

# Licensing and Regulatory Committee Agenda

The 3 members highlighted in bold/underline below:

**Cllr D King - Chairman**

Cllr J L Thomas - Vice Chairman

Cllr P E Bulman

Cllr S J Catchpole

Cllr R R Foulger

Cllr D G Harrison

Cllr C Karimi-Ghovanlou

Cllr K Kelly

**Cllr K G Leggett MBE**

Cllr M L Murrell

**Cllr S M Prutton**

Cllr N C Shaw

## **Date & Time:**

Tuesday 9 November 2021 at 9:30 am

## **Place:**

Council Chamber, Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU

## **Contact:**

Dawn Matthews      tel (01603) 430404 Email: [committee.services@broadland.gov.uk](mailto:committee.services@broadland.gov.uk)

Website: [www.southnorfolkandbroadland.gov.uk](http://www.southnorfolkandbroadland.gov.uk)

## **PUBLIC ATTENDANCE:**

If a member of the public would like to observe the meeting in person or to speak on an agenda item, please email your request to [committee.services@broadland.gov.uk](mailto:committee.services@broadland.gov.uk), no later than **5.00pm on Thursday 4 November 2021**. Please see further guidance on the options for public speaking at page 2 of this agenda.

## **Large print version can be made available**

If you have any special requirements in order to attend this meeting, please let us know in advance.

## **Public Speaking and Attendance**

All public speakers are required to register to speak at public meetings by the date / time stipulated on the relevant agenda. Requests should be sent to:

[committee.services@broadland.gov.uk](mailto:committee.services@broadland.gov.uk)

Public speaking can take place:

- Through a written representation (which will be read out at the meeting)
- In person at the Council offices

Please note that the Council cannot guarantee the number of places available for public attendance but we will endeavour to meet all requests..

All those attending the meeting in person are invited to sign in on the QR code for the building and promptly arrive at, and leave the venue. Hand sanitiser are still provided and we would encourage you to observe social distancing. Further guidance on what to do on arrival will follow once your public speaking registration has been accepted.

# AGENDA

1. To receive declarations of interest from members;  
(guidance and flow chart attached – page 4)
2. To report apologies for absence and to identify substitute members;
3. To confirm the minutes of the meeting held on 29 September 2021;  
(minutes attached – page 6)
4. Matters arising from the minutes;
5. **(9.30am) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976  
PRIVATE HIRE VEHICLE LICENSING** - to consider an application for a Private Hire Vehicle (PHV) licence;  
(report attached – page 14)
6. **Exclusion of the Public and Press**  
To exclude the public and press from the meeting under Section 100A of the Local Government Act 1972 for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 3 and 7 of Part 1 of Schedule 12A to the Act (as amended).
7. **(11.30am) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976  
PRIVATE HIRE VEHICLE DRIVER LICENSING** – to consider an application for a Private Hire Driver licence;  
(report attached – page 39)

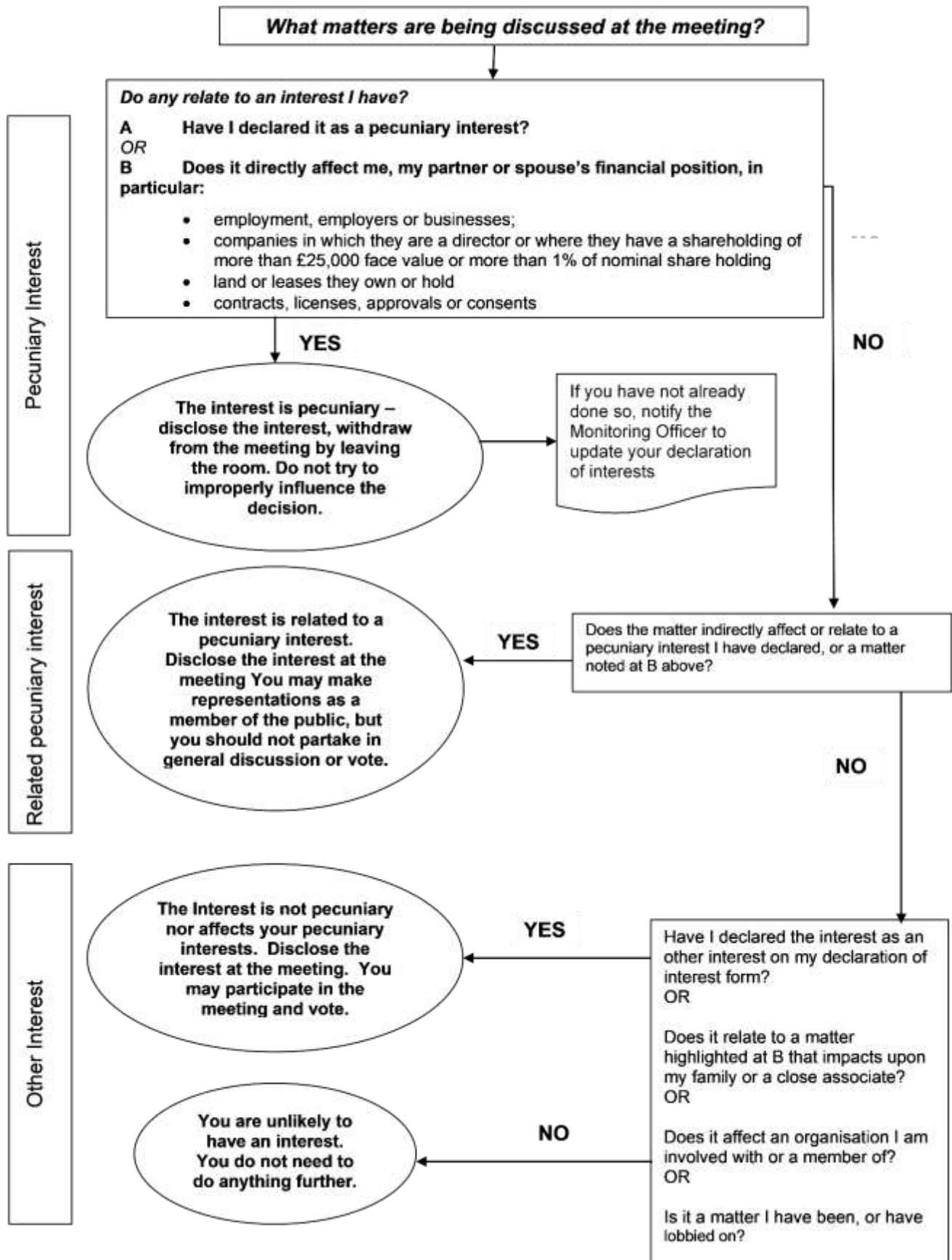
## DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p>Does the interest directly:</p> <ol style="list-style-type: none"><li>1. affect yours, or your spouse / partner's financial position?</li><li>2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?</li><li>3. Relate to a contract you, or your spouse / partner have with the Council</li><li>4. Affect land you or your spouse / partner own</li><li>5. Affect a company that you or your partner own, or have a shareholding in</li></ol> <p>If the answer is "yes" to any of the above, it is likely to be pecuniary.</p> <p>Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.</p> |
| <p>Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?</p> <p>If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but you should not partake in general discussion or vote.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p>Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p>Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

**FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF.  
PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST  
INSTANCE**

## DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



# LICENSING AND REGULATORY COMMITTEE

**Minutes and Decision of the Licensing and Regulatory Committee meeting of Broadland District Council, held on Wednesday 29 September 2021 10.00am.**

**Committee Members Present:** Councillors: D King (Chairman) K Kelly and S Prutton

**Officers in Attendance:** The Licensing Team Leader (SH) and the Democratic Service Officers (DM)

|                              |                                                                                                                                                                                                                                                                                                                                                           |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Others in Attendance:</b> | Affsor Ali and Nishant Murria - Applicants<br>Adrian Nicholas, Senior Community Protection Officer, Environmental Protection – objecting<br>Rachel McCarthy, Deputy Clerk to Thorpe St Andrew Town Council - no objections<br>Mr and Mrs Brown – objecting<br>A local resident – objecting<br>Sarah Moss, Solicitor NPLaw (the Committee's legal advisor) |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## 10 DECLARATIONS OF INTEREST

None made.

## 11 MINUTES

The minutes of the meeting held on 26 August 2021 were agreed as a correct record.

## 12 MATTERS ARISING

None raised.

## 13 LICENSING ACT 2003 – APPLICATION TO VARY A PREMISES LICENCE – MERCHANTS OF SPICE II, 127 YARMOUTH ROAD, THORPE ST ANDREW, NORWICH, NR7 0QY

The Chairman welcomed everyone to the meeting and confirmed who was in attendance. The applicants indicated they wished to share 3 photographs of the garden area of the premises with the Committee. After all present had consented, the photographs were viewed later in the meeting by all present.

## Licensing and Regulatory Committee

The matter before the Committee was the application to vary the premises licence for the Merchants of Spice II, 127 Yarmouth Road, Thorpe St Andrew as follows:

Licensable Activity:

***J. Supply of alcohol (for consumption both on and off the premises)***

*Monday to Sunday 12.00 to 22.00*

*Hours apply to new garden area only. Application is for off sales to also be added to the restaurant (indoors) part of the premises (in accordance with hours stated on current premises licence).*

The effect of the above statement is that, subject to the variation being granted, the premises would also be licensed for off sales of alcohol from the inside restaurant, Monday to Saturday 10.00 to 23.00 and Sunday from 12.00 to 22.30.

The outside area will open as follows:

*Monday 12.00 to 22.00*

*Tuesday to Sunday 12.00 to 23.00*

Representations had been received from Environmental Health (objecting) and other persons (objecting and supporting).

The Licensing Team Leader read out the officer's report. She drew attention to the anonymous representation included in the committee papers and confirmed that this had been received from a local resident who could reasonably claim to be affected by the application but who did not wish their name and address to be included in public papers. The resident was in attendance at the hearing. The Licensing Team Leader drew attention to paragraph 2.8 of the report and reference to the temporary provisions within the Business and Planning Act 2020 which permitted premises licensed for the sale of alcohol for consumption on the premises to also sell alcohol for consumption off the premises until 30 September 2021. This temporary provision had now been extended to 30 September 2022. In response to a question, the Licensing Team Leader confirmed that it was permissible for the applicant to submit a variation application to make provision for such arrangements beyond this temporary timeframe.

The Committee then heard from the applicants who explained that the COVID pandemic had hit their business hard with much lost revenue. They had decided to refurbish the land at the rear of their premises for use as an outdoor dining space and wanted to continue to do this despite a relaxation in COVID controls as some customers still preferred to eat outside. This was likely to be a seasonal use as the area was not covered and only had small heaters and was not likely to appeal to diners in the winter. The space was limited to 10 tables, approximately 50-60 people, and bookings were strictly controlled by the applicant. Outside diners tended to arrive at the earliest at 5-6 pm and would be gone by 10pm. They only offered one sitting per table outside, but two inside the premises. They also tended to attract a mature clientele rather than appealing to young people. They would not be hosting

## Licensing and Regulatory Committee

any weddings as they did not have the facilities to accommodate these and it was not their preference. They did not want to cause any issues for their neighbours. There would be noise from people chatting but it was not their intention to run a pub. There would always be 2 staff in attendance outside and both food and drink orders were taken and served at the table. There was very limited walking/standing around. A 2m perimeter space had been retained around the garden. The applicants had met with all neighbours to discuss their proposals and what measures they could take to help them. They stated they would be willing to close at 10pm. The legal advisor sought clarification on this point and the applicants confirmed they were happy to agree a condition to the licence to stop alcohol sales and close the garden at 10pm.

The applicants then answered questions. They confirmed it was their intention to continue to offer table service and wanted the outside bar to avoid staff having to go inside the premises to collect ordered drinks. The outside bar could be managed by a responsible person/personal licence holder. If a license was granted, the applicants confirmed they had no plans to increase the number of tables outside as they had limited kitchen facilities and were already at capacity. They did not provide a drinks only facility but did offer a drink and snack option. In response to a question about light pollution from the garden, the applicants reported that the outdoor garden area was only used for approximately 3 summer months when the evenings were light anyway and that the additional lighting was only turned on for a limited time to provide ambient light. With regard to music, the applicants confirmed that their proposal was to play low level background music at the table and there would be no live music. In response to a question raised by the applicant, the Licensing Team Leader confirmed that under their current licence food and soft drinks could be served in the outside area and customers could consume alcohol they had brought with them.

The Committee then heard from Adrian Nichols, Senior Community Protection Officer who explained why he had concerns about the application. There had been no complaints received about the premises until the use of the garden area had commenced. Concerns had then been raised about noise from customers talking in the garden which was impacting on the neighbours' enjoyment of their garden. He felt the 11pm closing time was too late. He stated it was difficult to control customers enjoying their meal and talking in the garden but because of the proximity of the domestic garden, the collective noise of 40-50 people talking was a nuisance.

The Senior Community Protection Officer then answered questions. He stated that it was difficult to suggest mitigating measures which could control this sort of outdoor noise.

The Committee then heard from Rachel McCarthy – Deputy Clerk to Thorpe St Andrew Town Council who stated that the Town Council broadly supported the application and was not aware of any issues at the premises. The Town Council recognised the valuable role of the facility to the wider community.

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They accepted there were some issues with pests/smell which could be dealt with and welcomed the reduction in the proposed hours from 11pm to 10pm.

Mrs Brown raised a concern relating to her understanding of the criteria by which the Town Council had assessed the application having attended the Town Council meeting at which the matter had been discussed. This appeared to have been wider ranging than the criteria she had been advised to have regard to. The Chairman explained that the Committee was bound to only have regard to the relevant licensing criteria despite what matters may have been considered by the Town Council.

The Committee then heard from Mr and Mrs Brown. They explained that their main concern was noise and that they were only 3ft from the boundary and 3m away from the tables in the garden. There was no separation and no way of mitigating the noise. They had double glazing and insulation and could still hear the noise indoors with windows and doors closed. They had no issues with the management of the premises but that the reality was not the peaceful dining experience portrayed. Some nights were quieter than others but there was no warning of what was coming and it was difficult to plan ahead.

Mr and Mrs Brown were asked to give some details regarding the frequency and duration of the noise experienced and they stated that it was very variable. Thursday, Friday and Saturday were the busiest and noisiest times but sometimes mid-week could be bad depending on bookings. The premises were closed on a Monday which was the only day they could guarantee no noise. The noise tended to occur from 6pm through to 10pm when the applicants very reliably closed at 10pm. They were unable to get away from the noise and get peace and could not enjoy their garden or have friends visit. They had heard bad language and had occasionally seen people standing in groups. The noise tended to increase after dark. Their enjoyment of their house was also impacted as certain rooms could not be used because of the noise. It had affected their health and wellbeing this summer and they could not continue to tolerate the noise. They recognised that the premises were a valuable asset to the community and had good relations with the applicants but the issue of concern was the noise.

The Panel then heard from a nearby resident who stated that the applicants had spoken to them about the proposals and what they could do to help mitigate the impact. Additional visual screening had been installed to avoid overlooking. The resident raised concerns about the safety of two trees on the land and felt these needed to be dealt with. The resident felt there was an issue with noise but that it was not at a level that could be regarded as excessive. With regard to lighting, it was not considered that this was an unacceptable disturbance and the lights were always turned off at 10pm. There was concern about a potential license to 11pm and this could be an issue, particularly as there was sometimes disturbance from cars parked on the adjoining street at busy times, but a finish time of 10pm was acceptable.

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In response to a question, members were given an approximate distance from the resident's property to the garden and noted this was further away than the closest neighbour.

All present were then invited to make their closing statements.

The Licensing Team Leader invited members to consider the application and the options for determining the application and drew attention to the provisions for a review of the licence should it be granted and issues were experienced.

All parties present, with the exception of the Democratic Services Officer and the Legal Advisor then left the meeting. They were subsequently readmitted to the meeting and the Chairman announced the Committee's decision.

### **DECISION OF THE LICENSING AND REGULATORY COMMITTEE**

The Committee approved the application for the variation of the premises licence to extend the licensable area to the outside rear area as defined by the plan at page 38 of the application (to allow for an outside bar) and to extend the licence for sale by retail of alcohol for off-sales as well as on-sales, subject to the condition offered by the applicant to cease the supply of off-sales alcohol for consumption in the outside area at 22.00 hours and to close this area to customers at 22.00 hours.

### **REASONS FOR THE COMMITTEE'S DECISION**

The Committee noted that the matter under consideration was principally whether the variation to the licence as requested by the applicant (extension of the licensed area to the outside area and supply of off-sales alcohol to enable alcohol to be consumed in this area) would undermine the Licensing Objectives, especially those of public nuisance and crime and disorder. This was not a review hearing to consider and review concerns about licensed activities at the premises in general. It would not, therefore, be appropriate for Members to consider matters unrelated to the impact that the variation of the licence, as sought by the applicant, may have on the licensing objectives.

With regard to the licensing objective of crime and disorder, on the evidence given at today's hearing and in the representations, the Committee could find no basis for concluding that granting the variation of the licence as sought would undermine this licensing objective.

With regard to the licensing objective of the prevention of public nuisance, the Committee came to the following conclusions:

It was noted by the Committee that as the music proposed to be played by the applicants on the tables through small speakers would be background music only, this did not require a licence as it fell within one of the regulated entertainment exemptions under schedule 1 of the Licensing Act 2003.

## Licensing and Regulatory Committee

The Committee noted that there were no restrictions on the applicant's premises licence prohibiting the use of the outside area, including the consumption of food and drink including alcohol. The Committee therefore noted that under the current premises licence, the applicant was already entitled to serve food and soft drinks to customers in the outside area. Consequently, the matter for consideration by the Committee was whether the supply of alcohol for consumption by customers in the outside area would undermine the licensing objectives, should the variation to the licence be granted as sought.

On the evidence given by the applicant, the Committee was satisfied that the premises were well managed and noted the efforts made by the applicant to consult with neighbouring residents prior to beginning any work and accommodate any concerns. There was no reason to suggest that the applicant would not continue to be mindful of and work with neighbouring residents to mitigate any concerns.

The Committee noted the way the premises were currently run, accepting that the restaurant was promoted as a family-orientated food establishment to appeal to older clientele, rather than young groups. It was not promoted as a public house, alcohol was not currently served without food and that was likely to remain the situation. The Committee also considered that the applicant intended to use the outside area mainly during the summer months, with only the occasional visit outside these times and there were no plans to increase numbers of customers (given that the kitchen was already at capacity) and also no intention to host weddings. Taking these into account, the Committee considered that the applicant had already put in place sensible measures to reduce any impact the supply of alcohol may have on the licensing objectives.

Further, it was noted that customers in the outside area were monitored by two trained members of staff at all times and that this would, in the Committee's opinion, provide a reasonable way of monitoring and controlling noise levels. It was also believed by the Committee that the applicant's offer to limit the supply of alcohol to no later than 22.00 hours and closing the garden to customers at the same time was a sensible and proportionate attempt to limit the impact of noise on neighbouring residents, taking into account the nature of the area.

Taking into account the evidence submitted by the neighbours living in the property closest to the premises and the Senior Community Protection Officer (through written representations and oral evidence at the hearing), the Committee had sympathy for and accepted that there did appear to be a level of annoyance experienced by the neighbours living in the property closest to the premises, principally in relation to noise. However, the Committee was of the view that there was insufficient evidence to suggest that the supply and consumption of alcohol in itself would significantly undermine the licensing objective of public nuisance to the degree that it justified refusing the variation of the licence as sought. The applicant was entitled to serve food and soft

## **Licensing and Regulatory Committee**

drinks to customers in the outside area under his existing licence and insufficient evidence had been provided to suggest that supplying alcohol would affect noise levels over and above the level that might be expected if alcohol was not supplied by the premises. Accordingly, on that basis, there was insufficient evidence to justify refusing the variation of the licence as sought.

Further, it was noted that the premises were reliably closed at 22.00 hours and the Committee was of the view that this was a proportionate closing hour to balance the interests of the residents with that of the community.

It was noted by Committee that three of the representations received were in support of the application although it was accepted that they did not live in such close proximity to the premises as the neighbours living in the adjoining property. Weight was given to the fact that the objector also attending today's hearing, while living further away the property than the adjoining neighbours, had not believed the noise from the outside area to be excessive and had no concerns as to light issues. The objector's main concern had related to the outside area remaining open until 23.00 hours, due to the likelihood of additional noise related to a longer drinking period. In relation to this, the Committee took account of the condition offered by the applicant, which, subject to the variation being granted and this condition being added to the licence, would mean that this situation would not arise. Further, Committee noted that Thorpe St Andrew Town Council had also broadly been in support of the application, subject to the garden being closed to customers at 22.00 hours.

In view of this, the Committee felt that it was important to balance the views of the neighbours living in the property closest to the premises, with the interests of the wider community as expressed in representations and evidence given today, the majority of whom supported the application and considered the premises to be an asset to the community.

Finally, the Committee noted the availability of the review process, whereby any person believing that a premises is not upholding the licensing objectives may make a representation to the Council and request that the premises' licence be reviewed.

### **RIGHTS OF APPEAL**

Rights of appeal set out in Schedule 5 of the Licensing Act 2003. Any person wishing to appeal this decision by the licensing authority to either grant or not grant the application or any conditions imposed or which should have been imposed should do so within the period of 21 days from the receipt of written notification of the decision appealed against. Any appeal must be sent directly to the Magistrates' Court.

This written decision would be provided within 5 working days of the meeting and circulated to all those making representations.

## Licensing and Regulatory Committee

(The meeting concluded at 1.03pm)

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Chairman

**Agenda Item: 5**  
**Licensing and Regulatory Committee**  
**9 November 2021**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**  
**PRIVATE HIRE VEHICLE LICENSING**

**Mr Merlin Tudor Batchelor, 48 Harwood Road, Norwich, NR1 2NG**

**Report Author(s):** Sarah Harris  
Licensing Team Leader  
01603 430580  
sarah.harris@broadland.gov.uk

**Portfolio:** Environmental Excellence

**Ward(s) Affected:** Not applicable

**Purpose of the Report:**

This report details an application for a Private Hire Vehicle (PHV) licence.

**Recommendations:**

The Committee is **RECOMMENDED** to review and carefully consider the information placed before it and to determine the application.

## **1. Summary**

- 1.1 This report details an application for a Private Hire Vehicle (PHV) licence.

## **2. Background**

- 2.1 An application has been received from Mr Batchelor to licence an armoured personnel carrier, model FV432, registration UBD 149G (application attached at **Appendix One**). The vehicle would be operated by Mr Batchelor under a Broadland District Council Operator licence. Subject to the decision of this Committee, Mr Batchelor will submit the relevant paperwork for both an Operator and Private Hire Vehicle Driver licence at a later date.
- 2.2 Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states that a district council shall not grant such a (PHV) licence unless they are satisfied that the vehicle is; suitable in type, size and design for use as a private hire vehicle; and safe.

## **3. Current position/findings**

- 3.1 On 13 October 2021, officers visited Mr Batchelor at his home address to inspect the above-mentioned vehicle. Photographs of the vehicle were taken at this time which are attached at **Appendix Two**. It is also anticipated that the vehicle will be available for inspection by the Committee.
- 3.2 It is understood from Mr Batchelor that the vehicle is regularly serviced by an ex-army mechanic. For the purposes of this application, Mr Batchelor has also ensured that the vehicle has undergone the Council's Mechanical Test, the details of which are attached at Appendix One. I have further received assurances from Mr Batchelor that, subject to licensing, he will be able to arrange the necessary insurance cover for the vehicle.
- 3.3 As is visible from the photographs, the vehicle is fitted with tracks. Mr Batchelor has advised that these are safe to use on the highway and he is permitted to use the vehicle on any road that the vehicle can safely negotiate. The vehicle is restricted to travelling at a maximum speed of 20 mph.
- 3.4 Mr Batchelor has indicated that he will be the only individual permitted to drive the vehicle and the intention behind his business is that the vehicle will largely be hired out for special occasions, proms, anniversaries, and similar events.
- 3.5 It will be clear to Committee that the vehicle does not meet all the current standard Private Hire Vehicle licence conditions. The vehicle has therefore been brought before Committee for a determination to be made as to whether an exception to the policy and conditions can be made in respect of this particular vehicle.
- 3.6 Particular conditions which Committee may wish to give specific consideration to are as follows:

- 3.7 Paragraph 6 of the Vehicle Policy states that, “on initial application the vehicle must not exceed five years of age”. The armoured personnel carrier was first registered in 1967. However, the Policy further states at paragraph 8 that in the case of specialist vehicles, “each application will be considered by the Authority on its merits”.
- 3.8 In addition, paragraph 11(a) states that,
- “The vehicle shall have four side opening doors (designed for the purpose of permitting persons access to/from the interior) or three side opening doors and a tailgate or rear door(s) which is easily accessible and may be opened from the inside of the vehicle.
- Clear and unobstructed ingress to and egress from any back row seating of the vehicle must be available at all times in the case of any minibus or people carrier-type vehicle with three or more rows of seating. This may require the removal of any seat adjacent to the nearside door of the passenger compartment of the vehicle.
- No person entering or exiting from a vehicle should have to remove or dismantle any seat or other obstacle, or to climb over any person being carried in the vehicle, or have any other person leave their seat, to facilitate them entering or exiting the vehicle.
- Any vehicle’s suitability for licensing will also be determined by the positioning of its seating, fittings and fixtures for the ingress and egress of passengers and their safety.”
- 3.9 The main access to the vehicle is through a door at the rear. In addition to this there is an access/egress hatch in the roof of the vehicle above the passenger seats which can be used in an emergency. There is a further hatch above the driver’s seat. There is clear and unobstructed access to the main rear door from all passenger seats and to the hatch directly above.
- 3.10 There is a significant step both into and out of the vehicle when using the rear door. Committee may therefore wish to consider whether it would be appropriate for Mr Batchelor to provide a portable step which can be used by those who may need assistance to enter and exit the vehicle this way.
- 3.11 The Policy further requires, at paragraph 11(c), that the vehicle has EU Type Approval. Vehicle Type Approval is the confirmation that production samples of a type of vehicle will meet specified performance standards. This Type Approval is usually utilised as an indication that the vehicle is constructed to a specified standard, is safe and is fit for purpose. Due to the nature and age of this vehicle, it does not have EU Type Approval.
- 3.12 Paragraph 11(d) states that, “If c) cannot be satisfied then the vehicle must have a Department for Transport Certificate of Single Vehicle Approval.” Government

guidance states that tracked vehicles are exempt from requiring vehicle approval.

- 3.13 At paragraph 11(g), there is a requirement that seatbelts should be fitted to licensed vehicles, “The vehicle shall be fitted with appropriate seatbelts to the front and rear seats of the vehicle. The number of seat belts fitted to the vehicle, as a minimum, shall correspond with the number of passengers the vehicle is licensed to carry plus the driver.” Due to its age, the vehicle is exempted from the requirement for seatbelts to be installed. It is understood that one passenger seat in the vehicle has a seatbelt fitted. However, the remaining seats do not.
- 3.14 A further consideration is that the vehicle does not have a windscreen, side or rear windows. The driver has sight of the road through the hatch above the driver’s seat. However, when the main door and the roof hatches are closed, it is not possible to see in or out of the vehicle.
- 3.15 A copy of the Council’s Private Hire Vehicle Policy and Conditions is attached at **Appendix Three**.

#### **4. Proposed action**

- 4.1 The Committee, in its role as Licensing Authority, is requested to review the facts and determine whether it considers the armoured personnel carrier suitable for licensing as a Private Hire Vehicle.

#### **5. Issues and risks**

- 5.1 **Resource Implications** – The Council could incur costs in officer and legal representative time if a person is aggrieved by the decision of the Committee and pursues an appeal to the Magistrates’ Court.
- 5.2 **Legal Implications** – There are no legal implications other than the issues detailed at 5.1 and 5.3.
- 5.3 **Equality Implications** – There are human rights implications associated with this matter. The interests of the applicant have to be balanced against the interests and protection of the wider community. Any actions proposed in respect of the application, must be proportionate to the matter under consideration, the decision making process must be transparent and the applicant must be given full opportunity to make representations. The Committee is therefore required to balance the interests of the applicant against the interests of the community and decide where the balance should lie.
- 5.4 **Environmental Impact** – It is not anticipated that there will be any additional environmental impact as a result of this report.
- 5.5 **Crime and Disorder** – It is not anticipated that there will be any crime and disorder impact as a result of this report.

- 5.6 **Risks** – In making its determination, failure to take into consideration the relevant legislation, guidance and the Council's Hackney Carriage and Private Hire Vehicle Policy, may leave the Committee's decision open to challenge.

## **6 Recommendations**

- 6.1 The Committee is **RECOMMENDED** to review and carefully consider the information placed before it and to determine the application.

## **Appendices**

Appendix One – Copy of application for a Private Hire Vehicle Licence

Appendix Two – Photographs of the armoured personnel carrier

Appendix Three – Copy of the Council's Private Hire Vehicle Policy and Conditions

## Appendix One

|  <b>Broadland</b><br>District Council<br><i>Community at heart</i> |                            | <b>Application for<br/>Vehicle Licence</b>                                                                                                                                                                                                                                         |              |                             |  |             |                |           |  |             |  |                    |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-----------------------------|--|-------------|----------------|-----------|--|-------------|--|--------------------|--|
| (Mr / Mrs / Miss / Ms / Other <u>MR</u> )                                                                                                           |                            | <table border="1"> <tr> <th colspan="2">For Office Use only Code 59</th> </tr> <tr> <td>Amount paid</td> <td>£223.45£111.70</td> </tr> <tr> <td>Date paid</td> <td></td> </tr> <tr> <td>Receipt No.</td> <td></td> </tr> <tr> <td>Debit Card/Cheque/</td> <td></td> </tr> </table> |              | For Office Use only Code 59 |  | Amount paid | £223.45£111.70 | Date paid |  | Receipt No. |  | Debit Card/Cheque/ |  |
| For Office Use only Code 59                                                                                                                         |                            |                                                                                                                                                                                                                                                                                    |              |                             |  |             |                |           |  |             |  |                    |  |
| Amount paid                                                                                                                                         | £223.45£111.70             |                                                                                                                                                                                                                                                                                    |              |                             |  |             |                |           |  |             |  |                    |  |
| Date paid                                                                                                                                           |                            |                                                                                                                                                                                                                                                                                    |              |                             |  |             |                |           |  |             |  |                    |  |
| Receipt No.                                                                                                                                         |                            |                                                                                                                                                                                                                                                                                    |              |                             |  |             |                |           |  |             |  |                    |  |
| Debit Card/Cheque/                                                                                                                                  |                            |                                                                                                                                                                                                                                                                                    |              |                             |  |             |                |           |  |             |  |                    |  |
| Forename(s)                                                                                                                                         | MERLIN TUDOR               | Surname:                                                                                                                                                                                                                                                                           | BATCHELOR    |                             |  |             |                |           |  |             |  |                    |  |
| Address:                                                                                                                                            | 48 HARWOOD ROAD<br>NORWICH |                                                                                                                                                                                                                                                                                    |              |                             |  |             |                |           |  |             |  |                    |  |
| Postcode:                                                                                                                                           | NR1 2NG                    |                                                                                                                                                                                                                                                                                    |              |                             |  |             |                |           |  |             |  |                    |  |
| Email address:                                                                                                                                      | CONTACT @TANKTAXI.CO.UK    |                                                                                                                                                                                                                                                                                    |              |                             |  |             |                |           |  |             |  |                    |  |
| Tel Nos: Home:                                                                                                                                      |                            | Mobile:                                                                                                                                                                                                                                                                            | XXXXXXXXXXXX |                             |  |             |                |           |  |             |  |                    |  |

**Vehicle Details:**

|                                   |                |
|-----------------------------------|----------------|
| Vehicle plate number: (if known)  |                |
| Vehicle Registration No:          | UBD 149G       |
| Make & Model of Vehicle:          | MOD - FV432    |
| Colour:                           | BLACK & PURPLE |
| Horsepower or cc:                 | 240 HP         |
| Date of First Registration        | 1967           |
| I work for the following company: |                |

With respect to Broadland District Council, are you a member of staff, an elected member?

YES ☐ NO ☒

I acknowledge receipt of a copy of the conditions of licence in respect of Private Hire Vehicles (the blue book) all of which I have read and understand.

|         |              |       |                 |
|---------|--------------|-------|-----------------|
| Signed: | XXXXXXXXXXXX | Date: | 13 OCTOBER 2021 |
|---------|--------------|-------|-----------------|

# Private Hire Vehicle Mechanical Test

Licence Holder MERLIN TUDOR BATCHELOR

Registered owner on log book MERLIN TUDOR BATCHELOR

Year 1967 Make MOD Model FV 432

Cc 240 HP Private Hire plate No (if known) \_\_\_\_\_

| Mechanical conditions               | Pass | Mechanical conditions                | Pass |
|-------------------------------------|------|--------------------------------------|------|
| Engine                              | ✓    | Door Locks and Winders               | ✓    |
| Gear Box                            | ✓    | Trim and Carpets                     | ✓    |
| Clutch                              | ✓    | Seats front and rear                 | ✓    |
| Transmission Shafts                 | ✓    | Windows                              | N/A  |
| Rear Axle                           | ✓    | Seat Belts and Anchorage             | N/A  |
| Wheel Bearings                      | ✓    | Body Exterior                        | ✓    |
| Front Suspension                    | ✓    | Windscreen Wash and Wipers           | N/A  |
| Rear Suspension                     | ✓    | Paintwork and Trim                   | ✓    |
| Shock Absorbers                     | ✓    | Condition underside                  | ✓    |
| Springs – Front                     | ✓    | Door Handles                         | ✓    |
| Springs – Rear                      | ✓    | Luggage Boot Condition               | ✓    |
| Brakes – Hand                       |      | Hackney No./Private Hire Vehicle No. |      |
| Brakes – Foot Front                 |      | No. of Seats                         | 8    |
| Brakes – Foot Rear                  |      | Lifting Jack and Tools               | N/A  |
| Steering                            | ✓    | Exhaust                              | ✓    |
| Wheel Column                        |      | Electrical Wiring                    | ✓    |
| Tie Rods                            | N/A  | Horn                                 | ✓    |
| Track Rods and Ends                 | N/A  | Speedo <u>2162 HRS</u> Mileage       |      |
| Idler and Bushes                    | ✓    | Head Lamp & Adjustment               | ✓    |
| Power Unit Drive Belts              | ✓    | Obligatory Front and Rear            | ✓    |
| Body Interior                       | ✓    | Stop Lamps and Reflectors            |      |
| Interior and Courtesy Lights        | ✓    | Direction Indicators                 | ✓    |
| **Fire Extinguisher <u>NEW 2021</u> | ✓    | 'Seat belts must be worn' signs      | N/A  |
| ***Tinted Windows                   | N/A  | 'No smoking' signs                   | ✓    |
| Meter Number and Type               | N/A  |                                      |      |

| Tyres                                   | Size                                                  | Type of tyres | Pass |
|-----------------------------------------|-------------------------------------------------------|---------------|------|
| Near Side Front Tyre                    |                                                       |               | N/A  |
| Near Side Rear Tyre                     |                                                       |               | N/A  |
| Off Side Front Tyre                     |                                                       |               | N/A  |
| Off Side Rear Tyre                      |                                                       |               | N/A  |
| Spare Tyre                              |                                                       |               | N/A  |
| Roof Sign (if fitted) 'Pre Booked Only' | Permanently Fixed                                     |               | N/A  |
|                                         | Illuminates (white light to front, red light to rear) |               | N/A  |

**Remarks:**

VEHICLE DOES NOT HAVE BRAKE LIGHTS.  
IT IS STOPPED BY APPLYING LEFT AND RIGHT HAND  
TRACKS WHICH ALSO DOES THE STEERING.

The motor vehicle, of which the registration mark is UBD 149G has also been examined under Sections 45 and 46 of the Road Traffic Act 1988 and it is hereby certified that at the date of examination hereof, the statutory requirements prescribed by regulations made under the said Sections 45 and 46 were complied with in relation to the vehicle.

Name of inspector appointed by the garage

MR A. D. LE-MAY

Signature of the Inspector

XXXXXXXXXXXXXXXXXX

For

Garage Stamp



Date of Issue 21st OCTOBER 2021 Date of Expiry 20th APRIL 2022

**\*\* The fire extinguisher should be either a 1kg dry powder or a 1 litre AFFF.** Both types should have gauges to show the state of charge and must be manufactured to satisfy relevant BSEN accreditation. (The extinguisher should be securely fixed in place in a position readily accessible to the driver)

**\*\*\* The front windscreen must let at least 75% of light through and the front side windows at least 70%**

## Appendix Two





## **Appendix Three**

### **Section 4**

#### **Private Hire Vehicle and Hackney Carriage Policy**

##### **All Vehicles**

1. Broadland District Council will not grant or renew a licence unless satisfied that the vehicle is suitable to be a licensed vehicle, is in a suitable mechanical condition and is safe and comfortable.

##### **Duration of Licence**

2. A vehicle licence will be granted for one year until the vehicle attains seven years old at which point a vehicle licence will be granted six-monthly.

##### **Insurance**

3. A vehicle must have a current certificate of insurance or cover note which complies with the requirements of Part VI of the Road Traffic Act 1988 and which clearly covers the use to which the vehicle is to be put.

##### **Excise Licence (Road Tax)**

4. There should be a valid excise licence for the vehicle.

##### **Vehicle Registration Document (V5)**

5. A valid vehicle registration document must be produced at the time of application for a vehicle licence.

##### **Age**

6. On initial application the vehicle must not exceed five years of age.
7. Once a vehicle exceeds 7 years of age the vehicle will be considered for licensing subject to passing a 6 monthly vehicle mechanical test and MOT.

##### **Exceptions to Age Requirement**

8. The exceptions to this are:-
  - Limousines - the Authority will not licence or re-licence this type of vehicle if it is more than 10 years old.
  - Vintage / Classic / Specialist Vehicles – each application will be considered by the Authority on its own merits.

##### **Eco-Friendly Vehicles**

9. The Council encourages the use of eco-friendly vehicles. Any application to licence a vehicle with an engine capacity of less than 1300cc will be considered on its own merits.
10. Hybrid and battery-powered vehicles may be licensed providing the following are satisfied:

- a) the vehicle is able to comply with the requirements of all other private hire vehicle licensing specification conditions;
- b) the vehicle has a mileage range between battery charges which makes it feasible and viable to operate as a private hire vehicle;
- c) the owner and or operator of the vehicle has ready access to suitable battery charging points to facilitate the satisfactory operation of an electrically powered vehicle.

## **Vehicle Specifications**

11. a) The vehicle shall have four side opening doors (designed for the purpose of permitting persons access to/from the interior) or three side opening doors and a tailgate or rear door(s) which is easily accessible and may be opened from the inside of the vehicle.

Clear and unobstructed ingress to and egress from any back row seating of the vehicle must be available at all times in the case of any minibus or people carrier-type vehicle with three or more rows of seating. This may require the removal of any seat adjacent to the nearside door of the passenger compartment of the vehicle.

No person entering or exiting from a vehicle should have to remove or dismantle any seat or other obstacle, or to climb over any person being carried in the vehicle, or have any other person leave their seat, to facilitate them entering or exiting the vehicle.

Any vehicle's suitability for licensing will also be determined by the positioning of its seating, fittings and fixtures for the ingress and egress of passengers and their safety.

- b) The vehicle must be right-hand drive.
- c) The vehicle must have EU Type Approval.
- d) If c) cannot be satisfied then the vehicle must have a Department for Transport Certificate of Single Vehicle Approval.
- e) In the case of a Private Hire Vehicle its appearance must not lead people to believe it is a Hackney Carriage.
- f) The vehicle must have seats with a minimum width of not less than 408mm (16 inches) per person.
- g) The vehicle shall be fitted with appropriate seatbelts to the front and rear seats of the vehicle. The number of seat belts fitted to the vehicle, as a minimum, shall correspond with the number of passengers the vehicle is licensed to carry plus the driver.
- h) All wheelchair accessible vehicles shall be equipped with properly mounted fittings for the safe securing of a wheelchair and a passenger seated in it, when carried in the vehicle. The Licensing Authority reserves the right to require further examination and certification to confirm the safety of the vehicle.
- i) If a mechanical hoist is fitted to the vehicle this will require a LOLER (Lifting Operations and Lifting Equipment Regulations 1998) inspection every 6 months by

the manufacturer or his approved agent and a certificate/report must be produced to that effect.

12. The seat layout, legroom, headroom and seated comfort of the vehicle will be assessed by an authorised officer upon inspection of the vehicle at the Council's offices. Each application will be considered on its own merits. Should the authorised officer determine that the vehicle is not appropriate for use as a Private Hire Vehicle or Hackney Carriage, or the dimensions of the vehicle are not sufficient to seat the specified number of passengers, the vehicle may be refused for licensing or the number of passengers permitted in the vehicle may be reduced. The safety and comfort of the passenger will be paramount. It is therefore advised that proprietors liaise with the Council before purchasing a vehicle to ensure its suitability.

### **Vehicle Test Standards**

13. a) The Authority will not grant/renew a vehicle licence unless the person examining it has confirmed that it has passed the Council Vehicle Mechanical Test and, at the same time, the vehicle has been certified roadworthy to MOT standard and has a current MOT certificate completed within the last month. Vehicles of a class that are not subject to 'EU Type approval' and are being tested for the first time will be additionally tested to ensure tyres and any other aspect of the vehicle are as safe and mechanically sound as possible for the passenger.

Costs of such testing must be paid by the person wishing to licence the vehicle. In addition the history of the vehicle will be taken into consideration when determining whether the vehicle should be licensed.

- b) A vehicle may require re-examination, when the licence has been in force for six months, to ensure that it continues to meet the standards referred to in (a) above. This will be the case for all vehicles exceeding 7 years of age from the date of first registration.
- c) A vehicle which fails an inspection/safety check during the currency of a licence with Broadland District Council will have the fault(s) rectified and the vehicle re-inspected within 2 months of the original inspection. Failure to do so will lead to the automatic revocation of the vehicle licence.
- d) A vehicle may be inspected by an authorised officer of the Council or a Police Officer, at all reasonable times. If the person inspecting the vehicle is not satisfied as to the fitness of the vehicle he may give an unfit vehicle notice to the proprietor/operator to make the vehicle available for further inspection and testing at such reasonable time and place as may be specified and the vehicle licence may be suspended until the authorised officer or police officer is so satisfied. If the authorised officer or police officer is not satisfied within two months of the initial inspection the Vehicle licence shall be deemed revoked. An authorised officer or police officer may permit other persons to examine the vehicle on their behalf (e.g. VOSA).

### **Exterior Bodywork and Wheel trims**

14. The bodywork of the vehicle shall be in good condition and shall be as originally fitted by the manufacturer. Wheel trims must be fitted to all road wheels where part of the manufacturer's original specification.

### **Upholstery**

15. All upholstery shall be clean and in a well maintained condition. No tear, crack, hole or burn will be acceptable. Upholstery includes seats, headrests, armrests, carpets and other trim.

### **Fittings**

16. All fittings shall be properly maintained and in good working order. Fittings include litter containers, clocks, interior lights, sun blinds, door surrounds, grab handles, other equipment provided for passenger comfort and any equipment in, on or forming part of the vehicle including wheelchair ramps and securing fitments where the vehicle is to be licensed to carry wheelchair bound passengers.

### **Roof and Floor Coverings**

17. All roof and floor coverings shall be clean and in good condition, with no tear or other damage.

### **Fire Extinguishers**

18. A fire extinguisher shall be provided in an easily accessible position capable of being reached by the driver without delay. Upon issue of the Private Hire Vehicle licence, the Council will issue an inspection sticker to identify the fire extinguisher with the particular Private Hire Vehicle.

### **Vehicles Powered by Liquefied Petroleum Gas (LPG)**

19. A vehicle, the engine of which has been converted to run on LPG, shall be entered on the UKLPG Vehicle Register confirming that the LPG installation is safe and conforms with the Association's Code of Conduct.
20. An LPG powered vehicle must undergo an additional annual service by a person competent in LPG powered vehicles. If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the storage of a reasonable amount of luggage and any spare wheel displaced as a result must be stored in a location that does not impinge on the passenger carrying area of a vehicle.

### **Tinted Windows (Without prejudice to the Road Vehicles (Construction & Use) Regulations 1986 (As Amended))**

21. The Authority will not licence a vehicle unless the windscreen allows at least 75% of light to be transmitted through it and the front side windows allow 70% of light to be transmitted through them. The Authority also recommends that rear windows allow a minimum of 70% of light to be transmitted through them. Each application will be considered on its merits.

### **Wheelchair Accessible Vehicles**

22. The Authority will encourage the provision of wheelchair accessible vehicles, in compliance with the Equality Act 2010 and any requirements of the Department for Transport.

### **Taximeters**

23. All Hackney Carriage vehicles licensed or to be licensed shall have a taximeter fitted unless an exemption has been approved. Any vehicle fitted with a meter shall be tested on the road by reference to a measured distance to establish that the taximeter is accurate. In relation to Hackney Carriages the test shall be to establish that the meter does not produce a fare in excess of the maximums prescribed on the current Hackney Carriage Fare Tariff approved by the Council.

24. In all cases taximeters shall be fitted in such a way that they are visible to passengers.
25. Taximeters fitted to Hackney Carriages which are to be licensed for the first time, must be one of the makes/types listed in Appendix D or any other that is specifically approved by the Council.

### **Unfit Vehicle Notices**

26. These will be issued by Authorised Officers and Police Officers where vehicle defects give cause for concern.
27. Immediate Unfit Notices may be given if the vehicle appears to be unsafe to carry members of the public. Once a Notice is issued the vehicle must not be used for hire with immediate effect. The vehicle must be presented to an Authorised Officer of the Council once the faults have been rectified. Only after this will the Notice be lifted and the vehicle can then be used for hire.
28. Alternatively a Deferred Notice may be issued. The vehicle may continue to be used on the road for the time specified on the Notice, however any works required by the Notice must be completed within the specified time. When the faults are rectified the vehicle must be presented to an Authorised Officer. If, following inspection, the Officer is satisfied that the works have been completed, the Notice will be lifted.
29. If an Immediate Unfit Notice is not lifted within 2 months the vehicle licence will be revoked.

### **Advertising on inside and outside of vehicle**

30. Advertising will be permitted on Hackney Carriages and Private Hire Vehicles in compliance with the stated conditions. Advertising will also be permitted, subject to written application, on the inside of purpose built hackney vehicles but is limited to the base of the pull down spring seats. All advertising is subject to the following:
  - a) All adverts shall comply with the British Code of Advertising Practice and shall be in a form acceptable to the Advertising Standards Authority.
  - b) No advertisement shall relate to or advertise alcohol, nudity, gambling, smoking materials or anything of a political nature. The council reserves the right to withdraw from display any advertisement which may be considered inaccurate, misleading, unlawful, defamatory, in bad taste or of an unacceptable standard.
  - c) Any requests for advertising on a vehicle must be made in writing and is subject to approval by the Council or an authorised officer. In the case of Private Hire Vehicles advertising is subject to the specific exclusion of the words "taxi", "cab", or "hire".
31. Advertising in all other vehicles will be subject to approval by the Council and each application will be decided on its own merits.

### **Licence Plate Content**

32. Any external or internal licence plate issued by the Authority will include the following information:
  - a) Licence Number
  - b) Registration Number

- c) Make and model of vehicle
- d) Licence expiry date
- e) Number of passengers
- f) Details of the issuing Licensing Authority

### **Dual Plating**

33. Dual Plating will not be permitted where different requirements of design, age or other local conditions apply.

### **Trailers**

34. Trailers must be of a specific type, design and standard to comply with the conditions adopted by the Council. Trailers are not to be utilised for general use and must be used on pre-booked journeys only for the carrying of excess luggage. There must be adequate insurance for the trailer and its contents and the trailer must display a Broadland Council licence plate whenever used with a Broadland Council licensed vehicle.

## **Section 5**

### **Private Hire Vehicle Licence Conditions**

#### **Identification Plate**

1. The yellow (or silver in the case of “Executive” vehicles) plate which identifies the vehicle as a Private Hire Vehicle and is required to be exhibited on a Private Hire Vehicle by virtue of Section 48(6)(a) of the Local Government (Miscellaneous Provisions) Act 1976, shall be securely fixed to the rear of the vehicle in a conspicuous position and in such a manner as to be able to be removed by an authorised officer of the council or a police constable.
2. A smaller internal licence plate, issued by Broadland Council, must also be securely fixed to the windscreen of the vehicle so that the vehicle may be identified from the front as well as the rear.
3. The licence plates are the property of Broadland District Council to whom they must be returned within 7 days of demand if the vehicle licence is suspended, revoked or not renewed for any reason.

#### **“Executive” Plate**

4. Where vehicles are deemed by the Council to be “Executive” and are used for executive-type work an alternative identification plate may be issued in place of the standard yellow plates. These are silver in colour and more discrete. They are issued at an authorised officer’s discretion and each case will be decided on its own merits.

#### **Return of Identification Plate**

5. On suspension, revocation or expiry of a Private Hire Vehicle licence the Council will require the Proprietor to return the identification plates within 7 days and any authorised officer of Broadland District Council or any police officer is entitled to remove the plate from the vehicle and retain it.

#### **Insurance**

6. a) During the period of the Private Hire Vehicle licence, the proprietor shall keep in force, in relation to the use of the vehicle as a Private Hire Vehicle, a policy of insurance in respect of public hire and complying with the provisions of Part VI Road Traffic Act 1988 which covers third party liability both in respect of physical injury or death and in respect of damage to personal belongings. The certificate of insurance shall be produced to an authorised officer of the Council for inspection on initial application or renewal of a Private Hire Vehicle licence and whenever required by an authorised officer.
- b) It shall be the responsibility of the proprietor of a Private Hire Vehicle to produce proof of continuous insurance cover. The insurance proof may be requested by an authorised officer of the Council within seven days of the expiry of the preceding certificate or cover note.
- c) If the proprietor fails to produce a certificate of insurance cover on request he/she shall produce it forthwith or within seven clear days of the request to an authorised officer of the Council. Failure to comply shall result in suspension of the Private Hire Vehicle licence.

## **Fire Equipment**

7. There shall be provided and maintained in a licensed Private Hire Vehicle carriage the following equipment:

### **Fire Extinguisher**

To be carried as to be readily accessible by the driver and available in any emergency. The fire extinguisher should be either a 1kg dry powder or a 1 litre AFFF. Both types should have gauges to show the state of charge and must be manufactured to satisfy relevant BSEN accreditation. It should be ensured that the fire extinguisher is valid and in date. Once the fire extinguisher is life expired it must be replaced immediately.

## **Advertising on outside of vehicle**

8. During the currency of the licence advertising will be permitted on licensed vehicles, subject to the following conditions:

- a) The proprietor of a Private Hire Vehicle shall not display or permit to be displayed on the vehicle any sign or advertisement whatsoever unless written permission has been obtained from the Council.
- b) Advertising is to be limited to the front door and back door panels of licensed vehicles. Advertising on parts of the vehicle over and above front and back door panels may be permitted but only after prior written approval of the Council has been given. However, no advertising will be permitted to the windows of the vehicle.
- c) Proprietors of Private Hire Vehicles shall ensure that any advertisements carried on their vehicles are not disfigured or damaged and shall immediately remove any advertisements that are or become damaged or disfigured.
- d) All advertisements shall comply with the British Code of Advertising Practice and shall be in a form acceptable to the Advertising Standards Authority. The Council reserves the right to withdraw from display any advertisement which may be considered inaccurate, misleading, unlawful, defamatory, in bad taste or of an unacceptable standard.
- e) No advertisement shall relate to or advertise alcohol, nudity, gambling, smoking materials or be of a political nature.
- f) The same advertising must be displayed on the front nearside and offside doors of vehicles.
- g) Any advertising may cover both doors.
- h) Advertising may not be stuck over door trims. Door trims may not be removed to accommodate advertising.
- i) In the case of Private Hire Vehicles advertising is subject to the specific exclusion of the words "taxi", "cab" or "hire", the use of which will not be permitted.
- j) No advertising will be permitted on any part of a trailer.

## **Signs which must be displayed**

9. The following signs and notices will be displayed on Private Hire Vehicles during the currency of the licence:

- a) Notices issued from time to time by Broadland District Council for the information of the traveller.
- b) A sign stating 'Seat Belt Regulations – Seat belts must be worn'.
- c) The number of passengers and licence number of the vehicle displayed in a clearly visible position.
- d) No smoking signage as required by the appropriate legislation.

### **Signs, Notices, etc**

- 10. During the period of the licence no signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever will be displayed on, in or from the vehicle except as may be required by any statutory provision, including byelaws, or permitted by these conditions.
- 11. Provided however that this condition shall not apply to any indication on a taxi meter fitted to the vehicle or to a sign which:
  - a) is displayed in or from the vehicle while it is stationary; and
  - b) contains no words or numbers other than the name and address of an operator of the vehicle or the name under which he carries on his business and in either case, the name of a passenger or passengers to be carried in the vehicle; and
  - c) is displayed in pursuance of a prior arrangement made for the carriage of a passenger or passengers named on the sign.

### **Vehicle Accidents**

- 12. The proprietor of a private hire vehicle must report to the council as soon as possible, and in any case within seventy-two hours, any accident which has caused damage materially affecting the safety, performance or appearance of the private hire vehicle or the comfort or convenience of passengers.

### **Vehicle Inspections**

- 13. A vehicle which fails an inspection/safety check during the currency of a licence will have the fault(s) rectified and the vehicle re-inspected within 2 months of the original inspection. Failure to do so will lead to the automatic revocation of the vehicle licence.
- 14. A Private Hire Vehicle may be inspected by an authorised officer of the council or a police officer, at all reasonable times. If the person inspecting the vehicle is not satisfied as to the fitness of the vehicle he may give written notice to the proprietor/operator to make the vehicle available for further inspection and testing at such reasonable time and place as may be specified, and the vehicle licence may be suspended until the officer or police officer is so satisfied.
- 15. If the officer or police officer is not so satisfied within 2 months of the initial inspection the Private Hire Vehicle licence shall be deemed revoked.

## **Maintenance of Vehicle**

16. The proprietor of a Private Hire Vehicle will ensure that the vehicle and all its fittings are at all times when the vehicle is in use or available for hire, kept in safe, tidy and clean conditions and comply with the relevant statutory requirements including those contained in the Motor Vehicles (Construction and Use) Regulations.

## **Transfer of licence to new vehicle**

17. The proprietor of a licensed Private Hire Vehicle wishing to replace a licensed vehicle with another vehicle may apply to transfer the licence to the new vehicle. The new vehicle will be required to undertake a Broadland Council vehicle mechanical test. The proprietor will also be required to produce valid MOT, insurance and vehicle registration documents for the vehicle as well as paying the prescribed fee. The vehicle must comply with the above conditions as required for a new vehicle licence.

## **Transfer of licence following vehicle requiring repairs**

18. In the case of a vehicle involved in an accident or sustaining other damage requiring repair, the plate may be temporarily transferred to another vehicle via the process described in the above paragraph. Upon completion of remedial works to the vehicle, the plate may be transferred back. The requisite documents must be provided and the vehicle must complete a further MOT and vehicle mechanical test to establish the safe working condition of the vehicle. Depending on the severity of the damage to the vehicle, an authorised officer may waive the requirement for an MOT and/or vehicle mechanical test. This is at the authorised officer's discretion.

## **Transfer of vehicle**

19. Any proprietor transferring a licensed vehicle to a new proprietor must complete the specified application form within 14 days of the transfer.

## **Proprietor's Responsibility**

20. During the period of a licence, the holder shall be in direct control of the day to day running of the vehicle.

## **Roof Signs**

21. The proprietor may, by written application to the Licensing Section, request permission to permanently fix a roof sign or roof bar to a Private Hire Vehicle. The roof sign or roof bar must be to the specification required by the Council and have the words 'Pre-Booked Only' in black lettering on both or all sides of the sign or bar. The sign or bar must be illuminated showing white to the front and red to the rear and permanently fixed to the roof of the Private Hire Vehicle. The Private Hire Vehicle once fitted with the roof sign or roof bar must be presented for inspection at the Council offices, prior to the vehicle being used for private hire purposes, to certify that the roof sign or roof bar is to the required specification and correctly fixed. Private Hire Vehicles are permitted to use bus lanes and bus gates providing a roof sign or bar is fitted to the roof of the vehicle.

## **Copy of Conditions**

22. The driver of a Private Hire Vehicle shall carry with him/her a copy of these conditions and shall make them available for inspection by the hirer or any other passenger on request.

## **Notification of Conviction**

23. The proprietor shall within 7 days disclose to the Council in writing details of any conviction imposed on him/her (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence.

## **Trailers**

24. Nothing in this section precludes the towing of a trailer or caravan solely for personal use. A trailer or caravan used for such purpose is not required to comply with the following conditions.

A Private Hire Vehicle will be permitted to tow a trailer subject to the following conditions:

- a) The proprietor presents the trailer for a compliance inspection at an approved MOT testing station prior to its first use and again at each inspection of any vehicle on which the trailer is authorised to be used. If found to be satisfactory permission will be allowed for one year. The trailer shall also be submitted for further inspections as the Council may require.
- b) Trailers will not be permitted on vehicles where one of the access/egress routes for the vehicle is via the rear of the vehicle.
- c) The trailer must only be used on pre-booked journeys when excess luggage is to be carried and not for general use.
- d) The trailer must comply with all aspects of current legislation and is of a type recommended by the vehicle manufacturer as being suitable for the intended towing vehicle.
- e) The trailer must be purpose built and manufactured for the purpose of which it was intended.
- f) The trailer must be maintained in a satisfactory condition and comply with all current road traffic legislation requirements.
- g) The tow bar and fitting should be of a type approved by the manufacturer of the vehicle and fitted by an approved agent.
- h) No advertising will be permitted on any part of the trailer.
- i) The trailer shall carry an appropriate spare wheel and correctly inflated spare tyre at all times that it is in use for hire and reward.
- j) The trailer must be of a design that when close coupled to the prime mover (the vehicle towing it) it does not interfere in any way whatsoever with the operation of any rear door, emergency exits or wheelchair access ramps.
- k) The trailer must be hard bodied and fitted with securely fastening covers, which can be hard top or canvas tarpaulin type, to prevent the ingress of liquid on to any luggage being carried. The trailer shall be covered at all times whilst in transit.
- l) The trailer must be plated by the manufacturer specifying the maximum load to be carried.
- m) There must be current insurance which must be produced to an authorised officer on request to prove the vehicle is insured to tow a trailer and that there is adequate cover for the carriage of luggage and/or goods.

- n) Suitable insurance cover for the trailer must be held by the Proprietor. A copy of the certificate must be produced to an officer on request.
- o) Any defect or damage of any kind occurring on the trailer must be reported to the Council as soon as possible or in any case within 7 days.
- p) A trailer is not permitted on a Hackney Carriage rank.
- q) When the approved trailer is used with the licensed vehicle, a Broadland District Council licence plate must be affixed to the rear of the trailer and made clearly visible.
- r) The kerbside weight of the trailer when fully laden must not exceed that determined by the vehicle manufacturer as being the safe towing weight limit.
- s) It is the proprietor's responsibility to ensure that the trailer towed by his vehicle complies with the legislation and licensing conditions.
- t) It is the proprietor's responsibility to ensure the driver towing the trailer holds the appropriate category DVLA licence.

### **Televisions**

25. If televisions/DVDs/screens/digital media are fitted to vehicles they must comply with the requirements of the relevant Road Vehicle (Construction and Use) Regulations.

### **Alteration of Vehicle**

26. During the currency of the Licence, no material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the prior approval of the Council. All vehicles must have four doors with the exception of purpose built vehicles or specialist vehicles, subject to the approval of the Licensing Authority.

### **Change of particulars**

27. The proprietor shall notify the Council in writing of any change in the particulars supplied by him in his application for the vehicle licence including his address during the period of the licence and within 7 days of any such change taking place.

### **Citizen Band Radios**

28. No citizen band radios may be fitted in any Private Hire Vehicles during the currency of the licence.

### **Radio Scanning Devices**

29. No radio scanning devices of whatever type or sort may be fitted to, carried in or used in or in the vicinity of any Private Hire Vehicle during the currency of the licence.

### **CCTV Cameras**

30. Private Hire proprietors may, subject to the written approval of the Council and in compliance with any separate CCTV policy, install and use a visible closed circuit television surveillance camera in their vehicles for the purposes of personal safety and as a deterrent only. The legislation relating to the provision of CCTV in licensed vehicles is currently under review.

These conditions are therefore subject to change following the introduction of any relevant legislation.

31. If an approved camera is fitted a sign must be displayed inside the vehicle, visible to passengers, stating 'Closed Circuit TV surveillance in operation'. Similar signs shall be displayed outside the vehicle to warn prospective customers of the possible use of the surveillance camera.

### **Roof and Boot Racks**

32. No roof or boot racks or boxes may be fitted to Private Hire Vehicles during the currency of the licence except with the express permission of the Licensing Authority. Requests should be made in writing.

### **Deposit of Drivers Licence**

33. Where the proprietor of a Private Hire Vehicle employs any other person to drive the vehicle he shall, before that person commences to drive the vehicle, cause the driver to deliver to him a copy of his Private Hire Drivers Licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle which he operates.

### **LPG Conversions**

34. A Private Hire Vehicle proprietor converting their licensed vehicle to run on Liquid Petroleum Gas (LPG) must notify the Council of such change and comply with the following conditions.

- a) That the installation of a LPG tank is undertaken by an LPG approved installer.
- b) That the proprietor demonstrates that the vehicle is included on the UKLPG Vehicle Register.
- c) That the LPG tank fitted must be a multi-valve tank and be fitted with a sealed tank box made from aluminium and vented to the atmosphere.
- d) That the vehicle displays on the front and rear screens, a sticker stating that the vehicle has been fitted with a LPG tank for the purpose of alerting the emergency services in the event of an accident.
- e) Where doughnut tank is fitted in the spare wheel well of the boot, the spare wheel must be securely placed in a position not obstructing the entire luggage space.
- f) The proprietor of the vehicle must notify DVLA Swansea of the change in fuel from petrol to both LPG and petrol.
- g) The vehicle must be annually serviced by a person competent in LPG powered vehicles.

### **Limousine Conditions**

35. These conditions shall apply in addition to the Council's standard conditions for Private Hire Vehicles.
36. The vehicle shall be tested every 6 months.
37. The Vehicle shall comply with the following:

- a) The vehicle shall not be over 10 years old.
  - b) The vehicle shall be equipped with a minimum of four road wheels and a full sized spare wheel.
  - c) The vehicle shall be equipped with tyres, braking systems and suspension designed and manufactured to support the maximum permitted axle weight for the axle when the vehicle is driven at the maximum speed.
  - d) The Maximum Gross Weight of the vehicle will be assessed by the Local Authority to ensure it will not be exceeded when carrying passengers.
  - e) All seats shall be fitted with seat belts which must be fitted in accordance with the current Road Vehicle (Construction and Use) Regulations.
  - f) The maximum length of the stretch conversion (measured between the rear edge of the front door and the front edge of the rear door) shall not exceed 3048mm/120".
  - g) The vehicle must not be fitted with a two-way radio system.
38. No person, under the age of 18 years, being conveyed in a stretched limousine shall be allowed to consume alcohol.
39. Tinted glass shall conform to the legal requirements of the current Road Vehicle (Construction and Use) Regulations.
40. Children under the age of 16 years shall not be carried in a stretched limousine unless accompanied by the parent or guardian of at least one of the children.
41. A limousine will not be permitted to tow a trailer.

### **Alcohol Sales**

42. Alcohol sales made in relation to limousine/Private Hire operations will require the Operator base to be licensed under the Licensing Act 2003. A personal licence holder will also need to be named as Designated Premises Supervisor on the relevant premises licence.

### **Serving of Notices**

43. Sub-sections (2) and (5) of Section 233 of the Local Government Act 1972 shall have effect and are incorporated in these conditions in relation to any notices required or authorised by these conditions to be given or served on the proprietor by or on behalf of the Council or by an authorised officer.

### **Penalties**

44. 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 liable on summary conviction to a fine. In addition such action may lead to the suspension or revocation of an existing licence or the failure to renew such a licence.

Part II of the Act provides that these conditions must be adhered to.

**NOT FOR PUBLICATION BY VIRTUE OF SCHEDULE 12A OF PART 1  
PARAGRAPH 1 3 & 7 OF THE LOCAL GOVERNMENT ACT 1972 (AS AMENDED)  
THE LOCAL AUTHORITIES (ACCESS TO INFORMATION) (VARIATION) ORDER  
2006 (Contains information relating to: an individual; the financial or business  
affairs of any particular person and action to be taken in connection with the  
prosecution of a crime)**

Pages 38 to 51 are not available to the  
public because the information is  
confidential as it includes exempt  
information about the financial or business  
affairs of a person