable for the wheelchair or mobility aids to be carried safely in the vehicle
3. It would not have been reasonable in all the circumstances for the wheelchair or mobility aids to be carried in the vehicle
4. The driver could not reasonably have known that the passenger required mobility assistance of the type required by the passenger

#### **Section 165A**

This applies to a PHV or where the Hackney Carriage has been prebooked.

##### **Disabled passenger**

Any disabled passenger, including wheelchair users.

##### **Duties**

1. To take such steps as are reasonable to assist the passenger to identify and find the vehicle which has been hired

2. Not to make, or propose to make, any additional charge for complying with the above duty

### **Defences**

1. The driver of the PHV or prebooked Hackney Carriage has not been made aware before the start of the passenger's journey in the vehicle that the passenger requires assistance to identify or find that vehicle

### **Section 168 (Hackney Carriages)**

#### **Disabled passenger**

Assistance dog users.

#### **Duties**

1. Carry the disabled person's dog and allow it to remain with that person
2. Not make, or propose to make, any additional charge for doing so

#### **Defences**

There are no defences for this section.

### **Section 170 (PHV Only)**

#### **Disabled passenger**

Assistance dog users.

#### **Offences**

1. A driver commits an offence by
2. Failing or refusing to carry out a booking accepted by the operator
3. If the booking is made by, on or behalf of, a disabled person
4. The reason for the failure or refusal is that the disabled person is accompanied by an assistance dog
5. Making, or proposing to make, an additional charge for carrying an assistance dog

#### **Defences**

1. There are no defences for this section.

### **Duties on drivers of designated wheelchair accessible Hackney Carriages and PHVs**

#### **Section 164A**

#### **Disabled passenger**

Any disabled passenger, apart from wheelchair users.

## **Duties**

1. To carry the passenger
2. To carry their mobility aids
3. To take reasonable steps to carry the passenger in safety and reasonable comfort
4. To provide reasonable mobility assistance
5. Not to make, or propose to make, any charge for carrying out the above duties

## **Defences**

1. That the driver could not reasonably have known that the passenger was disabled (in order to comply with the duties)
2. It would not have been possible or reasonable for the mobility aids to be carried safely in the vehicle
3. It would not have been reasonable in all the circumstances for the wheelchair or mobility aids to be carried in the vehicle
4. The driver could not reasonably have known that the passenger required mobility assistance of the type required by the passenger

## **Section 165**

### **Disabled passenger**

Wheelchair users.

## **Duties**

1. To carry the passenger while in the wheelchair
2. If the passenger chooses to sit in a passenger seat, to carry the wheelchair (e.g. in the boot of the vehicle)
3. To carry their mobility aids
4. To take necessary steps to carry the passenger in safety and reasonable comfort
5. To provide reasonable mobility assistance
6. Not to make, or propose to make, any charge for carrying out the above duties

## **Defences**

1. It would not have been possible for the wheelchair or mobility aids to be carried safely in the vehicle
2. It would not have been reasonable in all the circumstances for the mobility aids to be carried in the vehicle

## **Section 165A**

This applies to a PHV or where the Hackney Carriage has been prebooked.

### **Disabled passenger**

Any disabled passenger, including wheelchair users.

### **Duties**

1. To take such steps as are reasonable to assist the passenger to identify and find the vehicle which has been hired
2. Not to make, or propose to make, any additional charge for complying with the above duty

### **Defences**

1. The driver of the prebooked taxi has not been made aware before the start of the passenger's journey in the vehicle that the passenger requires assistance to identify or find that vehicle

## **Section 168 (Hackney Carriages)**

### **Disabled passenger**

Assistance dog users.

### **Duties**

1. Carry the disabled person's dog and allow it to remain with that person
2. Not make, or propose to make, any additional charge for doing so

### **Defences**

1. There are no defences for this section.

## **Section 170 (PHV Only)**

### **Disabled passenger**

Assistance dog users.

### **Offences**

1. Failing or refusing to carry out a booking accepted by the operator:
2. If the booking is made by, on or behalf of, a disabled person
3. The reason for the failure or refusal is that the disabled person is accompanied by an assistance dog
4. Making, or proposing to make, and additional charge for carrying an assistance dog

## **Defences**

1. There are no defences for this section.

## **Offences on PHV operators**

### **Section 167A**

#### **Disabled passenger**

Any disabled passenger, including wheelchair users.

#### **Offences**

1. Failing or refusing to accept a booking for the vehicle if:
  - a. The booking is made by, on or behalf of, a disabled person
2. The reason for the failure or refusal is:
  - b. That the person is disabled or
  - c. To prevent the driver from being made subject to a duty at sections 164A, 165, or 165A
3. Making, or proposing to make, and additional charge for carrying out any duty on the driver under sections 164A, 165, or 165A

#### **Defences**

1. It was reasonable not to have accepted the booking due to a lack of suitable vehicles

### **Section 170**

#### **Disabled passenger**

Assistance dog users.

#### **Offences**

Failing or refusing to accept a booking for the vehicle if:


the reason for the failure or refusal is:

1. That the person will be accompanied by an assistance dog
2. To prevent the driver from being made subject to a duty at section 170
3. Making, or proposing to make, and additional charge for carrying an assistance dog

#### **Defences**

1. There are no defences for this section.



<b>Equalities Impact Assessment</b>					
Name of project, policy, function, service or proposal being assessed:		Amendments to Equality Act 2010 following the introduction of the Taxi & Private Hire Vehicles (Disabled Persons) Act 2022			
The main objective of (please insert the name of accessed document stated above):		To adhere to the amendments to Equality Act 2010 following the introduction of the Taxi & Private Hire Vehicles (Disabled Persons) Act 2022			
<p>What impact will this (please insert the name) have on the following groups? Please note that you should consider both external and internal impact:</p> <ul style="list-style-type: none"> <li>• External (e.g. stakeholders, residents, local businesses etc.)</li> <li>• Internal (staff)</li> </ul>					
Please use only 'Yes' where applicable		<b>Negative</b>	<b>Positive</b>	<b>Neutral</b>	<b>Comments</b>
<b><u>Gender</u></b>	External		Yes		Assist disabled people of all genders when travelling in licensed taxis
	Internal			Yes	
	External		Yes		Assist disabled people who have undergone gender

<b>Gender Reassignment</b>					reassignment when travelling in licensed taxis
	Internal			Yes	
<b>Age</b>	External		Yes		Assist disabled elderly people when travelling in licensed taxis
	Internal			Yes	

<b><u>Marriage and civil partnership</u></b>	External			Yes	
	Internal			Yes	
<b><u>Disability</u></b>	External		Yes		Assist people with any disability when travelling in licensed taxis
	Internal			Yes	
<b><u>Race &amp; Ethnicity</u></b>	External			Yes	
	Internal			Yes	
<b><u>Sexual Orientation</u></b>	External			Yes	
	Internal			Yes	
<b><u>Religion or Belief (or no Belief)</u></b>	External			Yes	
	Internal			Yes	
<b><u>Pregnancy &amp; Maternity</u></b>	External			Yes	
	Internal			Yes	
<b><u>Other Groups</u></b> (e.g. any other vulnerable groups, rural)	External			Yes	

isolation, deprived areas, low income staff etc.)  Please state the group/s:  _____  _____	Internal				

Is there is any evidence of a high disproportionate adverse or positive impact on any groups?		No	Comment
Is there an opportunity to mitigate or alleviate any such impacts?		No	Comment
Are there any gaps in information available (e.g. evidence) so that a complete assessment of different impacts is not possible?		No	Comment

In response to the information provided above please provide a set of proposed action including any consultation that is going to be carried out:

Planned Actions	Timeframe	Success Measure	Responsible Officer

**Authorisation and Review**

<b>Completing Officer</b>	<b>Kevin Nealon</b>
<b>Authorising Head of Service/Director</b>	<b>Mel Cryer</b>
<b>Date</b>	<b>22.12.23</b>
<b>Review date ( if applicable)</b>	

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**Report to The Environment and Licensing Committee**

**Subject:** Request for approval of licenced vehicle livery.

**Date:** 16<sup>th</sup> April 2024

**Author:** Head of Environment.

**Name of Applicant: Aleena ABASSE. Company Director of Nottingham Green Cars Ltd.**

**I. Purpose of the Report**

A request has been received from Nottingham Green Cars Ltd for Members to consider allowing a vinyl wrap vehicle livery design to be applied to Gedling Borough Council licenced Hackney Carriages working on their fleet.

Current Gedling Borough Council vehicle licence conditions state the following:

**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.

**Issues for consideration by the Environment and Licensing Committee**

The Committee are asked to consider the request by Aleena ABBASI on behalf of Nottingham Green Cars Ltd.

**Recommendation**

For consideration by the Environment and Licensing Committee

**3. Appendices**

**Appendix A** – Report of Licensing Enforcement Officer.



**Report of Jim BROUGH.****Licensing Enforcement Officer for Gedling Borough Council.**

**Name of applicant:** Aleena ABASSE. Company Director, on behalf of Nottingham Green Cars.

**Address:** Unit 6, Trent South Industrial Park, Little Tennis Street, Nottingham. NG2 4EQ.

**Purpose of Report:**

Local Government (Miscellaneous Provisions) Act 1976  
Hackney Carriage Licence Conditions: Liveries on Hackney Carriage Vehicles.

**Summary**

Gedling Borough Council's Hackney Carriage vehicle licence conditions state:

**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.

I have received a request from Nottingham Green Cars that the Environment and Licensing Committee approve a vinyl wrap livery to

*Public Protection Service*

be applied to Hackney Carriage vehicles licenced by Gedling Borough Council which are operating as part of their fleet.

Nottingham Green Cars are a Nottingham City Council licenced Private Hire Operator.

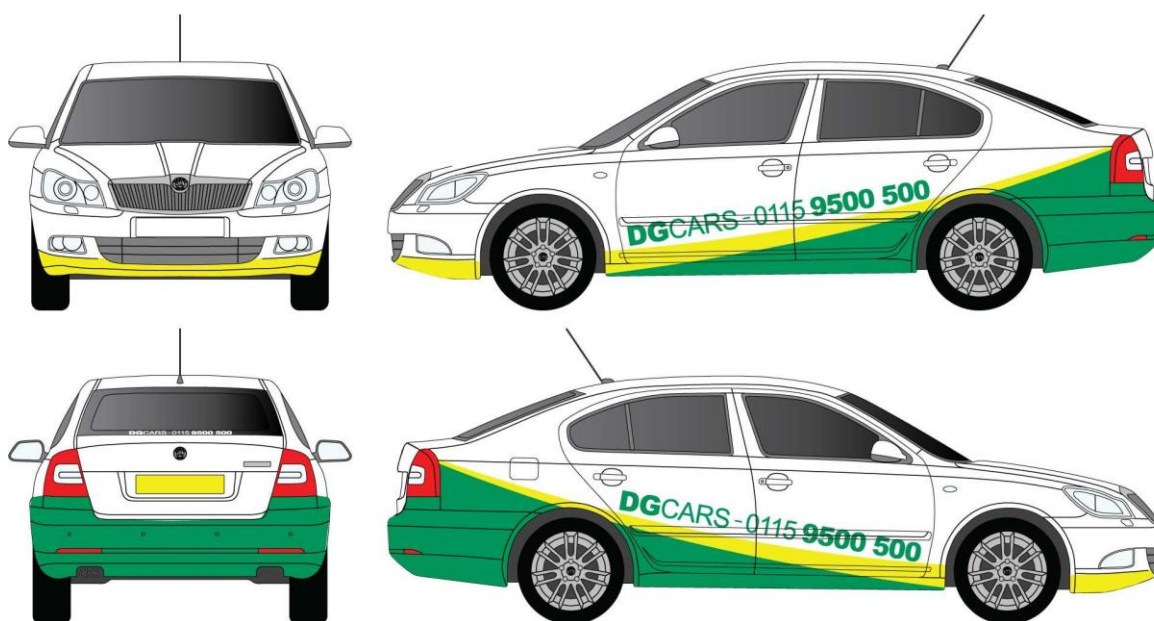
The proposed wrap & logo are as follows:





**Comment**

The design is very similar to the one which the Committee approved for DG Cars in February 2013.





JE Brough. Licensing Enforcement Officer.

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

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