

Licensing and Regulatory Committee

Agenda

The 3 members the Licensing and Regulatory Committee 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 S Kelly

Cllr K G Leggett MBE

Cllr M L Murrell

Cllr S M Prutton

Cllr N C Shaw

Date & Time:

23 June 2021 at 10am

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

Website: www.broadland.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, no later than 5.00pm Thursday 17 June. 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.

Rules on Public Speaking

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

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 due to the current rules on social distancing, the Council cannot guarantee that you will be permitted to attend the meeting in person. No more than 20 people are permitted in the Council Chamber at any one time and the numbers of public speakers permitted in the room will vary for each meeting. Democratic Services will endeavour to ensure that each relevant group (i.e. supporters, objectors, representatives from parish councils and local members) can be represented at meetings for public speaking purposes.

All those attending the meeting in person must, sign in on the QR code for the building and promptly arrive at, and leave the venue. The hand sanitiser provided should be used and social distancing must be observed at all times. 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 5)
2. **To report apologies for absence and to identify substitute members;**
3. **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 items 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)
4. **(10:00am) Local Government (Miscellaneous Provisions) Act 1976 Private Hire Vehicle Operator and Driver Licensing** – to consider matters involving a Licensed Private Hire Vehicle Operator and Driver; (procedure & exempt report attached page 7)

Note: meeting re-opened to the public

5. **(11:30am) Local Government (Miscellaneous Provisions) Act 1976 – Private Hire Vehicle Operator and Driver Licensing** - to consider an application for a Private Hire Vehicle Licence.
(procedure attached - page 25 and report attached – page 27)

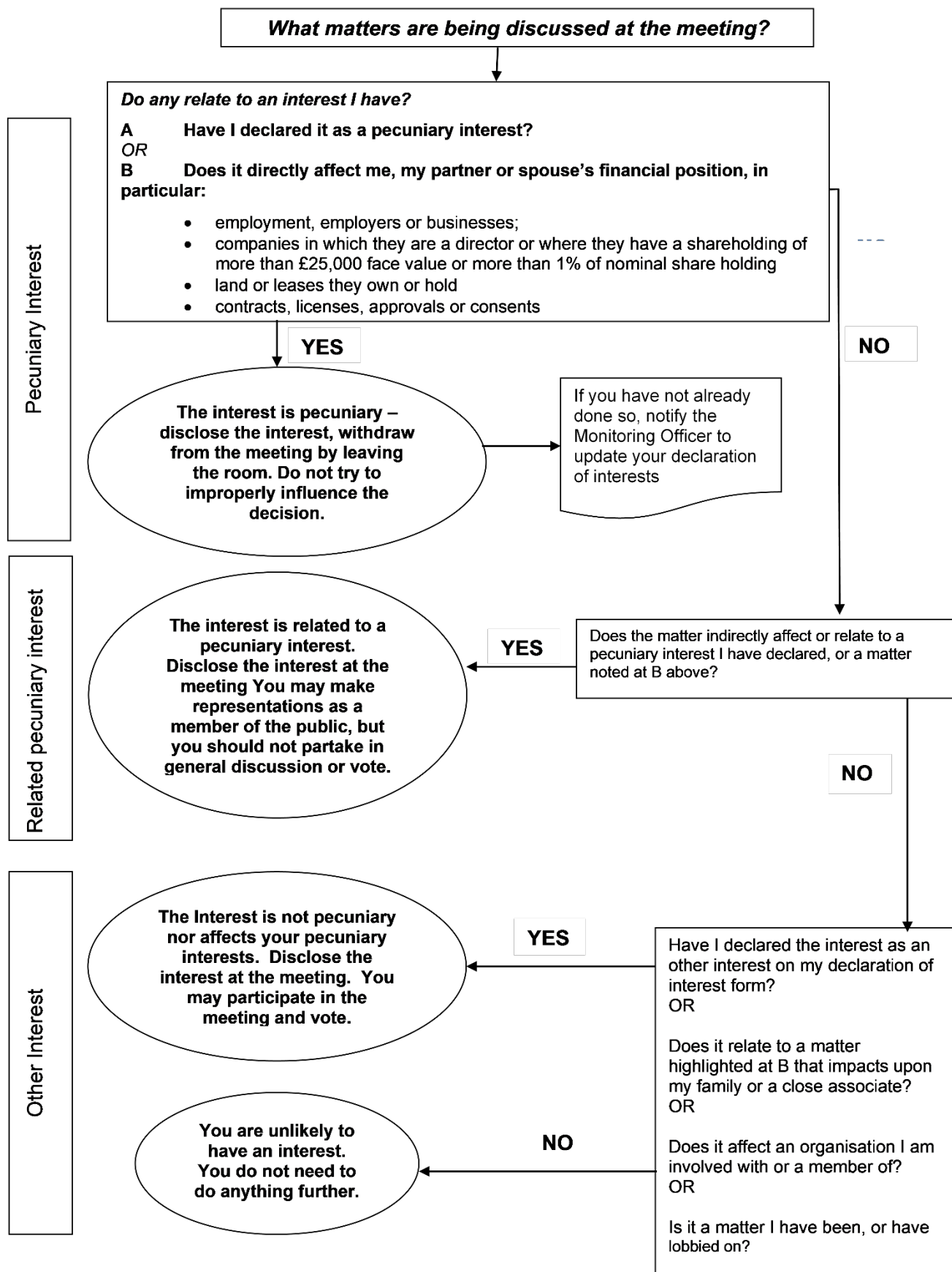
DECLARATIONS OF INTEREST AT MEETINGS

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">1. affect yours, or your spouse / partner's financial position?2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?3. Relate to a contract you, or your spouse / partner have with the Council4. Affect land you or your spouse / partner own5. Affect a company that you or your partner own, or have a shareholding in <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



Pages 7 to 24 are not available to
the public because the information
is confidential as it includes exempt
information about an individual

Quasi-judicial procedure rules - Application for a Private Hire Vehicle Licence

The Committee comprises 3 district councillors, at least two of which must be present at each hearing.

When dealing with applications, the rules of natural justice must be seen to be applied, in that the applicant must be afforded an opportunity to present their case. Thus, when determining an application, the Committee will be required to act in a judicial manner and to conduct the proceedings in accordance with the following rules.

1 Opening remarks by the Chairman of the Committee

- 1.1 The Chairman will introduce those present at the hearing and will ensure those present understand the procedure to be followed.
- 1.2 The Chairman will give a brief outline of the matter to be considered.

2 The Council's case

- 2.1 The Council's representative will present its case.
- 2.2 The Council's representative may then be questioned by the following in the order shown:
 - (1) the applicant or his representative;
 - (2) the Council's legal representative;
 - (3) the representatives of statutory consultees (eg police, general practitioner)
 - (4) the members of the Committee.

3 The applicant's case

- 3.1 The applicant or representative will present his case.
- 3.2 The applicant or representative may then be questioned by the following in the order shown:
 - (1) the Council's representative and / or legal representative;
 - (2) the representatives of any consultees (eg police, general practitioner), and
 - (3) the members of the Committee.

4 Representatives / consultees

- 4.1 The representatives of any consultees present shall then each present their case.
- 4.2 The representatives of any statutory consultees present may then each be questioned by the following in the order shown:

- (1) the applicant or his representative;
- (2) the Council's representative and / or legal representative;
- (3) the representative of any other statutory consultee, and
- (4) the members of the Committee.

5 Closing statements

5.1 Closing statements will then be made in the following order:

- (1) The Council's representative and / or legal representative;
- (2) The representative of each of the statutory consultees, and
- (3) The applicant or his representative.

5.2 All persons present, with the exception of the members of the Committee, the advisor and the clerk, will then leave the meeting.

6 The Committee's decision

6.1 The Committee will discuss and then vote on the application.

6.2 In the event of an equality of votes, the Chairman has a second or casting vote.

6.3 During the decision making process, the Committee may seek the advice and guidance of its clerk and advisor.

6.4 All persons referred to in paragraph 5.2 above will be asked to re-join the meeting. The Chairman will announce the Committee's decision with a summary of the reasons why if the application is refused or special conditions are added.

6.5 The applicant will be provided with a full written copy of the Committee's decision within 5 working days of the hearing.

6.6 If the application is refused, the decision must state clearly the reasons why.

6.7 Where an application is granted, the Committee should, where applicable, advise the applicant if any special conditions are imposed.

6.8 Where an application is refused or the grant of a licence is subject to the imposition of any special term, condition or restriction, the applicant should be advised that he has a right of appeal to the Magistrates' Court within 21 days of receiving the written decision.

Agenda Item:5
Licensing and Regulatory Committee
23 June 2021

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
PRIVATE HIRE VEHICLE OPERATOR AND DRIVER LICENSING

Mr Leon Davies, 18 Newcastle Close, Norwich, NR7 0TJ

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 licence (PHVL).

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 licence (PHVL).

2. Background

- 2.1 An application has been received from Mr Davies to licence a Tesla Model 3, vehicle registration LD20 OJP (see Appendix One. Application to be made available at the committee meeting). This vehicle is electrically powered. The vehicle would be operated by Zero Taxis Electric Ltd, Private Hire Operator Licence No. 44 (see Appendix Two).
- 2.2 Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states that a district council shall not grant such a licence unless they are satisfied that the vehicle is; suitable in type, size and design for use as a private hire vehicle; and safe.
- 2.3 Paragraph 11 of the Private Hire Vehicle Policy states, “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. Current position/findings

- 3.1 On 17 May 2021, Mr Davies brought the Tesla Model 3 to the Council offices for an inspection by Licensing Officers. Photographs of the vehicle were taken at this time which are attached at Appendix Three. It is also anticipated that the vehicle will be available for inspection by the Committee.
- 3.2 The vehicle has been referred to Committee due to officer reservations over the door opening mechanism from the rear passenger seats of the vehicle.
- 3.3 The passenger door openings are ordinarily powered by the main vehicle battery. In the event that this main battery fails, it is understood that there is a 12 volt back-up battery which provides sufficient power to open the doors.
- 3.4 Committee may wish to consider whether this mechanism is appropriate where the vehicle is being used on a commercial basis.
- 3.5 Committee considered a similar application to licence a Tesla Model X on 18 March 2020. The minutes and decision of this meeting are attached at Appendix Four for Committee’s consideration. In respect of this case Committee determined to refuse the application, largely due to concerns over the accessibility of the manual release for fare paying passengers. It should be noted that whilst there are similarities between the two vehicles, there are also significant differences, particularly in terms of the configuration of the rear doors and the opening mechanisms.

- 3.6 The Tesla Model 3 has undergone rigorous safety testing and has a 5-Star Euro NCAP (New Car Assessment Programme) Safety Rating for the categories of adult occupant, child occupant, pedestrian and safety assist. Where a vehicle receives 5 stars the NCAP website states that this relates to, “overall good performance in crash protection. Well equipped with robust crash avoidance technology”.
- 3.7 Enquiries have been made with Tesla for further information in respect of the likelihood of both batteries failing and the circumstances in which this may occur. Additionally they have been requested to provide details of any safety testing which may have been carried out on the vehicle, particularly in relation to it being used in a commercial capacity.
- 3.8 Tesla has advised that they do not have statistics available in respect of the likelihood of both batteries failing or details of commercial testing. Tesla representatives have verbally advised that the rear passenger doors do in fact have a manual release option. However, Mr Davies has advised that there is no mechanical cable release. Mr Davies has suggested that there is an electric motor attached to cables which he understands equates to a manual release. This would be operable under both primary and secondary batteries. Mr Davies has advised he believes that this is referred to by Tesla as a manual release.
- 3.9 A copy of the Council’s Private Hire Vehicle Policy and Conditions is attached at Appendix Five.

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 Tesla Model 3 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 environmental impact as a result of this report. The Council's Hackney Carriage and Private Hire Vehicle Policy states, "the Council encourages the use of eco-friendly vehicles."
- 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 (to follow)

Appendix Two – Copy of Operator licence issued to Zero Taxis Electric Ltd

Appendix Three – Photographs of the Tesla Model 3

Appendix Four – Minutes and decision of the meeting held on 18 March 2020

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

Appendix One

(A copy of the application will be made available at the committee meeting)

Appendix Two

BROADLAND DISTRICT COUNCIL **PRIVATE HIRE CAR VEHICLE** **OPERATOR'S LICENCE** **THE DISTRICT OF BROADLAND**

LICENCE NO: 44

The District Council of Broadland, by virtue of the powers and authorities vested in them by the provisions of the Local Government (Miscellaneous Provisions) Act 1976 do hereby grant:-

Leon Davies

of: **18 Newcastle Close, Thorpe St Andrew, Norwich, NR7 0TJ**

an Operator's Licence to enable the private hire vehicles registered under the name of:-

Zero Taxis Electric Ltd, 18 Newcastle Close, Thorpe St Andrew, Norwich, NR7 0TJ

to operate within the area of the Broadland District Council, this Licence to be in force for a period of five years to expire on **12th day of June 2023**, subject nevertheless to the provision of the said Act, and also such bylaws and conditions as are or may from time to time be in force for the regulation of Private Hire Vehicles operating within the said area of the District.

This Licence authorises the operation of:-

Seven Vehicles

Dated this **16th day of July 2019**

SPECIAL CONDITION: This licence is issued on the condition that only two of the three vehicles licensed are stored on the above premises. The third, forth,fifth vehicles licensed to be stored at **3 Church Cottages, Upper Street, Horning, Norwich, NR12 8NN** or **24 The Avenue, Horning, Norwich, NR12 8LR**, **5 Harbord Road, Norwich, NR4 7HJ**, **53 Lodge Farm Drive, Old Catton, Norwich, NR6 7LP** sixth & seventh vehicles to be parked at **Blofield Business Park, Woodbastwick Road, Blofield Heath, Norwich, NR13 4RR.**

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Acting Food, Safety and Licensing Manager

THIS LICENCE TRANSFERS AND REVOKES PREVIOUS LICENCE ISSUED ON 23 APRIL 2019. REASON: INCREASE IN NUMBER OF VEHICLES OPERATED.

Appendix Three













Appendix Four

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

Mr John Walker was in attendance for this item.

The Committee considered an application to licence an electrically powered Tesla Model X vehicle to be operated by Enterprise Private Hire Ltd, a licenced private hire operator.

The application had been referred to the Committee for determination as officers had reservations about the emergency door opening mechanism from the rear passenger seats of the vehicle. The vehicle was equipped with gull or falcon wing doors which were hinged from the roof and opened by pressing a button on the interior column between the front and rear sections of the vehicle. The doors were ordinarily powered by the main vehicle battery and in the event that the main battery failed, it is understood that a 12 volt back-up battery would provide sufficient power to open the falcon wing doors. In the event of both batteries failing, there was an internal emergency door release, operated by removing the speaker cover, pulling a release cable and subsequently pushing the door open manually.

Having regard to Section 48 of the Local Government (Miscellaneous Provisions) Act 1976, the Council needed to be satisfied that the vehicle was suitable in type, size and design, and safe, for use as a private hire vehicle; before issuing a licence. The Committee needed to consider whether the escape mechanism was appropriate where the vehicle was being used for commercial purposes.

The Senior Environmental Health Officer presented his report in full. He stated that Members might wish to have regard to how likely it would be that both batteries would fail and how easy it would be to escape from the vehicle in the event of an emergency.

Mr Walker, in presenting his case, commented that the case was as presented by the Officer and he invited the Committee to view the car.

Members then viewed the car and observed the following:

- the gull/falcon wings of the rear passenger doors and how these opened;
- the size and mechanics of the door opening which would have to be manually opened in the event of failure of both batteries;
- the location of the door release mechanisms – on the front screen of the car and a button on the interior column between the front and rear section of the car;
- the location (bottom of the inside of the door near to the passenger foot well) and design of the speaker cover which housed an emergency release cable – a small wire located within the internal speaker compartment;
- The external door handles were recessed into the leading edge of the rear passenger doors and did not operate in the event of both batteries failing or an interruption to their electrical supply.

In summing up, the Senior Environmental Health Officer invited Members to focus on the issue relating to the escape mechanism from the rear seated area of the car and to

consider:

- the likelihood of potential failure of the automated opening mechanism in the event of battery failure or an accident
- would passengers know how to operate the manual release
- the lack of ability to open the door externally.

Mr Walker had no further comments to add.

Mr Walker, the Senior Environmental Health Officer (Health and Safety and Licensing) and the Licensing and Enforcement Officer then left the meeting whilst the Committee considered its decision.

Members had a number of concerns about the suitability of the vehicle for use as a licenced vehicle and if it was safe for this purpose. Their concerns included:

- the difficulty in ensuring that fare paying passengers who were unfamiliar with the car would know how to use and be able to use the emergency fallback option for exiting the car;
- the fact that the emergency mechanism was hidden behind a speaker cover, located lowdown on the passenger door - near the foot well, was not signed or obvious in its colour or location and was quite difficult to locate amongst other materials within the speaker housing, especially in an emergency;
- the door could not be opened from the outside;
- the door would be heavy to manually push up;
- these issues would be even more difficult for people with disabilities to manage.
- in an accident involving fire underneath the vehicle, both batteries could be compromised leaving the internal manual door mechanism as the only means of egress from the vehicle

DECISION

Members considered all the information presented to them about the vehicle and carried out an inspection of the vehicle on the day of the meeting. They had regard to Section 48 of the Local Government (Miscellaneous Provisions) Act 1976, and section 4 of the Council's Private Hire Vehicle and Hackney Carriage Policy. They needed to be satisfied that the vehicle was suitable in type, size and design and was safe for use as a private hire vehicle, before issuing a licence. Taking all the information and evidence into account, in particular, the safety issues relating to the escape mechanism for inexperienced fee-paying passengers in an emergency situation when the vehicle was being used on a commercial basis, the Committee decided to not grant a licence as they were not satisfied that the vehicle was safe for use as a private hire vehicle.

RESOLVED

to not grant the licence.

Mr Walker, the Senior Environmental Health Officer (Health and Safety and Licensing) and the Licensing and Enforcement Officer were then re-admitted to the meeting and advised of the Committee's decision.

The applicant was advised of the right of appeal to the Magistrates Court against the decision within 21 days of receipt of the written decision.

Appendix Five

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.

Private Hire Vehicles

Roof Signs

35. The proprietor may, by written application to the Licensing Section, request permission to permanently fix an illuminated 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' on both or all sides of the sign or bar. The Private Hire Vehicle once fitted with the roof sign or roof bar must be presented for inspection at the Council, 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 an approved roof sign/bar has been fitted to the roof of the vehicle.

Vehicle Licence

36. Broadland District Council may suspend, revoke or refuse to renew a Private Hire Vehicle Licence on the following grounds:
- a) The vehicle is unfit for use as a licensed Private Hire Vehicle;
 - b) The proprietor or driver has committed an offence under, or failed to comply with the provisions of the relevant Acts;
 - c) Any other reasonable cause.
37. The Council must give notice of the grounds for doing so within 14 days.
38. An applicant for a Broadland District Council Private Hire Vehicle licence has a right of appeal to a magistrates' court if aggrieved by any condition attached to a licence or by a refusal to grant a licence or by a decision to suspend, revoke or refuse to renew a vehicle licence. This appeal must be implemented within 21 days of receipt of the notice.

Stretched Limousines

39. A "stretched limousine", is a saloon type vehicle that has undergone an increase in length by extending the wheelbase after manufacture. An "American stretched limousine" is a stretched limousine imported from the USA and typically will have been manufactured originally by Lincoln (Ford) or Cadillac.
40. The purpose of this Policy and subsequent conditions is to protect public safety. The conditions will apply in addition to the Authority's standard conditions for Private Hire Vehicles and take account of the fact that stretched limousines will:
- a) travel generally at slower speeds than normal taxis
 - b) not normally overtake other vehicles
 - c) be easily recognisable by the hirer
 - d) be heavier and considerably longer than standard cars
 - e) be adapted or converted by someone other than the original manufacturer.
41. For the purposes of calculating the seating capacity of a vehicle the minimum width of a passenger seat is 408mm (16 inches). In the case of an 'L' shaped seat, sufficient space must

be made available in the corner to prevent the passenger on one side of the corner encroaching on the passenger on the other side.

42. In the case of a stretched limousine, or American stretched limousine, where the vehicle has been constructed or adapted to seat up to 8 passengers, originals of the following documentation will be required by the Council before an initial application for a vehicle licence can be considered:

- a) Completed importation documentation where applicable and individual vehicle approval (IVA) certificate confirming that the vehicle has been adapted to carry no more than eight passengers. Please note a Minister's Approval Certificate is not acceptable.
- b) Proof the 'stretch' was performed by the manufacturer or by a Coachbuilder approved by the vehicle manufacturer i.e. American Limousines must have been built by an approved coachbuilder under the QVM programme for Ford Vehicles or the CMC programme for Cadillac Vehicles.
- c) DVLA Registration Document (V5).
- d) Valid Certificate of Insurance, with cover for hire and reward.
- e) Current MOT certificate issued by an approved MOT Testing Station specifically equipped to test stretch limousines.
- f) Where applicable, confirmation that the vehicle is safe and has been entered on the UKLPG Vehicle Register in the case of vehicles converted to run on LPG.
- g) Valid Road Vehicle Excise licence disc.

43. The vehicle must not be more than 10 years old.