

Agenda

Environment and Licensing Committee

Date: **Tuesday 14 January 2025**

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 Alison Hunt

Vice-Chair Councillor Marje Paling

Councillor Boyd Elliott
Councillor Rachael Ellis
Councillor Roxanne Ellis
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 license sex shops and sex cinemas.
11. Power to license performances of hypnotism.
12. Power to license premises for acupuncture, tattooing, ear piercing and electrolysis.
13. Power to license markets and street trading.
14. Power to license night cafes and take away food shops.
15. Power to license dealers in game and the killing and seeking of game.
16. Power to register and license premises for the preparation of food.
17. Power to license scraps yards.
18. Power to license premises for the breeding of dogs.
19. Power to license pet shops and other establishments where animals are kept or bred for the purposes of carrying on a business.
20. Power to license dangerous wild animals.
21. Power to license knackers' yards.
22. Power to license 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 license 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 3 December 2024.** 7 - 8
- 3 **Declaration of Interests.**
- 4 **Borough Wide Smoke Control Area Declaration** 9 - 93
Report of the Director of Place.
- 5 **Department of Transport Statutory Taxi & Private Hire Vehicle Standards** 95 - 247
Report of the Director of Place
- 6 **Any other item which the Chair considers urgent.**

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MINUTES ENVIRONMENT AND LICENSING COMMITTEE

Tuesday 3 December 2024

Councillor Alison Hunt (Chair)

Present: Councillor Marje Paling Councillor Sue Pickering
Councillor Rachael Ellis Councillor Alex Scroggie
Councillor Roxanne Ellis Councillor Martin Smith
Councillor Julie Najuk Councillor Paul Wilkinson

Absent: Councillor Boyd Elliott and Councillor Clive Towsey-Hinton

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

50 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillors Elliott and Towsey-Hinton.

51 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 5 NOVEMBER 2024.

RESOLVED:

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

52 DECLARATION OF INTERESTS.

None.

53 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

54 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.

55

**CHANGE OF CIRCUMSTANCE OF JOINT HACKNEY CARRIAGE /
PRIVATE HIRE DRIVERS LICENCE NO 3639 - RY**

Consideration was given to a report of the Director of Place, 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.

RY attended the meeting along with a family member and an interpreter. The interpreter addressed the Committee on RY's behalf.

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 RY with immediate effect.

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

The meeting finished at 5.50 pm

Signed by Chair:
Date:



Report to Environment and Licensing Committee

Subject: Borough Wide Smoke Control Area Declaration

Date: 14th January 2025

Author: Director of Place

Wards Affected

All wards

Purpose

To advise Members of the outcome of the consultation on the proposals to review the Smoke Control Order areas within the Borough and introduce a borough wide smoke control area and to consider the revocation of all existing smoke control orders.

Key Decision

Yes, the decision will be significant in terms of its effect on communities living or working in an area comprising two or more wards.

Recommendation(s)

THAT Members:

- 1) Agree to make an Order (Appendix I) revoking all existing pre 1980 smoke control orders and authorise officers to undertake the relevant notification and publishing requirements and request confirmation from the Secretary of State.**
- 2) Agree and authorise officers to publish a notice in the Gazette and local newspaper for two weeks notifying of the council's intention to revoke all existing post 1980 smoke control orders, allowing six weeks for any objections to be received.**
- 3) Receive a report to the next suitable meeting of the committee for a decision whether to make such an order revoking the existing post 1980 smoke control orders, having regard to any objections made which are not subsequently withdrawn.**

- 4) Delegate authority to the Director of Place, in consultation with the Chair to make any minor amendments to the orders prior to their publication as may be deemed necessary.
- 5) Delegate authority to the Director of Place in consultation with the Chair, subject to no objections being received, to make the order revoking the post 1980 smoke control orders (Appendix II).
- 6) Subject to confirmation from the Secretary of State regarding the revoking of the pre 1980 smoke control orders and no objections being received regarding the revocation of the post 1980 smoke control orders, delegate authority to Director of Place, in consultation with the Chair to make the borough wide smoke control order attached at Appendix III to come into force in line with the revocations.

1 Background

- 1.1 Members may recall that at the meeting of the 3 October 2023 members agreed to a consultation regarding a change to the Smoke Control Areas, creating one Boroughwide area.

See **Background Papers**, report to E&L Committee regarding the proposed changes to GBC Smoke Control Areas (SCA).

- 1.2 There are currently 40 Smoke Control Areas (SCAs) in Gedling Borough that have been declared between 1961 and 1994. These SCAs were created under the Clean Air Act (CCA) to regulate smoke emissions from domestic chimneys, largely due to the burning of coal.

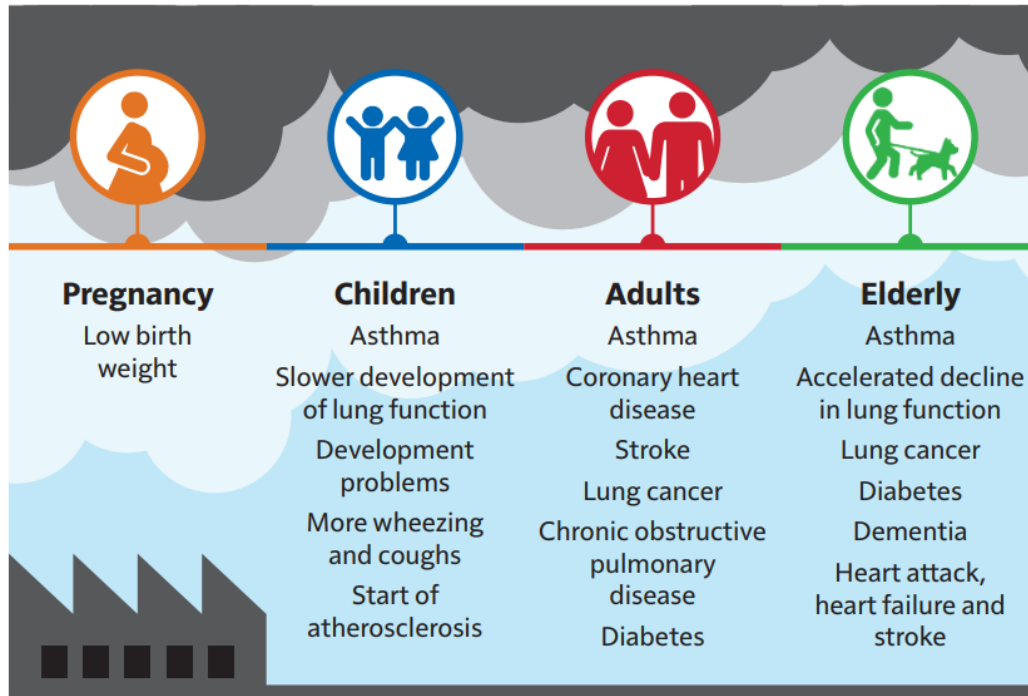
These orders geographically cover only 21% of the Borough but include 81% of the residential properties, covering most of the urban area and Calverton, Newstead and Bestwood villages.

The current SCAs do not cover the villages of Ravenshead, Linby, Papplewick, Lambley, Woodborough, Burton Joyce and Stoke Bardolph.
See Map **Appendix IV**.

No amendments to these orders have taken place since their creation.

- 1.3 Air pollution in the form of fine Particulate Matter (PM10 and PM2.5) is considered a particularly harmful pollutant with regard to human health.

The health impacts of air pollution



Source: Air Pollution - [Chief Medical Officer's Annual Report 2022 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

- 1.4 Solid fuels are by far the most polluting method of domestic heating, and wood burning has increased in popularity over recent years. Reasons for burning wood and other solid fuels vary, and include aesthetic as well as practical, ecological or economic reasons.
- 1.5 Domestic combustion is a major source of particulate matter pollution in 2021, accounting for 27% of PM_{2.5} emissions. Most emissions from this source come from households burning wood in closed stoves and open fires.

In the 1970s, 1980s and 1990s, coal use in domestic combustion was the largest source of particulate matter emissions; coal now accounts for a very small proportion of emissions from this source (13% in 2021), while the use of wood as a fuel accounted for 75% of PM_{2.5} emissions from domestic combustion in 2021.

The sale of traditional bituminous house coal was banned in England starting 1 May 2023. This ban applies to all types of house coal, be it bagged, loose, or in open bags.

Emissions of PM_{2.5} from domestic wood burning increased by 124 per cent between 2011 and 2021, to represent 21% of total PM_{2.5} emissions in 2021.

Source: [Emissions of air pollutants in the UK – Particulate matter \(PM₁₀ and PM_{2.5}\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

- 1.6 The Environment Act 2021 established a legally binding duty on Government to bring forward new air quality targets for PM2.5 and made amendments to the CAA, changing the enforcement regime for domestic smoke from chimneys.

Following these changes DEFRA have encouraged LAs to review their SCAs and make changes where necessary.

- 1.7 For reference, **Appendix V** displays a map of the current SCAs in Nottinghamshire and the current situation with regard to how other LAs are reviewing their SCAs.

- 1.8 It is important to note that the CAA only relates to emissions of smoke from a chimney in a building. This means that this proposed change does not affect how the Council deals with complaints regarding:

- Bonfires
- Fire pits/Chimineas/pizza ovens
- Burning at building sites etc.

These types of complaints are dealt with under Statutory Nuisance powers, the Environmental Protection Act 1990, or the Council can use Community Protection Warnings or Notices (CPW/CPNs), under the Anti-social Behaviour, Crime and Policing Act 2014.

The CAA only refers to emissions of smoke, and no definition is given as to what this includes. Practically then this is generally enforced by LAs as visible smoke; the smell of smoke can be included but is very difficult to attribute and so enforce.

- 1.9 Currently smoke complaints for those **not** in a SCA are also dealt with using Statutory Nuisance powers or CPW/CPNs.

- 1.10 The Environment Act 2021 amended the CAA and the SCA framework, replacing the criminal offence with a civil penalty regime. This means LAs have powers to issue financial penalties for smoke emissions under the civil regime but also have an alternative option to pursue persistent offenders under a criminal regime through nuisance legislation (which has not been possible prior to the amendments made by the 2021 Act).

2 Implications of the Proposed Changes

- 2.1 For those who have a DEFRA approved appliance/stove there should be no change, as long as the stove is operated and serviced correctly, they should be able to burn seasoned wood without causing an issue. The use of a DEFRA approved appliance is, however, now not a ground for exemption from the enforcement process (should smoke be found to be an issue).

- 2.2 For those with a multi-fuel stove they can burn approved ‘smokeless’ fuels in the place of wood. Again, the use of smokeless fuel is now not a ground for exemption from the enforcement process (should smoke be found to be an issue).
- 2.3 Residents who run the highest risk of enforcement are those who burn wood in a non-approved appliance (that cannot burn smokeless fuel) or a fireplace. If a fireplace is being used then the use of smokeless fuel instead of wood would be the alternative.

Should residents been found to be in breach of the CAA i.e.:

Officers witness smoke from the chimney, (primarily a complaint driven process) and the smoke is considered by the officer to be of a nature that enforcement action is required after exhausting all other avenues (operation of stove, maintenance, type of fuel, moisture content etc.).

then the only option would be to replace the stove with an DEFRA approved appliance or stop burning wood in a stove. There is no grant funding available to assist residents in the upgrade.

- 2.4 Creating a Boroughwide SCA will slowly improve the type of stoves fitted to homes new or replacement; as fitters will be aware of the requirements for DEFRA approved stoves to be fitted throughout Gedling Borough.
- 2.5 Overview of changes to Enforcement of Smoke Emissions from Chimneys:

Current Enforcement Process Smoke from Chimneys in a Building	
Inside the current Smoke Control Areas	Outside the current Smoke Control Areas
<p>Smoke from a Chimney We use the CAA civil penalty regime (Section 19A)</p> <p>A three-stage process, if problem persists:</p> <ol style="list-style-type: none"> 1. Advice/warning letter 2. Notice of Intent 3. Financial Penalty (£175 for 1st offence) <p>Repeat offences can be subject to an increased financial penalty of £300.</p> <p>Should the civil sanction be ineffective then the Council can now also look to use Anti-social Behaviour, Crime and Policing Act 2014 or EPA statutory nuisance powers, where appropriate.</p> <p>Acquisition and sale of controlled fuels Additionally, Section 19B of the CAA gives powers to LAs to take action, via the Magistrates Court, in relation to the following:</p>	<p>We use Environmental Protection Act 1990 Section 79 - Statutory nuisance powers,</p> <p>After the collection of evidence officers would make a judgment as to whether an abatement notice should be served.</p> <p>Failure to comply with the abatement notice could be a criminal offence.</p> <p>Where a smoke emission falls below the statutory nuisance threshold but is still found to be unreasonable, persistent and detrimental to the quality of life of those in the community (anti-social behaviour), additional powers under the Anti-social Behaviour, Crime and Policing Act 2014 are available, Community Protection Notices</p>

<p>a) People who acquire fuel not permitted in a SCA (Not an approved fuel) **</p> <p>b) A person who offers fuel not permitted in a SCA for sale (both on site sales and delivery) and fails to take reasonable steps to notify purchasers that it is an offence to acquire the fuel (as above).</p> <p>**this applies only if they <u>do not</u> have a DEFRA approved appliance.</p> <p>A person found guilty of an offence is liable on summary conviction to a fine not exceeding £1000.</p>	
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Proposed Enforcement Process
<p>Inside the new Boroughwide Smoke Control Area</p> <p>Use the CAA civil penalty regime</p> <p>A three-stage process, if problem persists:</p> <ol style="list-style-type: none"> 1. Advice/warning letter 2. Notice of Intent 3. Financial Penalty (£175 for 1st offence) 4. Repeat offences can be subject to an increased financial penalty of £300. <p>Should the civil sanction be ineffective then the Council can now also look to use Anti-social Behaviour, Crime and Policing Act 2014 or EPA statutory nuisance powers, where appropriate and/or the following could be used, again if appropriate:</p> <p>Acquisition and sale of controlled fuels</p> <p>Section 19B of the CAA gives powers to LAs to take action, via the Magistrates Court, in relation to the following:</p> <ol style="list-style-type: none"> a) People who acquire fuel not permitted in a SCA (Not an approved fuel)** b) A person who offers fuel not permitted in a SCA for sale (both on site sales and delivery) and fails to take reasonable steps to notify purchasers that it is an offence to acquire the fuel (as above). <p>**this applies only if they <u>do not</u> have a DEFRA approved appliance.</p> <p>A person found guilty of an offence is liable on summary conviction to a fine not exceeding £1000.</p>

- 2.6 One of the reasons for the change is to treat all residents in the Borough the same and removing the statutory nuisance/CPN (criminal sanction) route, but for the most extreme cases.

2.7 The proposed revocation of the existing orders and the making of a borough-wide smoke control order will help support the enforcement of the new domestic fuel regulations providing an effective and holistic approach to tackling smoke pollution in Gedling.

2.8 The Environment Act 2021 also amended the CAA to now bring river and canal moored vessels within the legislation.

It is proposed that the new Borough-wide order would **not** also encompass moored vessels on the River Trent.

It is understood that GBC have 3 leisure moorings controlled by The Canals and Rivers Trust at Stoke Bardolph Lock. These are not permanent moorings and so there is not considered to be a significant impact at this location.

2.9 Between 1961 to 1994 the Council, made a number of smoke control orders covering various parts of the Borough relating to the issue at the time, which was the burning of domestic coal.

Since many of those smoke control orders were made there has been a significant amount of new residential development, expanding the urban fringe. Consequently, the existing orders do not fully reflect the current configuration of residential properties in the Borough and there are areas of land which are not included within any smoke control area. A map of the existing Smoke Control Orders is included at **Appendix IV**.

Given the age of many of the existing orders, the records are incomplete, or they may require variation to remove redundant provisions if they were to be effectively enforced.

2.10 As a consequence, this report seeks to revoke all the existing smoke control orders. Some of the existing smoke control orders pre-date the introduction of legislation that enabled local authorities to make their own orders. These Orders were made by the relevant authority at the time but confirmed by the Secretary of State. As such they can only be revoked by the Secretary of State.

2.11 Smoke Control Orders can only be varied or revoked by the making of another Order. Accordingly, this report seeks authority to make a Revocation Order revoking all the previous Orders made pre-1980. The decision whether to confirm the revocation order will be made by the Secretary of State. A copy of the draft Revocation Order is included at **Appendix I**.

2.12 Any objection to the revocation of one or more of the existing orders detailed in the Schedule to the Order must be made to the Secretary of State (DEFRA) who will consider the objection and make a determination whether to confirm the Revocation Order with or without modification.

- 2.13 This report also proposes that the Council authorises the publishing of the Council's intention to make an order to revoke the post 1980 Smoke Control Orders. If all previous orders are revoked the report proposes that the Council make a smoke control order to declare the whole Borough a smoke control area. A copy of the Draft Order is included at **Appendix II**.
- 2.14 Where the Council has the power to make an order it must first publicise its intention to make an order and invite objections, before considering whether to make it having regard to any objections
- 2.15 The procedure for making each of the orders varies slightly but both require a notice to be published in the London Gazette and in a local newspaper for two consecutive weeks, specifying that the order has been made, or is intended to be made, as applicable. The notices must set out the general effect of the order or intended order, where it may be inspected and how and where to object to the confirmation, or making of an order. In addition, the Council must post, and keep posted, for 6 weeks notices at conspicuous places so as to give publicity to the order or intention to make it.
- 2.16 The Committee will receive a further report following the expiry of the objection period to consider any objections made in respect of the Council's intention to revoke the post 1980 orders and also update the Committee on any objections to the revocation order made to the Secretary of State and whether the order is confirmed with or without modification by the Secretary of State. If any such objections are received the report will also ask for consideration on the making of the borough wide order.
- 2.17 In the event that the Council resolves to make the new smoke control order it cannot come into effect earlier than 6 months from the date of making although this date may be postponed, subject to a resolution to that effect being passed and certain publicity. If the Secretary of State confirms the Revocation Order the earliest, it can come into operation is 6 months from the date of confirmation. This commencement date can be postponed although any postponement for more than 12 months additionally requires the Secretary of State's consent.
- 2.18 The proposed borough-wide smoke control order will provide a sound footing for future proportionate enforcement action for smoke emissions if necessary.

3 Results of the Public Consultations

- 3.1 The procedure to make a borough wide smoke control area order began in November 2023 and was repeated in August / September 2024 the statutory publishing requirements and two rounds of public consultation were undertaken, and this report seeks to notify members of the results to allow them to consider the making of a borough wide order subject to the revocation of the existing orders.

- 3.2 The combined response was 202 comments and/or responses to the survey. Of the 202 respondents 69% were not in favour of the proposal to extend the SCA to cover the whole Borough, 31% being in favour of the proposal.
- 3.3 The consultation also asked a question regarding extending the SCA to cover moored vessels on the River Trent. Here the response was 78% against and 22% in favour.
- 3.4 **Appendix VI** includes details of the consultation results, and the comments made.
- 3.5 From comments received, particularly the second round of consultation, there appears to be perhaps the misunderstanding that those living outside of the current SCAs can currently burn wood with no recourse. Therefore, they are not in favour of the perceived introduction of potential sanctions. Should a borough wide SCA be designated work on communication and education around the subject of the rules (what can/can't be burnt etc) is an area where the Council will look to carry out some work.
- 3.6 Many highlight that in rural areas there is a lack of a 'problem' with smoke emissions and therefore any health impacts these may have will be minimal.

Although this may be the case in some isolated rural areas, many rural village areas, not currently within SCA, are as densely populated as 'urban' areas and so the impact of smoke emissions is likely to be comparable.

- 3.7 The main issue of concern outlined in responses is that of rural fuel poverty and residents who have wood as their primary source of heating or, those that supplement their heating with a wood burning stove. Additionally in the second round of consultation the issue of the removal of the Winter Fuel Payment was also prevalent.

Census 21 data indicates that households with *wood only* as their central heating was 0.2% in Ravenshead, Newstead and Bestwood Village; 0.1% in Burton Joyce and Lambley.¹ Where this figure increases is where households report *two or more types of central heating (not inc. renewables)* this is likely to include a wood stove as one of those forms. The figures here rise to 8.4% in the more rural parts of the Borough.²

There is then a balance between the environmental and health benefits of the proposal (cutting particulate emissions) and the potential harm caused by fuel poverty. This can be handled through considered enforcement.

¹ [Type of central heating in household - Census Maps, ONS](#)

² [Type of central heating in household - Census Maps, ONS](#)

4 Outcomes of the Consultation Exercise

4.1 Enforcement

Whilst the CAA and DEFRA guidance indicate that any smoke emissions from a chimney in a SCA would be a breach of the legislation there is clearly a need for a fair and proportionate approach to both parties involved.

4.2 DEFRA themselves have indicated that LAs are to take a proportionate level of enforcement and local policies can be introduced, e.g. to cover lighting up periods; where smoke may be emitted, as kindling may be used and the stove needs to get to operating efficiency.

4.3 A Draft Enforcement Policy is being developed by officers to be implemented should the boroughwide designation be made this will seek to give officers guidance on the process of enforcement regime and how to handle enforcement proportionally to ensure fairness to both parties.

4.4 Communication

There is clearly a number of misconceptions and mis-understanding regard what is allowed under the CAA. It can be a confusing legislative area with differing pieces of legislation used for differing types of complaints, i.e. smoke from chimneys, garden bonfires, fires on building sites etc. Then there are the more specific issues around:

- using the correct stove and fuel
- stove maintenance and operation
- wood moisture content etc.

4.5 We are not alone in having these issues with getting residents to understand these issues. As such we will work with other LAs in the County to come together and produce some consistent messaging for all LAs to use.

4.6 Fuel Poverty

The Equalities Impact Assessment (**Appendix VII**) has highlighted the issues around fuel poverty. The adopted Enforcement Policy for this area of work will ensure such issues are taken into account should enforcement action be considered.

4.7 We need to assist residents who are struggling with the cost of heating and will face fuel poverty by helping them to find clean and safe ways to heat their homes. This includes providing information and advice not only where they can get practical and financial help, but also energy efficiency measures that are likely to provide year on year savings

5 Proposal

- 5.1 That Members make the Order attached at **Appendix I** revoking all existing pre 1980 smoke control orders and authorise officers to undertake the relevant notification and publishing requirements and request confirmation from the Secretary of State.
- 5.2 That Members approve the publishing of a notice and draft revocation order in the London Gazette and a local newspaper regarding the post 1980 smoke control orders
- 5.3 That Members agree in principle to the borough wide smoke control order attached at **Appendix III** being made.
- 5.4 That members authorise the Director of Place, in consultation with the Chair to make the revocation order and boroughwide order subject to no objections being received and confirmation from the Secretary of State.

6 Alternative Options

- 6.1 To not approve the Smoke Control Order covering the whole of the Borough and consultation on the revocation notice for the existing 40 smoke control areas. This would leave the current 40 orders in place. However, this will mean that 19% of the borough's residential addresses are not covered by smoke control areas.

7 Financial Implications

- 7.1 There are not considered to be any significant budget implications besides officer time in setting up the new order, revoking the existing orders advertising the new order and providing publicity around it. The publicity will predominantly be online using social media and the website in conjunction with the other LAs in Nottinghamshire.

Operationally any enforcement will be managed within the existing team budget.

8 Legal Implications

- 8.1 The Council has a discretion under Section 18(2A) of the Clean Air Act 1993 (the Act) whether to declare the whole, or any part of its area to be a smoke control area; by a smoke control order.
- 8.2 A smoke control order—
 - (a) may make different provision for different parts of the smoke control area;
 - (b) may limit the operation of section 20 (prohibition of emissions of smoke) to specified classes of building in the area; and

(c) may exempt specified buildings or classes of building or specified fireplaces or classes of fireplace in the area from the operation of that section, upon such conditions as may be specified in the order;

and the reference in paragraph (c) to specified buildings or classes of building include a reference to any specified, or to any specified classes of, fixed boiler or industrial plant.

- 8.3 A smoke control order may be revoked or varied by a subsequent order.
- 8.4 Schedule 1 to the Act sets out the procedure which the Council must follow to make an Order, including publicising its intention to make an order and how objections may be made. If any objections are received and not withdrawn, the Council cannot make the order without first considering the objection. The Council has undertaken this exercise regarding the making of a new boroughwide order.
- 8.5 The Council, and its predecessors before the Council was created, made a number of orders covering various parts of the Borough. Some of those orders were made before 13th November 1980, when the requirements for the Secretary of State to confirm orders made by local authorities was removed. However, by Section 67(2) of, and Parts II and III of Schedule 5 to, the Act any revocation of a pre-13/11/80 order follows a modified procedure and must be confirmed by the Secretary of State.
- 8.6 Under the modified procedure the Council makes the order and then publicises its making and how objections to it may be made. The Secretary of State then considers the objections and may confirm the order with or without modification.
- 8.7 It is for this reason that the Council is proposing to make a new order declaring the whole of the Borough a smoke control area and two orders revoking all the existing smoke control orders (Pre and Post 1980).
- 8.8 On the basis that the Council exercises its powers in accordance with the relevant statutory provisions the risks are limited to either order being subject to objections which are not withdrawn and the costs of those objections being fully considered by the Council, or the Secretary of State before making, or confirming the orders, as appropriate, assuming the decision is to make or confirm the orders. There are the usual risks of further legal challenge.
- 8.9 Given the fact that two different orders are being made there is the risk that the Secretary of State does not confirm the revocation order, and the Council then cannot make a Borough wide order which would impliedly revoke the existing orders.

In that unlikely event the Council would need to make an order declaring those parts of the Borough which are not currently within a smoke control area, are subject to a smoke control order.

Alternatively, the Council could make an order revoking the existing orders and declaring the whole of the Borough a smoke control area. This would however leave the decision whether to confirm the combined order to the Secretary of State to determine.

9 Equalities Implications

- 9.1 People with certain protected characteristics (the old, young and those with certain disabilities) are more vulnerable to air pollution. People in vulnerable groups are also known to live in areas with more air pollution, so the proposal may have a differentially positive impact on these groups. **Appendix VII.**
- 9.2 However, fuel poor households could be affected if using an open fire or burning cheap wood as a source of heating as opposed to potentially more expensive electricity, gas or oil.
- 9.3 The proposal would mean that people could only burn clean seasoned wood with the '*ready to burn*' logo in exempt appliances, or an authorised fuel. This could be more expensive for people who were reliant on foraging for wood as their main source of fuel.
- 9.4 Any Enforcement Policy will need to take into account issues relating to fuel poverty when making decisions on any enforcement action. A proportionate approach is one recommended by DEFRA and the Council would look to take action that is fair to both parties and ensure consistency of approach.
- 9.5 The Environmental Health and Technical Officers regulating this function have access to the information to refer residents for home energy efficiency and heating measures to mitigate any detrimental impacts on fuel poor households.
- 9.6 The proposal would not have any implications on the 81% of the Boroughs residential properties already covered by SCAs as they are already subject to the rules, the proposal just brings the rest of the Borough in line with this.

10 Carbon Reduction/Environmental Sustainability Implications

- 10.1 A Climate Impact Assessment is presented in **Appendix VIII.**
- 10.2 Solid fuel can be burned sustainably if it is replaced like for like, although there are greener forms of heating should be encouraged over solid fuel. The proposal will encourage people not to burn solid fuel from unsustainable sources, helping to contribute to a net zero carbon Borough
- 10.3 Improving air quality in the borough will have co-benefits, such as the health & wellbeing and overall quality of life for residents. This declaration aligns with the Gedling Plan and the carbon management strategy by creating a cleaner greener and healthier Gedling.

11 Appendices

- 11.1 Appendix I - Proposed Revocation Order (Pre 1980 smoke control orders)
- 11.2 Appendix II – Proposed Revocation Order (Post 1980 smoke control orders)
- 11.3 Appendix III – Proposed Smoke Control Order 2025
- 11.4 Appendix IV - Map of current smoke control areas.
- 11.5 Appendix V - Map of current smoke control areas in the County
- 11.6 Appendix VI - Consultation Responses
- 11.7 Appendix VII – Equalities Impact Assessment
- 11.8 Appendix VIII – Climate Impact Assessment

12 Background Papers

- 12.0 Report to E&L Committee regarding the proposed changes to GBC Smoke Control Areas (SCA). Dated 03rd October 2023

13 Reasons for Recommendations

- 13.1 The Council has a duty to assess air quality and where necessary take appropriate action to protect the health of those living and working in the Borough.
- 13.2 Particulate pollution is closely associated with domestic burning. The smaller particles (PM2.5) in particular have a significant impact on human health: causing coughs, dizziness, inflamed airways and shortness of breath.

It increases the risk of pneumonia, COPD, dementia and lung cancer, as well as heart disease and stroke, leading to early death. It can also impact pregnancy and the development of children’s lungs.
- 13.3 Smoke Control Areas can help to reduce PM2.5 emissions found in chimney smoke by requiring the use of either authorised fuel or by using DEFRA ‘exempt appliances’ for example certain burners and stoves. Unauthorised fuel must not be used in a smoke control area unless it is used in an exempt appliance.
- 13.4 Although a Borough wide smoke control area will not ban domestic solid fuel burning, it will require residents to take responsibility over the fuels they burn. In line with DEFRA policies the aim is to encourage residents to ‘*Burn Less and Burn Better*’.

In addition, any new solid fuel stove installations are much more likely to be 'exempt appliances'. This is because reputable stove installers currently advise householders in Smoke Control Areas to install DEFRA 'exempt appliances' or 'Ecodesign' appliances which already meet stricter smoke emission standards.

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer

Appendix I

Proposed Revocation Order (Pre 1980 smoke control orders)

Clean Air Act 1993

THE GEDLING BOROUGH COUNCIL SMOKE CONTROL ORDERS (REVOCATION) ORDER 2025

The Gedling Borough Council (the Council) makes this Order in exercise of the powers conferred by section 18 of, and Schedule 1 to, the Clean Air Act 1993 as modified by section 67(2) of, and parts II and III of Schedule 5 to, that Act:

Citation

1. This Order may be cited as Gedling Borough Council Smoke Control Orders (Revocation) Order No.1 - 2025.

Commencement

2. This Order shall come into operation on [a date to be specified by the Secretary of State if the Order is confirmed, with or without modification, such date being not less than six months from the date of confirmation].

Revocation

3. (a) The smoke control orders specified in Schedule 1 to this Order; and
(b) any other smoke control orders made pursuant to section 11 of the Clean Air Act 1956, before 13th November 1980, by the Council, Arnold Urban District Council and Carlton Urban District Council are hereby revoked.

THE COMMON SEAL of GEDLING)
BOROUGH COUNCIL)
was hereunto affixed on this day)
of 2025 in the presence of:-)

Schedule 1

Revocations

Arnold Urban District Council

The Arnold (No. 1) Smoke Control Order 1965
The Arnold (No. 2) Smoke Control Order 1968
The Arnold (No. 3) Smoke Control Order 1969
The Arnold (No. 4) Smoke Control Order 1969
The Arnold (No. 5) Smoke Control Order 1972
The Arnold (No. 5A) Smoke Control Order 1972
The Arnold (No. 12A) Smoke Control Order 1973

Carlton Urban District Council

The Carlton (No. 1) Smoke Control Order 1961
The Carlton (No. 2) Smoke Control Order 1967
The Carlton (No. 2A) Smoke Control Order 1965
The Carlton (No. 3) Smoke Control Order 1967
The Carlton (No. 4) Smoke Control Order 1967
The Carlton (No. 5) Smoke Control Order 1968
The Carlton (No. 6) Smoke Control Order 1969
The Carlton (No. 8) Smoke Control Order 1970
The Carlton (No. 9) Smoke Control Order 1971
The Carlton (No. 10) Smoke Control Order 1971
The Carlton (No. 11) Smoke Control Order 1972

Gedling Borough Council

The Gedling (No. 1) Smoke Control Order 1974
The Gedling (No. 2) Smoke Control Order 1975
The Gedling (No. 3) Smoke Control Order 1975
The Gedling (No. 4) Smoke Control Order 1976
The Gedling (No. 5) Smoke Control Order 1977
The Gedling (No. 6) Smoke Control Order 1978
The Gedling (No. 7) Smoke Control Order 1979
The Gedling (No. 8) Smoke Control Order 1980

Appendix II

Proposed Revocation Order (Post 1980 smoke control orders)

Clean Air Act 1993

THE GEDLING BOROUGH COUNCIL SMOKE CONTROL ORDERS (REVOCATION) ORDER 2025

The Gedling Borough Council (the Council) makes this Order in exercise of the powers conferred by section 18 of, and Schedule 1 to, the Clean Air Act 1993 as modified by section 67(2) of, and parts II and III of Schedule 5 to, that Act:

Citation

1. This Order may be cited as Gedling Borough Council Smoke Control Orders (Revocation) Order No.2 - 2025.

Commencement

2. This Order shall come into operation on **[insert date not less than six months from the date of making]**.

Revocation

3. The smoke control orders specified in Schedule 1 to this Order are hereby revoked.

THE COMMON SEAL of GEDLING)
BOROUGH COUNCIL)
was hereunto affixed on this day)
of 2025 in the presence of:-)

Schedule 1

Revocations

Gedling Borough Council

The Gedling (No. 9) Smoke Control Order 1981
The Gedling (No. 10) Smoke Control Order 1982
The Gedling (No. 11) Smoke Control Order 1983
The Gedling (No. 12) Smoke Control Order 1984
The Gedling (No. 13) Smoke Control Order 1985
The Gedling (No. 14) Smoke Control Order 1986
The Gedling (No. 15) Smoke Control Order 1987
The Gedling (No. 16) Smoke Control Order 1988
The Gedling (No. 17) Smoke Control Order 1988
The Gedling (No. 18) Smoke Control Order 1990
The Gedling (No. 19) Smoke Control Order 1991
The Gedling (No. 20) Smoke Control Order 1992
The Gedling (No. 21) Smoke Control Order 1993
The Gedling (No. 22) Smoke Control Order 1993

Appendix III

Proposed Smoke Control Order 2025

Clean Air Act 1993

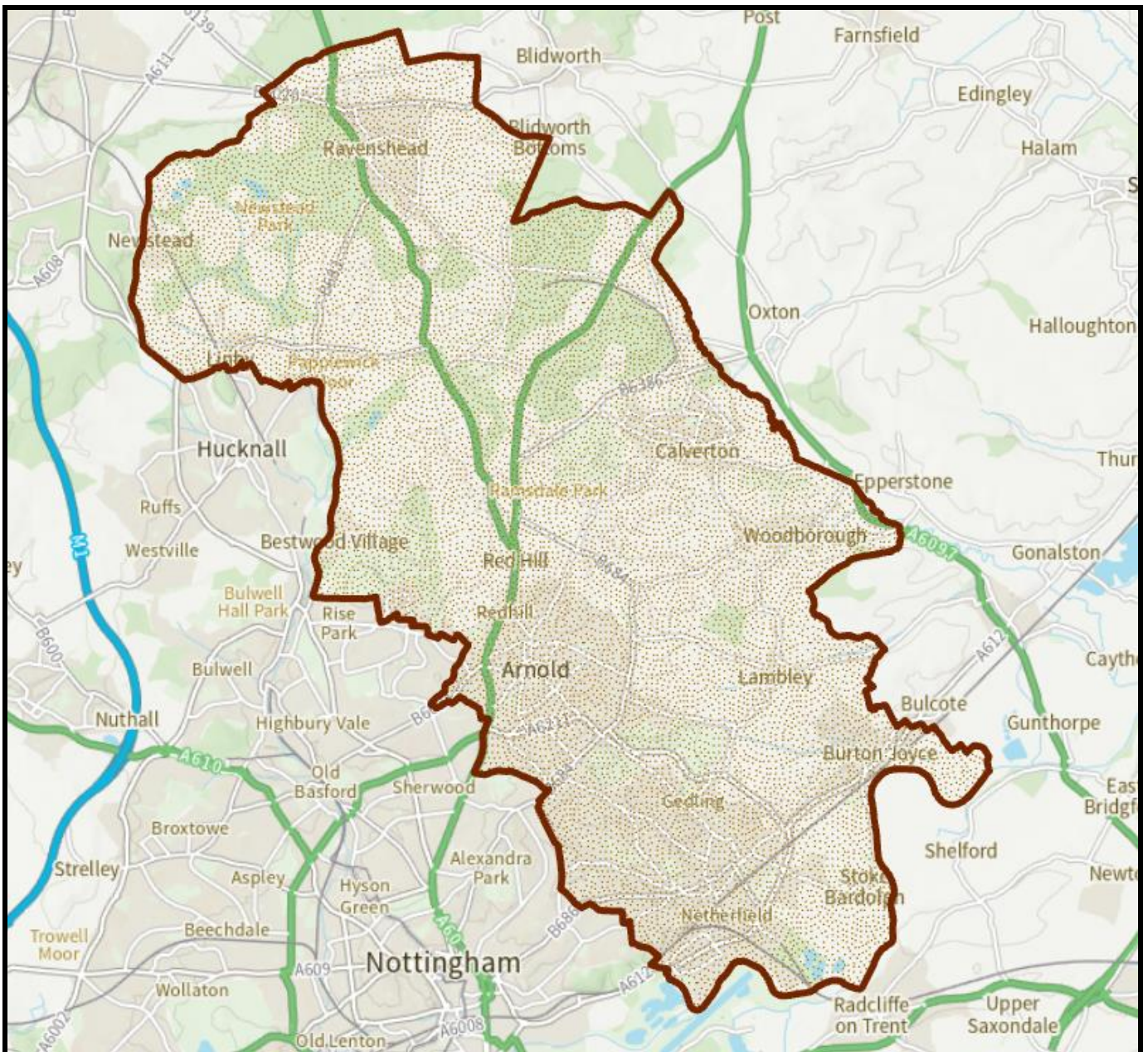
THE GEDLING BOROUGH COUNCIL SMOKE CONTROL ORDER 2025

Gedling Borough Council ("the Council") in exercise of its powers under section 18 and 44 of, and Schedule 1 to, the Clean Air Act 1993 (as amended), hereby make the following Order:

1. This Order may be cited as The Gedling Borough Council Smoke Control Order 2025 ("the Order"). This Order will come into operation not less than six months from the date this Order is made and shall continue in force until varied or revoked.
2. The Council declares the whole of the area within its boundary to be a Smoke Control Area for the purposes of the Clean Air Act 1993. The extent of the smoke control area is shown in the attached map. The order applies to all buildings, fireplaces, fixed boilers or industrial plants within the smoke control area unless otherwise excluded from the operation of Schedule 1A to the Clean Air Act 1993.
3. Other than moored vessels which are excluded, there are no buildings, fireplaces, fixed boilers, industrial plants that are exempt from the operation of Schedule 1A to the Clean Air Act 1993 under this Order.

THE COMMON SEAL of GEDLING)
BOROUGH COUNCIL)
was hereunto affixed on this day)
of 2025 in the presence of:-)

MAP OF THE PROPOSED GEDLING BOROUGH COUNCIL
SMOKE CONTROL AREA 2025



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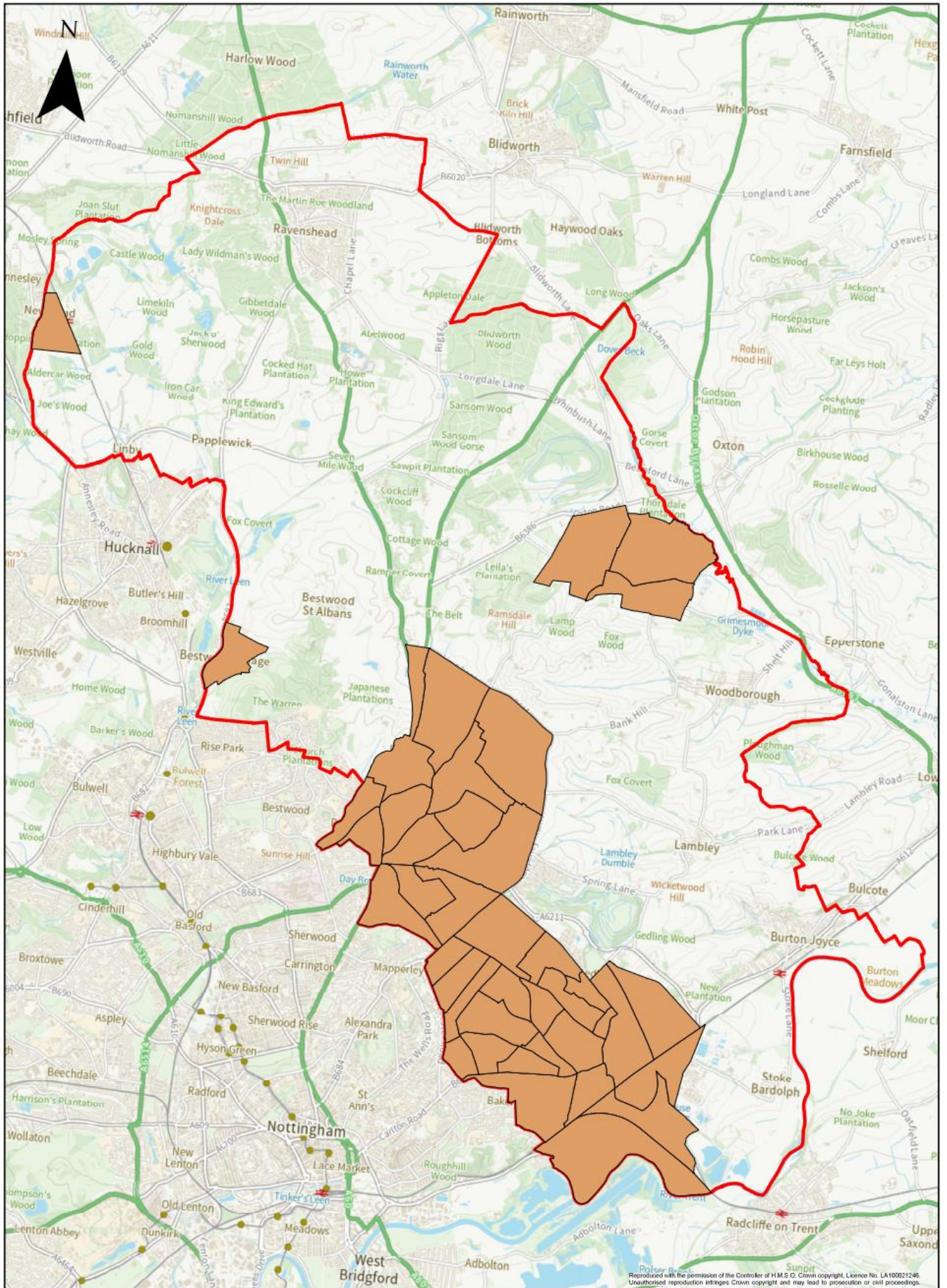
MAP



Area to be included in the Proposed Gedling Borough Smoke Control Area 2025

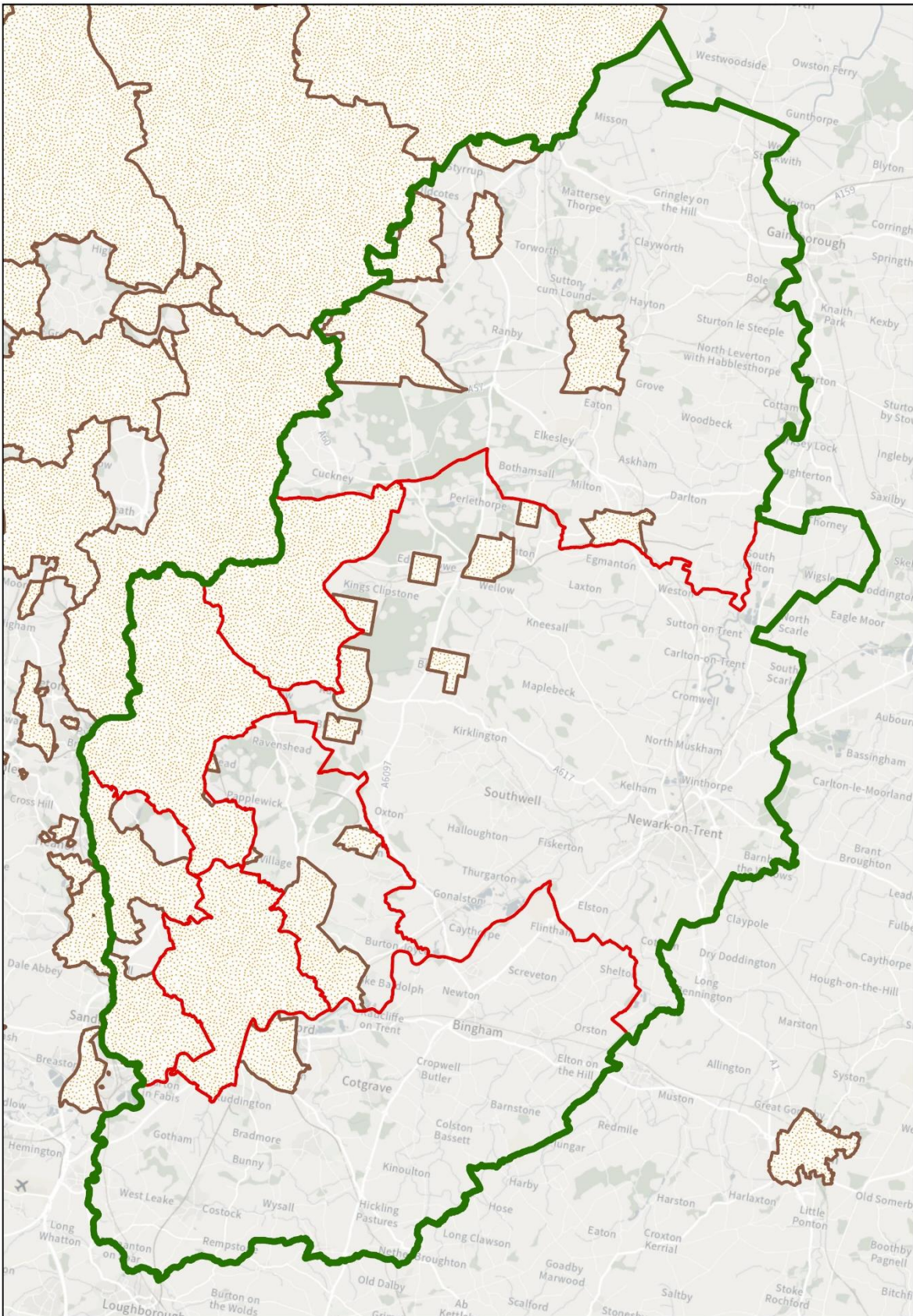
Appendix IV

Map of current smoke control areas.



Appendix V

Map of current smoke control areas in the County



Map of smoke control areas in the County (current)

Broxtowe – currently going through the process of moving to Borough wide.

Rushcliffe – public consultation on District wide – decision not to progress.

Bassetlaw – internal review of current areas.

Newark and Sherwood – no current plans to review or change.

Ashfield, Mansfield and Nottingham City Councils all have smoke control areas that are full district.

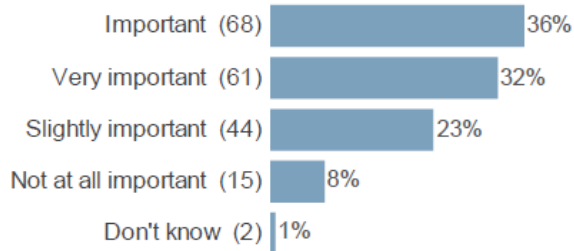
Appendix VI
Consultation Responses

Smoke Control Order combined 4

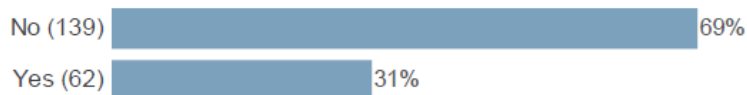
This report was generated on 01/10/24. Overall 201 respondents completed this questionnaire. The report has been filtered to show the responses for 'All Respondents'. A total of 201 cases fall into this category.

The following charts are restricted to the top 12 codes. Lists are restricted to the most recent 100 rows.

How important is Air Quality to you?



Do you feel our Smoke Control Order should be applied to all residents boroughwide equally, to protect health?



Do you feel the new Smoke Control Order should include moored vessels using the River Trent?



What is your postcode?

NG44PY	NG14 5DB	Ng4	NG14 5DG	NG4	NG145AS	NG14 6DD
Ng6	NG14 5BP	Ng14 6ef	Ng145ap	Ng44qe	Ng14 6dl	NG14 6EF
Ng4 4pj	Ng14 5el	Ng14	NG14	NG14	NG4 1GH	NG14 6DU
NG4	NG14 6DU	Ng44pl	NG14 6DA	Ng3	NG43FX	NG14 6DP
Ng145bl	NG4 2LZ	Ng4	Ng5 6th	NG4 4AQ	NG4 3FX	NG14 6DU
Ng14 6ex	NG14 6ER	Ng43jb	NG14 5GL	Ng4 2gl	NG145FS	NG14 NDP
Ng4 3hj	ng14 6dn	Ng4 4pj	Ng4 4AD	NG4 1GG	S45 9DZ	NG3 6AB
NG4	Ng14 6dn	NG4 4QB	NG14	Ng4 2el	NG4 4pp	Ng43jb
Ng14	NG4	NG41ED	Ng4 3eh	NG14 6EX	Ng44fp	NG14 6DW
Ng14	NG14 6EP	Ng4	NG4 4QE	NG14 5BL	Ng14 5bn	Ng14 6dp
Ng4	NG5 6NL	NG4 3LL	Ng145hw	NG146 DD	Ng3	NG146DT
Ng14 5ep	Ng14	Ng4	NG14 5EQ	NG4 4PE	NG14	NG4 4QE
NG4 4AY	NG145BG	NG14 5	NG14 6EF	NG14	NG4 1DL	NG14 5ER
Ng14	Ng3	Ng14 5dj	Ng14 6ef	NG36BN	NG15 0BT	NG44PE
Ng145FG	NG14 5GN					

Comments submitted during the Consultation Exercise themed by general areas of comment.

A Smoke Not an Issue in Rural Areas		
ref	Consultation Comments	Response to issues raised
1	The rural area of Stoke Bardolph in the Old village boundary consists of less than 80 house. The impact that we are is marginal and of set again it being policed.	Enforcement costs will not change as the Council can use Statutory Nuisance/ASB powers now in areas not covered by SCAs. What changes is the powers we can use to enforce.
2	I consider the current legislation adequate. Rural areas have fewer cars and the air quality is already good. Once car emissions are addressed in a feasible way in towns maybe then the logic of this proposal will make sense	Domestic combustion is a major source of particulate matter emissions in 2021, accounting for 16 per cent of PM10 emissions and 27 per cent of PM2.5 emissions. Most emissions from this source come from households burning wood in closed stoves and open fires. Road transport remains a major source of PM emissions (12 per cent of PM10 and 13 per cent of PM2.5 in 2021). ³
3	<p>Smoke from domestic heating is not a significant issue in my area, so why waste time and impose restrictions unnecessarily. It does not cover bonfires, which are the more significant issue.</p> <p>A smoke control order would prevent me using my fireplace to burn logs, meaning they will have to be disposed of by transporting them to a disposal facility, costing money and CO2 emissions, where they will just decompose, releasing the same CO2 as if they had been burned (so net, an increase in CO2 due to transport).</p> <p>I will also have to spend more on gas to heat me home, which will increase CO2. For the very few homes that actually emit particulates in this area, the trees will filter most of them before anyone has the opportunity to suffer any effects (I could quote a source on the difference between tree lined urban roads and those without trees, but having woods and forests nearby is far more significant, so urban studies are largely going to understate the effect).</p> <p>A blanket order may make is easier for administration, but does not reflect the relevance of the problem or take into account the unexpected consequences of an order where it is not needed</p>	<p>The Clean Air Act only relates to smoke from chimneys in buildings. It does not cover bonfires, fire pits, pizza ovens or chimenea etc. Complaints of smoke from other activities are dealt with using the Environmental Protection Act and statutory nuisance provisions.</p> <p>The Smoke Control Area order does not affect non-compliant stoves from burning smokeless authorised fuels. Those with non-compliant stoves are still permitted to use them with smokeless authorised fuels, as they do not emit excessive amounts of smoke. There should be no requirement to replace a non-compliant stove, only a requirement to use authorised fuel.</p> <p>See comment 81.</p> <p>Whilst trees can help elevate the impacts of pollution this will be a very site specific impact; not all rural residential areas benefit from a large canopy of trees.</p>

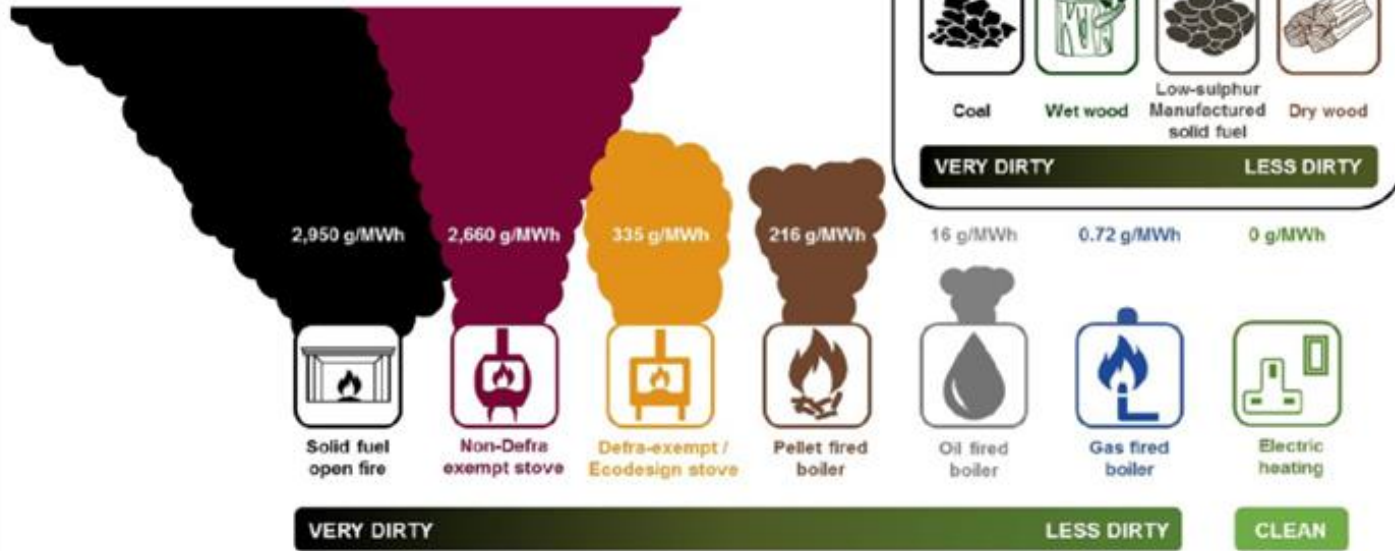
³ [Emissions of air pollutants in the UK – Particulate matter \(PM10 and PM2.5\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/emissions-of-air-pollutants-in-the-uk-particulate-matter-pm10-and-pm25)

4	More expensive to rework and people need alternative ways to stay warm so restrictions will cause massive hardship.	Enforcement costs will not change as the Council can use Statutory Nuisance/ASB powers now in areas not covered by SCAs. What changes is the powers we can use to enforce.
5	As the last area to be included in a smoke controlled area was decades ago I would expect the effects from smoke are now reduced sufficiently and there is no massive health benefit to widening the controls all across the borough.	Smoke control areas were introduced largely to cover the issue of coal burning; hence why they tend to match areas around coal mining communities. The source has now changed and the health impacts from particulate matter are increasingly understood.
6	<p>The villages and isolated properties should not be forced into a smoke control zone which is only of real value in urban and suburban areas. The suggested extension is an infringement of liberty without sufficient justification; it being "easier" to have an order covering the whole borough is a superficial and limited justification for what would actually be a wholly disproportionate step.</p> <p>Population density is insufficient in the proposed areas for the particulates to have the effect they have in urban and suburban areas. There is rural poverty just as there is urban poverty, and taking away the main heating option in a lot of rural homes and boats would be oppressive and risk causing ill health through cold.</p> <p>The Council should concentrate on delivering their vital services rather than imposing this disproportionate order. The lack of genuine net benefit from the order means that its imposition would smack of posturing rather delivering for borough residents and boating visitors.</p>	<p>Currently about 80% of Gedling Borough residential properties are covered by Smoke Control Areas and these are enforced and regulated by our Pollution Control Officers. Expanding the existing smoke control areas is one of many measures that we are trying to use to tackle existing health inequalities across the borough. We want to ensure that all communities in Gedling benefit from these regulations.</p> <p>Census 21 data indicates that households with <i>wood only</i> as their central heating was 0.2% in Ravenshead, Newstead and Bestwood Village; 0.1% in Burton Joyce.⁴ Where this figure increases is where households report <i>two or more types of central heating (not inc. renewables)</i> this is likely to include a wood stove as one of those forms. The figures here rise to 8.4% in the more rural parts of the Borough.⁵</p> <p>The Council is not planning on including moored vessels into a new smoke control order.</p>
7	Burning of wood, especially collected from the local area, is a natural form of heating in rural areas and has been for thousands of years. Far less a pollutant than gas central heating.	See info graphic below

⁴ [Type of central heating in household - Census Maps. ONS](#)

⁵ [Type of central heating in household - Census Maps. ONS](#)

Relative PM_{2.5} emissions in your home from domestic heating methods



Smoke plumes are not to scale. Emission factors show emissions in the home – emissions during production of fuel or electricity are not included here. Emission factors taken from EMEP 2016 Guidebook (1A4 - small combustion tables). The following definitions were used: Solid fuel open fire: wood burned in an open fire; Non-Defra approved stove: wood in a conventional stove; Defra-approved / Ecodesign stove: wood in an advanced / ecolabelled stove; Pellet fired boiler: wood in pellet stoves and boilers; Oil fired boiler: fuel oil in a medium (<50kWth - <1MWh) boiler; Gas fired boiler: natural gas in a small (<50 kWth) boiler.

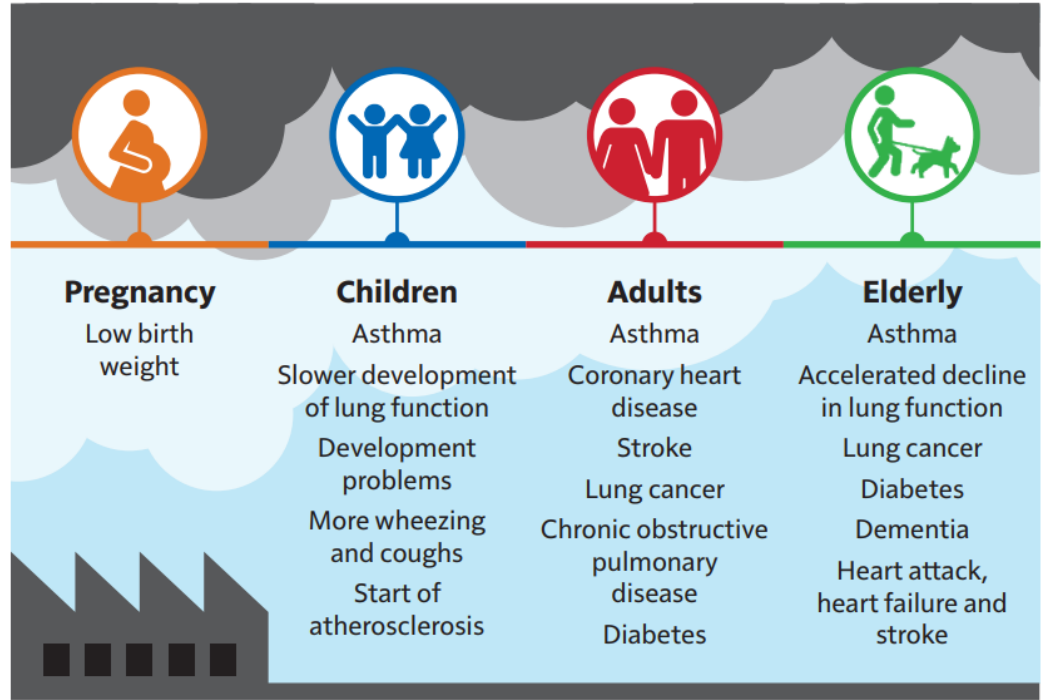
8 I don't think the policy should be changed. What about all the people who live in the smaller areas and have come to rely on solid fuel stoves as their main source of heat? Me included!

We are not banning burning logs or other solid fuels. Rather residents will need to follow the rules regarding what they can burn and in what type of stove/fireplace.

9	<p>We have made significant improvements to our house at huge expense to be more energy efficient.</p> <p>Solar panels, insulation, new double glazing etc. Our wood burning stove is still a necessity in winter that helps keep the whole house warm whilst preventing us from burning gas via our boiler.</p> <p>We live in a non-densely populated area, (Lambley) where smoke and pollution is not an issue. A smoke control order in Lambley will leave us cold in the winter despite our home improvements or will cost us significantly more in burning gas which remains at sky high prices as we enter our later years</p>	<p>Changing the SCA will not directly prevent a resident from burning logs; however, should we receive a complaint, and smoke is witnessed from the chimney, then enforcement action may be taken following the Enforcement Policy. The enforcement of SCA is largely a complaint driven process.</p> <p>Currently, if a complaint is received then it would be assessed and enforcement using statutory nuisance/ASB powers; the change here is one of which piece of legislation is used.</p> <p>The Smoke Control Area order does not affect non-compliant stoves from burning smokeless authorised fuels. Those with non-compliant stoves are still permitted to use them with smokeless authorised fuels, as they do not emit excessive amounts of smoke. There should be no requirement to replace a non-compliant stove, only a requirement to use authorised fuel.</p>
10	<p>A smoke control order is not required outside of town centres. Rural villages have no issue from stoves and many rural properties rely on stoves to heat them</p>	
11	<p>This is a non-issue waste of time and resources. The amount of people that burn anything is likely low and this is just a way to penalise multifuel burner users.</p>	<p>It may indeed be the case that remote rural properties burning are having less of an effect on the surrounding air quality compared with more urban environments. However, more densely populated village environments could be impacted by emissions of smoke.</p>
12	<p>It's such a minute amount, this is all about controlling us. A much better way to improve air quality is to make traffic lights allow traffic to flow instead of the constant stop start which is unnecessary and raises emissions dramatically</p>	<p>Currently the villages of Bestwood, Calverton and Newstead are within Smoke Control Orders; but the remaining villages are not, which is because the original smoke control orders were placed to solve the issue of coal burning (in predominately colliery villages).</p>
13	<p>Married stage 4 cancer and use a log burner to heat the part of the house we use instead of turning the heating system on. No really close neighbours to cause offence to.</p> <p>Much more pollution from the cars picking children up from schools with their engines on. Bonfires probably do as much damage to the environment especially from building works as well-maintained log burners.</p>	<p>The sale of traditional bituminous house coal was banned in England in May 2023; the source therefore is now the burning of wood.</p> <p>Domestic combustion is a major source of particulate matter emissions in 2021, accounting for 27% of PM2.5 emissions. Most emissions from this source come from households burning wood in closed stoves and open fires.</p>
14	<p>Many homes in rural areas use a wood burner as an occasional source of heating during the winter months. It is a wonderful way of using wood from locally felled trees that would otherwise require disposal of. It also saves heating bills, give a pleasant ambience to the home with the most basic of elements.</p> <p>In a rural area where smoke dissipates across fields it is extremely unlikely to cause any harm to anyone. As opposed to gas or smokeless fossil fuels, wood is from a shallow carbon cycle and does not have a net gain to global warming.</p>	<p>Fine Particulate Matter (PM10 and PM2.5) is considered a particularly harmful pollutant with regard to human health.</p>

15	<p>Lower density country areas should remain exempt but with the proviso of minimising unnecessary pollution. by using Defra recommended log burners, certified dried wood etc.</p> <p>Gedling is a diverse district, and we can celebrate the differences between urban and country areas, which should be retained. There is no need for a standardised position. There are examples of variations which people know and understand. ie. Speed restrictions.</p> <p>People understand where there is a variance say, in a high-risk area such as a school in a vicinity, or high density population/ shopping area. Please let us continue to celebrate and encourage differences not just a homogenised district.</p> <p>Laws already exist where a nuisance is being committed with regard to smoke pollution. Let us retain and enforce these rather than increase restriction and laws.</p>
16	<p>Lambley and Woodborough are small villages with sparsely populated housing compared to Carlton, Gedling, Mapperley, Arnold and other areas, a lot of houses are old (we are not even on mains sewage) and the cost of heating upgrades are prohibitive. the impact of a few houses in the villages heating their homes responsibly is negligible in rural villages such as Woodborough and Lambley vs forcing whole new ways of heating homes in a small population.</p>
17	<p>I can understand that a ban is necessary in built up areas but it is not required for those of us living in a village in the country side. We live in a detached property in an acre of land and using a wood burner would not affect anyone else.</p> <p>It's a relatively cheap form of fuel especially when using our own wood. Just lost our heating allowance so even more important to have an alternative source of heating</p>
18	<p>Much of Gedling is a rural area, many folk rely on traditional heating methods</p>
19	<p>Order already covers 81% of residence, in the most built up areas, where air quality is an issue</p>
20	<p>This is a potty proposal. There is no health risk from wood or coal smoke in Woodborough.</p>

The health impacts of air pollution



Source: Air Pollution - [Chief Medical Officer's Annual Report 2022 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk)

21	<p>The number of homes with wood burning stoves and the amount of use they realistically get over the course of a year is really quite small. I think a blanket ban just punishes those that use a fire to heat their home as a low cost and sustainable manner, what is the alternative?</p> <p>Burning gas in a boiler...the cost of which is extortionate. I think if clean air is what the aim is, tackle the amount traffic on the roads or the amount of pollution produced by commercial or industrial processes.</p> <p>To ban wood burning stoves is just a easy win for the council, rather than tackling the bigger, more serious polluters.</p>
22	<p>A bit of smoke in the countryside hurts no one.</p>
23	<p>We write to object to the above proposed order.</p> <p>In rural areas there are a high proportion of properties using solid fuel, but they make up only a very small percentage of Gedling Borough as a whole. Therefore, the order will have only minimal effect overall. Many rural properties are reliant, some totally, on burning solid fuel in existing appliances such as open fires and stoves of various types for their heating.</p> <p>The cost of replacing non-compliant existing appliances is prohibitive and, in many cases, totally impracticable if not impossible.</p> <p>Having lived in rural areas for over 70 years we have never been aware of chimney smoke being a problem. Most fires smoke initially but burn clean once established. Traditionally in rural areas supplies of fuel are built up over many years. Therefore, should the order ever be implemented much more notice is necessary. This also applies to the time required for the replacement of appliances. A minimum of 5 years notice would be reasonable.</p> <p>If implemented this order will cause both hardship and distress to many, particularly elderly, people in rural areas. The situation is exacerbated for many pensioners by the recent loss of the winter fuel payment.</p> <p>We regard the order as totally unnecessary and object most strongly.</p>



B Cost Implications and Fuel Poverty		
ref	Consultation Comments	Response to issues raised
24	<p>Rural fuel poverty has been widely reported on, yet still there is a belief that everyone who lives in the countryside is rich. They are not. Replacing stoves to meet new standards, is yet another cost at a time when heating costs oil and gas are seriously affecting rural households.</p> <p>Rural areas are not supported or funded to the same level as urban. So don't treat them the same. Homes are older and harder to keep warm.</p> <p>Look to the use of fossil fuels being used in our power stations, and licenses being given to mine coal before going after those with no other choice.</p>	<p>The Council's intention with this boroughwide proposal, is not about putting people into fuel poverty, but about helping people find safer ways to keep themselves warm that doesn't result in them sacrificing their own health, their family's health, and the health of the wider community. This is because cheap heating using non-authorized fuels and stoves comes at a cost to health.</p> <p>An Enforcement Policy will need to take into account issues relating to fuel poverty when making decisions on any enforcement action.</p> <p>A proportionate approach is one recommended by DEFRA and the Council would look to take action that is fair to both parties and the Enforcement Policy would be required to ensure consistency of approach.</p>
25	<p>People need to be able to use wood burners and coal fires as that may be the only way of heating their home. Bonfires are the real problem and need to be stopped.</p>	<p>The sale of traditional bituminous house coal was banned in England in May 2023.</p>
26	<p>Replacing existing wood burners would be financially impossible for many people.</p>	
27	<p>The people are struggling, with bills, and use what they to keep warm/cook, and can do out authorities with little do causing more problems.</p>	<p>We are not banning burning logs or other solid fuels. Rather residents will need to follow the rules regarding what they can burn and in what type of stove/fireplace.</p>
28	<p>In a time when fuel costs keep going up, it's unfair to penalise people for trying to save money on gas costs by having a wood and coal burner.</p>	
29	<p>With winter fuel being cut and loss of income burners are a way of keeping warm. Increases in all living cost are making many enter poverty. This will only add to further poverty for many who may use alternative fuel to stay warm. Please think before certain actions are taken. Slowly everything is being squeezed so sad 😞</p>	<p>Obtaining independent information on costs can be difficult as studies reported are either carried out by industry bodies (Stove Industry Alliance (SIA)) or environmental groups, as:</p> <p>Wood burners are almost always more expensive to heat your home than gas boilers or heat pumps⁶. Research shows that in a typical urban household, the annual cost of using an existing wood burner is 15% higher than a gas boiler.⁶</p>
30	<p>This is my sauce of heating my home that I can afford, I cannot and will not be buying a stove that fits criteria! I've had my wood burning stove for nearly 20 years and is not causing anyone any problems.</p>	<p>When a household uses a newly installed wood burner for 20% of its heat, its yearly cost is 24% more than a gas boiler. That cost rises to almost 50% more expensive where a household uses a newly installed wood burner for 80% of its heat.⁶</p>

⁶ [Wood burning is more expensive than central heating - Impact on Urban Health](#)

31	We cannot afford to heat our house with the current price of energy being absolutely ridiculous... our log burner is the only thing that keeps us warm in the winter months and this is one room only! This worries me a lot that I won't be able to keep my children warm in their own home as your taking away our only method of heat How can people afford to live with sky high energy prices	<p>The only scenario in which burners are cheaper is when lots of the wood is free – for example, if you have access to private woodland and can forage your own wood (which must then be dried properly, for at least two years).</p> <p>Free wood such as foraged, scrap wood that hasn't been properly dried or seasoned and has treatments/coatings such as varnish or paint can be more harmful when burned.</p> <p>Census 21 data indicates that households with <i>wood only</i> as their central heating was 0.2% in Ravenshead, Newstead and Bestwood Village; 0.1% in Burton Joyce.⁷ Where this figure increases is where households report <i>two or more types of central heating (not inc. renewables)</i> this is likely to include wood stove as one of those forms. The figures here rise to 8.4% in the more rural parts of the Borough.⁸</p> <p>If residents have multi-burner style wood burners then they can switch to smokeless fuel; which does tend to be more expensive, although in recent times the cost of seasoned wood has risen.</p> <p>The Smoke Control Area order does not affect non-compliant stoves from burning smokeless authorised fuels. Those with non-compliant stoves are still permitted to use them with smokeless authorised fuels, as they do not emit excessive amounts of smoke. There should be no requirement to replace a non-compliant stove, only a requirement to use authorised fuel.</p> <p>Domestic combustion is a major source of particulate matter emissions in 2021, accounting for 16 per cent of PM10 emissions and 27 per cent of PM2.5 emissions. Most emissions from this source come from households burning wood in closed stoves and open fires.</p> <p>Road transport remains a major source of PM emissions (12 per cent of PM10 and 13 per cent of PM2.5 in 2021).⁹</p>
32	Residents who cannot afford gas/electrical heating should be allowed a solid fuel alternative until such time that energy is affordable. Particularly for pensioners.	
33	Heating is too expensive! This is the only way to feel warm. I can't afford to heat my house I STRONGLY OBJECT!	
34	Completely unreasonable to expect people who currently rely on an already installed woodburning stove (which is a cheap and sustainable method of heating) not to use it.	
35	With fuel charges set to rise and the winter fuel payment stopped is this really the time to pursue this.	
36	people should have the right to have an open fire or log burner, gas and electricity are far to expensive	
37	People should be able to have a open fire or log burner, as a old age pensioner I cannot afford gas and electricity increases	
38	When the government has just withdrawn the pensioners winter fuel allowance it is not a good time to implement this as quite a few older people will rely on wood burners for heat during winter.	
39	A lot of people rely on log burners to heat up houses which for some is a lot cheaper than gas or electric.	
40	Wood is my main source of heating	
41	We can't afford central heating so a log burner heats as much as I can afford	
42	There are far too many other aspects which would also contribute to this factor, however within the current financial crisis of families, I do not feel that this would benefit the lower income families that rely on this method of heating a home, especially in colder months.	

⁷ [Type of central heating in household - Census Maps, ONS](#)

⁸ [Type of central heating in household - Census Maps, ONS](#)

⁹ [Emissions of air pollutants in the UK – Particulate matter \(PM10 and PM2.5\) - GOV.UK \(www.gov.uk\)](#)

43	<p>The whole country has been subject to significant financial pressure during recent years, and many are in fuel poverty. The general feeling is that the current government are intending to raise the fuel price cap twice over the autumn/ winter period.</p> <p>Many people rely on being able to utilise an open fire or wood burning stove to reduce heating costs and to enable them to keep themselves and their homes warm.</p> <p>I acknowledge that smokeless fuel can be purchased, however, this incurs a cost again, negating the whole point of using the wood burner, considering wood is much cheaper or can be free to obtain. I also have concerns over the nature of this consultation, in that many offer residents, who many rely more heavily on alternative methods of heating, will be unable to access the consultation or unaware of it.</p> <p>A new government always brings a degree of uncertainty, so I would consider it a poor time to be making changes which could have a significant impact on financial stability.</p>	<p>All other commercial and industrial activities that have the potential for creating significant emissions to air, land and/or water are regulated as '<i>Permitted Processes</i>' by either Gedling Borough Council or the Environment Agency under the Environmental Permitting (England & Wales) Regulations 2016.</p>
44	<p>Many residents rely on burning stoves for their primary heating or cooking method and wouldn't be able to financially support another method (gas or electric). When compared to the pollution from industry the household emissions aren't the real problem.</p>	
45	<p>The financial strain you will be putting on residents of your borough over winter is massive. In an area where you have continued to raise taxes as we continue to hurtle into a financial crisis. You are potentially putting residents in the position where they must choose between heating and eating this winter.</p> <p>As a teacher I see the direct impact of what happens to children's health, happiness and education when they are growing up in homes where heating cannot be afforded. I understand the environmental impacts of burning wood, however, would ask that you consider looking at business that are much more of a culprit in the area when it comes to global warming. Stop penalising people who cannot afford to heat their homes.</p>	
46	<p>The smoke order should not apply to rural villages. Wood burning stoves using correctly dried logs should not be banned. Many in the rural areas use this as a significant aid to heating to mitigate the rising cost of utilities.</p>	

47	With the government take away WFP a lot of people will be relying on burning wood that they have accumulated over the summer to stay warm this winter.	
48	<p>Yes, we live in Stoke Bardolph and have a log burner as our main source of heat in winter. It would be extremely expensive for us to not use this and to use gas instead.</p> <p>We have a young toddler and need to keep the house warm for him and well as ourselves. We are detached and have no direct neighbours so would not be affecting anyone. This order would directly impact our finances and our wellbeing.</p>	
49	Consideration needs to be made for the economic impact on properties that use wood burning stoves as only source of heating and hot water.	
50	<p>People are struggling to heat their homes, since my father died, my mother has lived on her own in a large house. She cannot afford to heat the whole house, so uses a wood burner to heat the lounge.</p> <p>Many other people are in this situation. Small home wood burners are not the source of large amounts of pollution. Concentrate on businesses and people who have bonfires constantly.</p>	
51	Unnecessary and actually restrictive on folks with different needs/abilities/financial freedoms to help heat homes, get rid of garden waste etc.	
52	We heat our house with smokeless coal and kiln dried wood and we would have increased heating bills if the council banned any heat source that required a chimney.	
53	<p>Another money making scam, the council/government have no interest in air quality. There are much more damaging things in our environment that affect air quality.</p> <p>The elderly are already going to be in fuel poverty after having the winter fuel funds taken away, let them and other families keep warm by using other methods if they can.</p>	
54	<p>My home is heated by a back boiler and has no central heating. Due to the age and construction of the property a heat pump is not an option.</p> <p>This decision would leave our home without heating and without a realistic and affordable way of replacing our heating system. I am a single parent with two children and this decision would place us in financial distress.</p>	

55	<p>On my part of our road there is no gas so we can't have gas central heating. We are therefore completely electric - storage heaters and an Emerson water heater.</p> <p>When we have power cuts (which has happened every year of the 18 years we have been here) our heating therefore no longer works. Electric storage heaters need time to charge so the impact of a relatively short power cut is huge as we have to wait another 6 hours for the heaters to start charging again.</p> <p>We have 4 children and using our stove is the only way we can keep them and ourselves warm. We have free wood and it seems unfair that we should have to pay a large amount in buying smokeless fuel.</p> <p>The number of people who use wood to burn on their fires in our village is far less than the number of people who create pollution with their bonfires and BBQ's. Are you going to ban those as well?</p>	
56	<p>Our Victorian house is painfully cold in winter and due to the cost of gas central heating we would be unable to stay warm without using our log burners. I don't know that they cause any more issues than cars on the road.</p>	
57	<p>Concerned that at a time of rising fuel prices, the removal of the Winter Fuel Allowance from thousands of pensioners that the impact of this order will disproportionately affect older people if they have no other source of heating their homes. Modern log burners are now better at reducing harmful emissions. The use of well-seasoned wood again reduces the potential for smoke. Is this the start of banning log burners?</p>	
58	<p>I like a lot of people have a wood burner, of which I only buy the correct wood, I would freeze in the winter without it, due to electricity being so high it is my only source of heating in the winter, so I strongly object. [Name supplied]</p>	

C Enforcement and Communication		
ref	Consultation Comments	Response to issues raised
59	Excluding lighting up period would be essential	<p>Guidance from DEFRA was: “A smoke control area is a legally defined area where you cannot emit a substantial amount of smoke from a chimney.”</p> <p>This was recently amended to remove the ‘<i>substantial amount</i>’, hence now guidance refers to <u>any</u> smoke from a chimney. We have recently asked DEFRA for clarification on this point and they have confirmed that ‘<i>we would recommend taking a proportionate approach e.g. – if a very small amount of smoke is emitted during start up, enforcement action should not be required.</i>’</p> <p>This proportionate approach is one the Council would look to take, and an Enforcement Policy would be required to ensure consistency of approach.</p> <p>This will include allowance for lighting up and re-fuelling periods.</p> <p>Changing the SCA will not directly prevent a resident from burning logs; however, should we receive a complaint, and smoke is witnessed from the chimney, then enforcement action may be taken following the Enforcement Policy.</p> <p>Currently, if a complaint is received then it would be assessed and enforcement using statutory nuisance/ASB powers; the change here is one of which piece of legislation is used.</p> <p>The new enforcement policy (under the Clean Air Act) includes a three-stage process (warning letter, notice of intent and then final FPN) appeals process is included in the policy.</p> <p>A proportionate approach is one recommended by DEFRA and the Council would look to take action that is fair to both parties and an Enforcement Policy would be required to ensure consistency of approach.</p> <p>We are not banning burning logs or other solid fuels. Rather residents will need to follow the rules regarding what they can burn and in what type of stove/fireplace.</p>
60	Lighting periods need to be allowed	
61	<p>Many people have installed dual fuel burners in line with Defra rules they do omit some smoke bit mostly when first lit.</p> <p>The cost of heating is beyond a lot of people most of whom live in old houses that cannot be insulated fully. Burners help to keep the home warm and keep some dampness at bay. I am sure that we are all aware of smoke emissions just as we are all aware of excessive traffic fumes.</p>	
62	With a multi fuel burner being our only source of heating, we would hope that the proposed measures would allow for the smoke emission when our fire is first lit using tinder and kindling.	
63	<p>I lived in Mapperley with a new Defra approved log burner, I brought kiln dried hard wood logs at £150 a bag. You never know 100% how dry all the logs even if you do a moisture test, some can still not burn well.</p> <p>When you first light a fire you will get smoke until it gets to temperature then you won’t if you are burning dry logs.</p> <p>There needs to be a at least an hour to get the burner to temperature to see no smoke. Very unfair and will feel like another money-making scheme.</p>	
64	<p>People using damp wood is a huge issue- the dried wood and briquettes seem ok once properly lit. Does there need to be clarity of length of smoke from a chimney whilst lighting a fire?</p> <p>So people are clear. Hope action is appropriate and not too draconian initially. Garden fires need more regulations as do building site fires.</p>	
65	<p>I have a wood burner and live in Woodborough- I used low smoke fuel last winter not wood - I would like to still be able to do this and use wood kindling to get the fire going</p> <p>So I would accept stopping burning wood but would ask for flexibility with low smoke fuels The use of diesel fuelled vans has increased over the last</p>	

	few years - causing pollution -my point being everything needs to be in proportion -	Wood is not a carbon neutral fuel. See point 81.
66	The smoke control order consultation is not clear what the implications are for households who use stoves for heating. Will the burning of wood be banned?	
67	<p>We live in a rural location in Gedling. We installed a multi stove burner 12yrs ago that is modified to provide central heating to parts of the house. This modification saves us using our gas powered combi boiler. We regularly clean our chimney and multi stove burner.</p> <p>We also source industrial clean machined wood (that is destined for landfill). We also have a moisture meter to ensure the wood we burn is at the correct moisture levels. This along with the smokeless coal we source is our main source of heating for our house.</p> <p>My wife and me are in our mid 70s and introducing a ban on us from using our primary source of heating will be very destructive and worrying on how we compile with this proposed smoke control order.</p>	
68	all solid fuel appliances, when cold emit smoke, therefore fining someone for visually emitting smoke could lead to every person getting a fine. our fire is defra approved, have only ever burnt defra approved kiln dried wood, but it sill smokes when first lit. Are we sure this is just another excuse to fine people for something	
69	I agree in built up areas, but properties with a substantial amount of land & significant distance from other properties should not be included	
70	A cottage built 200 years ago with single skin walls and open fireplaces should still be able to burn fuels as long as there is no excessive smoke output.	
71	<p>Some properties in the villages to which the current extension proposal relates have no access to mains gas. Burning wood is preferred to coal as it is carbon neutral.</p> <p>Householders will already have significant stores of wood which is seasoning. Well-seasoned wood will create little smoke. I disagree with the proposals.</p>	

72	<p>Hello, I do not support the proposed changes. I have a Woodburning stove which is only used on cold winter evenings to keep us warm and cut our gas bills. The wood burner is multi fuel and designed to keep smoke to a minimum as it burns very efficiently. Regards [Name supplied]</p>	
73	Needs to be accompanied by education around types of fuel that should be used and why this matters.	<p>Agreed, it can be a confusing legislative area with differing pieces of legislation used for differing types of complaints, i.e. smoke from chimneys, garden bonfires, fires on building sites etc. Then there are the more specific issues around:</p> <ul style="list-style-type: none"> • using the correct stove and fuel • stove maintenance and operation • wood moisture content etc. <p>We are not alone in having these issues with getting residents to understand these issues. As such we will work with other LAs in the County to come together and produce some consistent messaging for all LAs to use.</p>
74	Make it simple and easy to understand. Education and promotion are key to this being successful.	
75	<p>My log burner is my main source of heating. I have had it for 16 years . I installed it to replace an open fire. I only use it to heat one room. I have had my gas fires disconnected. I only use seasoned wood bought from reputable supplier. I don't know what I would do about heating in the winter if I could not use it.</p> <p>I think it's reasonable to restrict what people burn, educate about not burning unseasoned wood, varnished , painted wood for example, please don't have over all ban it would create a lot of hardship. For me it's a necessity to have one.</p>	
76	<p>I think the fine is too high and should be revised down to £150. I would like to also know how the fine money would be used by the council moving forward.</p> <p>I also want a clear efficient and fair appeals process for those incorrectly fined who can prove that they have a DEFRA approved burner and are buying (proof of purchase) and burning (visual inspection) approved materials.</p>	
77	It is not clear how the smoke control will be monitored or implemented. If the council want to improve air quality there needs to be a strategy for monitoring and following up properties not keeping to the rules.	The Clean Air Act Section 19A sets the level of financial penalties at between £175 and £300. Gedling has set the FPN for a first offence at the minimum (£175) and for repeat/persistent offences at £300.
78	Why ban burning logs, a renewable source, it's ridiculous.	The enforcement policy includes a three-stage process (warning letter, notice of intent and then final FPN) appeals process is included in the policy.
		The enforcement of smoke control areas is currently complaint driven in the existing smoke control areas, and there are no plans to amend this.
		We are not banning burning logs. Rather residents will need to follow the rules regarding what they can burn and in what type of stove/fireplace.

D Mixture of Themes mentioned		
ref	Consultation Comments	Response to issues raised
79	<p>I would like to know what data has been gathered and considered in relation to the existing smoke control areas and the measure of impact on air quality of the introduction of each of those areas?</p> <p>In addition, I assume there is a cost to the enforcement of a smoke control area and I would like to know what those costs have been in the existing areas and what the projected costs of enforcement in the proposed new area is per year. There is insufficient information or data available to allow any reasonable person to support the proposed extension of the smoke control area.</p> <p>The proposal does not take into account the costs to households (during a cost-of-living crisis) of upgrading existing equipment with potentially very minor impacts on emissions or reverting to increased expenditure on gas and electricity provided by large energy firms thus increasing the negative impact on air quality of those firms which may far exceed the unquantifiable local impact of this proposal.</p> <p>The failure to include items such as bonfires, firepits and barbeques seems to indicate this is an attempt to make it look as if the council is doing something that may or may not be beneficial. The council is clearly not approaching this issue with proper data and impact assessments unless here is data about the impact and the costs of enforcement not being available to those of us who will bear the costs of the proposal.</p>	<p>No monitoring evidence has been used. DEFRA has asked all LAs to review their SCAs and amend if necessary. The Environment Act 2021 established a legally binding duty on government to bring forward two new air quality targets for PM2.5. Although the targets are not currently the direct responsibility of local authorities, The Government Air quality strategy: framework for local authority delivery - GOV.UK (www.gov.uk) states:</p> <p><i>'We have been clear in guidance to local authorities since 2016 that we expect local authorities to use their powers to reduce PM2.5.</i></p> <p><i>We still have not seen sufficient action from the majority of local authorities. In light of the new targets, if we consider further action to be insufficient, we will consult on introducing a standalone legal duty on local authorities to take action to reduce PM2.5 emissions.'</i></p> <p>Enforcement costs will not change as the Council can use Statutory Nuisance powers now in areas not covered by SCAs. What changes is the powers we can use to enforce.</p> <p>The Clean Air Act only relates to smoke from chimneys in buildings. It does not cover bonfires, fire pits, pizza ovens or chimenea etc. Complaints of smoke from other activities are dealt with using the Environmental Protection Act and statutory nuisance provisions.</p>
80	<p>Many properties in rural areas of the borough have wood burning stoves which were installed before the HETAS requirements. Gedling being a mainly urban borough does not always fully consider the implications of its actions on rural areas, so I was pleased to see this consultation and hope I am not wasting my time by submitting this form.</p> <p>To provide further context, I do have asthma so managing this with regard to air quality is something I am used to. However, I feel that unless the Borough council is willing to provide a generous subsidy to every household which needs to adapt or replace a current wood burning stove which would not comply with more regulation, then this proposed legislation comes at a bad time for home owners in a cost of living crisis.</p>	<p>It is not proposed to provide any grant funding to assist residents to change their appliances to DEFRA approved. There is no grant funding available from DEFRA.</p> <p>Guidance from DEFRA was: "A smoke control area is a legally defined area where you cannot emit a substantial amount of smoke from a chimney."</p> <p>This was recently amended to remove the 'substantial amount', hence now guidance refers to <u>any</u> smoke from a chimney. We have recently asked DEFRA for clarification on this point and they have confirmed that 'we would recommend taking a proportionate approach e.g. – if a very small amount of smoke is emitted during start up, enforcement action should not be required.'</p>

<p>Many use their wood burners to avoid using gas and electricity due to the increased costs of heating a home. To stipulate that only seasoned timber/approved fuel should be burnt is a good move and that any new wood burners should comply. Also to provide free inspections and recommendations if the borough wide regulation goes ahead.</p> <p>Our wood burner was installed pre 2002 but is regularly serviced and the chimney swept. The chimney also has a liner. We burn seasoned timber from a local supplier. I am not sure whether this would comply or not?</p> <p>Please consider publishing the average cost to a household of implementing this proposed smoke control legislation before moving forward. The questions asked by this survey are quite simplistic...</p> <p>Could we also have some facts about how much air pollution is generated by industry near to where we live compared to how much is generated by domestic homes? I know every little helps, but there is a wider picture. Living in a rural area and being dependent on a car for transport I dread the next big idea about transport fumes.</p> <p>This is also largely targeted at those in urban areas, or fortunate enough to live somewhere like Sheffield with an extensive, reliable and cheap public transport system. I hope my observations are taken into account.</p>	<p>This proportionate approach is one the Council would look to take, and the Enforcement Policy will ensure consistency of approach.</p> <p>Enforcement costs will not change as the Council can use Statutory Nuisance powers now in areas not covered by SCAs. What changes is the powers we can use to enforce.</p> <p>All other commercial and industrial activities that have the potential for creating significant emissions to air, land and/or water are regulated as '<i>Permitted Processes</i>' by either Gedling Borough Council or the Environment Agency under the Environmental Permitting (England & Wales) Regulations 2016.</p>
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81	<p>It is not appropriate to have a single smoke control order covering the whole council area. The council area is a mix of urban and rural areas and the impact on air quality in a rural area from a home log burning stove is minimal due to the very low density of housing and the very small number of people passing by near enough to experience any potential particles.</p> <p>A log burning stove is the most sustainable, environmental and cost effective way heat a property. It is far more environmentally friendly and sustainable than solar or wind as there is minimal pollution and far less energy used to create a log burning stove than there is to create solar panels or wind turbines.</p> <p>Stoves also have a far longer life expectancy (up to 50 years) than solar panels or wind (around ten years). In these times of high energy costs, a log burning stove has been essential to us so that we can keep our electricity and gas bills to a manageable level. If we were no longer able to use our stove or could do so only if we bought expensive processed fuel then we would have to leave our house cold in winter and this would have a far greater impact on health outcomes.</p> <p>Cold is estimated to kill over 12,000 people in the UK each year and this must be a key consideration in any decision - it is not simply acceptable to only look at one health aspect, all must be equally examined and fairly assessed.</p> <p>I will be very vigorously campaigning against this draft order and its enormous and sinister overreach.</p>	<p>Wood is not a carbon neutral fuel.</p> <ul style="list-style-type: none"> • For the same amount of heat or energy, burning wood releases more carbon dioxide (CO₂) than oil or gas.¹⁰ • It can take decades for trees to regrow and absorb the carbon emitted by harvesting and burning wood and in the meantime, the atmospheric carbon released contributes to climate change.¹¹ • Cutting down trees destroys forests, damages ecosystems and leads to biodiversity loss.¹² • While good forest management involves thinning trees to promote biodiversity, the large demand for wood as a fuel we see in England poses a risk to biodiversity, either through single-species timber plantations or logging in natural forests¹³ <p>Air pollution created from wood burning in homes is responsible for £0.9bn a year in health-related damages in the UK, according to analysis by the European Public Health Alliance (2022)¹⁴ This report estimates that the average yearly social health-related costs of heating a household using a wood burning stove using data from 2018 was ~£645, whilst it was ~£25 for a noncondensing gas boiler and ~£21 for a condensing gas boiler.</p> <p>Although wood burning stoves in the UK only account for 6% of energy consumption they make up to 40% of the UK's health related costs from home heating. Health related social costs include direct (health care) expenditures (e.g. hospital admissions, loss of working days) and indirect health impacts and accompanied welfare loss (e.g. managing diseases such as COPD, increased mortality risk and reduced life expectancy due to air pollution).</p> <p>These figures are also an underestimation of the total health costs because it only includes outdoor pollution. The costs due to indoor air pollution have not been quantified by this study. Yet, indoor air is often more polluted than outdoor air due to higher concentrations of certain pollutants and that residents tend to spend the majority of their time indoors.</p>
82	<p>Why target a few log burning owners when the pollution from cars is far worse. The guidelines for being fined are not clear. Stupid idea and a waste of money.</p>	<p>Domestic combustion is a major source of particulate matter emissions in 2021, accounting for 16 per cent of PM₁₀ emissions and 27 per cent of PM_{2.5} emissions. Most emissions from this source come from households burning</p>

¹⁰ [Range and uncertainties in estimating delays in greenhouse gas mitigation potential of forest bioenergy sourced from Canadian forests - Laganière - 2017 - GCB Bioenergy - Wiley Online Library](#)

¹¹ [Does replacing coal with wood lower CO₂ emissions? Dynamic lifecycle analysis of wood bioenergy - IOPscience](#)

¹² [A stand of trees does not a forest make: Tree plantations and forest transitions - ScienceDirect](#)

¹³ [Seeing the wood for the trees: the contribution of the forestry and timber sectors to biodiversity and net zero goals - Environmental Audit Committee \(parliament.uk\)](#)

¹⁴ [Health-related social costs of air pollution due to residential heating and cooking. In the EU27 and UK - CE Delft - EN](#)

83	It's ridiculous when you consider pollution from other sources.	wood in closed stoves and open fires. Road transport remains a major source of PM emissions (12 per cent of PM10 and 13 per cent of PM2.5 in 2021). ¹⁵
84	<p>I have asthma but do not think this is a good move. People are feeling poorer and this would just be another kick in the teeth. Especially after removal of the winter fuel allowance for many pensioners who may have thought they could survive by relying on their wood burner instead.</p> <p>Bus stops with bollards preventing over taking of buses at the bus stop causing stop start of traffic must have more detriment to the air quality. Garden bonfires too. There are houses that constantly have fires instead of paying for garden bins.</p>	<p>The Clean Air Act only relates to smoke from chimneys in buildings. It does not cover bonfires, fire pits, pizza ovens or chimeneas etc. Complaints of smoke from other activities are dealt with using the Environmental Protection Act and statutory nuisance provisions.</p>

¹⁵ [Emissions of air pollutants in the UK – Particulate matter \(PM10 and PM2.5\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/emissions-of-air-pollutants-in-the-uk-particulate-matter-pm10-and-pm25)

85	<p>I am writing to express my firm objection to the proposed Smoke Control Order for the village of Lambley. While I understand the importance of maintaining air quality, this proposal fails to consider the minimal impact that wood burners have on our local environment and the vital role they play in many residents' lives.</p> <p>Many households in Lambley rely on wood burners as a primary or supplementary source of heating. Unlike urban areas, our village does not have the same level of industrial or vehicular pollution. The contribution of wood burners to local air pollution is negligible in comparison. Implementing a Smoke Control Order would place an undue burden on residents, both financially and logistically, without delivering significant environmental benefits.</p> <p>Furthermore, residents who use wood burners often do so responsibly, using seasoned wood and ensuring proper maintenance of their stoves to minimize emissions. The existing voluntary guidelines on woodburning have proven effective in promoting cleaner air practices without the need for restrictive measures.</p> <p>I urge the local authority to reconsider this proposal and instead focus on more balanced and targeted approaches to improving air quality that do not disproportionately affect our community. Measures such as promoting the use of eco-friendly fuels, offering incentives for upgrading older stoves, and enhancing public awareness about best practices in woodburning would be far more effective and equitable.</p> <p>Thank you for considering my concerns. I look forward to your response and to participating in further discussions on how we can achieve cleaner air without compromising the well-being and traditions of Lambley's residents. Yours sincerely [Name supplied]</p>	<p>See Section A which covers some of these points</p> <p>Section C covers some of this area regarding Enforcement and Communication</p>
86	<p>I am writing to express my firm objection to the proposed Smoke Control Order for the village of Lambley. While I understand the importance of maintaining air quality, this proposal fails to consider the minimal impact that wood burners have on our local environment and the vital role they play in many residents' lives.</p> <p>Many households in Lambley rely on wood burners as a primary or supplementary source of heating. Unlike urban areas, our village does not have the same level of industrial or vehicular pollution. The contribution of wood burners to local air pollution is negligible in comparison.</p>	<p>See Section A which covers some of these points</p>

	<p>Implementing a Smoke Control Order would place an undue burden on residents, both financially and logistically, without delivering significant environmental benefits. Furthermore, residents who use wood burners often do so responsibly, using seasoned wood and ensuring proper maintenance of their stoves to minimize emissions.</p> <p>The existing voluntary guidelines on woodburning have proven effective in promoting cleaner air practices without the need for restrictive measures. I urge the local authority to reconsider this proposal and instead focus on more balanced and targeted approaches to improving air quality that do not disproportionately affect our community. Measures such as promoting the use of eco-friendly fuels, offering incentives for upgrading older stoves, and enhancing public awareness about best practices in woodburning would be far more effective and equitable.</p> <p>Thank you for considering my concerns. I look forward to your response and to participating in further discussions on how we can achieve cleaner air without compromising the well-being and traditions of Lambley's residents.</p>	<p>See Section B regarding this point</p> <p>Section C covers some of this area regarding Enforcement and Communication</p>
87	<ol style="list-style-type: none"> 1. It is currently too expensive for us as a family to solely use gas central heating to heat our house which has a log burner. Maybe a nationwide approach is required to reduce the costs of gas/electric heating. 2. Using gas for heating homes is not a sustainable source for the future. By us, not using much gas, it helps sustainability for other people. And no, we can't afford to put in all electric heating. 3. We do not live in a built-up area of Gedling. We ensure the wood is properly dried before we use it. 4. There is more pollution from bonfires in the village. 	<p>See Section C Enforcement</p> <p>The Clean Air Act only relates to smoke from chimneys in buildings. It does not cover bonfires, fire pits, pizza ovens or chimenea etc. Complaints of smoke from other activities are dealt with using the Environmental Protection Act and statutory nuisance provisions.</p>

88	<p>The cost-of-living crisis and the ability for people to keep warm during the cold months, including the elderly and those with young children needs important consideration with the proposal and implementation.</p> <p>Some residents may also have older and non-exempt stoves which are not listed on the government information and may not be able to afford a newer model (as linked to from the UK Gov website https://smokecontrol.defra.gov.uk/appliances.php).</p> <p>The consultation does not appear to clearly link to or provide information that may be helpful for residents to consider as detailed at: https://www.gov.uk/smoke-control-area-rules , which also links to https://smokecontrol.defra.gov.uk/appliances.php</p> <p>This may be helpful to make clear in the information and to enable residents who may be impacted by the proposed changes, and those with stoves/appliances to check the status of them regarding exemption as detailed on the government website:</p> <p>"Exempt appliances that can burn unauthorised fuels Unauthorised fuels, such as wood, can only be burned in exempt appliances such as some boilers, cookers and stoves. You must only use the types of fuel that the manufacturer says can be used in the appliance." Which then links to https://smokecontrol.defra.gov.uk/appliances.php.</p>	See Section C regarding Enforcement and Communication
89	<p>Taking away people's choices on how to stay warm should not be allowed. I agree with making sure people aren't burning things they shouldn't be, but if they are only burning permitted fuels then this should continue. With rising energy costs people shouldn't be forced to pay big gas companies.</p> <p>If air quality is an issue then there's other things that need to be addressed. We have constant issues with neighbours burning garden fires and us having to keep windows closed, which is awful in hot weather. These fires are thick black smelly smoke. This to me is far more of an issue than people's trying to stay warm.</p>	The Clean Air Act only relates to smoke from chimneys in buildings. It does not cover bonfires, fire pits, pizza ovens or chimenea etc. Complaints of smoke from other activities are dealt with using the Environmental Protection Act and statutory nuisance provisions.

90	<p>1. THE QUANTITY OF PARTICULATE CREATED BY WOOD-BURNING STOVES IN HOUSES IN VILLAGE LOCATIONS IS NEGLIGIBLE. THESE FIRES ARE TYPICALLY USED FOR A FEW HOURS ON A FEW DAYS PER WEEK DURING 4 MONTHS OF THE YEAR. THERE IS NO HEALTH HAZARD IN THE VILLAGES.</p> <p>2. WOOD IS A RENEWABLE RESOURCE.</p> <p>3. WOOD IS FREQUENTLY A CHEAP ENERGY SOURCE.</p> <p>4. THIS QUESTIONNAIRE IS COMPLETELY FLAWED BECAUSE, IN REFERRING TO SERIOUS ILLNESSES, YOU HAVE STARTED BY GIVING RESPONDENTS A BIASED VIEW. YOU HAVE THEREBY PREJUDICED THE ENTIRE QUESTIONNAIRE, RENEDEING IT WORTHLESS.</p> <p>5. THERE IS A WHIFF OF THE POLITICS OF SPITE IN THIS PROPOSAL: THOSE WHO HAVE LOG-BURNING STOVES IN VILLAGES TEND TO BE OF ABOVE-AVERAGE WEALTH.</p>	<p>See Section A and Section C regarding Enforcement Policy</p> <p>See point 81 regarding wood as a '<i>renewable resource</i>'</p> <p>See Section C regarding 'cheap energy source'</p>
91	<p>Dear Sir, I do not support the smoke control expansion. People have spent thousands in having wood/dual fuel burners installed and shoulders have a ten year warning of change to the current rules.</p> <p>Many of us have lost our winter fuel payment making stoves even mote essential in warming our houses.</p> <p>A properly run stove will only emit smoke when it is first lite so any thought of a fine would need to allow for this.</p> <p>If you are really worried about smoke inhalation you should consider what to do about bonfires! [Name and address supplied]</p>	<p>See Section C regarding enforcement - light up.</p> <p>The Clean Air Act only relates to smoke from chimneys in buildings. It does not cover bonfires, fire pits, pizza ovens or chimenea etc. Complaints of smoke from other activities are dealt with using the Environmental Protection Act and statutory nuisance provisions.</p>

92	<p>No - I do not agree with the proposal.</p> <p>Properties on Bank Hill Woodborough do not have access to mains gas. Heating must be by solid fuel, oil or expensive electricity.</p> <p>I prefer to use wood as it is carbon neutral. My wood is well seasoned and creates virtually no smoke once lit and burning well.</p> <p>The proposals should take this into account as well as the economic impact on such families at this time. Also there should be a gradual move as stocks of fuel will be held. In fact several years supply of wood will be held as it seasons.</p> <p>Transition arrangements should include support to move to other renewable forms of heating. [Name supplied]</p>	<p>See point 81 (re carbon neutral)</p> <p>See Section C regarding enforcement</p>
93	<p>[Name and Address supplied] written submission</p> <p>Our objections to the proposed order are as follows: -</p> <ol style="list-style-type: none"> 1) It is an unnecessary piece of legislation, dealing with something that is not a problem in the rural areas shown in your literature (not put in place in 1962 when most every house had an open fire). Any nuisance smoke is dealt with by the Clean Air Act. 2) Timing of proposal considering a lot of OAPs will lose their Winter Fuel Payment along with the recent rise of the energy cap, a lot of people with open fires/wood burners who fall into the above category could do without the added stress of being fined for lighting a fire to keep warm. 3) Potential cost, your paper states that officers of the Council are the only one empowered to set fines, and that DEFRA states that due to fuel poverty and the fact that just lighting a fire can cause smoke, the officers must take into account the above, and offer advice and give warnings before fines, I have to assume that these officers will be easy to identify in case of con artists preying on people. <p>How will the Council pay for them? Another Council tax rise?</p>	<p>Enforcement costs will not change as the Council can use Statutory Nuisance powers now in areas not covered by SCAs. What changes is the powers we can use to enforce. Officers always carried warrant id cards, and these are always on display.</p>

E	Positive Comments	
ref	Consultation Comments	Response to issues raised
94	This is a good thing and I think the work that Gedling Borough Council do to work towards a cleaner and greener Borough is a very good think	
95	<p>I think it is important to be clear that all areas have smoke control measures. I get off the bus from the city centre where the air is clean and the smoke fumes in the Gedling area are shocking.</p> <p>People are clearly burning things which give off a lot of fumes and toxins. I can no longer open my windows at night. I presume it is also harmful to wildlife. I have a wood burning stove which I no longer use because I now realize how bad they are for us.</p>	Section C covers some of this area regarding Enforcement and Communication
96	yes people burning materials out of hours upsetting the neighbourhood they are living in.	
97	<p>I suffer from catarrh in the winter. I did not used to have this but it seems to get worse each year as the amount of wood fires in the immediate area increases. I live downwind of most of them. I like to air the house but when people put their fires on Everyone seems to have one.</p> <p>Many burn wood that gives off smoke (I have photos and can get video if needed). As we are rural people get wood delivered from local farms etc which they cut up and leave for a year or two and it is not dry. In short the smoke makes me ill. Stopping it would be wonderful.</p>	
98	<p>The majority of people do not understand the negative impact on health caused by solid fuel stoves when used incorrectly or with inappropriate fuel. If they did understand the problem then there would be no objection to 'smoke control' principles.</p> <p>Perhaps there is more the authority can do with regard to raising awareness of the impact on the health of the community. If most parents understood the ramifications of emissions upon the health of their children, and indeed themselves, there would be much greater responsibility and care demonstrated in the use of these stoves.</p>	Section C covers some of this area regarding Enforcement and Communication
99	It would make things clearer and send a stronger message. I have asthma and a lung condition. The chimney smoke is very strong. It comes into my house. It irritates my eyes and makes me cough. It could be clearer how types of fuel can be checked if wood burners are not banned.	

100	Excellent idea.	
101	Please make this happen	
102	Yes, I have asthma and my family have various breathing problems. They are all exacerbated by smoke pollution whether it's a wood burner or bonfire. Please extend the zone.	
103	I think it's a good idea as it will simplify things. Wood burning is a problem in winter in this area and I worry about how it affects my children's health and development as well as my own health.	
104	My wife coughs all winter caused by smoke from wood fires around us. If we leave our windows open on winter the house stinks of it	
105	Yes you need to inform households about what this actually means and how it may impact them.	Section C covers some of this area regarding Enforcement and Communication
106	Yes maybe you should be cracking down on pollution of our rivers first!	
107	Good idea. No reason to burn wood and release carbon back into the atmosphere. GBC were forward thinking when they allowed farmland turbines which produce low carbon electricity	
108	Good idea, I'm not against a good fire, just has to have the correct fuel on it.	
109	<p>Please help educate the fools who don't realise that their log burners will likely cause them lung and other cancers, as well as increasing exposure to the rest of the community.</p> <p>It baffles me how clueless people are. Perhaps a central approach is needed, like cigarette packets, where every log burner and supermarket ready wood comes with a clear health warning attached.</p>	Section C covers some of this area regarding Enforcement and Communication
110	Curtailing visible smoke is the really the absolute minimum we should be doing in 2024 with respect to air quality. Thank you for this proposal.	
111	My husband has COPD. There is an issue all winter with wood burners and in summer windows cannot be opened as house is full of other smoke. Major problem with health.	
112	<p>I can no longer sleep with my windows open at night because of smoke from wood burning stoves in winter, fire pits and bonfires in summer. I used to have my bedroom window open all year round.</p> <p>In winter when travelling back from town it is shocking to smell the poor air quality at the bottom of westdale lane from wood burning stoves. The air is</p>	

	<p>much better in town. You can see the smoke coming from some houses on Duncroft Road and Tennyson Avenue.</p> <p>A draft order across the borough would send a clearer message that smoke is harmful and dangerous to health.</p>	
113	I hope this will be enforced and that reports from residents will be acted on. Otherwise, this is just an exercise in 'box ticking'	
114	Local wood burner at a neighbour's house brings smoke into my house so badly I have to keep my windows and doors closed. It impacts my breathing and irritated my nose. I would ban them completely.	
115	Yes, in support.	
116	Yes I Support the whole of Gedling becoming a smokeless zone	
117	<p>Dear Colleague</p> <p>Smoke Control Order Consultation</p> <p>Further to your recent correspondence requesting consultation of proposed changes to existing Smoke Control Order, I can confirm that the proposal was considered by the Parish Council at our meeting on Tuesday 17th September 2024.</p> <p>I can confirm that Colwick Parish Council support the proposed changes. However, we wish to present the following observations for consideration by the Borough Council.</p> <p>Although the extension of the Smoke Control Order across the borough is welcome from an environmental and public protection standpoint, we are concerned that insufficient resources will be available to provide an adequate level of enforcement.</p> <p>We also believe that the most effective method for reducing the incidence of any infringements and maximising prevention would be to ensure all residents have the appropriate level of information available so we would stress education of the community is key to success. We would therefore welcome efforts from Gedling BC in this respect should the proposals be adopted.</p> <p>Colwick Parish Council would also be happy to support the Borough Council in providing effective communication to our residents if desired.</p>	Section C covers some of this area regarding Enforcement and Communication

F	Direct Negative Comments	
ref	Consultation Comments	Response to issues raised
118	Yes it's unnecessary We live in a rural village and we rely on wood burning for our heating in winter.	This response is slightly confusing but have assumed a negative
119	Much more important causes of all above diseases than few wood burners	
120	I don't believe any change is necessary and would have adverse consequences on many households. If a log burning stove meets DEFRA requirements it should continue to be used.	
121	Don't.	
122	This is not necessary to protect health.	
123	No I do not support the proposed changes. [Name supplied]	
124	No	
125	No	
126	No to smoke control to wood burning stove. We need to heat our homes	

G Other Comments		
ref	Consultation Comments	Response to issues raised
127	Try reducing EMF harms through WIFI and telecommunications if you're so keen on improving public health. A much bigger issue than air quality of which industry has much more impact than private individuals	The LA has no statutory powers regarding Electromagnetic Fields (EMF); should the LA receive complaints then we would seek advice of the UK Health Security Agency. Electromagnetic fields – GOV.UK (www.gov.uk)
128	I hope this will cover garden bonfires too	The Clean Air Act only relates to smoke from chimneys in buildings. It does not cover bonfires, fire pits, pizza ovens or chimenea etc. Complaints of smoke from other activities are dealt with using the Environmental Protection Act and statutory nuisance provisions.
129	It should apply to builders burning construction or demolition waste.	
130	Controlling smoke coming from chimneys, yet allowing polluting bonfires doesn't seem logical	
131	I'm not sure how it can be policed. We have an empty house next door & gardener came and left leaving a fire smouldering in a dry wooded area of the garden. In the end i had to balance & stretch to throw water as best i could. Previous renters burnt rubbish near conifer hedges and birds abandoned nest. Parents sit with engines running outside of schools	
132	I have a log burner for cold winter days due to having to work from home and gas prices being so high, it's not easy coping with utility costs and council tax peaking at an all-time high, I'd rather you consider open air garden bonfires, fire work displays, and adding limited use than an outright ban - step approach pls	
133	The occasional garden fire, fire pit or BBQ shouldn't be such a major issue in comparison to household heating or large/business waste fires.	
134	WHY NOT SAVE OUR PLANET ALSO WHY DO WE HAVE TO PUT UP WITH GARDEN FIRES ONCE A WEEK AND AT WEEKEND INCULDING SUMMER AND IF WASHING IS OUT	
135	Ice cream van that emits diesel fumes near a children 's playground for hours on end.	

136	The questions are biased and not suited to finding out truthful replies, it is skewed	
137	Why should Gender, Age, Ethnicity, Religion, Disability or Sexual Orientation have anything to do with a Smoke Control Order Survey?	
138	This survey could have been more credibly designed by a primary school child and has absolutely no value given the statements you have written before the questions.	
139	What a disgraceful survey this is, designed to lead the public to give certain answers. Totally dishonest and has absolutely no value.	
140	<p>All newly installed appliances are required to have a HETAS certificate so there is already legislation in place to reduce/phase out the use of older log burners. Those who live in rural areas may choose to do so to avoid the pollution of the urban areas and may be happy to accept the alternative pollution of the smoke emitted by log burners which is quite different to vehicle emissions.</p> <p>We need to be allowed to make our own personal choices in this respect, instead of having legislation in place that restricts so many aspects of our daily lives.</p> <p>I would prefer legislation that outlaws the running of vehicle engines for excessive periods as is the case in Germany. If the caveman hadn't burnt fossil fuels for cooking and warmth, none of us would be here.</p>	<p>The HETAS certificate only relates to the safe installation of the burner. It does not mean that the burner is acceptable to use in a smoke control area. Many wood burners on the market are certified but under DEFRA's scheme.</p> <p>The Council has taken on idling engine powers; Officers have been undertaking educational work around schools, using these powers.</p>
141	I would consider traffic pollution a greater risk factor to air pollution with detrimental impacts on health, and look forward to hearing how you will be tackling this as an issue as preference to targeting a small number of homes heating with fires.	<p>Domestic combustion is a major source of particulate matter emissions in 2021, accounting for 16 per cent of PM10 emissions and 27 per cent of PM2.5 emissions. Most emissions from this source come from households burning wood in closed stoves and open fires.</p> <p>Road transport remains a major source of PM emissions (12 per cent of PM10 and 13 per cent of PM2.5 in 2021).¹⁶</p>
142	This is not what I would consider the council should be spending time and money on. There are plenty of more important things to do than effectively further 'tax' people who may be able to heat a room during winter more cheaply-especially old people who have lost the winter fuel allowance, people on low incomes but not able to claim any benefits. This is unfair and wrong -under the guise of the green agenda. I do not support this	

¹⁶ [Emissions of air pollutants in the UK – Particulate matter \(PM10 and PM2.5\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/emissions-of-air-pollutants-in-the-uk-particulate-matter-pm10-and-pm25)

143	<p>For goodness sake get real. As someone born in the 40s who lived through smog etc I know how much air quality has rightly improved. Unfortunately like all other green matters this is being pursued to the extreme. Our air quality is vastly improved since the 1980s over Calverton and we have gone far enough.</p> <p>Yes it would be ideal if it was pure oxygen and we banned nitrogen too but to say it is such a serious health hazard now is simply untrue, it would be far better if Gedling spent time and money on more worthwhile projects like road surfacing rather than appeasing the ever more strident demands of the eco brigade.</p> <p>If the air quality I have lived through was so dreadful I would not be here so to continue to demand ever improving standards on what is so much better now is unnecessary and taking money away from more needy projects.</p>	
144	<p>Leave people alone and focus your attention and our money on fixing the roads and community relations</p>	

Comments from Ashfield District Council

Thank you for consulting Ashfield District Council on the proposed changes to the Smoke Control Orders within Gedling Borough Council. As is required by the National Air Quality Strategy[1] Ashfield District Council is committed to working with all partners to secure improvements to air quality, through collaboration, information sharing and community engagement.

Within our Annual Status Reports for air quality we are committed to work closely with other neighbouring authorities, to achieve these objective for the benefit of residents across the wider Nottinghamshire area. Our Strategic Direction 2022-2027 and our Corporate Plan 2023 - 2027 affirm our commitments to Climate Change, which includes emphasis on the importance of good air quality.

Air Quality Considerations

Air pollution is associated with a number of adverse health impacts. It is recognised as a contributing factor in the onset of heart disease and cancer. Additionally, air pollution particularly affects the most vulnerable in society for example: children, the elderly, and those with existing heart and lung conditions. The mortality burden of air pollution within the UK is equivalent to 29,000 to 43,000 deaths at typical ages[2], with a total estimated healthcare cost to the NHS and social care of £157 million in 2017[3]. Ambient background pollution levels are affected by emissions from various sources including domestic heating.

Particulate matter emissions are often associated with wood and coal burners. Given the importance of maintaining good air quality within the district, Ashfield District Council has declared the entire district area as a Smoke Control Area.

Concluding Remarks

Ashfield District Council welcomes the commitment of Gedling Borough Council to review the coverage of Smoke Control Orders within your Borough and to consider the health benefits of the entire community and beyond as part of the consultation exercise. It is acknowledged that this proposal supports your obligations under the National Air Quality Strategy and the commitments made across Nottinghamshire, to working with all partners to secure improvements to air quality, through collaboration, information sharing and community engagement.

In line with:

- the National Air Quality Strategy requirements
- our Annual Status Reports on Air Quality
- Ashfield District Council - Strategic Direction 2022-2027
- Ashfield District Council - Corporate Plan 2023 – 2027
- Ashfield District Council - Climate Change Strategy 2021 to 2026

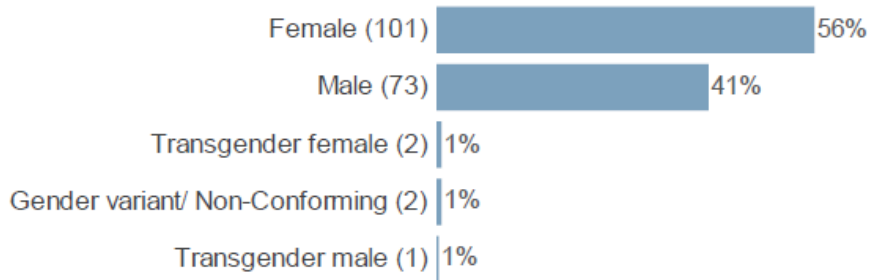
We are obliged to consider how the proposed changes may impact our community, along with considering our responsibility to the wider community of Nottinghamshire.

The Leader of Ashfield District Council - Councillor Jason Zadrozny states with our Climate Change Strategy 2021 to 2026 that - Ashfield District Council formally recognises the scale and urgency of the global challenge from climate change and that local action on global warming can make a difference. In a full Council meeting Ashfield District Council Councillors made a commitment to do everything possible to combat climate change, acknowledging the importance of air quality for our community. It is noted that a single smoke control order would also support the objectives set out in the Air Quality Strategy for Nottingham and Nottinghamshire 2020-2030[4] - which all Nottinghamshire local authorities have committed to support.

It is the considered view of Ashfield District Council that the proposal to revoke the existing smoke control orders and replacing them with a single smoke control order, which will cover the entire borough, is both appropriate and necessary to promote the Council's obligations to improve air quality on behalf of the entire population of Gedling Borough Council and the wider Nottinghamshire community.

This response is endorsed by John Bennett - Executive Director - Place Ashfield District Council

What is your gender identity?



Other:

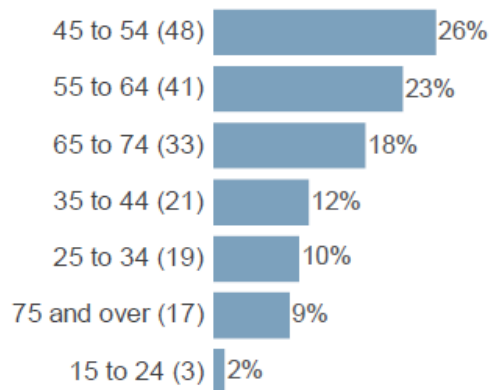
This is irrelevant to the matter in hand.

N/A

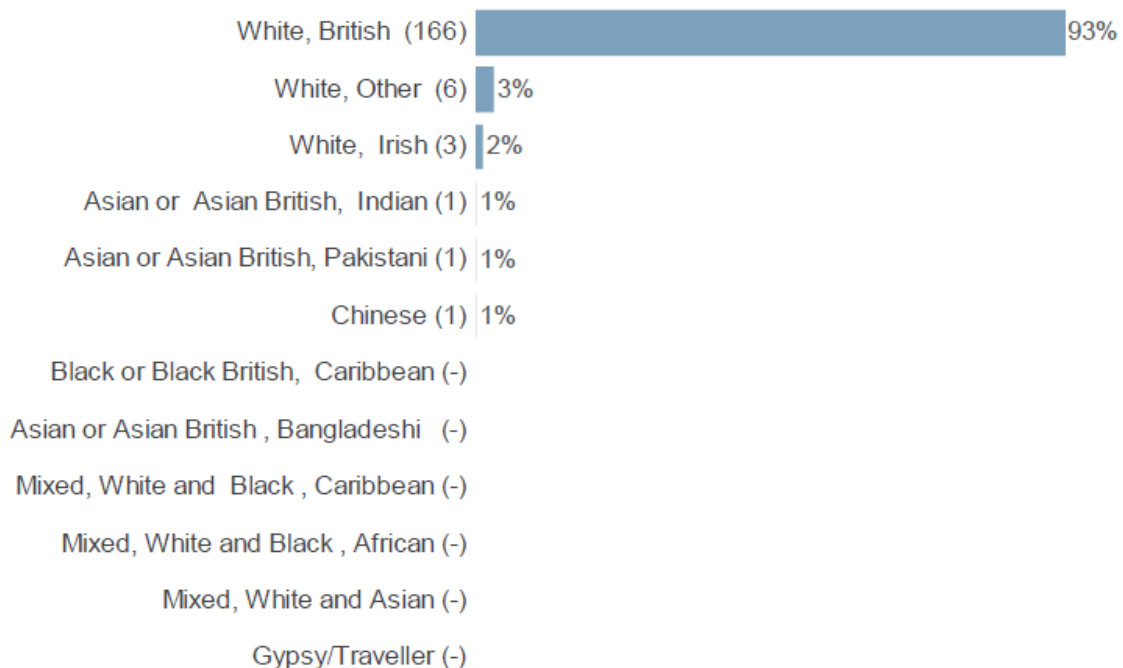
Rather not say

Why this should matter?

What age group are you in?



To which of these groups do you consider you belong?



Any other background:

This is irrelevant to the matter in hand.
 N/A
 Why this should matter?
 Yes

What is your religion?



Any other religion:

This is irrelevant to the matter in hand.	Why this should matter?
N/A	Not your business for this purpose
What relevance does this have to air quality?	Does this matter
Humanist	

Do you have a disability?



Which of the following best describes your sexual orientation?



Other sexual orientation:

Irrelevant
 None
 This is irrelevant to the matter in hand.
 N/A
 not your business
 No relevance to air quality - Woke?
 None of your business
 Rather not say
 Why?
 Why this should matter?
 Again an intrusive and unnecessary box ticking question
 How is this relevant to smoke?
 Why ask

Appendix VII
Equalities Impact Assessment

Equality Impact Assessment



<p>Name of project, policy, function, service or proposal being assessed:</p>	<p>Proposal to Declare the Whole of Gedling Borough as a Smoke Control Area (Revoking and replacing the existing 41 Smoke Control Areas)</p>
<p>The main objective of Proposal to Declare the Whole of Gedling Borough as a Smoke Control Area</p>	<p>A new single Smoke Control Area would ensure that all properties in the borough are subject to the same legal requirements in relation to smoke control under the Clean Air Act 1993.</p> <p>The social and economic benefits of implementing a boroughwide Smoke Control Area are far reaching. By reducing exposure to harmful air pollutants and in particular PM2.5 this proposal will have a positive impact on public health.</p> <p>There is a potential cost impact for those who currently use unauthorised fuels for heating their homes as authorised fuels do cost more. There is therefore concern that this could push some households into fuel poverty at a time of high inflation and rising energy costs. However, the use of unauthorised fuels comes with a huge social-health related cost.</p> <p>Residents who are struggling with the cost of heating and are likely to face fuel poverty during the winter months; they will need help and advice on accessing financial and practical advice on keeping their homes warm. This includes providing information and advice not only where they can get practical and financial help, but also providing energy efficiency measures that are likely to provide year on year savings.</p>

Equality Impact Assessment



What impact will this (please insert the name) have on the following groups? Please note that you should consider both external and internal impact:

- External (e.g. stakeholders, residents, local businesses etc.)
- Internal (staff)

Please use only 'Yes' where applicable		Negative	Positive	Neutral	Comments
<u>Gender</u>	External			✓	
	Internal			✓	
<u>Gender Reassignment</u>	External			✓	
	Internal			✓	
<u>Age</u>	External		✓		Poor air quality disproportionately affects children and the elderly, so improving air quality via the Smoke Control Area will decrease this effect on the most vulnerable age groups, promoting equality. Chief Medical Officer's annual report 2022: air pollution - GOV.UK (www.gov.uk)
	Internal			✓	
<u>Marriage and civil partnership</u>	External			✓	
	Internal			✓	

Equality Impact Assessment



<u>Disability</u>	External		✓		Those with some disabilities are also disproportionately affected by poor air quality, that can be positively addressed by implementing a Smoke Control Area, improving health and quality of life for those with disabilities. https://link.springer.com/chapter/10.1007/5584_2014_11)
	Internal			✓	
<u>Race & Ethnicity</u>	External			✓	
	Internal			✓	
<u>Sexual Orientation</u>	External			✓	
	Internal			✓	
<u>Religion or Belief (or no Belief)</u>	External			✓	
	Internal			✓	
<u>Pregnancy & Maternity</u>	External		✓		Pregnant women are more likely to suffer from pregnancy complications, including stillbirths, low birth weight and pre-term birth, in areas of high particulate matter air pollution PM2.5, so implementing a Smoke Control Area across the whole of the Borough could reduce the risk to pregnant women and their unborn children. Chief Medical Officer's annual report 2022: air pollution - GOV.UK (www.gov.uk)
	Internal			✓	

Equality Impact Assessment



<p>Other Groups (e.g. any other vulnerable groups, rural isolation, deprived areas, low income staff etc.)</p> <p>Please state the group/s:</p> <p>Rural Poverty</p>	External	✓			<p>This proposal brings the more rural areas of the Borough under the same legislative rules as more urban areas. Residents use of non-exempt solid fuel appliances was identified during consultation and therefore some will have to change their fuel to smokeless fuels or purchase an alternative appliance.</p> <p>There is a potential cost impact for those who currently use unauthorised fuels for heating their homes as authorised fuels do cost more.</p> <p>There is therefore concern that this could push some households into fuel poverty at a time of high inflation and rising energy costs.</p>
	Internal			✓	

Equality Impact Assessment



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Is there is any evidence of a high disproportionate adverse or positive impact on any groups?	Yes	No	Whilst there are potential negative impacts with regard to fuel poverty within rural areas the positive impacts to the health and well being of the groups mentioned above are considered to carry a greater social-health impact.
Is there an opportunity to mitigate or alleviate any such impacts?	Yes	No	Provision of information and advice to persons who are concerned about fuel poverty including advice and support about access to grants and home improvements. Supporting those on a low income and in receipt of government benefits is particularly important, for example many residents will be unaware that they are entitled to help towards home insulation and boiler replacement.
Are there any gaps in information available (e.g. evidence) so that a complete assessment of different impacts is not possible?	Yes	No	none
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
Consultation	Autumn 2023	Consultation completed	Brendan Cox
Second Consultation	Summer/Autumn 2024	Consultation completed	Brendan Cox

Authorisation and Review

Completing Officer	Brendan Cox
Authorising Head of Service/Director	Mike Avery - Director of Place
Date	03/01/25
Review date (if applicable)	

Appendix VIII
Climate Impact Assessment

Climate Impact Assessment



Name of project, policy, function, service or proposal being assessed:	Borough Wide Smoke Control Area Declaration			
The main objective of Borough Wide Smoke Control Area Declaration	To amend the existing smoke control areas; revoking the 40 existing and create one area covering the whole Borough.			
<p>What impact will the Smoke Control Area project have on the following: Please read guidance before completing. For each category, insert a tick/yes against the impact and include mitigation/comments for each category.</p>				
Category	Negative	Positive	No impact/ Negligible change	Mitigation/ Comments
Behaviour & Culture Change		<input checked="" type="checkbox"/>		The implementation of this project will require a communication strategy whereby the Council gets across the message of <i>Burning Less and Burning Better</i> . Improving air quality in the borough will have co-benefits, such as the health & wellbeing and overall quality of life for residents. This declaration aligns with the Gedling Plan and the carbon management strategy by creating a cleaner greener and healthier Gedling.
Built Environment			<input checked="" type="checkbox"/>	Generally, no real impact. However, imposing restrictions on wood burning may encourage the take up of opportunities to upgrade insulation, install low carbon heating etc.

Climate Impact Assessment



Transport			<input checked="" type="checkbox"/>	No impact in this area.
Energy, Natural Resources & Climate Change	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<p>Solid fuel can be burned sustainably if it is replaced like for like, although there are greener forms of heating, and these should be encouraged over solid fuel.</p> <p>Wood bought commercially can be shipped from all over the world and may not be sustainably sourced. The proposal will hopefully encourage people not to burn solid fuel from unsustainable sources.</p> <p>However, restricting burning of wood may come with the consequence of increased use of fossil fuel heating.</p>
Waste Reduction & Recycling			<input checked="" type="checkbox"/>	Generally, no impact in this area. Although restricting what is burnt may lead to an increase in waste wood that would otherwise be burnt going into landfill.
Blue-Green Infrastructure/Biodiversity		<input checked="" type="checkbox"/>		Restrictions should hopefully reduce the use of locally 'foraged' wood, found on the ground or removed (unsustainably) from local woods/forests. This should hopefully, benefit local ecosystems.
Procurement & Purchasing			<input checked="" type="checkbox"/>	No impact in this area.

Climate Impact Assessment



In response to the information provided above please provide if there is any proposed action including any consultation that is going to be carried out

Planned Actions	Timeframe	Potential Outcome	Responsible Officer
Revocation of existing orders	6 -12 months		Brendan Cox/ Legal Services
Creation of new smoke control order	6-12 months		Brendan Cox/ Legal Services

Authorisation and Review

Completing Officer	Brendan Cox
Authorising Head of Service/Director	Mike Avery - Director of Place
Date	03/01/25
Review date (if applicable)	

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Report to Environment and Licensing Committee

Subject: Consultation on a Borough Wide Smoke Control Area Declaration

Date: 03rd October 2023

Author: Head of Environment

Wards Affected

All wards

Purpose

To seek approval to:

1. Carry out a public consultation on a proposal to declare the Borough as a Smoke Control Area; ultimately replacing the existing orders.
2. Publish a notice and draft order for comment.

Key Decision

This is not a key decision

Recommendation(s)

THAT Members:

- 1) **Approve a public consultation on the draft order at Appendix B for a period of 6 weeks.**
- 2) **Approve the publishing of a notice and draft order in the London Gazette and a local newspaper for two consecutive weeks.**

1 Background

- 1.1 There are currently 41 Smoke Control Areas (SCAs) in Gedling Borough that have been declared between 1962 and 1994. These orders geographically cover only 21% of the Borough but include 81% of the residential properties.

No amendments to these orders has taken place since their creation.

- 1.2 The areas (see Appendix A) cover most of the urban area and Calverton, Newstead and Bestwood villages. The current SCAs do not cover the villages of Ravenshead, Linby, Papplewick, Lambley, Woodborough, Burton Joyce and Stoke Bardolph.
- 1.3 Smoke Control Areas (SCAs) make it an offence to emit smoke from a chimney within the area.
- 1.4 Households using an exempt appliance or authorised 'smokeless' fuel should not produce smoke, so would not be subject to enforcement action.
- 1.5 The changes proposed do not impact on people who wish to have bonfires as this is covered by different legislation. However, the proposed publicity campaign would look to discourage bonfires by including messaging about the impact that bonfires can have on air quality and health.
- 1.6 Solid fuels are by far the most polluting method of domestic heating, and wood burning has increased in popularity over recent years. Reasons for burning wood and other solid fuels vary, and include aesthetic as well as practical, ecological or economic reasons.
- 1.7 For air pollution emissions, there is substantial difference between the different open fire and stove designs, the age of the appliance and how well maintained it is, and the moisture content of the wood, for those who want to burn wood. In built up areas, burning wood has the potential to worsen local air quality significantly.
- 1.8 Domestic combustion is a major source of particulate matter emissions in 2021, accounting for 27% of PM2.5 emissions. Most emissions from this source come from households burning wood in closed stoves and open fires.

In the 1970s, 1980s and 1990s, coal use in domestic combustion was the largest source of particulate matter emissions; coal now accounts for a very small proportion of emissions from this source (13% in 2021), while the use of wood as a fuel accounted for 75% of PM2.5 emissions from domestic combustion in 2021.

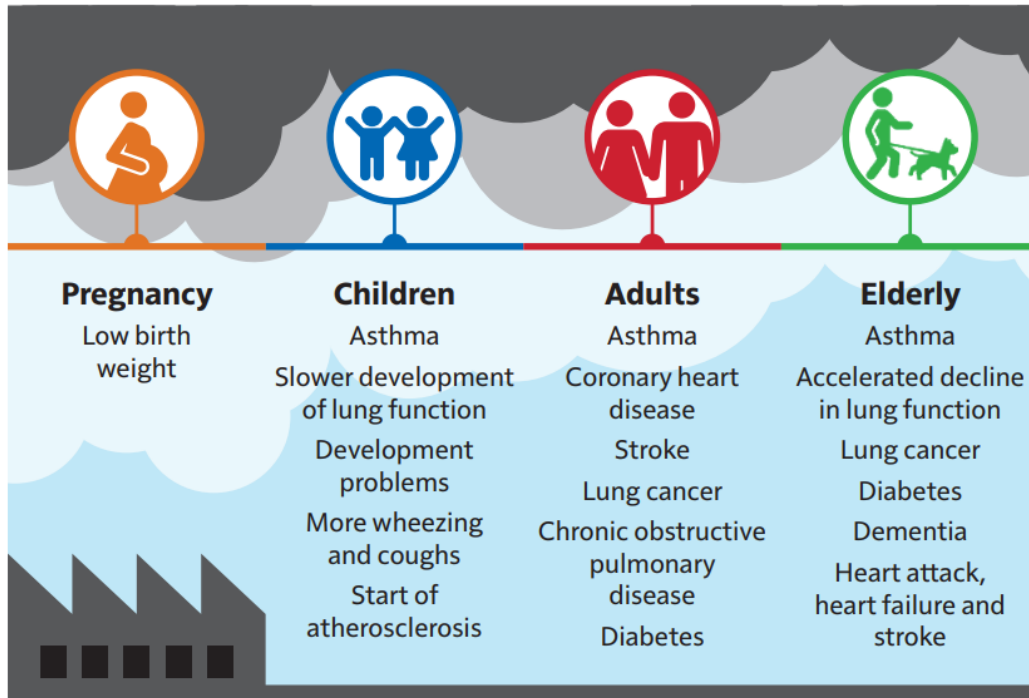
The sale of traditional bituminous house coal was banned in England starting 1 May 2023. This ban applies to all types of house coal, be it bagged, loose, or in open bags.

Emissions of PM2.5 from domestic wood burning increased by 124 per cent between 2011 and 2021, to represent 21% of total PM2.5 emissions in 2021.

Source: [Emissions of air pollutants in the UK – Particulate matter \(PM10 and PM2.5\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/emissions-of-air-pollutants-in-the-uk-particulate-matter-pm10-and-pm25)

- 1.9 Fine Particulate Matter (PM10 and PM2.5) is considered a particularly harmful pollutant with regard to human health.

The health impacts of air pollution



Source: Air Pollution - [Chief Medical Officer's Annual Report 2022 \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/105422/cma-annual-report-2022.pdf)

- 1.10 The Environment Act 2021 established a legally binding duty on government to bring forward two new air quality targets for PM_{2.5}. (annual mean concentration and population exposure reduction)

The air quality targets set are:

Pollutant & metric	Target	Target year
PM _{2.5} annual mean concentration	Interim target: 12 $\mu\text{g}/\text{m}^3$	2028
PM _{2.5} annual mean concentration	Legally binding target: 10 $\mu\text{g}/\text{m}^3$	2040
PM _{2.5} population exposure	Interim target: 22% reduction in exposure compared to 2018	2028
PM _{2.5} population exposure	Legally binding target: 35% reduction in exposure compared to 2018	2040

Source: Environmental Targets (Fine Particulate Matter) (England) Regulations 2023

- 1.11 Although the above targets are not currently the direct responsibility of local authorities, The Government [Air quality strategy: framework for local authority delivery - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/air-quality-strategy-framework-for-local-authority-delivery) states:

'We have been clear in guidance to local authorities since 2016 that we expect local authorities to use their powers to reduce PM2.5.

We still have not seen sufficient action from the majority of local authorities. In light of the new targets, if we consider further action to be insufficient, we will consult on introducing a standalone legal duty on local authorities to take action to reduce PM2.5 emissions.'

- 1.12 This proposal provides a mechanism to control the burning of the dirtiest forms of solid fuel and the appliances that they are burned in. It assists in reducing PM2.5 levels in the Borough and helps Government with their emission reduction targets.

Ultimately, the proposal is also likely to result in positive public health impact.

- 1.13 The making of a borough-wide smoke control order will help support the enforcement of the new domestic fuel regulations providing an effective and *level playing field* approach to tackling smoke pollution.
- 1.14 At this time it is proposed that the new order would **not** also encompass moored vessels on the River Trent. It is understood that GBC have 3 leisure moorings controlled by The Canals and Rivers Trust at Stoke Bardolph Lock. These are not permanent moorings and so there is not considered to be a significant impact at his location.
- 1.15 To coincide with the declaration of the new SCA officers will work to ensure residents are informed of the changes and what this means for them. This will be done through the consultation process with additional publicity through the Council's communications channels to ensure that people are aware of the changes and the implications of this.
- 1.16 Long term benefits from having a borough-wide smoke control order will be a reduction in the quantity of PM2.5 produced in the Borough, resulting in cleaner air and health benefits for those who live and work in the Borough.
- 1.17 There is a consultation process required by the Clean Air Act 1993 before a Smoke Control Order can be made or amendments/revocations of existing orders as outlined in the Clean Air Act and Statutory Guidance.
- 1.18 When creating a new order the Council are required to publish a notice stating that the local authority propose to make the order and its general effect and specifying where a copy of the order can be obtained. This notice must be published in the London Gazette and in a local newspaper for two consecutive weeks.

The consultation period shall not be less than 6 weeks from the date of the last publication of the notice. Throughout the consultation period copies of the notice should be posted in several places in the relevant area(s) to ensure people who will be affected are aware of the proposal.

- 1.19 Any objections received must be considered during the consultation process. If any objections are received and not withdrawn, the Council cannot make the order without first considering the objection. At the end of the consultation period the Secretary of State is empowered to confirm the order with or without any modifications.
- 1.20 In the event that the Council resolves to make the new smoke control order it cannot come into effect earlier than 6 months from the date of making. This date may be postponed, subject to a resolution to that effect being passed and suitable publicity in line with that set out in the legislation (Schedule 1, Clean Air Act 1993).

2 Proposal

- 2.1 That Members approve a public consultation on the draft order for a period of 6 weeks
- 2.2 That Members approve the publishing of a notice and draft order in the London Gazette and a local news paper.
- 2.3 This will ensure consistency in relation to the legal restrictions of burning solid fuel and the type of equipment that can be used.

3 Alternative Options

- 3.1 To not approve the notice and consultation on the draft Smoke Control Order covering the whole of the Borough and to leave the current 41 orders in place. However this will mean that 19% of the borough's residential addresses are not covered by smoke control areas.

4 Financial Implications

- 4.1 There are not considered to be any significant budget implications besides officer time in setting up the new order, advertising the new order and providing publicity around it. The publicity will predominantly be online using social media and the website.

Operationally any enforcement will be managed within the existing team budget. If further grant funding becomes available additional publicity and targeted enforcement would be carried out.

5 Legal Implications

- 5.1 The Council has a discretion under Section 18(2A) of the Clean Air Act 1993 (the Act) whether to declare the whole, or any part of its area to be a smoke control area; by a smoke control order.

5.2 A smoke control order -

- (a) may make different provision for different parts of the smoke control area;
- (b) may limit the operation of section 20 (prohibition of emissions of smoke) to specified classes of building in the area; and
- (c) may exempt specified buildings or classes of building or specified fireplaces or classes of fireplace in the area from the operation of that section, upon such conditions as may be specified in the order;

and the reference in paragraph (c) to specified buildings or classes of building include a reference to any specified, or to any specified classes of, fixed boiler or industrial plant

5.3 A smoke control order may be revoked or varied by a subsequent order.

5.4 Schedule 1 to the Act sets out the procedure which the Council must follow to make an Order, including publicising its intention to make an order and how objections may be made. If any objections are received and not withdrawn, the Council cannot make the order without first considering the objection.

5.5 If the Council resolves to make the new smoke control order it cannot come into effect earlier than 6 months from the date of making. This date may be postponed, subject to a resolution to that effect being passed and suitable publicity in line with that set out in the legislation (Schedule 1, Clean Air Act 1993).

5.6 Once any objections have been considered, if delegation is approved, the Corporate Director will authorise confirmation of the order. New orders must then be considered by and confirmed by the Secretary of State with or without modification.

6 Equalities Implications

6.1 People with certain protected characteristics (the old, young and those with certain disabilities) are more vulnerable to air pollution. People in vulnerable groups are also known to live in areas with more air pollution, so the proposal may have a differentially positive impact on these groups.

6.2 However, fuel poor households could be affected if using an open fire or burning cheap wood as a source of heating as opposed to more expensive electricity, gas or oil.

The Environmental Health and Technical Officers regulating this function have access to the information to refer residents for home energy efficiency and heating measures to mitigate any detrimental impacts on fuel poor households. It is considered that the environmental, air quality, and health benefits of implementing this function outweigh any detrimental effects for fuel poor households.

- 6.3 The proposal would mean that people could only burn clean seasoned wood with the 'ready to burn' logo in exempt appliances, or an authorised fuel. This would be more expensive for people who were reliant on foraging for wood as their main source of fuel.
- 6.4 The proposal would not have any implications on the 81% of the boroughs residential properties already covered by SCAs as they are already subject to the rules, the proposal just brings the rest of the borough in line with this. Most modern, recently installed appliances would also already be compliant.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 The proposal aims to improve local air quality by introducing better control of solid fuel burning that contributes to 21% of local particulate pollution.
- 7.2 Solid fuel can be burned sustainably if it is replaced like for like, although there are greener forms of heating should be encouraged over solid fuel. The proposal will encourage people not to burn solid fuel from unsustainable sources, helping to contribute to a net zero carbon Borough.
- 7.3 With a revival in the popularity of 'real fires' there are a number of solid fuel burning stoves in the market that comply with the legislation, and many already in use across the Borough are likely to be compliant.

There is a growing public awareness surrounding the impact and harm caused by burning solid fuels and a desire to improve local air quality. This report, and the need to modernise the smoke control orders, reflects this and provides the council with an opportunity to encourage responsible use of solid fuel burning appliances in domestic properties throughout the borough.

8 Appendices

- 8.1 Appendix A - Map of current SCAs
- 8.2 Appendix B - Draft Order

9 Background Papers

- 9.0 None

10 Reasons for Recommendations

- 10.1 The Council has a duty to assess air quality and where necessary take appropriate action to protect the health of those living and working in the Borough.
- 10.2 PM2.5 concentrations and other toxic emissions are closely associated with domestic burning. PM2.5 has a significant impact on human health it can cause coughs, dizziness, inflamed airways and shortness of breath.

It increases the risk of pneumonia, COPD and lung cancer, as well as heart disease and stroke, leading to early death. It can also impact pregnancy and the development of children's lungs.

- 10.3 Smoke Control Areas can help to reduce PM2.5 emissions found in chimney smoke by requiring the use of either authorised fuel or by using Defra 'exempt appliances' for example certain burners and stoves. Unauthorised fuel must not be used in a smoke control area unless it is used in an exempt appliance.
- 10.4 Although a Borough wide smoke control area will not ban domestic solid fuel burning, it will require residents to take responsibility over the fuels they burn. In addition, any new solid fuel stove installations are much more likely to be 'exempt appliances'. This is because reputable stove installers currently advise householders in Smoke Control Areas to install Defra 'exempt appliances' or 'Ecodesign' appliances which already meet stricter smoke emission standards.

Statutory Officer approval

Approved by:

Date:

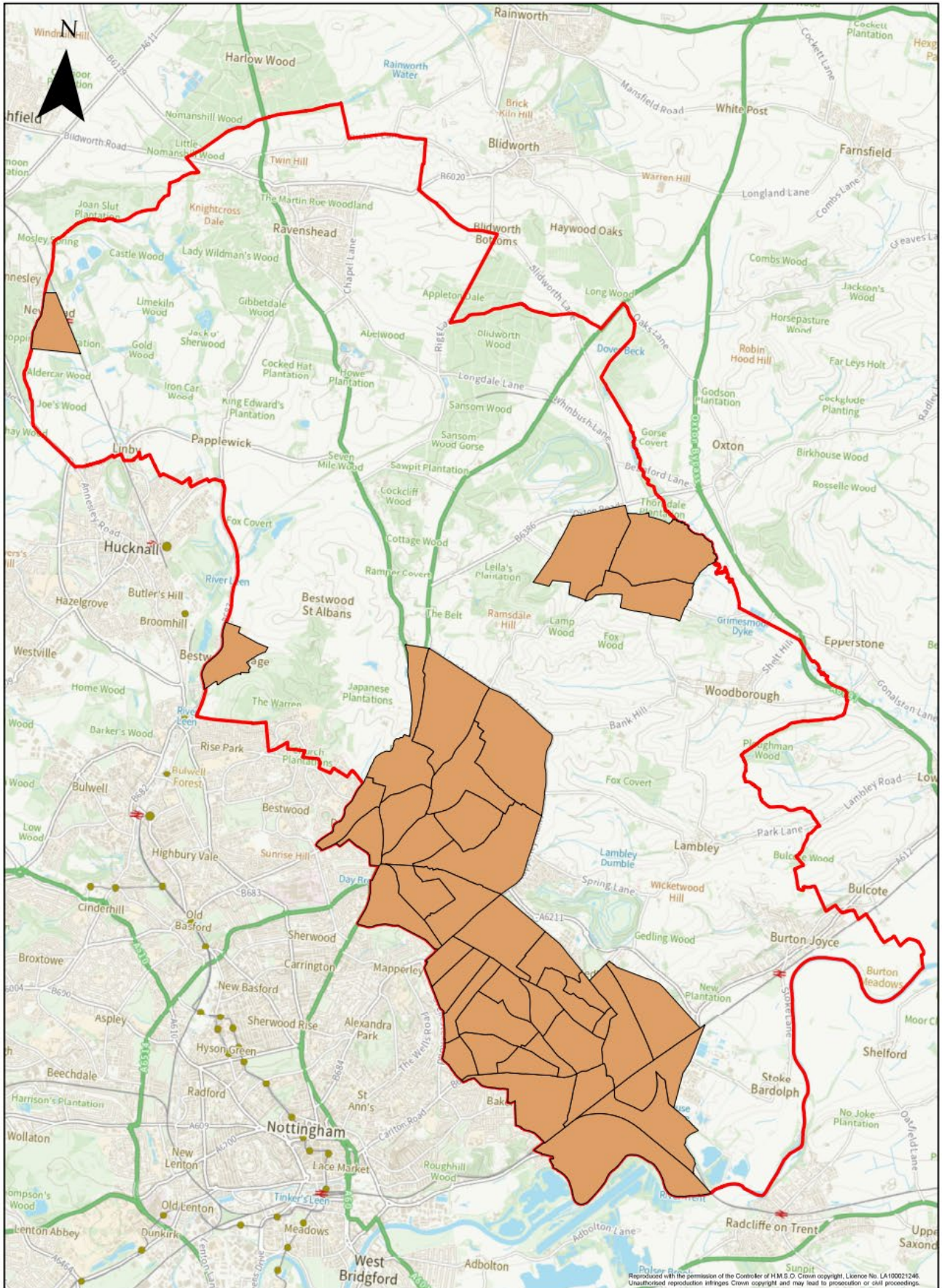
On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer

Appendix A – Map of current Smoke Control Orders



Current Smoke Control Areas

1:75,000

Appendix B – Draft Smoke Control Order



Clean Air Act 1993 (as amended) Section 18

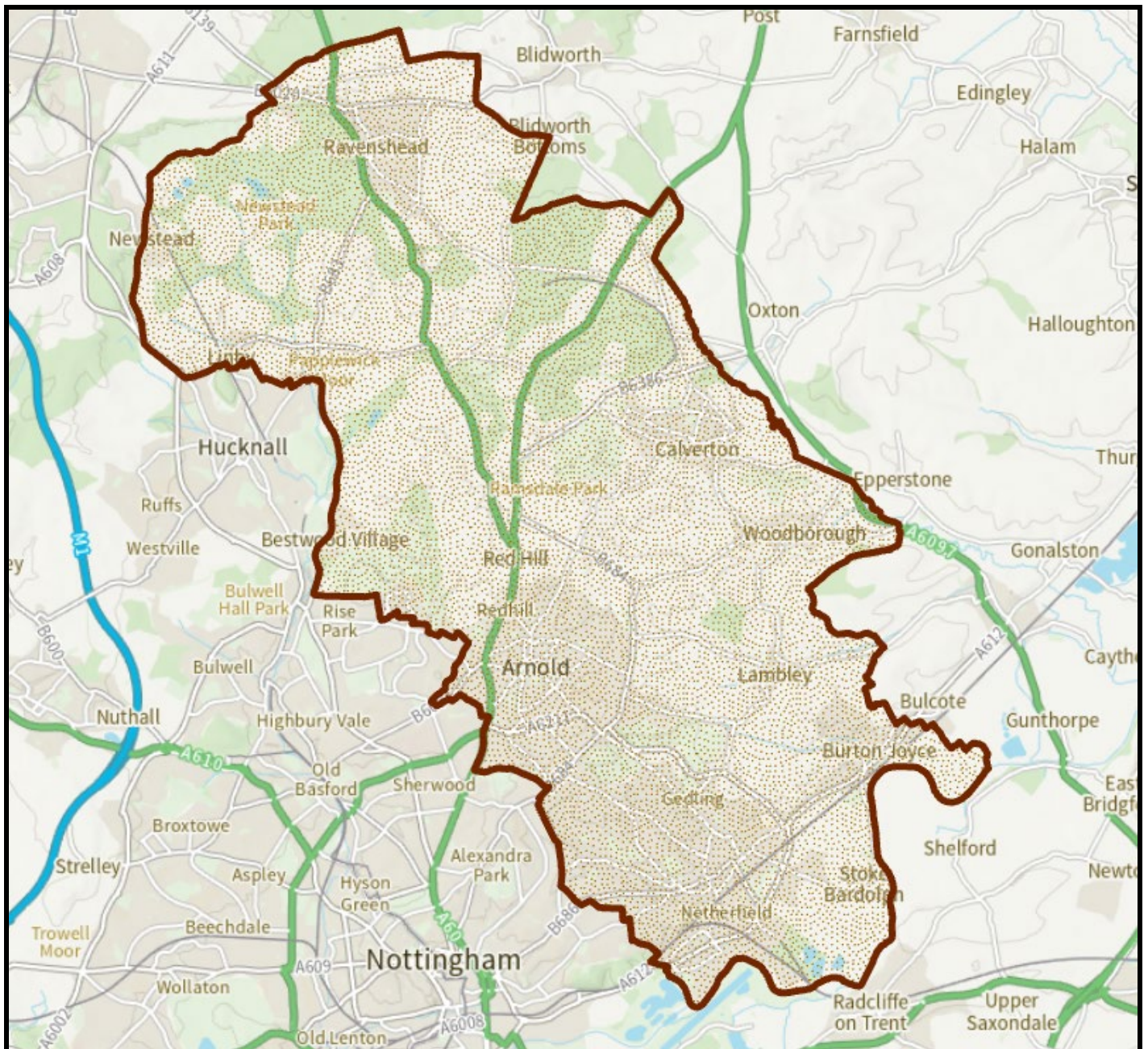
THE GEDLING BOROUGH COUNCIL SMOKE CONTROL ORDER 2023

Gedling Borough Council ("the Council") in exercise of its powers under section 18 of the Clean Air Act 1993 (as amended), hereby make the following Order:

1. This Order may be cited as The Gedling Borough Council Smoke Control Order 2023 ("the Order"). This Order will come into operation not less than six months from the date this Order is made. All existing Smoke Control Orders are hereby revoked from the date that this Order comes into operation.
2. The Council declares the whole of the area within its boundary to be a Smoke Control Area as shown on the attached Plan. The Plan has been prepared and sealed with the common seal of the Council and a copy has been deposited at the offices of the Council at: Civic Centre, Arnot Hill Park, Arnold, Nottinghamshire, NG5 6LU
3. In the whole of the Smoke Control Area created by this Order (that is, all land within the borough boundary), the operation of section 19A of the Clean Air Act 1993 (Penalty for emission of smoke in smoke control area in England) shall be applicable to all buildings.
4. Other than exemptions made by the Secretary of State under section 21 of the Act, there are no buildings, or classes of buildings, or fireplaces, or classes of fireplaces in the Smoke Control Area that are exempt from the operation of section 19A of the Clean Air Act 1993 (Penalty for emission of smoke in smoke control area in England).

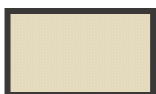
THE COMMON SEAL of GEDLING)
BOROUGH COUNCIL)
was hereunto affixed on this day)
of 2023 in the presence of:-)

MAP OF THE PROPOSED GEDLING BOROUGH COUNCIL
SMOKE CONTROL AREA 2023



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MAP



Area to be included in the Proposed Gedling Borough Smoke Control Area 2023

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Report to Environment and Licensing Committee

Subject: Department of Transport Statutory Taxi & Private Hire Vehicle Standards

Date: 14th January 2025

Author: Director of Place

Purpose

To inform Members of the results of the consultation carried out in 2021 regarding the impact of the Department of Transport's Statutory Taxi & Private Hire Vehicle Standards on the Council's policies, procedures and conditions.

To advise Members of the recommendations of the working group, appointed at the meeting held in August 2020, following their consideration of the results of the consultation carried out in 2021.

To request that the revised policy document containing the working groups recommendations be subject to a further 4-week consultation.

Recommendation(s)

THAT Committee:

- 1) Note the results of the consultation carried out in 2021 and the recommendations of the working group at Appendices 1 & 2 that are now contained in the revised policy document at Appendix 3.**
- 2) Approve that the revised policy document at Appendix 3 be subject to a further 4-week consultation.**
- 3) Authorise the Director, in consultation with the Chair, to consider any responses to the consultation and should they consider that the responses require any proposed amendments to the Policy or Conditions, they be referred back to Committee for consideration.**
- 4) Authorise officers to implement the necessary changes to the taxi licensing policy, conditions and procedures to meet the recommendations of the Working Group if no responses are received to the consultation or, if the**

Director in consultation with the Chair does not consider any responses received require referral back to the Committee.

1 Background

- 1.1 At the meeting held on 4 August 2020 Members considered a report on the Department of Transport's Statutory Taxi & Private Hire Vehicle Standards ("the Standards"). The Standards were introduced to ensure that taxi and private hire licensing authorities use their licensing powers to protect children and vulnerable adults.
- 1.2 Whilst several recommendations set out in the Standards are already in place at the Council, the Standards needed detailed consideration by officers and Members to ensure that the Council's policies and practices have proper regard to the Standards. Following consideration of the report Members resolved to set up a Member/Officer working group to consider the impact of the new standards on the Council's taxi licensing process and policies.
- 1.3 Following meetings in November 2020 and February 2021 of the working group a further report was submitted to the Committee on 9 March 2021 and Members resolved to:
- 1) *Note the recommendations of the working group.*
 - 2) *Approve that the matters contained at Appendix 1 & 2 of the report be issued for an 8 week public consultation.*
- 1.4 The matters contained in the Appendices to the report were sent out for the 8-week consultation. The consultation consisted of 26 separate questions which gave the current situation regarding each licensing subject and the proposed change that would bring the Council in line with the Standards recommendation in that area. Consultees were asked if they agreed or disagreed with the proposed change, and they were also asked for any comments. The consultation took place between 14th October 2021 until 9th December 2021. The consultation was published on the Council's website and the link to the consultation was also emailed to approximately 900 licence holders.
- 1.5 When the consultation ended the results were collated and analysed by officers who made comments and suggestions on the areas of work that would be affected which were then referred the Working Group for consideration. The Working Group met twice in October 2022. Following consideration of the level advised in the Department of Transport's Standards document, the results of the consultation and the discussions at the working group a set of proposals were drawn up by the Working Group and are attached to the report.

1.6 Although the initial consultation responses were considered by the Working Group, some time has passed since this exercise it is therefore fair and reasonable that the suggested recommendations are consulted on with the trade and public, so any further representations can be considered before any final changes are made.

1.7 **CCTV in licensed vehicles**

The Standards contained a section directing licensing authorities to carry out a consultation on whether CCTV in licensed vehicle should be mandatory or voluntary taking into account local circumstances, the positive and negatives effects of CCTV in vehicles and potential privacy issues. There was also some guidance on CCTV included in the Standards appendices. In the original consultation consultees were asked if they thought CCTV should be installed in vehicles. Eighty-five people responded with 52% saying yes and 48% saying no. The consultees were then asked if the installation of the CCTV should be mandatory and seventy-one people responded with 41% saying yes and 59% saying no. The next question was should the installation of CCTV be voluntary and sixty-seven people responded with 76% people saying yes and 24% people saying no.

As Members may be aware the Council runs its own CCTV section within Public Protection and is well versed in the pros and cons of being a data controller for CCTV images. It was felt by officers and Members that this subject needed more investigation due to the sensitive nature of recordings being made of passengers and drivers and the wider privacy issues and to balance this with public safety. The initial considerations did not support the need for the mandatory use of CCTV in the Borough's area. The complex nature of this subject was delaying the other issues raised by the Standards being brought before Members so the issue of CCTV in licensed vehicles will be brought to a future meeting if it is felt appropriate to pursue this issue.

1.8 **National Anti-Fraud Network (NAFN) NR3S**

The standards included a section on the mandatory use by licensing authorities of the NR3S register to record and search for driver refusals, suspensions and revocations. This was included in the original consultation and considered in a separate report at the meeting of the Environment and Licensing Committee on 9th January 2024 where Members were informed that the use of the register had become mandatory under the provisions of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022. The register is being accessed during the application process for new and renewal applications and information is being included on the register regarding any action the licensing authority takes regarding an applicant or driver. In accordance with the recommendations in the report officers have collated a list of current and historic drivers that merit inclusion in the register and those persons are to be consulted on regarding their inclusion.

1.9 Policy document

Since the consultation in 2021, and in line with the guidance in the Standards document, officers have worked on collating all the policies relating to taxi licensing into one document entitled 'Hackney Carriage and Private Hire Licensing Policy'. This document combines the previously named 'Council's Statement of Policy and Guidelines for the Licensing of Hackney Carriages, Private Hire Drivers and Private Hire Operators' together with the Council's policies on complaints, carriage of passengers in wheelchairs, the carriage of assistance animals, the vehicle testing manual and the taxi conditions for driver, vehicle and operator licensing. It is this document that now contains the recommendations of the Working Group and, if approved by Members, will be the subject of the 4-week consultation.

Appendix 1 shows general proposed changes across the taxi licensing process which would affect procedure, conditions, specifications and policy and Appendix 2 is specific to proposed amendments to the Part 1 Section 1 of the Hackney Carriage and Private Hire Licensing Policy.

In line with the recommendation in the Standards the policy will be reviewed at least every 5 years or when any changes to the policy or conditions of licence are proposed.

1.10 Fit and Proper

There is no legal definition of 'fit and proper' within the taxi legislation, however, it is the phrase that underpins the regime. The Standards encourage decision makers to ask themselves the following question when considering applications, or the change of circumstances of an existing driver, and this question and the following advice has been included in the revised policy:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of the day or night?

If, on the balance of probabilities, the answer to the question is no, the individual should not hold a licence.

Licensing authorities have to make difficult decisions, but the safeguarding of the public is paramount.

All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be given the benefit of doubt. If the committee or delegated officer is only 50/50 as to whether the applicant or licensee is fit and proper, they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

1.11 Standards guidance general matters

The Standards also contained guidance on several other administrative issues which do not require specific approval and have already been implemented or will be implemented going forward. These included:

- having one documents with all the taxi policies included
- reviewing the policy at least every 5 years
- working to maintain and improve the Council's information sharing relationship with the Police regarding taxi drivers and offences/convictions
- amending the declaration on the application form to state it is a criminal offence to give false information
- having a website link for complaints and compliments specifically about the taxi trade
- looking at adequately resourcing the taxi licensing function
- that Members and Officers keep a record of any licensing training they undertake
- to ensure that the Safeguarding training includes the issues raised in the Standards and;
- to publicise information to the public on how to stay safe when using taxis

2 Proposal

- 2.1 That members note the results of the consultation carried out in 2021 and the recommendations of the working group at Appendices 1 & 2 that are now contained in the revised policy document at Appendix 3.

That Members approve that the revised policy document at Appendix 3 be subject to a further 4-week consultation.

That any responses to the consultation be considered by the Director in consultation with the Chair and any proposed amendments to the Policy be referred to Committee for consideration.

That if no responses are received to the consultation or, if the Director in consultation with the Chair does not consider any responses received require referral back to the Committee, then officers be authorised to implement the necessary changes to the taxi licensing policy and procedures to meet the recommendations of the Working Group.

It is proposed that following the consultation period and any responses

considered the final policy will be implemented for all new driver, vehicle and operator licence applicants from 1st April 2025. All existing driver, vehicle and operator licence holders will need to meet the new policy standards by 31st October 2025 or at the renewal of their licence whichever date is sooner. Existing licence holders will be contacted with a link to the new policy once it has final approval.

3 Alternative Options

- 3.1 The Council could choose not to adopt the recommendations of the Working Group and therefore to not make any amendments to the Council's policies and procedures to reflect the changes as recommended by the Department of Transport Standards document. The Standards are clear that licensing authorities are expected to implement the recommendations in the Standards unless there is a compelling local reason not to, the Council may therefore be at risk of sanction.

4 Financial Implications

- 4.1 The additional workload created by the proposed changes can be accommodated within existing budgets and staffing levels, so there is no additional budget requirement needed.

5 Legal Implications

- 5.1 The proposed amended Policy is a comprehensive document which brings the Council's policy in line with current legislation and Statutory Guidance. Section 177(1) of the Policing and Crime Act 2017 states that '[t]he Secretary of State may issue guidance to public authorities as to how their licensing functions under taxi and private hire vehicle legislation may be exercised so as to protect children, and vulnerable individuals who are 18 or over, from harm'. The Secretary of State for Transport published the 'Statutory Taxi and Private Hire Vehicle Standards' in July 2020 which were updated in November 2022. Section 177(4) states that '[a]ny public authority which has licensing functions under taxi and private hire vehicle legislation must have regard to any guidance issued under this section.' Therefore, Licensing authorities are under a legal duty to have regard to the guidance.
- 5.2 An up-to-date policy which clearly states the way in which the Council will undertake its statutory duties assists with robust and consistent decision making thus ensuring fairness and transparency for both the trade and public. Decisions on individual licensing matters determined under the policy are subject to appeal to the magistrate's court applying the relevant law, the policy will be taken into consideration as part of any appeal hearing.

- 5.3 Although the initial consultation responses were considered by the Working Group, some time has passed since this exercise it is therefore fair and reasonable that the suggested recommendations are consulted on with the trade and public, so any further representations can be considered before any final changes are made.
- 5.4 Officers will require authorisation to take necessary steps to implement the recommendations of the working group without the need for further Committee approval.

6 Equalities Implications

- 6.1 An Equalities Impact Assessment is attached at Appendix 4.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 A Carbon Impact Assessment if attached at Appendix 5.

8 Appendices

- 8.1 Appendix 1 – Taxi Standard consultation responses and recommendations affecting the taxi licensing conditions and application process.

Appendix 2 – Taxi Standards consultation responses and recommendations affecting Part 1 Section 1 of the Hackney Carriage and Private Hire Licensing Policy

Appendix 3 – Revised Hackney Carriage and Private Hire Licensing Policy

Appendix 4 – Equalities Impact Assessment

Appendix 5 – Carbon Impact Assessment

9 Background papers

- 9.1 Statutory Taxi and Private Hire Vehicles Standards (updated 25 November 2022) - [Statutory taxi and private hire vehicle standards - GOV.UK](#)

Statutory Officer approval

Approved by:

Date:

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On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer

Proposal	Survey question and responses	Comments	Officer/Member Working Group recommendations	Areas of the licensing process requiring amendment
<p>1. All Hackney Carriage and Private Hire Vehicle licensed drivers are subject to an annual enhanced Disclosure and Barring Service (DBS) check. This checks the criminal record of the driver. There are currently two ways to obtain this check. By full application to the DBS Service or by the driver optionally signing up to the DBS online service. Although there is an annual charge the online service is a quicker, more efficient and cheaper way to carry out a DBS check. The Council recommend making it mandatory for all drivers for new and renewal licences to sign up to the online service and</p>	<p>Do you agree with this change?</p> <p>86 people responded 79% - Yes 21% - No</p>	<ul style="list-style-type: none"> • Why make something mandatory when both ways of dbs check are the same. • If a driver chooses to have the paper dbs check then that should be there choice. • The process is too slow. Drivers had difficulty with their banks • Should only be conducted every 3 years • I have registered myself for many years best option. • We should be able to have our say there should be privacy. Our human rights and privacy is being abolished • No objection 	<p>That it is made a mandatory requirement for applicants to sign up to the online DBS Service unless they can provide evidence from the DBS Service that they are unable to sign up for the online service.</p>	<p>Application process Advice will be given to applicants when making their application that they are required to sign up to the online DBS service.</p> <p>Condition amendment To amend the Hackney Carriage and Private Hire Driver Conditions to require the driver to be signed up to the online DBS system with regard to renewal applications and declarations.</p>

authorise the Council access to their record.		<ul style="list-style-type: none"> • Is that cheaper for the driver or council? • Makes the process easier • Quick and easier to check DBS • Yes • They should do a DBS at least annually • Council should not have the right to check driver's record with prior consent from the driver concerned. • Because if direct debit don't go through DBS system online. You be off the system automatically. So the basic application process is required to fill out and to send. 		<p>Implementation This will come into force immediately after approval for new drivers and on renewal for existing drivers.</p>
<p>2. The Council currently have a condition on every Hackney Carriage/Private Hire Drivers Licence that the holder of the licence should notify the Council, in writing, of any convictions, motoring offences and pending</p>	<p>Do you agree with this change?</p> <p>84 people responded 52% - yes 48% - no</p>	<ul style="list-style-type: none"> • Arrest and release should not be included, charges, criminal convictions and motoring convictions should however be notified within 48 hours. • Under these circumstances a lot of 	<p>To agree to amend the conditions of a taxi driver licence to notify the Council of any arrest and release, pending charges, convictions, motoring offences and civil charges, within 48 hours, in writing, preferably by email.</p>	<p>Condition amendment To amend the Hackney Carriage and Private Hire Driver Conditions to state that the driver shall, within 48 hours (in writing and preferably</p>

<p>charges within 7 days. It is proposed that this be amended to notifying the Council of any arrest and release, pending charges, convictions and motoring offences, within 48 hours, in writing, preferably by email. The Council will provide a link to a template on the website so this can be done more easily and will provide an email address.</p>		<p>the time the person would be under immense stress and pressure, this could easily slip his/her mind.</p> <ul style="list-style-type: none"> • 7 days is plenty of time to be informed. 48 hours is to shorter time frame. • Keep the motor offences as 7 days but arrest and release should be 48 hours • 7 days seems fine.... • I would recommend to keep 7 days option. • Until the person is not convicted they shouldn't have to. Currently there are too many false allegations made against drivers • Should be 14 days • Phone in to give information • This does not give the License holder enough time. • 7 days is ok. • The driver may not settle down within 48 hours 	<p>That officers be requested to draft a template for this purpose and that a link to this to a template be put on the Council's website with an email address for the information to be sent.</p>	<p>by email or by using the online link on the Council's website) disclose details of any arrest and release, pending charges, convictions and motoring offences. incurred by them during the period of the Licence.</p> <p>Implementation This will come into force immediately after approval for new drivers and on renewal for existing drivers.</p>
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		<ul style="list-style-type: none">• How would a driver comply if incapacitated [ie hospitalised]as we are all aware of the draconian nature of this department!• Will it be available at weekends and out of office hours?• Makes sense only in the case of convictions. Not pending charges.• This may not be possible in certain circumstances• Innocent until proven guilty• Not that I don't agree, however relying on someone to be truthful when they've been in trouble with• the law leaves anyone who uses their taxi service vulnerable if the driver doesn't use this service• As the council are short staffed this wouldn't be manned correctly, no reassurance for the driver that it		
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		<ul style="list-style-type: none"> • will be handled time effective • What if the driver is unable to notify the council within 48 hrs?, due to illness or injury. • 7 days notice is sufficient. • Motoring convictions has nothing to do with the council has the council are not insurance company. If you are arrested in a serious offence the police automatically inform the council 		
<p>3. It is proposed that the vehicle testing manual, specification and vehicle conditions be amended to state that a notice must be carried in all licensed vehicles giving details of how a customer can make a complaint/compliment.</p>	<p>Do you agree with this change?</p> <p>84 responded 58% - Yes 42% - No</p>	<ul style="list-style-type: none"> • Carried within yes, but not displayed. We already display enough signs in the vehicle. • Customer can obtain our details from our badge / plate with the new QR codes, there is no reason for this. • Most GBC drivers are working for private hire firms if customer has an issue they will also contact 	<p>To agree that a notice must be carried in all licensed vehicles giving details of how members of the public can make complaints/compliments about a licensed driver or the vehicle. The notice will be supplied by the Council.</p> <p>That changes to the conditions and vehicle specification be implemented to reflect this</p>	<p>Condition amendment</p> <p>That the Hackney Carriage and Private Hire Vehicle Licence Conditions be amended to include a new condition stating that the complaint/compliments notice provided by the Council must be displayed in the</p>

		<ul style="list-style-type: none"> • But needs to be considered about the size of the sign. To many signs in a vehicle that are mandatory could lead to so many signs in the windscreen that the driver is unable to see the road properly • There is a procedure in place already through the Council • Providing that the council provides such a notice or at least, provides a copy of the wording of such a notice that may be printed and kept in the vehicle. • Already a complain procedure in place. Can lead to unsubstantiated complaints from drunk people. • Why.....we already have the drivers name badge number and license name on show..... 	<p>That officers draft such a notice and investigate the possibility of the notice containing a QR code.</p>	<p>vehicle at all times during the period of the vehicle licence.</p> <p>Specification amendment</p> <p>That the Hackney Carriage and Private Hire Specification and Test Manual be amended to include a check by the vehicle tester to ensure that this notice is displayed in the vehicle.</p> <p>Implementation</p> <p>After approval officers will draft the online form, notice for the vehicle and QR code then it will apply to at the grant and renewal of every vehicle licence.</p>
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		<ul style="list-style-type: none">• This allows customer to behave in a manner which if the driver challenge then the customer will complain just to cause the driver undue stress• People will use that against the driver• The driver needs their own privacy anybody can make a false claim.• You already have QR code and contact the council or operator through app or phone. Drunk customers will make false complaints• Customers already have enough information available to them.• That should improve customer service• This is not needed, as vast majority of passengers use app these days. This message would be• better given through the app.		
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		<ul style="list-style-type: none">• Notices should be visible in all taxis and anyone not showing this or where the notice has perished beyond readable must be reported to the appropriate authorities• This should be clearly visible to the passengers too!!!• If a customer is not satisfied with a specific driver they complaints made against (sometimes unfairly)• Could jeopardise his lively hood, let's face it the council always agrees with the customer!!• Customers are fully aware of how to comply if something doesn't fit in,• The customer has no right to thoroughly inspection of your vehicle, specification make and model.• Customer already has the ability to make a		
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		<p>complaint on your appearance if they don't like you.</p>		
<p>4. The Council's application form currently requests a certificate of good character for those applicants that have lived for 6 months or more in another country after the age of 18 years. For those applicants that cannot obtain this information they must provide 3 references from professional people attesting to their character. It is proposed to make it mandatory for all new applicants to provide a certificate of good character from all the countries they have resided in outside the UK for 3 months or more over the age of 18 years old and that their application is deemed incomplete without this information.</p>	<p>Do you agree with this change?</p> <p>84 people responded 64% - Yes 36% - No</p>	<ul style="list-style-type: none"> • This will unfairly delay the process, and potentially discriminate on the grounds of race, nationality and against those who have served in the Armed Forces. • Unnecessary work • Depends on how it is worded. I could go visit family outside of the UK for three months and technically that could be counted as residing outside the UK • This is breaching human rights • Absolutely ridiculous. You do checks when you license a driver so why ask him again and again as if he is a criminal. • Could be difficult for refugees whose home town or city has been destroyed or taken over by despots or dictators 	<p>That the length of time spent out of the country before a certificate of good character is required remains at 6 months.</p> <p>For applicants that have lived in the UK continuously for 10 years or more but are unable to provide a certificate of good character from the countries they previously resided in addition to an enhanced DBS certificate the applicant must provide three references on the prescribed form.</p> <p>Officers are to draft a referee prescribed form with a statement for the referee to sign. The statement will include that the referee understands that they are endorsing that they consider the applicant to be 'fit and proper' to hold a licence.</p> <p>Where an applicant cannot demonstrate that they have lived in the UK for 10 years or</p>	<p>Application process New applicants only.</p>

		<ul style="list-style-type: none"> • May not be possible for those from counties in conflict • Too many foreign drivers pass their licences around because some people can't tell them apart • If it can be managed efficiently. How can you be sure a driver is truthful when they state they have not lived in another country? • As long as the applicant has no police and no serious dvla offences, I don't see a problem of 3 character witnesses. • If your British citizen, good character can be seen on your DBS disclosure. So why make it difficult for drivers? 	<p>more and cannot provide a certificate of good character their application will be deemed to be incomplete.</p>	
<p>5. The Council do not currently require private hire operators to keep a register of staff employed by them for the booking and dispatch of vehicles.</p>	<p>Do you agree with this amendment to the private hire</p>	<ul style="list-style-type: none"> • If a driver is fit to have a licence there is no need for the operator to have such information, it's unnecessary 	<p>That the Private Hire Operator conditions be amended to include a requirement for private hire operators to keep a record of staff employed by them and to also have sight of</p>	<p>Condition amendment That the Private Hire Operator Conditions be amended to include</p>

<p>The Council are seeking to amend the private hire operator conditions to require all private hire operators to keep such a record and to also have sight of a basic Disclosure and Barring (DBS) for each member of staff.</p>	<p>operator conditions? 84 people responded 69% - Yes 31% - No</p>	<ul style="list-style-type: none"> • Would need a think for us that use the online update service as our original paper DBS is technically out of date. • You are ruining our human rights laws • But only where dispatch is not fully automated. • The basic DBS is of no value whatsoever • Essential really - a booking clerk would know that a house could be empty for a period whilst someone is away and pass that on to criminals for dishonest purposes. • I'm not a p/hire no comment. • Taxi operators should have DBS disclosure in place already, if it's mandatory for taxi why not for taxi operator staff? 	<p>a basic Disclosure and Barring (DBS) for each member of staff.</p>	<p>a condition to this effect.</p>
<p>6. The Council do not currently have a condition on a private hire operators</p>	<p>Do you agree with this</p>	<ul style="list-style-type: none"> • You are making things really complicated 	<p>That the Private Hire Operators licence conditions be amended to include a condition requiring</p>	<p>Condition amendment</p>

<p>licence preventing operators from providing a PSV licensed vehicle or driver in the place of a Gedling licensed vehicle and driver if they have not asked for the bookers informed consent. PSV are vehicles with more than 8 passenger seats and are not subject to licensing by the Council. It is proposed that the private hire operator conditions be amended to state that they must inform the hirer that a PSV is being dispatched and they must make the hirer aware that the vehicle is not licensed by the Council.</p>	<p>amendment to the private hire operator conditions?</p> <p>83 people responded 64% - Yes 36% - No</p>	<ul style="list-style-type: none"> • It is PCV not PSV and that licensing is as stringent for drivers as Gedling and more so for the vehicle. It would appear that you are unaware of PCV regulations! • PSV drivers are also subject to an enhanced DBS, therefore would not pose additional danger to passengers. 	<p>the operator to inform any hirer when a PSV is being dispatched and they must make the hirer aware that the vehicle is not licensed by the Council.</p>	<p>That the Private Hire Operator Conditions be amended to include a condition to this effect.</p>
<p>7. The Council does not currently request vehicle proprietors to submit a Disclosure and Barring Service certificate with their applications for vehicle licences. The Council is considering changing its application process to require all</p>	<p>Do you agree with this amendment to the applicant process for a vehicle proprietor?</p>	<ul style="list-style-type: none"> • Why is there a need for a DBS if the operator is only licensing the vehicle. • This process should only be used with submitting new if renewal badge applications • What a stupid idea 	<p>To agree that basic DBS certificates are not necessary for vehicle proprietors for the following reasons:</p> <ul style="list-style-type: none"> • Many of the proprietors are licensed drivers as well and as such will already have undertaken an enhanced DBS check. 	<p>That no change be made.</p>

<p>vehicle proprietors to submit a basic DBS check as a minimum requirement when licensing a vehicle. If the vehicle proprietor is already a licensed driver with the Authority, he will be exempt from this requirement as they will already have undertaken an enhanced DBS check.</p>	<p>84 people responded 64% - Yes 36% - No</p>	<ul style="list-style-type: none"> • It's like the taxi department and drivers are an easy target to extort money more and more. • The owner of the vehicle is not considered a potential threat to passengers. Therefore, as long as the driver is properly licenced then that should be adequate. • Considering there are people that ride alone in taxis as well as people travelling with children, all applications should submit a DBS check • The basic DBS is of no value whatsoever 	<ul style="list-style-type: none"> • For those that are not licensed drivers they would be unable to drive the vehicle as a licensed driver and would be hiring the vehicle to a licensed driver who would have already undertaken a DBS check. • In addition, many vehicle licences are held in the name of companies so a DBS would not be able to be carried out as it is done for a person not a company. 	
<p>8. The Council currently offers alternatives to providing a DBS disclosure to applicants for a private hire operator's licence which includes providing a statutory declaration by a solicitor or Commissioner of</p>	<p>Do you agree with this change?</p> <p>83 people responded 75% - Yes 25% - No</p>	<ul style="list-style-type: none"> • I think you should keep everything as is. • Oaths are no longer viable considering they are based on Old English laws. They are outdated • The basic DBS is of no value whatsoever 	<p>To agree that a basic disclosure is the only check available to applicants for a private hire operator licence and that all references to any other type of criminal records check be removed from the application form.</p>	<p>Application process</p> <p>Amend the Private Hire Operator application stating that:</p> <ul style="list-style-type: none"> • At least a basic

<p>Oaths. The Council is seeking to change the application process so that a basic Disclosure and Barring certificate is provided as a minimum by all applicants for a private hire operator's licence. If the private hire operator is already a licensed driver with the Authority, he will be exempt from this requirement as they will already have undertaken an enhanced DBS check.</p>			<p>If the private hire operator is already a licensed driver with the Authority, he will be exempt from this requirement as they will already have undertaken an enhanced DBS check. If the DBS check is older than 28 days, then an online DBS check will need to be carried out on application for a private hire operator's licence. If an online check is not available for any reason, then a basic disclosure will be required.</p> <p>In addition, the business references requested for a private hire operator applicant do not serve any purpose in relation to public safety so this requirement be removed from the application process.</p>	<p>disclosure is required or</p> <ul style="list-style-type: none"> • An enhanced DBS certificate that is less than 28 days old or • An up-to-date online DBS check.
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Taxi Statutory Standards Survey responses/officer comments – Part Two Appendix 2

All recommendations would result in an amendment to the Hackney and Private Hire Policy Part 1 Section 1 - Applications, renewals and change of circumstances for Hackney Carriage/Private Hire Drivers Licences

Proposal	Survey question and responses	Comments	Officer/Member Working Group recommendations	Areas of the policy requiring amendment
<p>12. Consideration of Convictions</p> <p>The Council's current position is that any time limits run from the date of conviction. The Council is considering amended this to run from completion of any sentence imposed.</p>	<p>Do you agree with this change?</p> <p>83 people responded 64% Yes 36% No</p>	<ul style="list-style-type: none"> • This is not on at all. You are ruining people's lives. • It should be from when the sentence is "spent" • There are currently at least 3 Gedling /Arnold taxi drivers who have GBH convictions who hold licences, when this was reported no action was taken, they just moved companies • Don't understand this question 	<p>To agree that when considering convictions in relation to the Council's policy the length of time be taken from the date of conviction (as it is now) and not from the end of the sentence. The date of conviction is a fixed date whereas the end of a sentence is variable.</p>	<p>That Part 1 Section 1 of the policy be amended to reflect this.</p>
<p>13. Convictions for murder or manslaughter</p> <p>The current position:</p>	<p>Do you agree with the amendment?</p>	<p>A person gets reformed in prison why would you try and make their life worse. You will add to unemployment. It is against natural justice to pool all the above together. For</p>	<p>To agree that when an applicant has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of</p>	<p>That Part 1 Section 1 of the policy be amended to reflect this.</p>

<p>Convictions for murder, manslaughter and racially aggravated wounding with intent: a licence will be refused if the conviction is less than 10 years old.</p> <p>Convictions for wounding with intent: a licence will be refused if the conviction is less than 8 years old.</p> <p>Motoring convictions involving the loss of life: a licence will be refused if the conviction is less than 7 years old.</p> <p>The Council is considering amending the policy to state the following:</p> <p>Where an applicant or licensee has been convicted of a crime</p>	<p>85 people responded 75% Yes 24%No</p>	<p>instance an accident resulting in death of another person cannot be equated with murder! Normally not be licensed? Or definitely will not be licensed? How are people supposed to feel safe if there may be a possibility (although small) that their driver has caused the death of another person</p>	<p>another person they will normally not be licensed.</p> <p>In the case of an existing licensed driver the licence should be revoked.</p>	
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<p>which resulted in the death of another person or was intended to cause the death or serious injury of another person they will normally not be licensed.</p>				
<p>14. Convictions involving violence</p> <p>The current position:</p> <p>Convictions involving violence require a period of 3-10 years free of conviction, dependant on the severity of the offence, before an application is likely to be considered favourably.</p> <p>The Council is considering amending the Policy to state the following:</p>	<p>Do you agree with the amendment? Yes/No</p> <p>84 people responded 63% Yes 37% No</p>	<ul style="list-style-type: none"> You are a licencing authority, not the law. Please let the government and prisons do their job. You do yours. This is not right at all. Should depend on the severity of the offence Again the 3-10 year framework is good, as it allows council to asses each application based on the circumstances surrounding the offence. 	<p>To agree that the terms of the existing policy are not amended in relation to this type of offence due to the wide disparity of the severity of offences of the nature.</p>	<p>No amendment required</p>

<p>Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not normally be granted until at least 10 years have elapsed since the completion of any sentence imposed.</p>				
<p>15. Exploitation</p> <p>The Council's policy does not currently contain a section relating to convictions specifically for exploitation offences. It is proposed to include an additional section as follows: Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of</p>	<p>Do you agree this should be included?</p> <p>80 people responded 74% Yes 26% No</p>	<ul style="list-style-type: none"> • Each case on its merit • This should also apply to operator as well • Again the law government do prosecute these individuals. People make mistakes and try to reform. • With putting these sanctions in place how will they ever get back to normal? • Agree with adding this section, but again there should be a time frame in which a license would not normally be issued. Again the council is 	<p>To agree that a section be included in the policy to cover exploitation offences stating that where an applicant has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not normally be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.</p>	<p>That Part 1 Section 1 of the policy be amended to reflect this.</p>

<p>another individual irrespective of whether the victim or victims were adults or children, they will not normally be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.</p>		<p>pooling too broad a range of offences. Not in keeping with natural justice.</p> <ul style="list-style-type: none"> • Not specific enough as social services consider future emotional harm an actual thing, this could lead to certain individuals being denied a licence due to incorrectly recorded allegations • Definitely will not be licensed • Should also include DV 	<p>In the case of an existing licensed driver licence should be revoked.</p>	
<p>16. Possession of a weapon</p> <p>The Council's policy currently provides that for convictions involving possession of a weapon a period of 3 years free of conviction is required before an application is likely to be considered favourably. The Council is considering</p>	<p>Do you agree with this amendment?</p> <p>83 people responded 71% Yes 29% No</p>	<ul style="list-style-type: none"> • This is the government to job to prosecute the offender not yours. • No I think 3 years is long enough 3 years is enough. • Just because they don't get caught in those 7 years doesn't necessarily make them innocent. • Most drivers carry concealed weapons. There should be a complete ban from 	<p>To agree that where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not normally be granted until at least 3- 7 years have elapsed since the date of conviction or the licence should be revoked. This time period is to take into account the disparity in the severity of offences of this nature.</p>	<p>That Part 1 Section 1 of the policy be amended to reflect this.</p>

<p>amending the Policy to state the following: Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not normally be granted until at least 7 years have elapsed since the completion of any sentence imposed.</p>		<p>applying if convicted of weapons possession.</p>	<p>In the case of an existing licensed driver licence should be revoked.</p>	
<p>17. Sex and Indecency</p> <p>The Council's policy currently provides that for convictions for sexual offences a period of 3-10 years free of conviction, dependant on the severity of the offence, is required before an application is likely to be considered favourably. The Council is considering</p>	<p>Do you agree with this amendment?</p> <p>83 people responded 78% Yes 22% No</p>	<ul style="list-style-type: none"> • People reform. The unemployment will be thru the roof. • Sex offenders list isn't fair as someone in a consensual relationship can be registered if the partner was under age slightly. • No driver should be allowed with these convictions 	<p>To agree that where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not normally be granted.</p> <p>In the case of an existing licensed driver licence should be revoked.</p> <p>In addition to the above, the licensing authority will not normally grant a</p>	<p>That Part 1 Section 1 of the policy be amended to reflect this.</p>

<p>amending the Policy to state the following:</p> <p>Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not normally be granted.</p> <p>In addition to the above, the licensing authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.</p>			<p>licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.</p> <p>In the case of an existing licensed driver licence should be revoked.</p>	
<p>18. Dishonesty</p> <p>The Council's policy currently provides that for convictions involving dishonesty a period of 3-5 years free of conviction, dependant on the severity of the</p>	<p>Do you agree with this amendment?</p> <p>84 people responded 64% Yes 36% No</p>	<ul style="list-style-type: none"> • 3-5 years is enough, no violence involved. Rehabilitation is important. • Each case on its merit • No this I not on. • Should be 7 years from the date of offence 	<p>To agree that where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not normally be granted until at least 3-7 years have elapsed since the date of conviction or the licence should be</p>	<p>That Part 1 Section 1 of the policy be amended to reflect this.</p>

<p>offence, is required before an application is likely to be considered favourably. The Council is considering amending the Policy to state the following: Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not normally be granted until at least 7 years have elapsed since the completion of any sentence impose.</p>			<p>revoked. This time period is to take into account the disparity in the severity of offences of this nature.</p> <p>In the case of an existing licensed driver licence should be revoked.</p>	
<p>19. Drugs</p> <p>The Council's policy currently provides that for convictions involving drugs a period of 3-5 years free of conviction,</p>	<p>Do you agree with this amendment?</p> <p>84 people responded 74% Yes 26% No</p>	<ul style="list-style-type: none"> • Like I have said a few times this is not your job to prosecute. • Again, should run from the date of the offence. • It should be more than 5 years 	<p>To agree that where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not normally be granted until at least 5-10 years have elapsed</p>	<p>That Part 1 Section 1 of the policy be amended to reflect this.</p>

<p>dependant on the severity of the offence, is required before an application is likely to be considered favourably. Persistent use may also require a specialist examination and if a former addict they will need to show a period of at least 5 years has elapsed after completion of detoxification treatment. The Council is considering amending the Policy to state the following: Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with</p>			<p>since the date of conviction. This time period is to take into account the disparity in the severity of offences of this nature.</p> <p>In the case of an existing licensed driver licence will be revoked.</p> <p>To agree that where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not normally be granted until at least 5 years.</p> <p>In the case of an existing licensed driver licence should be revoked.</p>	
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<p>possession with intent to supply, a licence will not normally be granted until at least 10 years have elapsed since the completion of any sentence imposed. Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not normally be granted until at least 5 years.</p>				
<p>20. Discrimination The Council's current policy only includes racially aggravated offences within the violence against the person section; a</p>	<p>Do you agree with this amendment? 83% people responded 68% Yes</p>	<ul style="list-style-type: none"> • No everyone has a chance to reform. • Too broad a category. Too much scope for catching unintended applicant 	<p>To agree to include a section in the policy to state that where an applicant has a conviction involving or connected with discrimination in any form, a licence will not normally be granted until at least 5-7</p>	<p>That Part 1 Section 1 of the policy be amended to reflect this.</p>

<p>period of 3-10 years free of conviction, dependant on the severity of the offence, is required before an application is likely to be considered favourably. It is proposed to include an additional section within the policy as follows: Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not normally be granted until at least 7 years have elapsed since the completion of any sentence imposed.</p>	33% No		<p>years have elapsed since the date of conviction.</p> <p>In the case of an existing licensed driver licence should be revoked.</p>	
<p>21. Drink driving/driving under the influence of drugs</p> <p>The Council's current policy provides that</p>	Do you agree with this amendment?	<ul style="list-style-type: none"> • No everyone has a chance to reform. • Should be a lifetime ban. • Should be a higher period of time - 10 year 	<p>To agree that where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not normally be granted until at least 7 years</p>	<p>That Part 1 Section 1 of the policy be amended to reflect this.</p>

<p>there must be at least 5 years free of conviction for any motoring offences involving alcohol or drugs. In addition, applicants must show that at least 5 years has elapsed since the completion of a detoxification treatment. The Council is considering amending the Policy to state as follows: Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not normally be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant may also have to undergo drugs testing at their</p>	<p>83 people responded 72% Yes 28% No</p>		<p>have elapsed since the date of conviction.</p> <p>In the case of an existing licensed driver licence should be revoked.</p>	
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<p>own expense to demonstrate that they are not using controlled drugs.</p>				
<p>22. Using handheld device</p> <p>The Council's policy does not currently contain a section relating to convictions for using a handheld device whilst driving. It is proposed to include an additional section as follows: Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not normally be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.</p>	<p>Do you agree with this amendment?</p> <p>85 people responded 51% Yes 49% No</p>	<ul style="list-style-type: none"> • Five years is too long, this should be two years. • All jobs are booked on a hand held devices • 3 years • As most operators are now moving to mobile data terminals, even in a cradle and pressing a yes or no on the screen could be construed as using a hand held device. • The current legislation does not recognise when a hand held device is a touch screen and held on a cradle in front of the driver(like any car switch gear) when clarified I would then agree • Not if it means you have just got fined for using your mobile in your car.... 	<p>To agree that where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not normally be granted until at least 2-5 years have elapsed since the date of conviction or in the case of a driving disqualification from the end of the driving disqualification period whichever is the later.</p> <p>In the case of an existing licensed driver licence should be revoked.</p>	<p>That Part 1 Section 1 of the policy be amended to reflect this.</p>

		<ul style="list-style-type: none">• All the operator now use a app system so this will making working for drivers harder. As if they are not stopped an Accept. A booking. They could be convicted• As the gig economy has like the companies like Uber, bolt and other social media companies are all on mobile devices.• The Law already gives punishment why does the council want to hand out punishment twice.• This is excessive this should match actions by the Traffic Commissioners with regard to a PCV/LGV driver offence• But, from date of offence• Everyone has been guilty of this. Things have moved on and providing they do not repeat offend should receive the benefit of doubt		
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<p>23. Other motoring offences – part one</p> <p>The Council’s current position regarding minor traffic offences if that if there are several convictions a licence will not be granted until there has been a period of 6 months free from conviction.</p> <p>The policy also states that for minor traffic offences up to 9 penalty points a licence can be granted by the Director unless the driver has only held a licence for less than two-year probationary period and had the licence revoked.</p> <p>If the applicant has 12 or more penalty points for minor traffic offences but has not been disqualified from driving a licence should be refused.</p>	<p>Do you agree with this amendment?</p> <p>83 people responded 47% Yes 53% No</p>	<ul style="list-style-type: none"> • The conditions should remain the same as before, they are strict enough. • 3years • For major offences but not minor totting up offences. • But not for multiple speeding tickets over several years.... • This is not fair at all. The driver already pays a price by going to court. Paying their fines and getting points. Why would you want to make it harder for them to get a license? • 13 years as this when the points are no longer valid • Depends on the 'minor' offences committed. 	<p>To agree that the policy be amended to state:</p> <p>That for minor traffic offences up to 7 penalty points a licence can be granted by the Director unless the driver has only held a licence for less than two year probationary period and had the licence revoked.</p> <p>Where an applicant has a conviction(s) for minor traffic offences resulting in the imposition of 7 or more penalty points or a disqualification a licence will not normally be granted until at least 1-3 years have elapsed since the date of conviction of the most recent offence.</p> <p>In the case of an existing licensed driver licence should be revoked.</p> <p>If an applicant has a totting up conviction at least 3 years free of conviction from the date of the totting up</p>	<p>That Part 1 Section 1 of the policy be amended to reflect this.</p>
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<p>The Council is considering amending the Policy to state the following: Where an applicant has a conviction(s) for minor traffic offences resulting in the imposition of 7 or more penalty points; a licence will not normally be granted until at least 5 years have elapsed since the completion of any sentence imposed.</p>			<p>conviction should elapse before the granting of a licence is considered.</p> <p>In the case of an existing licensed driver licence should be revoked.</p>	
<p>23. Other motoring offences – part two</p> <p>The Council's current position regarding major traffic offences is that at least three years free from conviction after the restoration of the DVLA licence is required, where the major traffic offence involves a disqualification, before a licence is</p>	<p>Do you agree with this amendment?</p> <p>83 people responded 55% Yes 45% No</p>	<ul style="list-style-type: none"> • The policy is already correct. • Too vague • I think you should keep to original 6 years. As the government are changing to electric. • The current position is acceptable • "Where an applicant has a conviction for a major traffic offence or similar" is too broad. Too much scope for catching unintended applicants. 	<p>To agree that:</p> <p>Where the applicant has a major motoring offence involving disqualification at least 4 years free of conviction from the date of conviction should elapse before a licence is considered.</p> <p>In the case of an existing licensed driver licence should be revoked.</p>	<p>That Part 1 Section 1 of the policy be amended to reflect this.</p>

<p>considered and at least 2 years from the date of conviction where there was no disqualification.</p> <p>The Council is considering amending the Policy as follows:</p> <p>A major traffic or vehicle related offence is one which is not covered elsewhere and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not</p>		<ul style="list-style-type: none"> • Licence should be refused totally • Should be lifetime ban. 	<p>Where an application has a major motoring conviction that does not result in a disqualification at lease 1-3 years free of conviction from the date of conviction should elapse before a licence is considered.</p> <p>In the case of an existing licensed driver licence should be revoked.</p> <p>If an applicant has a totting up conviction at least 3 years free of conviction form the date of the conviction should elapse before the granting of a licence is considered.</p> <p>In the case of an existing licensed driver licence should be revoked.</p>	
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<p>normally be granted until at least 7 years have elapsed since the completion of any sentence imposed.</p>				
<p>24. Hackney Carriage and Private Hire Offences</p> <p>The Council's policy states that an applicant will normally be refused a licence where they have been convicted of a relevant offence during the 6 months preceding the date of the application or has more than one conviction in the preceding 2 years. It also contains a table of suspensions for the offence of plying for hire ranging from 28 days to 112 days. The Council is considering amending the policy as follows:</p>	<p>Do you agree with this amendment?</p> <p>82 people responded 56% Yes 44% No</p>	<ul style="list-style-type: none"> • Seven years is far too long, rehabilitation is important. • Seems a bit harsh... • Your punishments are enough to put any one off. • Current system is adequate. • Licence should be refused totally 	<p>To agree that where an applicant has a conviction for an offence concerned with or connected to Hackney Carriage or private hire activity a licence will not normally be granted until at least 1-3 years have elapsed since the date of conviction.</p> <p>In the case of an existing licensed driver licence should be revoked.</p>	<p>That Part 1 Section 1 of the policy be amended to reflect this.</p>

<p>Where an applicant has a conviction for an offence concerned with or connected to Hackney Carriage or private hire activity (excluding vehicle use), a licence will not normally be granted until at least 7 years have elapsed since the completion of any sentence imposed.</p>				
<p>25. Vehicle use offence</p> <p>There is no section in the current policy for vehicle use offences. The Council is considering amending the Policy to state as follows:</p> <p>Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire</p>	<p>Do you agree with this amendment?</p> <p>83 people responded 55% Yes 45% No</p>	<ul style="list-style-type: none"> • When you say vehicle use, what do you mean? • Seems harsh again.. • Your going to be adding to the unemployment. • I would refer you to your recent loss in Crown Court where Gedling Coucil was somewhat lacking in understanding the law, this would lead to more court cases and further damage to the Licensing Department`s already tarnished reputation/image. • Too broad a category. What does "vehicle use 	<p>To note that all areas of vehicle offences are covered elsewhere in the policy so no changes regarding this recommendation are necessary.</p>	<p>No amendment required</p>

vehicles), a licence will not normally be granted until at least 7 years have elapsed since the completion of any sentence imposed.		offence" mean. Again will go against natural justice. <ul style="list-style-type: none">• Depends on the offence committed		
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Hackney Carriage and Private Hire Licensing Policy

Table of Policy Changes

Statement of Policy and Guidelines for the Licensing of Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators.	Approved 11 September 2007 Revised 11 August 2009 Approved November 2010 Revised November 2011 Approved December 2011 Revised and approved October 2013 Revised and approved October 2015 Revised and approved March 2016 Revised and approved January 2017 Revised and approved November 2018 Revised and approved (insert date) 2024
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Part 1

Drivers

Section 1

Applications, renewals and change of circumstances for Hackney Carriage/Private Hire Drivers Licences

Delegations and Referral to Committee

For the purpose of this Policy, simple and conditional cautions, reprimands, warnings and fixed penalties shall be treated as though they were convictions.

This policy will be reviewed every 5 years or when any changes to the policy or conditions of licence are proposed.

1. This Policy is to be applied when making all decisions for the grant/refusal/suspension/revocation of a licence for a combined Hackney Carriage/Private Hire Driver's Licence and/or a Private Hire Operator's Licence ('a Licence').
2. Under the Council's Constitution the Environment and Licensing Committee have responsibility for exercising the Council's powers relating to Hackney Carriages and Private Hire Licensing.
3. The following paragraphs set out the delegations and procedures for the grant/refusal/suspension/revocation of a licence. Where there is a delegation to the Director, this is for the grant of a licence only; the Director can only refuse to grant such a licence, or to revoke an existing licence, where:
 - i) the driver is disqualified from driving and no longer holds a licence under Part III of the Road Traffic Act 1998 authorising them to drive a motor vehicle; or
 - ii) the driver's full DVLA licence has been revoked under the provisions of the Road Traffic (New Drivers) Act 1995.

The Director can only suspend a licence where the licence holder, who is the holder of a three or five year licence, has failed to submit a declaration in accordance with his licence condition.

In addition to the above the Director in consultation with the Chair also has authority, under the Council's constitution for urgent matters, to immediately revoke or suspend a licence.

4. Consideration of all offences throughout this policy will be taken from the date of conviction.
- 5 **No previous convictions** - delegated authority to the Director.
- 6 **Minor Traffic Convictions where total number of points is 7 or fewer** – delegated authority to the Director, except where a DVLA licence has been revoked within the 2-year probationary period, under the Road Traffic (New Drivers) Act 1995, and a then a new DVLA licence obtained; even if the points are fewer than 7, the Director shall have no authority to grant the licence.
- 7 **Conviction for breaching regulation 110 of the Road Vehicles (Construction & Use) Regulations 1986/1078 regarding the use of handheld mobile telephones or other specified handheld devices**
Where the applicant or licence holder has been convicted of the offence breaching the above regulations the matter must be referred to Committee.

- 8 **Convictions within 5 years of application/change in circumstances of existing licence holder** – there is no delegation other than for minor traffic convictions as above; all other applications disclosing any Convictions within the last 5 years must be referred to the Committee.
- 9 **Convictions more than 5 years but less than 10 years prior to the application** – delegated authority to the Director after consultation with the Chair or Vice Chair and two members of the Committee to grant a licence except:
- i) Where the applicant has a conviction for violence as detailed in the paragraph entitled ‘Convictions involving Violence (including attempts or conspiracy to commit such offences)’ in paragraphs (b)(i) and (b)(ii), when the application must be referred to the Committee if the offence is less than 10 years prior to the application.
 - ii) Where the applicant has a conviction for an indecency offence as detailed in the paragraph entitled ‘Convictions involving illegal sexual activity or indecency (including attempts or conspiracy to commit such offences)’ in paragraph (e)(i), when the application must be referred to Committee if the conviction is less than 10 years prior to the application.
- 10 **All Convictions more than 10 years prior to the application** – delegated authority to the Director after consultation with the Chair or Vice Chair, except in the following circumstances where the application must be referred to the Committee:
- i) Where the applicant has a conviction for an indictable only offence; and/or
 - ii) Where the applicant has a conviction for a sexual offence; or
 - iii) Where the convictions are all more than 10 years old and fall outside of the above, but it is felt by the Chair/Vice Chair that the circumstances justify refusal.

Tests required to be passed by the applicant

- 1 **Medical Examinations:** All applicants are required to pass a medical examination (see section entitled Guidelines relating to Medical Conditions). The presumption will be that any applicant who fails their medical examination will be refused a licence; any applicant wishing to pursue their application and who has failed their medical examination will be referred to Committee.
- 2 **Knowledge test:** All new applicants are required to pass a knowledge test as part of the application process. This tests the applicant’s knowledge of routes and landmarks within the Gedling and Nottingham areas, as well as their knowledge of the Highway Code and licence conditions, and the ability of the applicant to do basic mental arithmetic (to ensure they can give correct change).

The application of any driver who takes and fails the test 3 times in succession will be deemed to be incomplete and will not be processed. Such applicant will not be eligible to sit the test during the following 3 month period, during which time it is expected that they will revise the material necessary to pass the test.

There is no ‘expiry date’ to the test, and no requirement to retake the knowledge test at renewal; however, any driver who has previously held a licence with Gedling Borough Council and who reapplies more than two years after the previous licence expired will be required to take the knowledge test again. This is to ensure they are familiar with the Gedling/Nottingham area and the terms and conditions of the Gedling licence, for the safety of the public.

- 3 **Practical Driving Test:** All new applicants are required to pass a driving test as part of their application. The application of any driver who takes the test and fails 3 times in succession will be deemed to be incomplete and will not be processed. Any such applicant will not be able to retake the test during the following 3 month period.
- 4 **Safeguarding:** All new applicants are required to attend Safeguarding Training and pass a short test as part of the application process, and every third year thereafter as part of the renewal application. All existing drivers are required to undertake the training and pass the test at first renewal after 1 April 2016, and every 3rd year as part of their renewal application.

General Guidance and Policy

Must be fit and proper 1 A licence shall not be granted to an applicant unless the Committee is satisfied that the applicant is a fit and proper person to hold such a licence.

Meaning of fit and proper 2 The term 'fit and proper person' refers only to whether that person is fit and proper to drive a hackney carriage or private hire vehicle, or to act as an operator of a private hire vehicle.

There is no definition of the term 'fit and proper'; this is for the Committee to determine, however, regard should be had to the applicant's driving standards and experience, their character, any relevant previous convictions, and their knowledge and understanding of the trade. Regard will also be had as to whether the applicant is physically and mentally fit to drive a hackney carriage or private hire vehicle. The Council may fail to be satisfied that an applicant is a fit and proper person to hold a driver's licence for any good reason.

The Department of Transport's Statutory Taxi and Private Hire Vehicle Standards encourage decision makers to ask themselves:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of the day or night?

If, on the balance of probabilities, the answer to the question is no, the individual should not hold a licence.

Licensing authorities have to make difficult decisions, but the safeguarding of the public is paramount.

All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be given the benefit of doubt. If the committee or delegated officer is only 50/50 as to whether the applicant or licensee is fit and proper, they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.

Applicants are encouraged to provide evidence of good character, especially if they have a criminal record. If such record is not adduced or if there is good reason to question or doubt the evidence provided then that could amount to good reason to refuse a licence, or to grant for only 1 year.

Main concern public safety 3 The overriding consideration is the safety of the public. The Council has a duty to ensure so far as possible that those licensed to drive hackney carriage and private hire vehicles are suitable to do so, that they are safe drivers with good driving records and adequate experience, sober, Page 145 mentally and physically fit, honest and

not persons who would take advantage of their employment to abuse or assault passengers.

Failure to notify the Council of convictions

- 4 Applicants for a new or renewed licence must declare on the application form any convictions, cautions, reprimands, warnings and fixed or endorseable penalty notices. It is a condition of all licences that pending and actual convictions/cautions/reprimands/warnings and fixed penalty notices during the term of the licence must be notified to the Council. Licensees holding a licence for more than one year or less than five years must make a similar declaration at the end of each 12 month period.

Licence holders failing to make the required declaration in accordance with their licence conditions may have their licence suspended by the Director in accordance with the Council's delegation.

A very serious view will be taken if an applicant or licence-holder fails to declare convictions, or cautions, or reprimands, or warnings, or fixed penalty offences but signs the declaration confirming that the information they have given is correct or fails to notify the Licensing Section of convictions during the period of the licence in accordance with the licensing conditions.

This may be regarded as a deliberate attempt to mislead the Council with a view to obtaining a Licence or continuing to hold a Licence. The Director/Committee is entitled to take the failure to declare into account when determining what action to take as well as the actual conviction itself. This may result in a more serious sanction being imposed by the Director/Committee.

Non-disclosure of a conviction during the period of a licence

- 5 Where a licence-holder has continued to hold a licence following an undeclared conviction/caution/reprimand/warning or fixed penalty notice, this will be taken into account when that conviction is ultimately considered. If the Licence is revoked, the length of time the licence-holder continued to hold a licence following an undisclosed conviction may be taken into account when considering future applications.

Non-disclosure by an existing licence holder will be considered on renewal and whether it is appropriate, in the particular circumstances, to allow a 3 year drivers (or 5 year operators) year licence.

Persons refused in the past

- 6 Applicants who have been refused licences in the past, on the grounds that they are not fit and proper, are not debarred from being granted a licence. However, the Committee must be able to justify why that person is now considered by them to be a fit and proper person to hold such a licence. To do this it will be necessary to look at the reasons why the applicant was initially refused and then consider what has occurred since to indicate that the applicant is now fit and proper to hold a licence.

The lapse in time that has occurred, changes in domestic or business circumstances, added responsibilities are examples that may be relevant. The Committee may also consider that if the applicant is deemed to be fit and proper, it may be appropriate in their specific

circumstances to only grant a one year licence.

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| Persons granted in the past | 7 | Similarly, those applicants who have been granted licences in the past have been considered to be fit and proper persons to hold such licences. To refuse a renewal of such a licence or to grant for a lesser period than 3 years, there must be a change in circumstances or new evidence presented to the Committee before a change can be justified. |
| Treat each application on its merits | 8 | Each application for a licence will be considered on its own merits, both in relation to the grant of the licence and the duration for which it is granted. |
| Personal circumstances | 9 | When considering whether to grant, suspend, refuse to renew or revoke a licence, the Council is focusing on the impact of the licence holder's character on members of the public who will use licensed vehicles. This does <u>not</u> require any consideration of their personal circumstances, which are irrelevant, except in very rare cases, to explain the conduct of the driver. |
| Driving experience | 10 | As required by law, no application shall be granted where the applicant has held a full driving licence for less than one year, or where they currently hold a provisional licence. In addition, applications should not be granted unless the applicant also has adequate driving experience. Driving experience may be taken into account when considering whether it is appropriate to grant the applicant a 3 year licence. |
| Immigration Status | 11 | As required by law, no application shall be granted where an applicant for a Private Hire Operator Licence or Hackney Carriage/Private Hire Drivers licence has been disqualified by reason of their immigration status from operating private hire vehicles or driving private hire vehicles/hackney carriages. A person is disqualified by reason of their immigration status if the person is subject to immigration control and has not been granted leave to enter or remain in the United Kingdom, or the leave is invalid, has ceased to have effect or is subject to a condition preventing the person from carrying on the licensable activity (operating private hire vehicles or driving private hire/hackney carriages). |
| Conduct of driver | 12 | Conduct of licence holders is relevant in considering revocation, suspension or refusal to renew their licence. |
| Drivers already licensed (change of circumstances) | 13 | Where a licence holder has been convicted of an offence involving dishonesty, indecency or violence, an immigration offence or been required to pay an immigration penalty, a licence may be suspended, revoked or an application to renew a licence refused. Where a licence holder is found to no longer be a fit and proper person, their licence must be revoked. If, however, it is considered that a person is still a fit and proper person to hold such a licence, but that their conduct falls below the standard required by the Licensing Authority, the Committee may decide to suspend their licence for such a period of time it considers fit or to issue them with a warning. |
| Use of suspension | 14 | The aim of the suspension of a licence is to bring a driver, who is falling below the standards required, back into line and not to penalise them. |

If it is felt that a warning should be sufficient to do this then a warning should be preferred to a suspension.

Complaints of drivers' standards, conduct of behaviour 15 Where evidence of complaints about a driver's standards, conduct or behaviour or other allegations which reflect upon the conduct or behaviour of a driver are brought before the Committee and the driver disputes those allegations, the Committee should consider whether those complaints or allegations can be substantiated.

Any licence holder referred to Committee following a complaint(s) will have initially been dealt with in line with the Part 1 Section 2 of the Policy entitled Handling Complaints made against Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators.

For serious allegations against the driver the matter can be referred straight to the Director to be dealt with under Council's constitution for urgent matters.

Licence-holder charged with criminal offence 16 Where an applicant or licence-holder has been charged with a criminal offence, but the matter has not yet been considered by the Court, the Committee may decide to adjourn consideration of the matter pending the outcome of the criminal proceedings. Alternatively, the Committee may proceed to consider the charge and determine what action to take. Where a licence-holder has been charged with an offence:

- It is not necessary for the Committee to wait for a guilty verdict in criminal proceedings where a criminal offence is alleged to have been committed in the course of their employment before it can be decided to suspend or revoke a licence.
- It is not necessary to hear live evidence from witnesses to such an offence before it can be decided to suspend or revoke a licence.
- It is not necessary to decide there is a reasonable chance of the person being convicted of that offence before their licence can be properly suspended or revoked. It is for the Committee to decide whether the person is fit and proper to hold a licence on a balance of probabilities.
- It is not necessary to look at the impact on that person's livelihood or consider compensation if that person is ultimately acquitted of the criminal charge.

If the criminal offence the licence-holder has been charged with is considered so serious that consideration of it cannot be delayed until the next Committee meeting the matter will be dealt with by the Director under the Council's constitution for urgent matters.

Reliance on evidence 17 In hearing evidence, the Committee is not subject to the strict rules of evidence. Care should be taken in determining the relevance and admissibility of any evidence.

Where evidence has been presented which is later deemed to be not relevant or admissible, the members should take care to exclude such from their minds when making their decision.

The Committee should be careful to attach the correct weight to evidence before them. An independent witness with nothing to gain is

more likely to give an unbiased account than someone who has a personal interest in the case. Corroborative evidence will add weight. If evidence is presented without calling the witness to that evidence, great care should be taken in relying upon such.

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| Standard and burden of proof | 18 | The civil standard of proof applies to proceedings of the Committee i.e. the Committee must be satisfied on a balance of probabilities.

The burden of proof rests with the applicant/licence-holder to show that they are a fit and proper person to hold a licence. |
| Human Rights Act considerations | 19 | A licence-holder can be deprived of their licence if it is in the public interest and in accordance with the law. When determining appropriate action the Committee will balance the rights of the licence-holder with the rights of the public at large. |

Guidelines Relating to Medical Conditions

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| Medical checks | 1 | The Council requires applicants to pass a medical examination on initial application and when aged 45 years, 50 years, 55 years, 60 years, 65 years and annually thereafter. Applicants who fail the examination will be referred to Committee. |
| Consideration of medical report | 2 | In determining whether the applicant is physically and mentally fit to drive a hackney carriage or private hire vehicle, the Committee will consider the report of the Medical Examiner appointed by the Council to assess the fitness of applicants. The Committee will also consider any relevant medical evidence of a qualified medical practitioner submitted by the applicant and may take such evidence into account when determining the application. |
| Standard to be applied | 3 | The Council applies the Group 2 medical standards applied by the Driver and Vehicle Licensing Authority to taxi drivers. If an applicant fails to meet the Group 2 medical standard, the application will normally be refused. Where an existing licence holder develops a medical condition which means they will not meet the Group 2 medical standard, the licence will normally be revoked or not renewed. |

Guidelines Relating to the Relevance of Convictions

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| Convictions | 1 | In this Policy, simple and conditional cautions, reprimands, warnings and fixed penalties (endorseable or not) shall be treated as though they were convictions. |
| Consideration of previous convictions | 2 | In considering evidence of an applicant's previous convictions the Council will take into account the nature of the offence, when it was committed, date of conviction, applicant's age when the offence was committed and any other factors which are relevant. |
| Applicants with previous convictions | 3 | <p>An applicant with a previous conviction(s) is expected to:</p> <ul style="list-style-type: none">(a) remain free of conviction for an appropriate period and(b) show adequate evidence of good character from the time of the conviction. This may be, for instance, references from an employer. <p>Simply remaining free of conviction will not generally be regarded as sufficient evidence of good character.</p> |
| Convictions previously considered where no change of circumstances | 4 | Applications for the renewal of hackney carriage/private hire driver's licences and private hire operators licences shall not be refused on the grounds of previous convictions, where the applicant has been previously granted a licence and no further convictions have occurred. |
| Correctness of conviction not to be questioned | 5 | Where evidence of previous convictions is presented the Committee must accept that the applicant was correctly convicted. Subject to this, the Committee may look at the circumstances of the offence to determine its seriousness. The sentence imposed by the Court may be relevant to determine its seriousness. Part 3 Appendix 1 lists a range of sentencing powers available to the Magistrates' Court, which may assist the Committee in assessing the seriousness of the offence committed. However, it is important to note that in imposing a fine the Court will take account of the offender's family and financial circumstances. |
| Consideration of spent convictions | 6 | The Committee can consider convictions which are usually regarded as spent convictions for the purpose of The Rehabilitation of Offenders Act 1974. Such convictions can be considered by virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended. When considering spent convictions the Committee will take into account the offence involved, its relevance, its age and apparent seriousness. |
| Number of convictions | 7 | Some discretion may be appropriate if the conviction is isolated and there are mitigating circumstances regarding the offence. Similarly, multiple convictions or a series of convictions over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account. |

Guidelines on action which might be taken regarding convictions

The following examples afford a general guide on the action which might be taken where convictions are disclosed; note that this list is not exhaustive and all convictions should be considered when deciding if an applicant is fit and proper, even if it does not appear below.

Where there is more than one conviction, it is expected that the penalty for the most serious will apply.

1	Convictions involving Dishonesty (including attempts or conspiracy to commit such offences)
1.1	Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public, for example, by demanding more than the legal fare (and in other ways).
1.2	Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing (passengers may comprise especially vulnerable people). For these reasons a serious view is taken of any convictions involving dishonesty. In general, a period of 3 to 7 years free of conviction will be required before an application is likely to be considered favourably.
1.3	<p>In particular, an application will normally be refused where the applicant has a conviction for any of the following offences which occurred fewer than 3 years prior to the date the application is considered: -</p> <ul style="list-style-type: none"> • Theft/Burglary and offences under the Theft Act 1968 (other than robbery/offences including violence which are dealt with below) • Fraud/misrepresentation and offences under the Fraud Act 2006 • Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992) • TWOC – Taking a motor vehicle without the owner’s consent • Handling or receiving stolen goods • Forgery
1.4	Where the conviction is more than 3 years but less than 7 years prior to the date the application is considered, more weight will be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction.
1.5	<i>Where an existing licence-holder is convicted of an offence involving dishonesty, the licence should normally be revoked. The provisions of the policy will be applied when/if they make a new application for a licence.</i>

2	Convictions involving Violence (including attempts or conspiracy to commit such offences)
2.1	As hackney carriage and private hire drivers maintain close contact with the public, in general a period of 3 to 10 years free of conviction for offences involving violence (depending on the nature and seriousness of the offence) will be required before an application is likely to be considered favourably.
2.2	<p>In particular: -</p> <p>(i) An application will normally be refused where the applicant has a conviction for any of the following offences:</p> <ul style="list-style-type: none"> • Murder • Manslaughter • Arson with intent to endanger life or reckless as to whether life endangered (s.1(2) & (3) Criminal Damage Act 1971) • Grievous bodily harm with intent (s18 Offences against the Person Act 1861) <p><i>Where an existing driver is convicted of this type of offence the licence will normally be revoked. The provisions of the policy will be applied when/if they make a new application for a licence.</i></p>
2.3	<p>An application will normally be refused where the applicant has a conviction for any of the following offences and the conviction are less than 8 years prior to the date the application is considered: -</p> <ul style="list-style-type: none"> • Grievous bodily harm (s.20 Offences Against the Person Act) • Grievous bodily harm which is racially aggravated (s.29 (1)(a) Crime and Disorder Act 1998) • Actual bodily harm which is racially aggravated (s.29 (1)(b) Crime and Disorder Act 1998) • Robbery (Theft Act 1968) • Riot (s.1 Public Order Act 1986) • Violent Disorder (s.2 Public Order Act 1986) • Arson (s.1 (1)&(3) Criminal Damage Act 1971) • Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998) • All racially aggravated offences against Public Order • All racially-aggravated offences of Harassment <p>Where the conviction is more than 8 years but less than 10 years prior to the date the application is considered, more weight will be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction.</p> <p><i>Where an existing driver is convicted of this type of offence the licence will normally be revoked. The provisions of the policy will be applied when/if they make a new application for a licence.</i></p>
2.4	An application will normally be refused where the applicant has a conviction for any of the following offences not involving the use of weapons and the conviction is less than 3 years prior to the date the application is considered.

If the applicant has a conviction for possession of an offensive weapon or any other offence involving the use of weapons a licence will not normally be granted until at least 3 to 7 years have elapsed since the date of conviction.

- Common assault and/or battery
- Common assault and/or battery which is racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)
- Assault occasioning actual bodily harm (s.47 Offences Against the Person Act)
- Assault on a police officer
- Affray (s.3 Public Order Act 1986)
- Offences against Public Order (non racially aggravated)
- Offences of Harassment (non-racially aggravated)
- Obstruction
- Possession of firearm
- Criminal damage
- Resisting arrest

Where the conviction, if not possession of an offensive weapon or any other offence involving the use of weapons, is more than 3 years but less than 5 years prior to the date the application is considered, more weight will be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction.

Where an existing licence holder is convicted of an offence for possession of an offensive weapon or any other weapon related offence the licence will normally be revoked. The provisions of the policy will be applied when/if they make a new application for a licence.

Where an existing licence-holder is convicted of an offence of violence not involving weapons, the licence should normally be revoked. The provisions of the policy will be applied when/if they make a new application for a licence.

3	Convictions involving Drugs (including attempts or conspiracy to commit such offences)
3.1	A serious view is taken of any drug related conviction. The nature and quantity of the drugs, and whether intended for personal use or supply, are issues which should be taken into consideration.
3.2	If an applicant has been convicted of an offence for or related to the supply of drugs or possession with intent to supply or connected with possession with intent to supply a licence will not normally be granted and a period 5 to 10 years should elapse before a new application is considered.
3.3	If an applicant has been convicted of possession of drugs, or related to the possession of drugs, a licence will not normally be granted and a period of at least 5 years should elapse before a new application is considered.
3.4	If there is evidence of persistent drug use, misuse or dependency, a specialist examination (in accordance with DVLA group 2 medical standards) may be required before the licence is granted. If an applicant was an addict then they would normally be required to show evidence of a minimum of 5 years free from drug taking after

	detoxification treatment.
3.5	<i>Where an existing licence-holder is convicted of a drugs-related offence, the licence should normally be revoked. The provisions of the policy will be applied when/if they make a new application for a licence.</i>

4	Convictions involving Alcohol (including attempts or conspiracy to commit such offences)
4.1	An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. A number of convictions for drunkenness, including being drunk and disorderly or drunk and incapable, could indicate a medical problem necessitating critical examination and refusal of a licence.
4.2	Applicants will normally be required to show that a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic.

5	Convictions involving illegal sexual activity or indecency (including attempts or conspiracy to commit such offences)
5.1	<p>As hackney carriage and private hire drivers often carry unaccompanied passengers applicants with convictions for soliciting, importuning, indecent exposure and/or any sexual offence will normally be refused a licence.</p> <p>(i) This relates to conviction for but not limited to:</p> <ul style="list-style-type: none"> • Rape • Indecent/Sexual assault • Gross indecency with a female • Gross indecency with a male • Sexual offences against a child under 16 including sexual grooming • Sexual offences against persons with a mental disorder impeding choice • Buggery • Exposure • Offences involving indecent images of children • Voyeurism <p><i>A licence will not normally be granted to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.</i></p> <p><i>Where an existing licence-holder is convicted of an offence of illegal sexual activity or indecency, the licence should normally be revoked. Where an existing licence-holder is put on the Sex Offenders Register or any 'barred' list the licence will normally be revoked. The provisions of the policy will be applied when/if they make a new application for a licence.</i></p>

6	Offences involving exploitation
6.1	<p>Where an applicant has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children a licence will normally be refused. This includes but is not limited to:</p> <ul style="list-style-type: none"> • Slavery • Child Sexual Exploitation • Grooming • Psychological, emotional or financial abuse <p><i>Where an existing licence holder is convicted of this type of offence the licence will normally be revoked. The provisions of the policy will be applied when/if they make a new application for a licence.</i></p>

7	Offences involving discrimination
7.1	<p>Where an applicant has been convicted of a crime involving, related to, or has a connection with discrimination in any form where not covered elsewhere in the policy, including offences listed in the Equality Act 2010 specifically in relation to Hackney Carriage/Private Hire Drivers, a licence will not normally be granted until at least 5 to 7 years has elapsed since the date of conviction.</p> <p><i>Where an existing licence holder is convicted of this type of offence the licence will normally be revoked. The provisions of the policy will be applied when/if they make a new application for a licence.</i></p>

8	Motoring Convictions
8.1	<p>Driving offences involving the loss of life</p> <p>A very serious view is taken of any applicant who has been convicted of a motoring offence that has resulted in loss of life. A licence will normally be refused if the applicant has a conviction for a motoring offence that resulted in the loss of life.</p> <p><i>Where an existing licence holder is convicted of a motoring offence that resulted in the loss of life the licence will normally be revoked.</i></p>
8.2	<p>Motoring Offences involving alcohol or drugs</p> <p>A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink or drugs.</p> <p>Where an applicant has been convicted of an offence for drink driving or driving under the influence of drugs a licence will not normally be granted and a period of at least 7 years should elapse before a new application will be considered favourably.</p> <p>In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic or drug addict.</p>

Where an existing licence holder is convicted of this type of offence the licence will normally be revoked. The above provisions should be applied when/if they make a new application for a licence.

8.3 Major Traffic Offences

An isolated conviction for a major traffic offence such as dangerous driving which involves a disqualification from driving for any period will require careful consideration of the facts, particularly where the offence has resulted in injury or accident. At least 4 years free from conviction from the date of conviction should elapse before the granting of a licence is considered.

Where an applicant has been convicted of a major traffic offence which has not resulted in disqualification, careful consideration should be given to the circumstances surrounding the offence. At least 1-3 years should elapse from the date of conviction before the granting of a licence is considered.

Where an existing licence-holder is disqualified from driving as a result of a conviction for a major traffic offence, the licence will be revoked by the Director under delegated powers. The provisions of the policy will be applied when/if they make a new application for a licence.

Where an existing licence-holder is convicted of a major traffic offence, but the licence-holder is not disqualified from driving, the licence should normally be revoked. The provisions of the policy will be applied when/if they make a new application for a licence.

A list of convictions to which the above paragraphs apply is attached at **Part 3 Appendix 2**. Where an offence is captured by a separate section of the Hackney Carriage and Private Hire Licensing Policy the provisions of that section will apply.

8.4 Minor Traffic Offences

a) Minor Traffic Offences after the 2-year probationary

Isolated convictions for minor traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of conviction will be taken into account.

If the applicant has convictions for minor offences resulting in the imposition of 7 or more penalty points a licence will not normally be granted until at least 1-3 years has elapsed since the date of conviction of the most recent offence.

Where a minor traffic conviction has resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard. Generally, a period of 1-3 years free from conviction must have elapsed date of the most recent conviction.

Where an existing licence-holder has more than 7 penalty points on their DVLA licence, their licence will normally be revoked. The provisions of the policy will be applied when/if they make a new application for a licence.

Where an existing licence holder is disqualified from driving the licence will be revoked by the Director under delegated powers. The provisions of the policy will

be applied when/if they make a new application for a licence.

b) Minor Traffic Offences within the 2 year probationary period.

Under the Road Traffic (New Drivers) Act 1995 every new driver has to undergo a probationary period of 2 years from the date that their full driving licence is issued. If they are convicted of minor traffic offences within that period which result in a total of 6 or more points, the full driving licence is revoked by DVLA.

If an existing licence holder has their DVLA licence revoked under these provisions, the taxi driver's licence will be revoked by the Director (see page 2 paragraph 3). The driver may then apply for a provisional licence and to re-take and pass their driving test (both theory and practical) before they are granted a full licence by DVLA. Once they have been issued with a new DVLA licence they may apply again for a taxi driver's licence.

Where minor traffic offences have resulted in the applicant's full licence being revoked within the probationary period, this will be viewed as reflecting seriously on the applicant's standard of driving. Generally the applicant will be expected to have been driving, conviction and accident free, on their new full licence for at least 1 to 3 years before an application for a taxi driver's licence will be viewed favourably.

A list of convictions to which the above paragraphs apply is attached as **Part 3 Appendix 3**. Where the offence is captured by a separate section of the convictions policy those provisions will apply.

8.5 **Conviction for breaching regulation 110 of the Road Vehicles (Construction & Use) Regulations 1986/1078 regarding the use of handheld mobile telephones or other specified handheld devices**

Where an applicant has been convicted of a breach of the above regulation a licence will not normally be granted until at least 2 to 5 years have elapsed since the date of conviction or in the case of disqualification from the end of the period of disqualification whichever is the later.

Where existing drivers have been convicted of a breach of the above regulation, the licence will normally be revoked. The provisions of the policy will be applied when/if they make a new application for a licence.

8.6 **Totting –up Disqualifications**

Where several traffic offences have resulted in a driver receiving 12 penalty points or more on their licence the driver will be disqualified from driving unless the Court is satisfied that exceptional hardship would be suffered by an individual if disqualified. This is known as a "totting-up" disqualification. Where an applicant has a totting-up disqualification an application will normally be refused until a period of 3 years has elapsed from the date of the totting up conviction.

Where an existing licence-holder is disqualified from driving as a result of a totting up conviction, the licence will be revoked by the Director under delegated powers. The provisions of the policy will be applied when/if they make a new application for a licence.

8.7 **Hybrid Traffic Offences**

	<p>Offences of the type listed in Part 3 Appendix 4 will be treated as major traffic offences if the court awarded 4 or more penalty points for the offence and as minor traffic offences if the court awarded 3 or fewer penalty points for the offence.</p> <p>Where an offence is captured by a separate section of the Hackney Carriage and Private Hire Licensing Policy the provisions of that section will apply.</p>
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9	<p>Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976</p>
9.1	<p>One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 ("the Act") is to ensure the protection of the public. For this reason a serious view is taken of convictions for offences under the Act (including illegally plying for hire) when deciding whether an applicant is to be treated as a fit and proper person to hold a licence.</p> <p>Where an applicant has been convicted of an offence in connection with hackney carriage or private hire activity a licence will not normally be granted until at least 1-3 years have elapsed since the date of conviction.</p> <p><i>Where an existing driver is convicted of an offence in connection with hackney carriage of private hire activity the licence will normally be revoked. The provisions of the policy will be applied when/if they make a new application for a licence.</i></p>

10	<p>Breaches of Orders of the Court</p> <p>Drivers of hackney carriage and private hire vehicles are expected to be persons who respect the authority of all enforcement agencies, including the Police, Court and local authorities. For these reasons a serious view is taken of any convictions involving failure to comply with an Order of the Court or direction of any enforcement authority. In general, a period of 1 to 3 years free of conviction will be required before an application is likely to be considered favourably.</p> <p>In particular, an application will normally be refused where the applicant has a conviction for any of the following offences and the conviction is less than 1 year prior to the date the application is considered: -</p> <ul style="list-style-type: none"> • Breach of an Anti-Social Behaviour Order: • Breach of a Community Order. • Failure to surrender to bail. • Breach of a Non-Molestation Order. • Breach of a Protective Order. • Breach of a Restraining Order. <p><i>Where an existing licence-holder is convicted of a breach of an Order of the Court, the Licence will normally be revoked. The provisions of the policy will be applied when/if they make a new application for a licence.</i></p>
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11	<p>Smoking offences</p> <p>It is an offence to smoke in a licensed vehicle by virtue of the Health Act 2006. The Committee may decide to suspend the Licence for a period of time or issue a warning to any driver who comes before it for such offences.</p>
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12	<p>Complaints about a Driver's standards or conduct</p> <p>The Council sometimes receives complaints from members of the public or other drivers about the behaviour of a licensed driver/operator. This may be about their standard of driving and/or their conduct whilst representing the Council as a driver/operator. All written complaints are investigated by the Licensing Officer in accordance with the Procedure for Handling Complaints made against Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators which can be found at Part 1 Section 2 of the policy and, if upheld, are recorded on the driver's file. Usually, the issue is resolved after an isolated incident; however, where there is one isolated complaint which involves a serious allegation, or a series of allegations, the driver is brought before the Committee.</p> <p>If the complaint/allegation is so serious that it cannot be delayed until the next Committee meeting the matter will be dealt with by the Director under the Council's constitution for urgent matters.</p> <p>It is difficult to provide general guidance because complaints are diverse in nature – however the Committee will need to decide whether the complaint(s) can be substantiated and, where they can (on balance of probability), the Committee must decide whether the driver remains fit and proper. The decisions open to the Committee are:</p> <ul style="list-style-type: none"> • that the driver is not fit and proper – in this case their licence must be revoked; or • that the driver is fit and proper, but that they have fallen below the required standard; in this case the Committee may decide to suspend the licence for a period, such period would depend on the number, nature and frequency of the complaints, but would generally be between 7 and 28 days; alternatively the Committee may decide that a warning is sufficient (such warning to be recorded on the driver's records). • Any complaints (number and seriousness) will also be considered when deciding whether it is appropriate to grant a 3 year licence.
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Duration of Licences

- 1 Where the Director under their delegated authority or the Committee grants a licence, they shall also have authority to determine the term of such licence. Where a licence is granted (whether by Director or Committee), the decision maker shall then consider the term of such licence as follows:
 - i) **Driver's Licences:** The standard licence duration is 3 years. Applicants may apply for a 1 year licence, should they so wish. Where an application for a 3 year licence is submitted, and the applicant is deemed to be a fit and proper person to hold a licence, the Director/Committee may decide it appropriate in

the circumstances of that particular applicant, that the licence be restricted to a lesser period (1 year).

Where the applicant has been granted leave to enter or remain in the United Kingdom for a limited period of time (“the leave period”) and that leave has not been extended by virtue of s.3C of the Immigration Act 1971, the Director/Committee may decide to grant the licence for a specified period which is less than 3 years or 1 year, the period of the licence must end before the leave period ends. Where the applicants leave has been extended by virtue of s.3C of the Immigration Act 1971, the Director/Committee can only grant a licence for a period of up to 6 months.

- ii) **Operator’s Licences:** The standard licence duration will be 5 years. Applicants may apply for a 1 year licence, should they so wish. Where an application for a 5 year licence is submitted, and the applicant is deemed fit and proper to hold a licence, the Director/Committee may decide it appropriate in the circumstances of that particular applicant, that the licence be restricted to a lesser period (1 year).

Where the applicant has been granted leave to enter or remain in the United Kingdom for a limited period of time (“the leave period”) and that leave has not been extended by virtue of s.3C of the Immigration Act 1971, the Director/Committee may decide to grant the licence for a specified period which is less than 5 years or 1 year, the period of the licence must end before the leave period ends. Where the applicant’s leave has been extended by virtue of s.3C of the Immigration Act 1971, the Director/Committee can only grant a licence for a period of up to 6 months. Please refer to the section in the Policy entitled ‘Duration of Licences’

- 2 **Drivers Licences:** All combined Hackney Carriage/Private Hire Drivers licences will be issued for 3 years unless:

- i) The application is for a 1 year licence; or
- ii) The Council decides it appropriate in the circumstances of the case that the licence should be for a lesser period (1 year);or
- iii) The Council cannot grant a licence for 3 or 1 years due to the applicant’s immigration status and must grant for a different period (less than 3 years)

When looking at an application for a 3 year licence, the decision maker (Director or Committee) will consider first whether the applicant is fit and proper to hold a licence. If they are not, then the application will be refused. If they are fit and proper, the decision maker will then consider whether it is appropriate, in the circumstances of that particular applicant, that the licence should be granted for a lesser (1 year) period.

- 3 When considering whether an applicant should be granted a 3 year licence, the decision maker (Director or Committee) will look at the specific circumstances appertaining to that particular applicant, including (but not limited to) the following:

- driving history, for example, convictions, cautions, reprimands, warnings, fixed penalty notices (seriousness, date, patterns of offending, current points on the licence)
- applicant’s age and length of time they have been driving including whether they have had previous experience of driving taxi/public service vehicles

- history of the applicant, for example, breach of licence conditions, complaints (if already holding a taxi licence), anti-social behaviour orders, parking fines.
 - medical history
 - whether the applicant has failed to declare any convictions, cautions, reprimands, warnings and/or fixed penalty notices either on their application form or in accordance with any existing or previous licence
 - whether references of good character have been provided
 - Any other relevant information
- 4 When considering whether to grant a licence for a 3-year (driver) or 5-year (operator) period, the decision maker must also consider the immigration status of the applicant, as a licence can only be granted for a period during which the applicant has leave to enter or remain in the United Kingdom. If the applicant's leave period has been extended by virtue of s 3C of the Immigration Act 1971, a licence can only be granted for a period of up to 6 months. The applicant may have factors (listed above) in addition to immigration status which mean that it would only be appropriate to grant a licence for 1 year, however, where the only consideration is immigration status the licence can be granted for a lesser period than 3-years or 5-years dependant on the applicant's leave period.
- 5 **Operators' Licences:** All Operator Licences will be issued for 5 years unless:
- i) The application is for a 1-year licence; or
 - ii) The Council decides it appropriate in the circumstances of the case that the licence should be for a lesser period
 - iii) The Council cannot grant a licence for 5 or 1 years due to the applicant's immigration status and must grant for a different period (less than 5 years)

When considering an application for a 5-year licence, the decision maker (Director or Committee) will consider first whether the applicant is fit and proper to hold a licence. If they are not, then the application will be refused. If they are fit and proper, the decision maker will then consider whether it is appropriate, in the circumstances of that applicant that the licence should be granted for a lesser period (1 year).

When considering whether an applicant should be granted a 5-year licence, the decision maker (Director or Committee) will look at the specific circumstances appertaining to that particular applicant, including (but not limited to) the following:

- History of convictions, cautions, reprimands, warnings, fixed penalty notices;
- Record keeping and compliance with licence conditions
- Complaints
- Employment history (for example, whether they have employed unlicensed drivers and/or drivers not entitled to work in the UK)
- Any other relevant information.

When considering whether to grant a licence for a 5 year or 1 year period, the decision maker must also consider the immigration status of the applicant, as a licence can only be granted for a period during which the applicant has leave to enter or remain in the United Kingdom. If the applicant's leave period has been extended by virtue of s 3C of the Immigration Act 1971, a licence can only be granted for a period of up to 6 months. The applicant may have factors (listed above) in addition to immigration status which mean that it would only be appropriate to grant a licence for 1 year, however where the only consideration is immigration status the licence can be granted for a lesser period than 5 or 1 years dependant on the applicant's leave period.

Conditions for licences

All licences granted for a period of five years or less will have attached to them all the conditions which apply to a one-year licence. In addition, there is a requirement that, **after each 12-month period**, the driver/operator completes a declaration form for the Council detailing all convictions, cautions, reprimands, warnings and fixed penalty notices. In addition to the declaration form drivers will also be required to undergo a DVLA check, a DBS check and provide proof of immigration status and a medical certificate if required.

Suspension of licences for not completing the declaration process

The Director has delegated authority to suspend a Hackney Carriage/Private Hire Drivers Licence or Private Hire Operators Licence for failure to complete a declaration in accordance with the licence conditions. The driver or operator will be given seven days notice, in writing, that the licence will be suspended for failure to complete the declaration process and the suspension will last until the declaration is fully completed.

Any other relevant information

The over-riding concern of the Council in applying this policy is the safety of the public. In deciding whether a licence should be for 3 years (drivers) or 5 years (operators) or such lesser period as is appropriate in the particular circumstances of the applicant, the Council will consider at all times the potential risk that driver/operator presents to public safety.

Immediate Revocation/Suspension of Driver's Licence

1. If the Committee decides to revoke or suspend a driver's licence, it will then have to consider whether that revocation/suspension should take immediate effect.
2. The Committee only has the power to resolve that the revocation/suspension will take immediate effect if it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect.
3. Each decision to resolve that the revocation/suspension will take immediate effect should be considered on its own merits.
4. "In the interests of public safety" is not defined and is for the Committee to determine. However, regard should be had to any risks to public safety arising from concerns about the licence-holder's driving standards, their character, including (for example) dishonesty, violent behaviour, involvement in drink or drugs, inappropriate sexual conduct, any relevant previous convictions and any other matters the Committee may deem relevant.
5. Before reaching a decision, the Committee shall give the licence-holder the opportunity to make representations as to whether or not the revocation/suspension should take immediate effect unless it is inappropriate to do so.
6. The over-riding consideration shall always be the safety and protection of passengers and the general public.
7. Matters such as unemployment and home circumstances may be taken into account when determining whether the revocation or suspension should take place immediately but shall not outweigh the public safety factor.
8. Where the Committee has decided that a licence-holder is no longer "fit and proper" to hold a licence, the presumption should be that the interests of public safety require the revocation of the licence to have immediate effect. However, the Committee may consider that the particular circumstances of a case are exceptional and compelling to justify allowing the licence to continue to have effect until 21 days after the date of the decision to revoke or, if an appeal is lodged, until that appeal is determined. For example, a licence-holder may be able to demonstrate that the risk to public safety is so diminished that it is right to allow the licence to continue.
9. However, if it is considered that a person is still a fit and proper person to hold such a licence but that their conduct falls below the standard required by the Licensing Authority, and the Committee has therefore decided to suspend them, the presumption should be that the interests of public safety will not require the suspension of the licence to have immediate effect. However, the Committee may consider that the circumstances of a case are exceptional and compelling and do not justify allowing the licence to continue to have effect until 21 days after the date of the decision to revoke or, if an appeal is lodged, until that appeal is determined.
10. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, the Committee will give notice to the driver, which includes a statement to that effect and an explanation why

the suspension or revocation takes effect when the notice is given to the driver.

Section 2

Handling Complaints made against Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators

The Policy provides a framework for Gedling Borough Council ('the Council') to investigate and take any necessary action following complaints made against any Gedling Borough licensed driver, vehicle owner and / or operator ('Licence Holder').

The objective of the Policy is to ensure that all complaints are dealt with in a consistently fair, open and transparent way. The Policy should be read in conjunction with the Council's Statement of Policy and Guidelines for the Licensing of Hackney Carriage, Private Hire Drivers and Private Hire Operators

1	Complaints Procedure
1.1	<p>All complaints must be made in writing (on the Council's Complaint form or by letter) and contain:</p> <ul style="list-style-type: none"> • the name, address and contact details (telephone / email) of the complainant; • the relationship with the Licence Holder (for instance, whether they are a passenger, a fellow Licence Holder, member of the public etc); • sufficient information about the driver / vehicle to enable the Council to correctly identify the Licence Holder; • the date, time, place and full details of the alleged incident giving rise to the complaint. • information about any other witness to the incident; • confirmation that their identity may not be disclosed to the Licence Holder; • the signature of the complainant. <p>The Council will only, in very exceptional circumstances, record or investigate any complaint which is not in writing, and the Complainant may be contacted for further information if all of the above is not included, or if the Investigating Officer requires further information.</p>
1.2	<p>The Council will not give personal information about the Complainant to the Licence Holder without the consent of the Complainant. However, in some cases it may not be possible to properly investigate the allegation without divulging information about the identity of the Complainant (for instance, if the Complainant is a known passenger of the Licence Holder and they are the only one who could have made the allegation). In this case, the Council will be unable to pursue the matter further unless the Complainant consents to disclosure.</p>
2	Investigation of Complaints
2.1	<p>When a complaint as above is received, a Licensing Officer will be appointed to investigate the allegation ('the Investigating Officer'). This may include contacting the Complainant for further information and / or contacting any known witnesses.</p>
2.2	<p>If the allegation is that the Licence Holder has / may have committed a criminal offence then this will be investigated and a decision made in accordance with the Council's Prosecution Policy. This Complaints Policy will not apply unless and until the Council decides not to pursue a prosecution. Complainants should be made aware that, if their allegation alleges that there has been a criminal offence, they may be asked to attend court to give evidence in support of the Council's prosecution.</p>

2.3	If the Investigating Officer considers that there is sufficient evidence to support the complaint then the Licence Holder will be informed of the allegation against them and any evidence which the Council has, either supporting or not supporting the allegation.
2.4	The Licence Holder will be asked to either confirm in writing whether or not they accept the allegation made against them.
2.5	If the Licence Holder accepts the allegation against them, this will be treated the same as a decision of the Investigating Officer to uphold an allegation and a stage 1, 2 or 3 letter sent as appropriate (see paragraph 3.2 below).
2.6	A Licence Holder who does not accept the allegation against them will be invited to an interview with the Investigating Officer to make oral representations as to why the complaint should not be upheld. A minimum of 7 days' notice of the date of the interview will be given (and if that date is inconvenient the Licence Holder may contact the Investigating Officer to arrange a more convenient date within the following 14 days).
2.7	A Licence Holder may, if they wish, decide not to make oral representations but instead provide to the Council their statement putting forward their version of the events, and any evidence they have, to support this. The Investigating Officer will then make the decision based on the information before them. Licence Holders should be aware, however, that it may be to their advantage to attend for an interview so that the Investigating Officer can put to them any questions they have to help understand the Licence Holder's position.
2.8	Licence Holders will be provided with full information about the allegation against them and all evidence obtained by the Investigating Officer. The Licence Holder may, if they wish, bring with them to the interview a friend, colleague, family member or other such person to support them.
2.9	The Licence Holder will be expected to bring with them to the interview any evidence (for example, witness statements) that they have to challenge the allegation.
3	Decision following investigation
3.1	The interview will be informal in nature and no set procedure will be adhered to. However, it is expected that the Investigating Officer will ensure the Licence Holder is fully informed about, and fully understands, the allegation against them and any supporting evidence. The Licence Holder will be given every opportunity to explain why he does not believe the complaint should be upheld, and to present to the Investigating Officer any evidence they have to support the defence of the allegation.
3.2	Following the interview, or on receipt of the information provided by the Licence Holder if they decide not to make oral representations, the Investigating Officer will fully consider all the evidence, that which supports the Complainant and that which supports the Licence Holder, and will, with the Community Protection Manager, make a decision as to whether the complaint (on balance of probability) should be upheld or not upheld. The Investigating Officer, prior to deciding, will carry out any further investigations necessary as a result of matters arising at the interview or on the information submitted by the Licensing holder.
3.3	As soon as possible after the interview / review of the information submitted and in any event within 14 days, the Investigating Officer will notify the Licence Holder of the decision. If the decision is to uphold the complaint, then the Licence Holder will be

	<p>informed about the</p> <p>right to appeal. The notification will explain the reasons that the complaint has been upheld / not upheld.</p>
3.4	<p>When a complaint is either admitted by the Licence Holder or upheld by the Council after investigation, it shall be recorded and have the consequences as follows.</p> <ul style="list-style-type: none"> • First complaint – Stage 1 warning letter • Second complaint – Stage 2 warning letter • Third complaint – Stage 3 letter notifying the Licence Holder that the matter is being reported to the Environment and Licensing Committee.
4	Appeals
4.1	<p>The above procedure will usually be adhered to however, where the council receives a single or second more serious complaint then it reserves the right to refer the Licence Holder to the Environment & Licensing Committee at an earlier stage. This step will usually only be considered where, in the opinion of the Licensing Officer, the complaint/s make the Licence Holder to be not fit and proper.</p>
4.2	<p>Only drivers who are ‘fit and proper’ may be licensed. The Council takes the view that a driver about whom it receives 3 complaints which are upheld may not be judged to be fit and proper. The Committee will be asked to assess whether, in light of the complaints, the driver is fit and proper, it has the following options</p> <ul style="list-style-type: none"> • To revoke the licence if it assesses the Licence Holder to not be fit and proper. • To suspend the licence for a period if it considers the Licence Holder to be fit and proper but to have fallen below the required standard. • To give the Licence Holder a warning which will be recorded on their record. • To take no action. <p>The Licence Holder will be invited to attend Committee to explain why they consider that they are a fit and proper person to continue to hold a licence.</p>
4.3	<p>The Licence Holder may appeal against any decision by notifying the Community Protection Manager in writing, within 21 days of receipt of the decision notice that they wish to appeal. The Licence Holder should give full information about the reasons for their appeal and provide any additional evidence which they want to be considered.</p>
4.4	<p>The Licence Holder may decide to appeal because for instance:</p> <ul style="list-style-type: none"> • they think the finding is unfair; • they have new evidence that was not available prior to the decision being made; • they consider that proper procedure was not followed; • any other reason.
4.5	<p>Only in the most exceptional circumstances will the Licence Holder be given the opportunity to attend and make oral representations on appeal. The fact the Licence Holder chose not to make oral representation at the original investigation is not a reason for them to be able to make representations at the appeal stage.</p>
4.6	<p>The Service Manager for Public Protection will reconsider all the information available at the time the original decision was made along with any information since and the reasons</p>

	given by the Licence Holder in their letter of appeal. Once their decision is made, they will notify the Licence Holder accordingly, giving reasons for their decision.
4.7	If the decision is to uphold the appeal (and dismiss the complaint) then the record of the complaint will be deleted from the Licence Holders records.
4.8	Complaint forms are available from the Licensing Office upon request. If you have any questions, or wish to have information about the investigation procedure, please contact us on 0115 9013971 or by email at: licensing@gedling.gov.uk

Section 3

The Carriage of Persons in Wheelchairs when Carried in a Designated Vehicle

1	Equality Act 2010 following the introduction of the Taxi & Private Hire Vehicles (Disabled Persons) Act 2022
1.1	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.
1.2	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 Part 3 Appendix 5 .
2	Wheelchair Accessible Vehicles
2.1	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 . 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).
3	Overview and explanation of duties on drivers
3.1	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.
3.2	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.
3.3	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.
4	Sections 164A and 165: duties to carry and assist any disabled person
4.1	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.
5	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.

6 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.

7	Section 165A: duties on drivers to assist a passenger to identify and find the vehicle
7.1	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.
7.2	<p>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:</p> <ul style="list-style-type: none"> • 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.
7.3	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.
7.4	<p>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:</p> <ol style="list-style-type: none"> 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
8	Sections 168 and 170: duties on drivers to carry assistance dogs
8.1	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.
8.2	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.
9	Offences for PHV operators
9.1	<p>Section 167A: offences for PHV operators not to refuse or fail a booking for a disabled person</p> <p>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.</p>

	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.
9.2	<p>Section 170: offences on PHV operators not to refuse or fail a booking for an assistance dog user</p> <p>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:</p> <ul style="list-style-type: none"> 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 <p>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.</p>
10	Driver Exemptions
10.1	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.
10.2	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.
10.3	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.
10.4	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.
10.5	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
11	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 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/
- 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.

Section 4

The Carriage of Persons Accompanied by Assistance Dogs in Gedling Borough Licensed Hackney Carriages and Private Hire Vehicles

1	<p>What responsibility does the Council have regarding persons accompanied by an Assistance dog and their use of taxis and private hire vehicles?</p> <p>Gedling Borough Council is responsible for licensing taxi drivers (both private hire and hackney carriage drivers), their vehicles, and private hire operators within its area. The Council, under powers given to it by the Equality Act 2010 (the Act) is responsible for enforcement of drivers responsibilities with respect to the carriage of a person(s) accompanied by an Assistance dog, and for exempting drivers from such responsibilities on medical grounds.</p>
2	<p>What are Assistance Dogs?</p> <p>Assistance dogs are dogs that have been trained to aid or assist people who may be physically or mentally disabled. The dogs can support either adults or children in their homes and in the community. As the dogs not only provide a specific service to their handlers, but also greatly enhance the quality of life of the handlers, the dogs are allowed, by law, to accompany their handler into public places such as shops, restaurants and also permitted to travel on public transport.</p> <p>There are three types of Assistance dog:</p> <p>Guide Dogs – for the blind and visually impaired</p> <p>Hearing Dogs – for the deaf and the hard of hearing</p> <p>Service Dogs – for people with disabilities other than those related to vision or hearing</p>
3	<p>What responsibilities do drivers of licensed vehicles have when hired by or for a disabled person accompanied by an assistance dog?</p> <p>A driver of any licensed vehicle must:</p> <ul style="list-style-type: none"> • carry the disabled person’s dog and allow them to remain with that person • not make an additional charge for carrying a person accompanied by an assistance dog.
4	<p>Exempt Drivers</p> <p>The Act allows the Council to exempt drivers from their responsibilities to carry a person accompanied by an assistance dog on medical grounds. The driver may submit to the Council an application for exemption by completing the prescribed application form accompanied by medical evidence in support of the exemption application.</p> <p>Any driver who holds a valid exemption certificate is required to display the valid exemption notice in clear view within the licensed vehicle, until such time the exemption notice expires.</p> <p>Until the driver has been issued with a valid exemption notice, the driver will continue to be recognised as a driver who must continue to carry persons accompanied by an assistance dog for filling the responsibilities specified above.</p>
5	<p>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</p>

	is at: https://www.gedling.gov.uk/business/taxis/ or by contacting the Licensing Team at: licensing@gedling.gov.uk
6	<p>What do I do if I think a driver is not fulfilling their responsibilities as a driver of a licensed Vehicle in relation to the carriage of a person accompanied by an assistance dog?</p> <p>If you have a concern about a driver not fulfilling their responsibilities as a driver of a licensed vehicle licensed by the Council, in relation to the carriage of a person, accompanied by an assistance dog, we ask that you report your concerns to the Council as soon as you can. We need to be able to identify the driver, 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.</p>
7	<p>What sort of things should I report to you?</p> <p>We want to know about anything that may make a driver non-compliant with the responsibilities of a driver of a licensed vehicle. For instance:</p> <ul style="list-style-type: none"> • Refusal to carry a person accompanied by an assistance dog • Refusal to carry an assistance dog • Reluctance by the driver to assist a person accompanied by an assistance dog • Overcharging by way of adding an additional charge for the carriage of a person accompanied by an assistance dog. • Incorrectly displaying an Exemption Notice within the vehicle • Displaying an expired, fake or counterfeit Exemption Notice
8	<p>How do I make a complaint?</p> <ul style="list-style-type: none"> • By telephone – 0115 9013971 • Via our web site – 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 <p>Whichever way you contact us, please make sure you give the information above.</p>
9	<p>What will we do?</p> <p>We will investigate every complaint made. If the complaint is upheld, we have the power to take action which, in very serious cases, may mean that the driver's licence is revoked.</p>
10	<p>Any questions?</p> <p>If you have any questions, or wish to have information about the investigation procedure, please contact us on 0115 9013971 by email at: licensing@gedling.gov.uk</p>

Part 2

Vehicles

Section 5

GEDLING BOROUGH COUNCIL LICENSED HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE SPECIFICATION, INSPECTION AND TESTING MANUAL

Including One Passenger Vehicles as a Private Hire Vehicle

Vehicle Specification

Before a Licence is granted in respect of a Hackney Carriage or Private Hire vehicle, the applicant must ensure that the vehicle is suitable in type, size and design for use as a Hackney Carriage or Private Hire vehicle in accordance with the standards laid down by the Council.

Without prejudice to the generality of the foregoing, a licence will only be issued in respect of a Hackney Carriage or Private Hire vehicle provided it complies with all the following requirements (note that at the Council's discretion any of the following items can be relaxed).

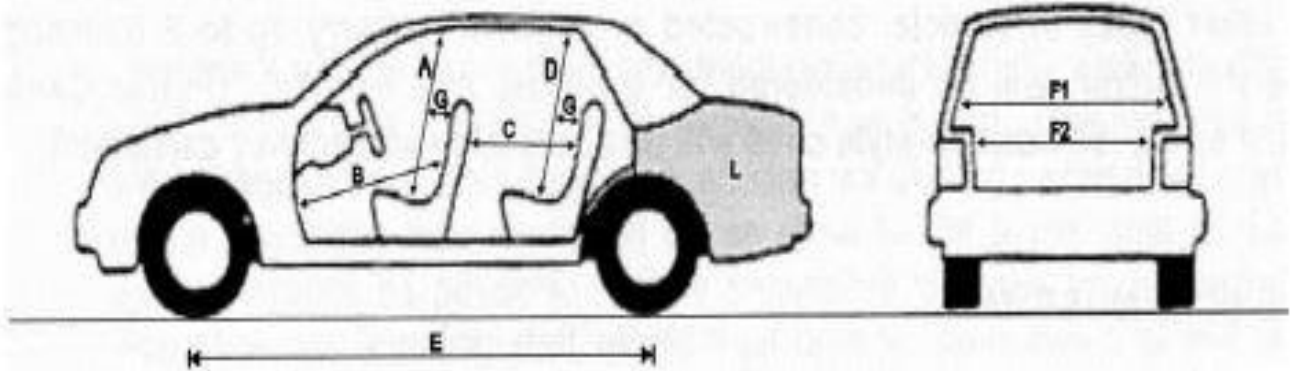
<p>1</p>	<p>Age and Condition</p> <p>A new Hackney Carriage or Private Hire Vehicle Licence will not be issued to any vehicle over 6 years of age. The age of the vehicle will be measured from the date of first registration.</p> <p>All vehicles are tested on a six monthly basis and, provided they satisfactorily pass the Council's test, will be issued with a licence for a period of six months. However, Vehicles which are 3 years of age or under and have a mileage of less than 36,000, (the Council considers 12000 miles per year to be average mileage) will be granted a licence for a period of one year provided the vehicle satisfactorily passes the Council's test. The vehicle must be under 3 years of age from date of registration and the Vehicle Inspector will need to check the Vehicle Registration Document to verify this.</p> <p>Every vehicle must have a valid MOT certificate, except vehicles that are presented for a test within one year of first registration.</p> <p>Vehicles that have been declared to be an insurance 'write off' in category A, B, S will not be licensed. Vehicles that have been declared a category N 'write off' may be licensed providing the applicant provides an appropriate Engineer's report, approved by the Council, verifying the standard of repairs.</p>
<p>2</p>	<p>Engine - layout, fuel type and minimum capacity</p> <p>The vehicle must have a front engine layout and be powered by a fuel type of either petrol, diesel, LPG, electric, or a combination of the aforementioned. The minimum capacity for an internal combustion engine powered by petrol, diesel or LPG is 1000cc. Vehicles with 1000cc registered before 1st January 2015 will not be granted a licence. The minimum capacity for vehicles registered before 1st January 2015 is 1300cc.</p>
<p>3</p>	<p>Vehicle Format – Including Cars & Mini Buses</p> <p><u>Cars</u></p> <p>The vehicle must be in the format of having 4 operational passenger doors and a watertight roof. Four road wheels fitted with the manufacturers recommended size tyres. Remoulds will only be acceptable if they carry a clearly legible manufacturer's mark that the tyres conform to the current British Standard BSAU144E</p>

	<p>The vehicle must achieve the minimum dimensions as specified within Vehicle Dimension section of this specification. (11. Vehicle Dimensions).</p> <p><u>Mini Buses</u></p> <p>The vehicle must be in the format of having a minimum of 2 operational unobstructed emergency exits, (front passenger door included) and a watertight roof. Four road wheels fitted with the manufacturers recommended size tyres. Remoulds will only be acceptable if they carry a clearly legible manufacturer's mark that the tyres conform to the current British Standard BSAU144E.</p> <p>The vehicle must achieve the minimum dimensions as specified within Vehicle Dimension section of this specification where applicable. (11. Vehicle Dimensions)</p>
<p>4</p>	<p>Seating Capacity – including seat belts</p> <p><u>Cars</u></p> <p>The vehicle must have a minimum capacity of 4 passengers, but no more than 8 passengers in addition to the driver. Seatbelts must be fitted, one for each passenger plus the driver, which shall be readily accessible for use and maintained in a usable state of repair, irrespective of the age of vehicle. Vehicles must have a free, easy access to all seats from both sides of the vehicle. (Sliding or tilting seats will not be considered an obstruction provided the seat action, tilt / slide is maintained and fully functional)</p> <p>The vehicle must achieve the minimum dimensions as specified within Vehicle Dimension section of this specification. (11. Vehicle Dimensions).</p> <p><u>Mini Buses</u></p> <p>The vehicle must have a minimum capacity of 4 passengers, but no more than 8 passengers in addition to the driver. Seatbelts must be fitted for all passengers irrespective of the age of vehicle. Vehicles must have a free, easy access to all seats. The seats are to be arranged in theatre configurations – forward / rear facing. Side facing seating is not permitted. (Sliding or tilting seats will not be considered an obstruction provided the seat action, tilt / slide is maintained and fully functional)</p> <p>The vehicle must achieve the minimum dimensions as specified within Vehicle Dimension section of this specification. (11. Vehicle Dimensions).</p>
<p>5</p>	<p>Wheelchair Lift / Hoist / Ramps and Anchor Points</p> <p>Any vehicle fitted with either a wheelchair lift or hoist will require the applicant to demonstrate the equipment has been maintained and tested by qualified engineers, who by way of certification, confirm the lifting equipment is deemed safe and fit for use at the time of the vehicle test and inspection. Vehicle applications without the relevant equipment certification will not be granted a licence.</p> <ul style="list-style-type: none"> • Access to the vehicle by lift, hoist or ramps to be made via the side or rear door(s) of the vehicle. • Wheelchair seating is restricted to the rear section of the vehicle

	<ul style="list-style-type: none"> • When stowed the lift, hoist or ramp(s) will not obstruct access to the cabin • Any lift, hoist or ramp fitted to the vehicle shall clearly display the operating instructions for the equipment fitted. The operating instructions are to be located adjacent to the wheelchair point of entry / exit of the vehicle and must be easily readable by the person operating the equipment from the outside the vehicle. • Wheelchair compatible vehicles shall not have any other seats fitted in the rear of the vehicle, other than a seat for a care assistant. This seat will be located on one side of the vehicle only and must comply with Section 4 of the specification. <p>All vehicles capable of loading and carrying a wheelchair whilst it is occupied must be fitted with anchor points and seat belts. All wheelchair anchor points and belts within the vehicle are to be maintained, and must be fully functional at the time of the vehicle test and inspection.</p>
6	<p>Spare Wheel</p> <p>A spare wheel and tyre of the manufacturers design, jack and wheel brace.</p> <p>Space saver tyres and other emergency repair systems are allowed provided:</p> <ul style="list-style-type: none"> • the type of space saver tyre is an original part of the vehicle's design and manufacture. • 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 manufacturer's instructions. • If a vehicle is equipped with a space saver spare tyre or other emergency repair system as manufactured, it may only be used to get the vehicle to a location for the tyre to be changed for a full sized tyre – after any vehicle passengers have been transported to a place of safety.
7	<p>Boot / Luggage Compartment</p> <p>A grille, luggage cover or similar to be fitted in an estate vehicle sufficient to prevent luggage carried in the rear compartment from coming into contact with persons using the rear seat.</p>
8	<p>Fire Extinguisher</p> <p>The vehicle is to carry an efficient fire extinguisher, which must be a two-litre AFFF foam extinguisher, or a 1 kg dry powder, and securely fitted in such a position to be readily available for use.</p>
9	<p>First Aid Kit</p> <p>The vehicle is to carry an approved first aid kit, which conforms to the Health and Safety (First Aid) Regulations 1981 Specification for travelling first aid kits.</p>
10	<p>Replacement Fuses and Lamps</p> <p>The vehicle is to carry a set of replacement fuses of various amp rating and</p>

	replacement bulbs – to include headlight, taillight, side light, brake light, indicator light and rear number plate light.
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11	Vehicle Dimensions																																						
	<p>Dimensions:</p> <table border="0"> <tr> <td>A</td> <td>91.5cm</td> <td>(36")</td> <td>Cushion not compressed</td> </tr> <tr> <td>B</td> <td>94 cm</td> <td>(37")</td> <td>Seat fully rearwards</td> </tr> <tr> <td>C</td> <td>61 cm</td> <td>(24")</td> <td>Front seat fully rearwards</td> </tr> <tr> <td>D</td> <td>84 cm</td> <td>(33")</td> <td>Cushion not compressed</td> </tr> <tr> <td>E</td> <td>244cm</td> <td>(96")</td> <td>Wheelbase</td> </tr> <tr> <td>F1</td> <td>132cm</td> <td>(52")</td> <td>Interior width between doors</td> </tr> <tr> <td>F2</td> <td>122cm</td> <td>(48")</td> <td>Between armrests</td> </tr> <tr> <td>G</td> <td>25.5cm</td> <td>(10")</td> <td>Point of measurement parallel with headrest</td> </tr> <tr> <td>L</td> <td>3.5m²</td> <td>(11.5 cu ft.)</td> <td>Minimum luggage capacity (hard luggage)</td> </tr> </table> <p>When measuring the second row of seats in the rearmost section of the vehicle, if 2 seats are fitted on the second row, dimensions F1 and F2 may be reduced by 1/3. Dimensions F1 and F2 will not be reduced when the second row consists of more than 2 seats.</p>			A	91.5cm	(36")	Cushion not compressed	B	94 cm	(37")	Seat fully rearwards	C	61 cm	(24")	Front seat fully rearwards	D	84 cm	(33")	Cushion not compressed	E	244cm	(96")	Wheelbase	F1	132cm	(52")	Interior width between doors	F2	122cm	(48")	Between armrests	G	25.5cm	(10")	Point of measurement parallel with headrest	L	3.5m ²	(11.5 cu ft.)	Minimum luggage capacity (hard luggage)
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12	One Passenger Vehicle
	<p>In the case of a single passenger vehicle the vehicle must comply with all the standards above except for standards 2, 3 and 4 the dimensions which are replaced with the following:</p> <ul style="list-style-type: none"> • Front or rear engine layout – capacity minimum 800cc • Two passenger doors • Capacity for one passenger in addition to the driver. Vehicles must have direct, unobstructed access to all seats. <p>Dimensions:</p> <ul style="list-style-type: none"> • The passenger seat must have a minimum width of 40cm. • There must be adequate space for an assistance dog to be carried in the foot well in front of the passenger seat or in the luggage space at the rear of the vehicle. • There must be a minimum of 150 ltrs of luggage space.

Vehicle Test Information

The test is to determine the vehicle is `safe and comfortable` and meets the specification and requirement as determined within this document. Vehicles will be tested to MOT standard, with the vehicle being subjected to a static inspection and a road test.

All vehicle tests should be booked and paid for before presenting the vehicle for test at the test centre. Proof of booking and payment confirmation will be required on presenting the vehicle for test.

The following documents will be required for presentation at the test centre prior to the test commencing. Failure to provide any of the following documents may result in the test being delayed or the vehicle failing the test.

- Vehicle Log Book – V5 form (A signed Green slip or notice from previous keeper if the vehicle is progressing through change of ownership)
- Current MOT Certificate (A current MOT Certificate must be produced when the vehicle is presented for inspection at the Council's Test Centre, except vehicles that are presented for a test within one year of first registration).
- Current Road Tax – print-out from the website www.gov.uk/check-vehicle-tax
- Current Certificate of Insurance
- Vehicle Test Sheet – including proof of booking and payment
- Taxi Meter Calibration Certificate (confirming the meter is calibrated with the Councils Rates of Fares, is calendar controlled and is sealed according to the Councils requirements).
- Wheelchair lift / hoist test certificate (if applicable)

All test fees are non-refundable unless the test has been cancelled 48 hours prior to the date of the test.

If the vehicle presented at the test station does not match the vehicle details recorded on the booking list, the vehicle will not be tested and the test fee will not be refunded. Should the driver wish for the vehicle to be tested, then a new booking will be required and the vehicle presented on the new date.

1. Documents		
Method of Inspection	Reason for Failure	Notes
1.1 Check all relevant paperwork is present and correct	1.1 Out of date or no MOT. Vehicle does not meet the vehicle specification. Incorrect level of insurance cover for license.no proof of ownership or purchase	1.1 All Vehicles are required to have a current MOT certificate except vehicles that are presented for a test within one year of first registration
2. Vehicle Exterior		
Method of Inspection	Reason for Failure	Notes
2.1 The exterior of the bodywork, the underside of the vehicle and the engine compartment must be free from mud, oil and grease to allow for proper inspection of these areas (see Notes), i.e. cleaned.	2.1 Contamination preventing proper inspection.	2.1 If the vehicle comes for inspection in a filthy condition the inspection will not be carried out.
2.2 Check the operation of all external doors' catches and locks to ensure that all doors can be securely closed and easily opened.	2.2 Defective external door catches which prevent a door opening and closing properly. Missing or ineffective door locks.	
2.3 Check all doors to ensure that they are properly aligned and will close easily.	2.3 Poorly fitting doors to the vehicle.	
2.4 Ensure that the door hinges are in good condition allowing free movement of the door.	2.4 Defective door hinges.	
2.5 Check all wind-check positions to ensure that doors are held in place when opened.	2.5 Wind-checks which fail to hold the doors in place when opened.	2.5 Any wind check straps must be of a type approved by the manufacturer.
2.6 Examine the external body panels and structure for evidence of corrosion, damage and/or unsatisfactory repairs.	2.6 Corrosion or damage to the vehicle body or structure which adversely affects the appearance and/or safety of the vehicle.	2.6 Engineers certification may be required to satisfy the vehicle examiner that repairs have been properly carried out.
2.7 Examine the external paintwork for damage which adversely affects the appearance of the vehicle (see Notes).	2.7 Exterior of vehicle so dirty that the overall finish of the paintwork cannot be assessed. Paintwork so deteriorated, damaged, rust blistered or stone chipped, that it detracts from overall	2.7 Hackney Carriage and Private Hire Vehicle

	appearance of the vehicle. Renovations to paintwork which produce runs, flat or uneven finish or of non-matching colour, i.e. not compatible with adjacent panels. Repairs incomplete in primer or undercoat. Overspray on glass or other fittings.	
2.8 Check that the nearside and offside door/wing mirrors are fitted to the vehicle in a secure manner and that they function correctly.	2.8 Missing or defective door/wing mirrors.	
2.9 Ensure that the front and rear bumpers are in good order (without damage) and are securely fixed to the vehicle.	2.9 Damaged or inadequately secured front or rear bumpers.	
2.10 Ensure that front and rear number plates comply with the Vehicle Excise and Registration Act 1994 and the Road Vehicles (Registration and Licensing) Regulations. (See Notes.)	2.10 Damaged front or rear number plates e.g.: cracks, splits, and discolouration. Number plates which do not comply with the Vehicle Excise and Registration Act 1994 and Road Vehicles (Registration and Licensing) Regulations.	2.10 Registration mark obscured or indistinguishable is contrary to Section 43(1) of Vehicle Excise and Registration Act 1994. Registration mark failing to conform is contrary to regulation 17 of Road Vehicles (Registration and Licensing) Regulations and Section 59(1) of the Vehicle Excise and Registration Act 1994. Registration numbers should be (cars/mini bus):- 80mm Height 57mm Width 14mm Stroke width 11mm Space between letters 33mm Space between group of letters and figures. The year letter shall be regarded as a figure. Italic or gothic will normally contravene the stroke width measurement. It is an offence to rearrange, alter or miss-represent figures to form words.

2.11 Examine the rubber seals to every door for serious damage, looseness or absence.	2.11 Damaged, missing or loose door seals which are likely to cause draught, rainwater penetration, unreasonable road noise or a trip hazard.	2.11 The vehicle will fail the test where defects in a door seal are considered to be likely to cause rain penetration, excessive draught, excessive road noise inside the vehicle or represent a trip hazard to users of the vehicle.
2.12 Ensure that the vehicle boot lid opens, closes and locks properly and that the hinges and opening mechanism adequately support the lid when it is in the open position.	2.12 Worn hinges to boot lid, defective boot lock, weak or defective boot opening device and / or defective gas struts.	
2.13 Check the operation of the number plate light, reversing lights and front and rear fog lights.	2.13 Inoperable or insufficient number plate, reversing or fog lights.	2.13 Lights may be of insufficient intensity when incorrect bulbs have been fitted. Any lamp fitted must work correctly and be properly aligned.
2.14 Check operation on all wiper blades and mechanisms	2.14 Wiper mechanism incorrectly parking, torn or damaged causing poor clearance of glass.	
3. Hackney Carriage and Private Hire Vehicle Signs		
Method of Inspection	Reason for Failure	Notes
3.1 Examine the roof mounted sign affixed to the vehicle (see Notes), and ensure that its size, design and construction conform to the Council's standards. Ensure that the sign is undamaged and the lettering clearly legible.	3.1 A sign that does not conform to the Council's standards affixed to the vehicle. Letters and numbers handwritten with permanent marker	3.1 The Council's licence conditions require that a Hackney Carriage must be equipped with an illuminated sign on the roof of the vehicle bearing the word "FOR HIRE" on the front in plain letters at least 1½" in height and 'GBC' or GEDLING BOROUGH COUNCIL and the vehicle Licence No. on the back. Such lettering is to be of a permanent nature eg adhesive letters and numbers affixed directly to the body of the roof sign
3.2 Examine the fixing brackets which affix the roof mounted signs to the vehicle to ensure	3.2 A sign that is not satisfactorily secured to the vehicle.	

that the signs are secured in a satisfactory manner and are not likely to work loose.		
3.3 Check that roof mounted signs are properly illuminated (see Notes).	3.3 A sign which is damaged or has lettering which is not clearly legible.	3.3 The roof sign should be connected to the meter switch so that the cancelling of the meter automatically illuminates the sign and activating or switching off of the meter by other means (e.g. an isolator switch) extinguishes the sign.
3.4 Check that the roof mounted sign may be switched off by separate switch	3.4 A sign which can be switched off by separate means .	3.4 The roof sign should be connected to the meter switch so that the cancelling of the meter automatically illuminates the sign and activating or switching off of the meter by other means (eg an isolator switch) automatically extinguishes the sign.
3.5 Examine the signs where affixed to the vehicle to ensure that they comply with the Council's vehicle licence conditions	3.5 Non-compliance with conditions. THE ONLY ADVERTISING ALLOWED ON VEHICLES IS THE COMPANY NAME AND TELEPHONE NUMBER CONFINED TO A NOTICE FIXED TO BOTH FRONT DOOR PANELS	
4. Licence Plates – Front plates from 1st April 2016		
Method of Inspection	Reason for Failure	Notes
4.1 Inspect the vehicle licence plates (where fitted) fixed to the front and rear of the vehicle for signs of damage or excessive wear and ensure that it is securely fixed. Ensure that the information on the plate is clearly legible.	4.1 A damaged plate or a plate with information not clearly legible.	4.1 The Council's licence conditions require:- The licence plate to be displayed at all times immediately above/on/below the bumper so as not to obscure the registration mark.

4.2 Examine the plate fixings to the vehicle to ensure that it is securely fixed using bolts, screws or other method approved by the Council in accordance with the Local Authority's Conditions.	4.2 A plate which is not adequately secured to the vehicle.	4.2 Plates should be securely fixed to vehicle but must be able to be removed by a police officer or authorised officer of the Council. A plate affixed with very strong Velcro may be acceptable.
5. Tyres and Spare Wheel		
Method of Inspection	Reason for Failure	Notes
5.1 Tyres must be of the same type (see Notes). Ensure that a spare wheel or repair system is provided.	5.1 Variation in type of Tyre. A tyre which is of a different size or construction (See Notes).	5.1 SPACE SAVERS OR OTHER EMERGENCY REPAIR SYSTEMS – Space saver tyres and other emergency repair systems are allowed provided:- I. the type of space saver tyre or emergency repair system is an original part of the vehicle's design and manufacture; and 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 manufacturer's instructions III. It may only be used to get the vehicle to a location for the tyre to be changed for a full sized tyre – after any vehicle passengers have been transported to a place of safety.
5.2 Examine the tyres for signs of damage or excessive wear (see Notes). Ensure that the spare tyre complies with all legal requirements for tyres when fixed to the vehicle.	5.2 Damaged (e.g. Nails or objects embedded in the tyre causing puncture or other problems), worn, substandard or otherwise illegal tyres. Tyres below the Council's minimum Tread depth (see notes).	5.2 Tyre tread pattern should be a minimum of 2mm in depth throughout the complete circumference and tread breadth of the tyre.
5.3 Visually Check all tyre pressure to ensure that it is inflated to the correct pressure for the vehicle.	5.3 Under or over inflated spare tyre.	

5.4 Examine the jack and wheel brace provided with the vehicle to ensure that they are in good working order.	5.4 Failure to provide a suitable jack and/or wheel brace with the vehicle.	
5.5 Check the spare wheel fixing bracket (or similar securing device) to ensure that the wheel is properly secured in the correct position.	5.5 Failure to satisfactorily secure the spare wheel.	
5.6 Check the rims of all wheels for any signs of distortion or damage	5.6 A damaged or distorted wheel rim.	
5.7 Check brake discs and pads for excess wear.	5.7 Pad wear down to 2.5mm or less. Excess disc wear or disc faults.	
6. Boot / Luggage Compartment		
Method of Inspection	Reason for Inspection	Notes
6.1 Examine for evidence of damage, corrosion or water penetration.	6.1 Damage or corrosion to the floor inner wing panels or lid.	A jack, first aid kit, fire extinguisher and wheel chair ramps (where applicable) may be carried in the luggage compartment.
6.2 Examine floor covering to ensure that it is in good condition and offers adequate protection to luggage stores.	6.2 Excessive wear, damage or staining to floor covering.	
6.3 Examine the interior for accumulations of dirt, dust, grease, litter etc. or staining of any surface with which luggage may come into contact.	6.3 Accumulations of dirt, grease, rubbish etc. which could soil or damage luggage stored therein.	
6.4 Check for the presence of containers of any flammable or corrosive material (e.g. oil, petrol).	6.4 Containers for the storage of oil, petrol or any flammable or corrosive material shall not be carried in the vehicle.	6.4 These materials are a fire hazard. They may also contaminate passengers luggage, taint food, etc.
6.5 Ensure that all interior panels are in position, covering electrical wiring and associated fittings	6.5 Panels insecure or missing.	
7. Engine Compartment /		

Transmission / Mountings		
Method of Inspection	Reason for Failure	Notes
7.1 Carry out a visual inspection of the engine compartment for signs of oil or fuel leaks. (See Notes)	7.1 Any fluid leakage where contamination is apparent over parts of the engine or underside of the vehicle or where fluid is seen to be dripping from the vehicle.	7.1 Inspection to be carried out from both above and below the vehicle.
7.2 Ensure that the battery is properly secured in position.	7.2 Insecure battery.	
7.3 Examine all rubber/plastic hoses for signs of wear or deterioration.	7.3 Significantly worn or deteriorated hoses.	
7.4 Check the fan belt for signs of incorrect adjustment and/or deterioration.	7.4 An incorrectly adjusted or deteriorated fan belt.	
7.5 Examine the engine mountings for signs of deterioration.	7.5 Insecure or deteriorated engine mountings.	
7.6 Ensure that the radiator is properly secured to the vehicle and check for signs of any leaks.	7.6 A leaking or inadequately secured radiator.	
7.7 Examine the inner wing panels and suspension mounting tops for evidence of corrosion (see Notes).	7.7 Corrosion to the inner wing panels and suspension mounting tops.	7.7 This should include any corrosion around headlamp mountings.
7.8 Check the master cylinders for any signs of spillage or leakage of fluid.	7.8 Leaking master cylinders	
7.9 Check the clutch mechanisms for correct operation.	7.9 Fluid leakage or mechanical components wear in the clutch mechanisms.	
7.10 Check the operation of the bonnet release catch.	7.10 Defective bonnet release catch/mechanism.	
8. Interior of Vehicle		
Method of Inspection	Reason for Failure	Notes
8.1 Examine the floor and upholstery inside the vehicle for	8.1 A vehicle which is in a dirty condition with	8.1 Vehicle will be failed if cushion/backrests,

accumulations of dust, dirt, litter, general debris, staining or excessive wear.	accumulations of dust, litter, debris etc. or staining to the carpets or upholstery or evidence of smoking.	upholstery, carpeting or matting is collapsed, holed, split, temporarily repaired, dirty or stained.
8.2 Check that there are no excessive unpleasant odours noticeable inside the vehicle.	8.2 Unacceptable smells of vomit, food, smoke or other contaminants	
8.3 Remove any mats from the floor and examine the carpeting for signs of leakage of water into the vehicle.	8.3 Evidence of leakage of water into the vehicle from rainwater penetration or leaking cooling/heating system.	
8.4 Examine any mats provided to ensure that they are not worn or damaged.		
8.5 Sit in each of the passenger seats within the vehicle to ensure that all seat cushions and back rests are in a good condition and offer proper support to passengers and the driver.		8.5 Correctly fitted seat covers will be acceptable.
8.6 Examine all seats to ensure that they are properly secured to the vehicle; with a fixed rear seat ensure that the seat cushion is not loose.	8.6 Seats which are not adequately secured to the vehicle.	
8.7 Check that all seats have seatbelts fitted and that the seatbelts work.	8.7 No seatbelt(s) or seatbelt(s) that do not work.	8.7 The Council's conditions specify that a seatbelt should be provided for every passenger and that these should be readily accessible and maintained in a usable state of repair.
8.8 Check the operation of the interior light within the vehicle, both the manual switch and the door operated switches.	8.8 Faulty interior light fitting. Faulty interior light switch. Faulty interior light door switches.	
8.9 Examine the interior rear view mirror and ensure that it is securely fixed.	8.9 A loose, damaged or missing rear view mirror.	
8.10 Check the operation of the heater/ windscreen demister to ensure that it is in satisfactory	8.10 Defective heater/windscreen demister.	

working order.		
8.11 Examine the clutch and brake pedal rubbers for signs of excessive wear.	8.11 Worn or missing brake and/or clutch pedal rubbers.	
8.12 Check the operation of all window winders ensuring that they allow all windows to be fully lowered and raised easily.	8.12 Window winders that do not allow windows to be easily lowered or raised.	
8.13 Check the operation of all door release catches to ensure that doors can be opened easily from within the vehicle.	8.13 Defective interior door release catches.	
8.14 Ensure that child proof locks (if fitted) to rear doors are in working order.	8.14 Defective child proof locks.	
8.15 Check that any rubbish trays provided for the vehicle are intact and capable of being used. (Where trays have been removed they should be blanked off.)	8.15 Unserviceable trays or trays that have not been blanked off where removed.	
8.16 If a metal grille is fitted, check to ensure that there are no sharp or exposed parts which could cause injury to a passenger or driver.	8.16 Loose or incorrectly fitted grille or exposed parts which could cause injury.	8.16 The fitting of a metal grille is not compulsory.
8.17 Check that estate cars are fitted with al luggage guard or cover.	8.17 Luggage guard/cover not fitted or ineffective.	
8.18 Check 'No Smoking' Sticker(s) prominently displayed.	8.18 Not displaying sticker.	
8.19 Check steering wheel in sound condition	8.19 Steering wheel fabric/leather twists on wheel causing insecurity.	
8.20 Where vehicles have been adapted	8.20 Wheelchair fixings are not working for wheelchair access check all the Fixings necessary to carry wheelchairs	
8.21 Examine the seating	8.21 Over 8 passenger seats	

capacity to check	for maximum allowance of 8 passengers driver) (excluding driver)	
8.22 Check position of seating for access	8.22 No clear and unobstructed access	8.22 Vehicle must have a free, easy access to all seats (Sliding or tilting seats will not be considered an obstruction provided the seat action, tilt / slide is maintained and fully functional)
8.23 Check airbag system for damage/failure.	8.23 Steering wheel or dashboard has damage to airbag area. Airbag warning lamp does not illuminate when ignition turned on or fails To go out after engine starts. Low fuel lamp illuminated.	
8.24 Check all dashboard warning lamps for correct use Check fuel level. illuminated at all times or Incorrectly.	8.24 If any warning lamp remains illuminated, the vehicle will not be subjected to a road test	
8.25 Check for Drivers Licence badge holder located on the dashboard and that it is clearly visible from all seats within the vehicle.	8.25 No badge holder / or obstructed view of badge holder.	Badge holder must not be sited over the location from where air bags are deployed
8.26 Check that the notice for passengers to make complaints or compliments about the driver or vehicle are displayed.	Notice not displayed.	
9.First Aid Kit / Replacement Bulbs & Fuses		
Method of Inspection	Reason for Failure	Notes
9.1 Ensure that a first aid kit is provided within the vehicle. Examine the kit to ensure that the contents conform to the requirements laid down in the Council's specification (see Notes).	9.1 Failure to provide a first aid kit, or a kit which does not conform to the Council's specification. A first aid kit which is sited in a position which is not readily accessible for use.	9.1 The Health & Safety (First Aid) Regulations 1981 Specification for travelling First Aid Kits is:- (a) Six individually wrapped sterile adhesive dressings. (b) One medium sized sterile non medicated dressing (60pprox.. 10cm x 8cm; examples of suitable dressings

		<p>currently available are the Standard Dressings No 8 and No. 13 BPC).</p> <p>© One triangular bandage (this should, if possible, be sterile: if not, a sterile covering appropriate for serious wounds should also be included).</p> <p>(d) Six safety pins.</p> <p>The first aid kit must be within the 'use by' date.</p>
9.2 See that the first aid kit is permanently legibly marked with the registration number of the vehicle being tested.	9.2 A first aid kit which is not permanently legibly marked with the Registration number of the vehicle.	
9.3 Check the vehicle is carrying set of replacement bulbs for the headlights, taillights, sidelights, brake lights and indicators	9.3 Replacement bulb set does not contain 1 headlight, 1 taillight, 1 side light, 1 brake light, 1 indicator light and 1 rear number plate light as minimum.	9.3 bulbs to be suitable for the vehicle type and be road legal
9.4 Check the vehicle is to carry a set of replacement fuses	9.4 A selection of various sizes of fuses are not carried on the vehicle	9.4 Fuses to be suitable for vehicle type.
10. Fire Extinguishers		
Method of Inspection	Reason for Failure	Notes
10.1 Ensure that the fire extinguisher provided is a 2 litre AFFF foam extinguisher, or a minimum 1kg dry powder extinguisher.	10.1 Failure to provide a fire extinguisher, or a fire extinguisher of the stated type, within the vehicle.	
10.2 See that the fire extinguisher is sited in a conspicuous and easily accessible position within the vehicle.	10.2 A fire extinguisher which is not in a conspicuous and readily accessible position within the vehicle.	
10.3 Examine the fire extinguisher to ensure that it is within the test date and that the seal is not broken. Where a pressure gauge is fitted ensure	10.3 (a) A fire extinguisher which has a broken seal. (b) A fire extinguisher which is not pressurised	

that the extinguisher is at the correct pressure.	(stored pressure type of extinguisher) (c) A fire extinguisher which is more than five years old from date of manufacture.	
10.4 Examine the fire extinguisher mounting to see that it is sufficiently well secured to the vehicle to prevent it becoming dislodged by normal use of the vehicle.	10.4 A fire extinguisher which is not securely fixed within the vehicle.	10.4 A fire extinguisher may be secured in the boot area provided a sign to the effect is displayed prominently and legibly inside the vehicle.
10.5 Check whether the fire extinguisher is permanently legibly marked with the Registration Number of the vehicle.	10.5 A fire extinguisher which is not permanently and legibly marked with the Registration Number of the vehicle.	
11. Road Test		
Method of Inspection	Reason for Failure	Notes
(All vehicles will undergo a road test unless the vehicle has failed any MOT testable item or there is insufficient fuel for the journey)		
11.1 Check for any vibrations through the steering column or transmission.	11.1 Any unreasonable vibration through the steering column or transmission.	
11.2 Check that the steering is true and positive and does not 'pull' to the nearside or offside.	11.2 Steering which pulls to the nearside or offside or which is not positive.	
11.3 Check that the operation of the footbrake does not cause the vehicle to judder or to pull the vehicle to the nearside or offside.	11.3 Juddering or pulling to nearside/offside when the footbrake is applied.	
11.4 Listen for any unusual noise from the engine and transmission.	11.4 Unacceptable engine or transmission noise.	
11.5 Check the clutch for correct operation.	11.5 A clutch which fails to give proper clearance or slips in operation.	

11.6 Check the operation of the gear lever for signs of wear in the mechanism.	11.6 Evidence of wear in gear lever mechanism.	
11.7 Observe the vehicle exhaust emission for evidence of excessive smoke.	11.7 Excessive smoke emission.	
11.8 Observe the performance of the engine during the road test for signs of any misfiring, lack of engine power etc., or any indication that the engine is not functioning in the correct manner.	11.8 Any evidence that there is a problem affecting the performance or reliability of the vehicle.	
11.9 Check the operation of the speedometer.	11.9 Speedometer inoperative or defective.	
11.10 Report any other matters which affect the fitness of the vehicle for use as a hackney carriage or private hire vehicle.		
12. Meters - Meters to be of Calendar Controlled type for new and renewal vehicles tested from 1st April 2016		
Method of Inspection	Reason for Failure	Notes
12.1 Ensure that the meter is sited in a position where it can be clearly seen from all passenger seats within the vehicle or in accordance with the Authority's licence conditions.	12.1 Absence of a meter, or a meter which is not suitably sited within the vehicle.	12.1 Private hire vehicles are not required to have a meter fitted within the vehicle. When fitted to a private hire vehicle a meter must comply with the specifications as set out in this sheet.
12.2 Examine the meter mounting to ensure that it is satisfactorily secured within the vehicle. And that mounting seals are intact	12.2 A meter which is not adequately secured within the vehicle and sealed accordingly.	
12.3 Check the meter to ensure that the figures indicating the fare are illuminated.	12.3 Lack of adequate illumination to the meter display.	
12.4 Ensure that the meter is correctly calibrated and sealed	12.4 An incorrectly calibrated meter	12.4 The calibration test should be carried out by

<p>in accordance with the agreed table of fares (see Notes).</p>	<p>An unsealed meter. A non-calendar controlled meter. Failure to produce Calibration Certificate</p> <p>Meter and Calibration Certificate do not match</p>	<p>test driving the vehicle over the agreed 'measured distance' and ensuring the appropriate fare displayed corresponds to the distance covered.</p> <p>Verify meter fitted in the vehicle is the meter stated on the Calibration Certificate</p>
<p>12.5 Check that a table of fares (in the format laid down by the Council), is displayed in the vehicle in a position where it can be clearly seen by passengers in the front and rear of the vehicle.</p>	<p>12.5 Failure to display a table of fares in a conspicuous position within the vehicle.</p>	

Appendices

SENTENCES AVAILABLE TO THE MAGISTRATES' COURT FOR OFFENDERS AGED 18 AND OVER

1	Absolute and Conditional Discharge - either discharge completely or subject to the offender committing no further offences for a certain period.
2	Bind Over - bind over to keep the peace.
3	Compensation [up to £5,000] – payment to compensate the victim of the crime for loss, injury or suffering.
4	Fine [up to £5,000 more if specified for certain offences] – financial penalty.
5	<p>Community Order – a court may pass on an offender a community order of a low, medium or high level. The order must have one or more of the following requirements:</p> <ul style="list-style-type: none"> • an unpaid work requirement • an activity requirement • a programme requirement • a prohibited activity requirement • a curfew requirement • an exclusion requirement • a residence requirement • a mental health treatment requirement • a drug rehabilitation requirement • an alcohol treatment requirement • a supervision requirement • an attendance centre requirement – if the offender is under 25 <p>NB offences committed before 4 April 2005 are dealt with by way of old style community orders:</p> <ul style="list-style-type: none"> • Community Rehabilitation Order • Community Service Order • Combination Order • Attendance Centre – under 21s only • Drug Treatment and Testing Order
6	Short Detention – usually for a day or a few hours defendant must be detained in the court house or local police station
7	Suspended sentence Order – a period of imprisonment/detention is imposed but suspended for a period up to two years. The order must include one or more of the requirements listed above. For pre 4 th April 2005 offences an old style suspended sentence can be given.
8	Detention in Young Offenders Institution - under 21 only
9	Imprisonment - over 21 only

10	Ancillary Orders may be imposed in relation to certain convictions in addition to a usual penalty for example Anti-Social behaviour Orders, Football Banning Orders, drink banning Orders, Disqualification from driving.
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Major Traffic Convictions

Code	Conviction	Penalty Points
AC10	Failing to stop after an accident	5 to 10
AC20	Failing to give particulars or to report an accident within 24 hours	5 to 10
AC30	Undefined accident offences	4 to 9
BA10	Driving while disqualified by order of the court	6
BA20	Attempting to drive while disqualified by order of court	6
CD10	Driving without due care and attention	3 to 9
CD20	Driving without reasonable consideration for other road users	3 to 9
CD30	Driving without due care and attention or without reasonable consideration for other road users	3 to 9
CD40	Causing death through careless driving when unfit through drink	3 to 11
CD50	Causing death by careless driving when unfit through drugs	3 to 11
CD60	Causing death by careless driving with alcohol level above limit	3 to 11
CD70	Causing death by careless driving then failing to supply a specimen for alcohol analysis	3 to 11
CD80	Causing death by careless, or inconsiderate, driving	3 to 11
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers	3 to 11
DD10	Causing serious injury by dangerous driving	3 to 11
DD40	Dangerous driving	3 to 11
DD60	Manslaughter or culpable homicide while driving a vehicle	3 to 11
DD80	Causing death by dangerous driving	3 to 11
DD90	Furious driving	3 to 9
DR10	Driving or attempting to driver with alcohol level above limit	3 to 11
DR20	Driving or attempting to drive while unfit through drink	3 to 11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3 to 11

DR31	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity	3 to 11
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of a vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive	10
DR70	Failing to provide specimen for breath test	4
DR80	Driving or attempting to drive when unfit through drugs	
DR90	In charge of a vehicle when unfit through drugs	10
IN10	Using a vehicle uninsured against third party risks	6 to 8
LC20	Driving otherwise than in accordance with a licence	3 to 6
LC30	Driving after making a false declaration about fitness when applying for a licence	3 to 6
LC40	Driving a vehicle having failed to notify a disability	3 to 6
LC50	Driving after a licence has been revoked or refused on medical ground	3 to 6
MS50	Motor racing on the highway	3 to 11
MS60	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)	3
UT50	Aggravated taking of a vehicle	3 to 11
TT99	Disqualification under totting-up – if the total penalty points reaches 12 or more within 3 years, the driver can be disqualified	

Aiding, abetting, counselling or procuring convictions

For these convictions the number 0 on the code is changed to 2

Causing or permitting convictions

For these convictions the number 0 on the code is changed to 4

Inciting convictions

For these convictions the number 0 on the code is changed to 6

Minor Traffic Convictions

Code	Conviction	Penalty Points
CU80	Breach of a requirement as to control of a vehicle, using a mobile etc (must be referred to Committee)	6
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play Street Offences	2
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver etc	6
MW10	Contravention of special roads regulations (excluding speed limits)	3
PC10	Undefined contravention of pedestrian crossing regulations	3
PC20	Contravention of pedestrian crossing regulations with moving vehicle	3
PC30	Contravention of pedestrian crossing regulations with a stationary vehicle	3
TS10	Failing to comply with traffic light signal	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with 'Stop' sign	3
TS40	Failing to comply with direction of a constable/warden	3
TS50	Failing to comply with traffic sign (excluding 'Stop' signs, traffic lights or double white lines)	3
TS60	Failing to comply with school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3

Aiding, abetting, counselling or procuring convictions

For these convictions the number 0 on the code is changed to 2

Causing or permitting convictions

For these convictions the number 0 on the code is changed to 4

Inciting convictions

For these convictions the number 0 on the code is changed to 6

Hybrid Convictions

Code	Conviction	Penalty Points
CU10	Using a vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective tyres	3
CU50	Causing or likely to cause danger by reason of load or passengers	3
SP10	Exceeding goods vehicle speed limits	3 to 6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3 to 6
SP30	Exceeding statutory speed limit on a public road	3 to 6
SP40	Exceeding passenger vehicle speed limit	3 to 6
SP50	Exceeding speed limit on a motorway	3 to 6

Aiding, abetting, counselling or procuring convictions

For these convictions the number 0 on the code is changed to 2

Causing or permitting convictions

For these convictions the number 0 on the code is changed to 4

Inciting convictions

For these convictions the number 0 on the code is changed to 6

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

1	<p>Disabled passenger</p> <p>Any disabled passenger, including wheelchair users.</p>
2	<p>Duties</p> <ul style="list-style-type: none"> • To carry the passenger • To carry their wheelchair (e.g. in the boot of the vehicle) • To carry their mobility aids • To take reasonable steps to carry the passenger in safety and reasonable comfort • To provide reasonable mobility assistance • Not to make, or propose to make, any charge for carrying out the above duties
3	<p>Defences</p> <ul style="list-style-type: none"> • That the driver could not reasonably have known that the passenger was disabled (in order to comply with the duties) • It would not have been possible or reasonable for the wheelchair or mobility aids to be carried safely in the vehicle • It would not have been reasonable in all the circumstances for the wheelchair or mobility aids to be carried in the vehicle • 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.

1	<p>Disabled passenger</p> <p>Any disabled passenger, including wheelchair users.</p>
2	<p>Duties</p> <ul style="list-style-type: none"> • To take such steps as are reasonable to assist the passenger to identify and find the vehicle which has been hired • Not to make, or propose to make, any additional charge for complying with the above duty
3	<p>Defences</p>

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)

1	<p>Disabled passenger</p> <p>Assistance dog users.</p>
2	<p>Duties</p> <ul style="list-style-type: none"> • Carry the disabled person's dog and allow it to remain with that person • Not make, or propose to make, any additional charge for doing so
3	<p>Defences</p> <p>There are no defences for this section.</p>

Section 170 (PHV Only)

	<p>Disabled passenger</p> <p>Assistance dog users.</p>
	<p>Offences</p> <ul style="list-style-type: none"> • A driver commits an offence by • Failing or refusing to carry out a booking accepted by the operator • If the booking is made by, on or behalf of, a disabled person • The reason for the failure or refusal is that the disabled person is accompanied by an assistance dog • Making, or proposing to make, an additional charge for carrying an assistance dog
3	<p>Defences</p> <ul style="list-style-type: none"> • There are no defences for this section.

Duties on drivers of designated wheelchair accessible Hackney Carriages and PHVs

Section 164A

1	<p>Disabled passenger</p> <p>Any disabled passenger, apart from wheelchair users.</p>
2	<p>Duties</p> <ul style="list-style-type: none"> • To carry the passenger • To carry their mobility aids • To take reasonable steps to carry the passenger in safety and reasonable comfort • To provide reasonable mobility assistance • Not to make, or propose to make, any charge for carrying out the above duties
3	<p>Defences</p> <ul style="list-style-type: none"> • That the driver could not reasonably have known that the passenger was disabled (in order to comply with the duties)

	<ul style="list-style-type: none"> • It would not have been possible or reasonable for the mobility aids to be carried safely in the vehicle • It would not have been reasonable in all the circumstances for the wheelchair or mobility aids to be carried in the vehicle • The driver could not reasonably have known that the passenger required mobility assistance of the type required by the passenger
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Section 165

1	Disabled passenger Wheelchair users.
2	Duties <ul style="list-style-type: none"> • To carry the passenger while in the wheelchair • If the passenger chooses to sit in a passenger seat, to carry the wheelchair (e.g. in the boot of the vehicle) • To carry their mobility aids • To take necessary steps to carry the passenger in safety and reasonable comfort • To provide reasonable mobility assistance • Not to make, or propose to make, any charge for carrying out the above duties
3	Defences <ul style="list-style-type: none"> • It would not have been possible for the wheelchair or mobility aids to be carried safely in the vehicle • 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.

1	Disabled passenger Any disabled passenger, including wheelchair users.
2	Duties <ul style="list-style-type: none"> • To take such steps as are reasonable to assist the passenger to identify and find the vehicle which has been hired • Not to make, or propose to make, any additional charge for complying with the above duty
3	Defences <ul style="list-style-type: none"> • 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)

1	Disabled passenger	Page 210
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	Assistance dog users.
2	Duties <ul style="list-style-type: none"> • Carry the disabled person's dog and allow it to remain with that person • Not make, or propose to make, any additional charge for doing so
3	Defences <ul style="list-style-type: none"> • There are no defences for this section.

Section 170 (PHV Only)

1	Disabled passenger Assistance dog users.
2	Offences <ul style="list-style-type: none"> • Failing or refusing to carry out a booking accepted by the operator • If the booking is made by, on or behalf of, a disabled person • The reason for the failure or refusal is that the disabled person is accompanied by an assistance dog • Making, or proposing to make, and additional charge for carrying an assistance dog
3	Defences <ul style="list-style-type: none"> • There are no defences for this section.

Offences on PHV operators

Section 167A

1	Disabled passenger Any disabled passenger, including wheelchair users.
2	Offences <ul style="list-style-type: none"> • Failing or refusing to accept a booking for the vehicle if: <ul style="list-style-type: none"> The booking is made by, on or behalf of, a disabled person • The reason for the failure or refusal is: <ul style="list-style-type: none"> That the person is disabled or To prevent the driver from being made subject to a duty at sections 164A, 165, or 165A • Making, or proposing to make, and additional charge for carrying out any duty on the driver under sections 164A, 165, or 165A
3	Defences <ul style="list-style-type: none"> • It was reasonable not to have accepted the booking due to a lack of suitable vehicles

Section 170

1	Disabled passenger Assistance dog users.
2	Offences Failing or refusing to accept a booking for the vehicle if the reason for the failure or refusal is: <ul style="list-style-type: none">• That the person will be accompanied by an assistance dog• To prevent the driver from being made subject to a duty at section 170• Making, or proposing to make, and additional charge for carrying an assistance dog
3	Defences <ul style="list-style-type: none">• There are no defences for this section.

Hackney Carriage Driver's Licence Conditions

Definitions
<p>'Authorised Officer' means any officer authorised in writing by the council for the purposes of these conditions, and any statutory requirements relating to taxi licensing.</p> <p>'The Council' means Gedling Borough Council.</p> <p>"Hackney Carriages" or "vehicle" has the same meaning as in the Town Police Clauses Act 1847.</p> <p>'Proprietor' means the person or persons or body named in the licence as the Proprietor of the Hackney Carriage and includes part Proprietors and in relation to a vehicle subject to a hiring agreement or a hire purchase agreement, means the person in possession of the vehicle under that agreement.</p>

1	<p>Assignment of Licence</p> <p>The Licensee shall not assign or in any way part with the benefit of the Licence. It is personal to the Licensee.</p>
2	<p>Deposit of Licence with Hackney Carriage Proprietor</p> <p>The Licence shall be delivered to and deposited with the Proprietor of the Hackney Carriage or with the Operator, if applicable.</p>
3	<p>Drivers Badge</p> <p>The driver shall;</p> <ul style="list-style-type: none"> • at any time while the vehicle is plying for hire or being hired the driver will wear, in a conspicuous position so as to be clearly visible, one of two drivers badges issued by the Council. • mount the identity badge holder 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 is to be mounted in the holder at any time while the vehicle is plying for hire or being hired. • return their badges to the Council as soon as the Licence ceases to be in force.
4	<p>Conduct of Driver</p> <p>The driver shall;</p> <ul style="list-style-type: none"> • afford all reasonable assistance with passengers luggage.

	<ul style="list-style-type: none"> • be clean and respectable in their dress and person and behave in a civil and orderly manner. • take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by them. • not, without the express consent of the hirer, drink or eat in the vehicle whilst it is being hired. • at no time cause or permit the noise emitted by any device in the vehicle which they are driving, to be a source of nuisance or annoyance to any person whether inside or outside the vehicle. • not smoke or permit passengers to smoke in the vehicle at any time. • not use or permit passengers to use E-Cigarettes, Personal vaporizers or Electronic Nicotine Delivery Systems within the vehicle at any time
5	<p>Prompt Attendance</p> <p>The driver of a Hackney Carriage who has agreed, or has been hired to be in attendance with the Hackney Carriage at an appointed time and place shall, unless delayed or prevented by some reasonable cause, punctually attend.</p>
6	<p>.Destination</p> <p>The driver of a Hackney Carriage when hired to a particular destination shall not, without reasonable cause, unnecessarily prolong in distance, or in time, the journey for which the Hackney Carriage has been hired.</p>
7	<p>Passengers</p> <ul style="list-style-type: none"> • the driver shall not convey or permit to be conveyed in a Hackney Carriage, a greater number of persons than that prescribed in the Licence for the vehicle. • The driver shall not allow more than one passenger to be conveyed in front of the Hackney Carriage. • The driver shall not, without the consent of the hirer of the Hackney Carriage, convey or permit to be conveyed any other person in the vehicle. • The driver may, at their discretion, convey animals or pets, provided that the driver shall not refuse to convey assistance dogs.
8	<p>Licence renewals and declarations</p> <p>For licences issued for more than one year but less than three years the licence holder will sign and submit a declaration to the Council in relation to their circumstances, at the end of each 12-month period. The licence holder will also undertake a DVLA check.</p> <p>The licence holder will also be required to sign up to the online DBS system to enable the Council to undertake an online Disclosure and Barring Services (DBS) check at the time of renewal in the case of a licence issued for 1 year,</p>

or at the time of the 12- or 24-month declarations in the case of a licence that has been granted for a period greater than 12 months.

The licence holder will provide evidence to the Council if they are unable to sign up to the online DBS service and if the evidence is accepted by the Council the licence holder will be required to complete a DBS application form and apply by post.

If this condition is not complied with, the Director has delegated authority to suspend the licence, after giving a 7-day notice period, until the declaration has been fully completed.

9 Medicals

The licence holder shall notify the Council as soon as is reasonably practicable of any change to their medical circumstances which could affect them meeting the DVLA Group 2 Medical Standard.

The DVLA Group 2 Medical standard can be found at www.gedling.gov.uk

10 Statement of Fares

The driver of a Hackney Carriage shall ensure that a statement of fares or rates of fares currently in force in the district shall be displayed at all times and shall not be concealed or rendered illegible at any time while the Hackney Carriage is plying, or being used, for hire.

11 Taxi Meters and Data Systems

When the Licensee is driving a vehicle equipped with a taximeter they shall:-

- when the vehicle is not hired keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter.
- at the commencement of the journey when the vehicle is being used as a Hackney Carriage and is hired by distance, bring the machinery of the taximeter into action so that the word "Hired" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring.
- be entitled to demand and take for the hire of the vehicle, when used as a Hackney Carriage by distance the rate of fare indicated in the statement displayed inside the vehicle in accordance with Condition 7B of the Council's Conditions for a Hackney Carriage Vehicle, provided always that the Licensee shall not take or demand a fare greater than that shown on the face of the taximeter.
- ensure that during the time the vehicle is hired by distance the display of the taximeter is plainly visible to any person travelling in the vehicle and is properly illuminated.
- not wilfully or negligently cause or suffer the letters or figures in the statement displayed inside the vehicle, in accordance with Condition 7B of the Council's Conditions for a Hackney Carriage Vehicle Licence, to be concealed or rendered illegible at any time.

The driver of a Hackney Carriage shall not tamper with or permit any person other than an authorised officer to tamper with any taximeter, fittings or seals provided in the Hackney

	<p>Carriage, provided that any necessary repairs may be carried out subject to prior notification to the Council.</p> <p>Vehicles <u>must</u> be presented for inspection by the Council as soon as is reasonably practicable following any adjustments or repairs to the taxi meter.</p> <p>The driver shall ensure that when the vehicle is not undertaking a hire journey, no fare is recorded on the face of the meter.</p> <p>On commencement of a journey the driver shall bring the meter into action and keep the meter in action until the termination of the hiring.</p> <p>The driver shall cause the meter to be properly illuminated throughout any part of the hiring which is during the hours of darkness and at any other time if requested to do so by the hirer of the Hackney Carriage.</p> <p>The meter switch must be independent of the roof sign illumination switch.</p> <p>The driver must not charge a fare higher than that displayed on the meter at the termination of the journey.</p>
<p>12</p>	<p>Proceeding to Ranks</p> <p>The driver of a Hackney Carriage shall, when plying for hire in any street and not actually hired;</p> <ul style="list-style-type: none"> • proceed with reasonable speed to one of the stands appointed by the Council. • if a stand, at the time of their arrival, is occupied by the full number of Hackney Carriages authorised to occupy it, proceed to another stand. • on arriving at a stand not already occupied by the full number of hackney carriages authorised to occupy it, park the carriage immediately behind the carriages already on the stand so as to face the same direction. • from time to time when any other hackney carriage immediately in front is driven off or moved forward cause their carriage to be moved forward so as to fill the place previously occupied by the hackney carriage driven off or moved forward.
<p>13</p>	<p>Lost Property</p> <p>Any property left in a Hackney Carriage shall, within twenty-four hours, be taken by the driver, to the nearest police station.</p>
<p>14</p>	<p>Change of Address</p> <p>The driver shall give notice to the Council of any change of their address, during the period of the licence, within seven days of such change taking place.</p>
<p>15</p>	<p>Convictions, Motoring Offences and Charges Pending</p> <p>The driver shall, within 48 hours, disclose to the Council, in writing preferably by email at:</p>

licensing@gedling.gov.uk or by using the link on the Council's website at: www.gedling.gov.uk, details of any arrest and release, pending charges, convictions and motoring offences incurred by them during the period of the Licence.

16 Accidents

The Proprietor shall within seventy-two hours of any accident involving the vehicle, report in writing such occurrence to the Council.

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.

Private Hire Driver's Licence Conditions

Definitions
<p>"Authorised Officer" means any Officer authorised in writing by the Council for the purposes of these conditions.</p> <p>"The Council" means Gedling Borough Council.</p> <p>"Proprietor" means the person or persons or body named in the licence as the Proprietor of the Private Hire Vehicle and includes part Proprietors and in relation to a vehicle subject to a hiring agreement or a hire purchase agreement, means the person in possession of the vehicle under that agreement.</p> <p>"Private Hire Vehicle" or "Vehicle" means the private hire vehicle licensed by the Council under the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>"The Operator" means a person holding a Licence to operate Private Hire Vehicles issued pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>"1976 Act" means the Local Government (Miscellaneous Provisions) Act 1976.</p>

1	<p>Assignment of Licence</p> <p>The Licensee shall not assign or in any way part with the benefit of the Licence. It is personal to the Licensee.</p>
2	<p>Deposit of Licence with Hackney Carriage Proprietor</p> <p>The Licence shall be delivered to and deposited with the Proprietor of the Private Hire Vehicle or with the Operator, if applicable.</p>
3	<p>Drivers Badge</p> <p>The driver shall;</p> <ul style="list-style-type: none"> • at any time while the vehicle is plying for hire or being hired the driver will wear, in a conspicuous position so as to be clearly visible, one of two drivers badges issued by the Council. • mount the identity badge holder 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 is to be mounted in the holder at any time while the vehicle is plying for hire or being hired. • return their badges to the Council as soon as the Licence ceases to be in force.
4	<p>Conduct of Driver</p> <p>The driver shall;</p>

	<ul style="list-style-type: none"> • afford all reasonable assistance with passengers' luggage. • be clean and respectable in their dress and person and behave in a civil and orderly manner. • take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by them. • not, without the express consent of the hirer, drink or eat in the vehicle whilst it is being hired. • at no time cause or permit the noise emitted by any device in the vehicle which they are driving, to be a source of nuisance or annoyance to any person whether inside or outside the vehicle. • not smoke or permit passengers to smoke in the vehicle at any time. • not use or permit passengers to use E-Cigarettes, Personal vaporizers or Electronic Nicotine Delivery Systems within the vehicle at any time
5	<p>Prompt Attendance</p> <p>The driver of a Private Hire vehicle who has agreed, or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some reasonable cause, punctually attend.</p>
6	<p>Destination</p> <p>The driver of a Private Hire vehicle when hired to a particular destination shall not, without reasonable cause, unnecessarily prolong in distance, or in time, the journey for which the vehicle has been hired.</p>
7	<p>Passengers</p> <ul style="list-style-type: none"> • The driver shall not convey or permit to be conveyed in a Private Hire vehicle a greater number of persons than that prescribed in the Licence the vehicle. • The driver shall not allow more than one passenger to be conveyed in the front seat of the Private Hire vehicle, unless more than one seat is provided for passengers. • The driver shall not, without the consent of the hirer of the Private Hire vehicle convey or permit to be conveyed any other person in the vehicle. • The driver may, at their discretion, convey animals or pets, provided that the driver shall not refuse to convey guide dogs for the blind.
8	<p>Licence renewals and declarations</p> <p>For licences issued for more than one year but less than three years the licence holder will sign and submit a declaration to the Council in relation to their circumstances, at the end of each 12-month period. The licence holder will also undertake a DVLA check.</p>

	<p>The licence holder will also be required to sign up to the online DBS system to enable the Council to undertake an online Disclosure and Barring Services (DBS) check at the time of renewal in the case of a licence issued for 1 year, or at the time of the 12- or 24-month declarations in the case of a licence that has been granted for a period greater than 12 months.</p> <p>The licence holder will provide evidence to the Council if they are unable to sign up to the online DBS service and if the evidence is accepted by the Council the licence holder will be required to complete a DBS application form and apply by post.</p> <p>If this condition is not complied with, the Director has delegated authority to suspend the licence, after giving a 7-day notice period, until the declaration has been fully completed.</p>
9	<p>Medicals</p> <p>The licence holder shall notify the Council as soon as is reasonably practicable of any change to their medical circumstances which could affect them meeting the DVLA Group 2 Medical Standard.</p> <p>The DVLA Group 2 Medical standard can be found at www.gedling.gov.uk</p>
10	<p>Lost Property</p> <p>Any property left in a Hackney Carriage shall, within twenty-four hours, be taken by the driver, to the nearest police station.</p>
11	<p>Change of Address</p> <p>The driver shall give notice to the Council of any change of their address, during the period of the licence, within seven days of such change taking place.</p>
12	<p>Convictions, Motoring Offences and Charges Pending</p> <p>The driver shall, within 48 hours, disclose to the Council, in writing preferably by email at: licensing@gedling.gov.uk or by using the link on the Council's website at: www.gedling.gov.uk, details of any arrest and release, pending charges, convictions and motoring offences incurred by them during the period of the Licence.</p>
13	<p>Accidents</p> <p>The Proprietor shall within seventy-two hours of any accident involving the vehicle, report in writing such occurrence to the Council.</p>

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.

Hackney Carriage Vehicle Licence Conditions

Definitions
<p>"The Council" means the Gedling Borough Council.</p> <p>"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.</p> <p>"Hackney Carriages" or "vehicle" has the same meaning as in the Town Police Clauses Act 1847.</p> <p>"1976 Act" means the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>"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.</p> <p>"Technical Test" means such test as the Council may prescribe to assess the mechanical fitness and suitability of the vehicle.</p> <p>"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.</p> <p>"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.</p> <p>The Proprietor shall observe and perform the following terms and conditions:-</p>

Vehicle

1	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.
2	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.
3	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
4	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.
5	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, they may immediately suspend the vehicle Licence. The Proprietor shall forthwith upon being required 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 their custody until such time as they are satisfied as to the condition of the vehicle, whereupon the Licence Plate shall be returned to the Proprietor.
6	The Hackney Carriage Vehicle Licence shall be valid for a period of six months, where the vehicle is over 3 years of age.
7	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
8	If, on inspection, the vehicle fails the technical test, the vehicle must be submitted for re-inspection within fourteen days. If the Proprietor fails to comply with this time limit 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.
9	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.
10	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.
11	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.
12	Space saver tyres are allowed provided: <ul style="list-style-type: none"> • the type of space saver tyre is an original part of the vehicle's design and manufacture. • 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.

Licence Plate and Drivers Badge

13	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
14	The Licence Plate referred to in Condition 22 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.
15	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.
16	In the event of a Plate being stolen, the Proprietor shall make a report immediately to the local police station.
17	Replacement Plates will be issued for a fee determined by the Council and payable by the Proprietor.
18	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.

Documentation

19	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.
20	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.
21	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.
22	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.

Advertisements

23	<p>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:-</p> <ul style="list-style-type: none"> • Name of Operator and • Telephone number of Operator. <p>The design of the notices shall be approved by the Council.</p>
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No other advertising material shall be exhibited on the vehicle without the prior written approval of the Council's Environment and Licensing Committee.

Taxi Meters and Data Systems

24	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.
25	Some meters can be controlled by remote control. The use of remote controls is not permitted in vehicles licensed by Gedling Borough Council.
26	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.
27	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.
28	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.
29	The meter must be accurate, be capable of showing that the vehicle is or is not hired.
30	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.
31	The word "FARE" must be clearly printed on the meter so it clearly indicates the fare displayed.
32	You must report any failure of the meter to the Council by 10.00am the next working day.
33	The meter must only be brought into action and the fare or charge must only commence from the point at which the hirer starts their journey.
34	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.

Roof Signs

35	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;
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	<ul style="list-style-type: none"> 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 the sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire the 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 the roof sign shall be affixed to the roof of the vehicle in a proper manner and position at all times. the Proprietor of the Hackney Carriage shall maintain so far as is reasonably applicable such sign in efficient working order at all times. no other signs shall be displayed on the roof of the vehicle unless by prior written approval from the Councils Environment & Licensing Committee.
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Fares

36	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.
37	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).
38	The fare charged shall be for the hire of the Hackney Carriage and there shall be no extra charge for luggage.

Hackney Carriage Undertaking Private Hire Work

39	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.
40	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: <ul style="list-style-type: none"> expired suspended revoked surrendered

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

41	The Proprietor shall not in the district act as a driver of a vehicle unless they have obtained a current combined Hackney Carriage/Private Hire Vehicle Drivers Licence issued by the Council.
42	The Proprietor shall not in the district; <ul style="list-style-type: none"> • 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 • 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.
43	The Proprietor shall maintain a list of the names and addresses of all persons employed or otherwise used by them for the purposes of driving the vehicle and shall on request inform the Council of the content of such a list.

Radios

44	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.
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Transfers

45	The Proprietor shall not assign or in any way part with the benefit of the Licence. If they transfer their interest in the Hackney Carriage Vehicle to any other person they 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, they 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.
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Complaints/Compliments

46	A notice, provided by the Council, must be displayed in the vehicle during the licence period informing passengers how they can make a complaint or compliment regarding a licensed driver or vehicle.
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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.

Private Hire Vehicle Licence Conditions

Definitions

"The Council" means the Gedling Borough Council.

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

"Private Hire Vehicle" or "vehicle" means the private vehicle licensed by the Council under the Local Government (Miscellaneous Provisions) Act 1976.

"Proprietor" means the person or persons or body named in the licence as the Proprietor of the Private Hire 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.

"Plate" means the Licence Plate issued by the Council for the purpose of identifying the vehicle as a private hire vehicle duly licensed by the Council.

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

"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:-

Vehicle

1	The vehicle shall be maintained throughout the Licence period so as to comply at all times with the Vehicles Specification approved by the Council, and the interior and exterior of the private hire vehicle shall be kept in a clean condition and maintained in a safe condition throughout the duration of the Licence.
2	Any damage to a private hire vehicle 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.
3	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 private hire vehicle, 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.
4	Without prejudice to the provisions of Condition TC 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.
5	If the Authorised Officer or Constable is not satisfied as to the condition of the vehicle for use as a private hire vehicle upon completion of the inspection required by Condition 1C or Condition 1D of these Conditions, they may immediately suspend the vehicle Licence. The Proprietor shall forthwith upon being required 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 their custody until such time as they are satisfied as to the condition of the vehicle, whereupon the Licence Plate shall be returned to the Proprietor.
6	The Private Hire Vehicle Licence shall be valid for a period of six months, where the vehicle is over 3 years of age.
7	The Private Hire 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
8	If, on inspection, the vehicle fails the technical test, the vehicle must be submitted for re-inspection within fourteen days. If the Proprietor fails to comply with this time limit 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.
9	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.
10	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.
11	Space saver tyres are allowed provided: <ul style="list-style-type: none"> • the type of space saver tyre is an original part of the vehicle's design and manufacture. • 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.

Licence Plate and Identity Badge

12	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
13	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, Nottingham. NG5 6LU on expiry of the

	Licence unless the Council has granted a further Private Hire Licence in respect of the vehicle, if the Proprietor no longer holds a Private Hire Licence issued by the Council which is in force in respect of the vehicle.
14	The Proprietor of a licensed Private Hire vehicle, shall report the damage, loss or theft of any Plate to Customer Services, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham. NG5 6LU as soon as such damage or theft becomes known.
15	In the event of a Plate being stolen, the Proprietor shall make a report immediately to the local police station.
16	Replacement Plates will be issued for a fee determined by the Council and payable by the Proprietor.
17	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.

Documentation

18	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 private hire vehicle, a policy of insurance complying with the requirements of Part VI of the Road Traffic Act 1972 to include hire and reward.
19	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 purpose 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.
20	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.
21	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.

Advertisements

22	<p>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:-</p> <ul style="list-style-type: none"> • Name of Operator and • Telephone number of Operator. <p>The design of the notices shall be approved by the Council.</p> <p>No other advertising material shall be exhibited on the vehicle without the prior written approval of the Council's Environmental and Licensing Committee.</p>
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23	For the purposes of Condition 22 of these Conditions the word "taxi" or "cab" whether in singular or plural, or any word of a similar meaning or appearance to either of those words and whether alone or in combination with any other word or words shall not appear in any such advertisement.
24	The foregoing provisions of Condition 22 shall not apply to a sign or notice displayed on or from the vehicle which is prescribed under any enactment.
25	The Proprietor of any private hire vehicle shall not display or cause or permit to be displayed on or above the roof of such vehicle any sign, notice, mark, illumination or other similar feature.

Private Hire Drivers

26	The Proprietor shall not in the District act as a driver of a vehicle unless he has obtained a current Hackney Carriage/Private Hire Driver's Licence issued by the Council.
	The Proprietor shall not in the District:- <ul style="list-style-type: none"> • Employ or use any person as the driver of the vehicle for the purpose of any hiring, unless the person concerned has a current Hackney Carriage/Private Hire Drivers Licence issued by the Council. • 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 Hackney Carriage/Private Hire Driver's Licence issued by the Council.
27	The Proprietor shall maintain a list of the names and addresses of all persons employed or otherwise used by them for the purposes of driving the vehicle and shall on request inform the Council of the contents of such a list.

Radios

28	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.
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Transfers

29	The Proprietor shall not assign or in any way part with the benefit of the Licence. If they transfer their interest in any vehicle to any other person they 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 Private Hire Vehicle Licence, they 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 NG5 6LU.
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Complaints/Compliments

30	A notice, provided by the Council, must be displayed in the vehicle during the licence period informing passengers how they can make a complaint or compliment regarding a licensed
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driver or vehicle.

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.

Private Hire Operators Licence

1	<p>The Operator shall keep details of all bookings accepted either from the hirer or another Operator and shall immediately record them on a booking system approved by the Council* at the time the booking is received the details listed below:</p> <ul style="list-style-type: none"> • name of hirer • phone number of hirer, unless they refuse to provide it • date & time the booking was made • date & time pick up required • location of pick up • destination • how the booking was received • the booking price if quoted • identity of person accepting hiring • identity of vehicle used for booking • time job completed <p>*The approved booking system must be able to record and store, as a minimum, all the details listed above.</p>
2	The Operator shall keep the records for a period of not less than two years or longer if required to do so by an authorised officer of the Council.
3	Any computerised system used must be able to produce a printed record of the details specified above and made available to any authorised officer of the Council or Police Officer on request.
4	Where the Private Hire Operator accepts a booking and dispatches a Hackney Carriage all these conditions apply.
5	If the Operator also operates Public Service Vehicles (PSV) they must notify the hirer before such a vehicle is dispatched to fulfil a booking that the vehicle is not licensed by the Council.

6	<p>The Operator shall maintain at their premises, particulars of all vehicles operated by them which shall include the following:-</p> <ul style="list-style-type: none"> • The licence plate number; • The registration number; • The name and address of the proprietor; • The name(s) and address(es) of the driver(s) of above vehicles; • The badge number(s) of the driver(s). • Licences for all vehicles and drivers. <p>The above records are to be produced on request to any Police Officer or authorised officer</p>
7	<p>The Operator shall maintain at the premises a record of all complaints received by them and shall record them on a complaints system approved by the Council* at the time the complaint is received. A full record of the complaint including as a minimum the following information:</p> <ul style="list-style-type: none"> • date and time the complaint is made. • name and contact details of the complainant. • nature of the complaint – (to include date, time and location). • driver / vehicle / staff details to whom the complaint relates. • name of business manager to whom the complaint was passed. • the date and time the complaint was passed to the business manager. • the action taken to resolve the complaint and the time taken for it to be actioned. • whether the complaint was referred to the Council. <p>*The approved recording system must be able to record and store, as a minimum, all the details listed above.</p> <p>The Operator shall keep the records for a period of not less than two years, or longer if required to do so by an authorised officer of the Council.</p> <p>The above records are to be produced on request to any Police Officer or authorised officer of the Council.</p>

11	<p>The Operator must telephone the Police and contact the Council in writing or by email as soon as reasonably practicable, and in any case within 1 working day of any complaints received about:</p> <ul style="list-style-type: none"> • sexual impropriety relating to any part of their business • behaviour which may compromise the safety and welfare of children and vulnerable people relating to any part of their business • behaviour which poses an imminent danger to the public or of any safeguarding issue relating to any part of their business
12	<p>In the event that the Operator formally disciplines or dismisses a driver, or a member of staff connected to the operational aspect of the business, for whatever reason, then the details must be reported to the Council, in writing, within seven days.</p>
13	<p>The Operator shall ensure all staff who undertake bookings and/or dispatcher duties have received suitable and sufficient training and instruction concerning the use of:</p> <ul style="list-style-type: none"> • the system used to receive and record bookings and the dispatching of vehicles • the recording and process of dealing with and handling complaints received by the operator
14	<p>A training log is to be held by the Operator for each person who undertakes the role of bookings and/or dispatcher duties. The training logs are to be produced on request by an authorised officer.</p>
15	<p>The Operator shall keep a record of all staff employed by them and will record that they have had sight of at least a basic Disclosure and Barring Service (DBS) check for each member of staff.</p>
16	<p>Every Operator of Private Hire vehicles who accepts a booking for a Private Hire vehicle for an appointed time and place, shall give the booking to a vehicle, allowing sufficient time for the vehicle to punctually attend.</p>
17	<p>The holder of an Operator's Licence shall not permit any person who is drunk, or is behaving in a disorderly manner, to remain upon the premises in respect of which the licence is in force.</p>
18	<p>No Operator of a private hire vehicle which is licensed by the Authority under this Act shall invite or accept a booking for such vehicle, or control or arrange a journey to be undertaken by such vehicle, without first making available in writing, or giving orally, to the person making the booking, information as to the basis of charge for the hire of the vehicle.</p>
19	<p>The Operator in their capacity as Operator and without prejudice to any other liabilities imposed under the Local Government (Miscellaneous Provisions) Act 1976 shall use their best endeavours to ensure that drivers of vehicles owned, controlled or operated in association with the Operator shall observe and perform the conditions of their Private Hire Driver's Licence and that vehicles shall conform to their Private Hire Vehicle Licence.</p>

20	If the provision is made by the Operator on their premises for the reception of members of the public proposing to hire a vehicle, they will ensure that their premises are at all times in a clean and tidy condition.
21	The maximum number of Private Hire vehicles which the Operator may operate is that shown on the licence. The Operator may not operate vehicles in excess of this number unless they have first paid the required fee to the Council.
22	<p>For licences issued for more than one year but less than five years the licence holder will sign and submit a declaration to the Council in relation to their circumstances, at the end of each 12-month period.</p> <p>The licence holder will also be required to sign up to the online DBS system and to enable the Council to undertake an online Disclosure and Barring Services (DBS) check at the time of renewal in the case of a licence issued for 1 year, or at the time of the 12- or 24-month declarations in the case of a licence that has been granted for a period, greater than 12 months.</p> <p>The licence holder will provide evidence to the Council if they are unable to sign up to the online DBS service and if the evidence is accepted by the Council the licence holder will be required to complete a DBS application form and apply by post.</p> <p>If this condition is not complied with, the Director has delegated authority to suspend the licence, after giving a 7-day notice period, until the declaration has been fully completed</p>
23	Any advertisement indicating that a vehicle can be hired on application to a specified address or telephone number, being the address or telephone number of premises in the District, or on or near any such premises, indicating that the vehicle can be hired at those premises shall NOT include the word "taxi" or "cab" whether in singular or plural or any word of similar meaning or appearance to either of those words and whether alone or as part of another word.


Penalties

The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part 11 of the Act, shall be guilty of an offence and liable to summary conviction to a fine currently not exceeding £1,000 (One thousand pounds). In addition, such action may lead to the suspension or revocation of an existing Licence or the failure to renew such a Licence.

NB1: Your attention is drawn to the various provisions contained in the 1976 Act, which you are advised to obtain and read carefully.

NB2: For the purposes of these conditions any person assisting the delivery of all functions of the operators Private Hire business are bound by and included in these conditions

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		Equality Impact Assessment			
Name of project, policy, function, service or proposal being assessed:		Department of Transport Statutory Taxi and Private Hire Vehicle Standards			
The main objective of (please insert the name of accessed document stated above):		To have regard to the guidance in the Standards and apply it where necessary to the Council's Policy and Procedures			
<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"> • External (e.g. stakeholders, residents, local businesses etc.) • Internal (staff) 					
Please use only 'Yes' where applicable		Negative	Positive	Neutral	Comments
<u>Gender</u>		External	x		The changes proposed by adopting some of the provisions of the taxi standards will have a positive impact on the safety of the travelling public especially for females. In particular more stringent criteria will now be applied in deciding if an applicant is 'fit and proper' in the

					area of sexual offences and exploitation.
	Internal		X		The changes proposed by adopting some of the provisions of the taxi standards will have a positive impact on the safety of the travelling public especially for females. In, particular more stringent criteria will now be applied in deciding if an applicant is 'fit and proper' in the area of sexual offences and exploitation.
<u>Gender Reassignment</u>	External			X	There are no negative impact for this equality strand
	Internal			X	There are no negative impact for this equality strand
<u>Age</u>	External		X		The changes proposed by adopting some of the provisions of the taxi standards will have a positive impact on the safety of the travelling public especially for younger and older people particularly with the addition of a section in the policy regarding exploitation offences.

Appendix 4

	Internal		X		The changes proposed by adopting some of the provisions of the taxi standards will have a positive impact on the safety of the travelling public especially for younger and older people particularly with the addition of a section in the policy regarding exploitation offences.
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<u>Marriage and civil partnership</u>	External			X	There are no negative impact for this equality strand
	Internal			X	There are no negative impact for this equality strand
<u>Disability</u>	External			X	There are no negative impact for this equality strand
	Internal			X	
<u>Race & Ethnicity</u>	External		X		The changes proposed by adopting some of the provisions of the taxi standards will have a positive impact on the safety of the travelling public especially for in terms of a persons race or ethnicity as a section regarding any offences involving discrimination has been included.
	Internal		X		The changes proposed by adopting some of the provisions of the taxi standards will have a positive impact on the safety of the travelling public especially for in terms of a persons race or ethnicity as a section regarding any offences involving discrimination has been included.
<u>Sexual Orientation</u>	External			X	There are no negative impact for this equality strand
	Internal			X	There are no negative impact for this equality strand

Religion or Belief (or no Belief)	External			X	There are no negative impact for this equality strand
	Internal			X	There are no negative impact for this equality strand
Pregnancy & Maternity	External			X	There are no negative impact for this equality strand
	Internal			X	There are no negative impact for this equality strand
Other Groups (e.g. any other vulnerable groups, rural isolation, deprived areas, low income staff etc.) Please state the group/s: No other groups Identified. _____	External				No other groups identified
	Internal				No other groups identified.

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	Currently officers are no aware of the extent and nature of licences previously issued by the upper tier authority.
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

Completing Officer	Kevin Nealon
Authorising Service Manager	Mike Avery
Date	2nd January 2025
Review date (if applicable)	

Climate Impact Assessment

Name of project, policy, function, service or proposal being assessed:	Department of Transport Statutory Taxi and Private Hire Vehicle Standards			
The main objective of (please insert the name of accessed document stated above):	To have regard to the guidance in the Standards and apply it where necessary to the Council's Policy and Procedures			
<p>What impact will this (please insert the name of project) have on the following: Please read guidance before completing. For each category, insert a tick/yes against the impact and include mitigation/comments for each category.</p>				
Category	Negative	Positive	No impact/ Negligible change	Mitigation/ Comments
Behaviour & Culture Change			x	
Built Environment			x	
Transport			x	

Energy, Natural Resources & Climate Change			X	
Waste Reduction & Recycling			X	
Blue-Green Infrastructure/Biodiversity			X	
Procurement & Purchasing			X	

In response to the information provided above please provide if there is any proposed action including any consultation that is going to be carried out

Planned Actions	Timeframe	Potential Outcome	Responsible Officer

Authorisation and Review

Completing Officer	Kevin Nealon
Authorising Head of Service/Director	Mike Avery
Date	2nd January 2025
Review date (if applicable)	

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