

**WARDS AFFECTED  
CITY WIDE**

Report No.....

**Licensing Committee**  
**14<sup>th</sup> April 2003**

**REPORT OF DIRECTOR OF DEVELOPMENT AND ENVIRONMENTAL  
SERVICES**

**Conditions of licence attached to private hire motorcycles, riders and operators**

**1 SUMMARY**

- 1.1 This report details the conditions of licence to be attached to the grant of a private hire rider, vehicle owner and operator licence issued in respect of private hire motorcycle operations.

**2 RECOMMENDATIONS**

IT IS RECOMMENDED that Members:

- 2.1 Approve the conditions of licence outlined in appendix 1; and
- 2.2 Agree to Officers using their delegated powers in respect of any subsequent licence applications which may be made for private hire motorcycles, their riders and operators.
- 2.3 Agree to the current licence fees levied for private hire drivers and operators being levied in respect of motorcycle private hire drivers/riders and operators.

**3 BACKGROUND**

- 3.1 A report was brought before the Committee at its meeting in November 2002 for a company called Chauffeurbikes to be licensed for motorcycle operations as a private hire operation in accordance with the Local Government (Miscellaneous Provisions) Act 1976
- 3.2 Members approved in principle the licensing of motorcycles as private hire vehicles and approved a specification for those vehicles which it would licence as a private hire vehicle.
- 3.3 The Committee also required that any application for an Operators' Licence be referred back to it for determination, and that the proposed Conditions of Licence for such Operations be brought to the Committee for subsequent approval.

3.4 A company have since registered an interest in operating a franchise for Chauffeurbikes. A request has therefore been made for the Council to determine the Conditions for Licence prior to entering into a franchise agreement. The Conditions for Licence are attached at appendix 1 to the report.

3.5 The Conditions of Licence for motorcycle private hire operations contained in appendix 1 have been based upon those used for cars but with appropriate adjustments for the use of motorcycles.

#### **4 PROPOSALS**

4.1 The Conditions of Licence for motorcycles if accepted by the Committee would be used for all such future licence applications.

#### **5 FINANCIAL IMPLICATIONS**

5.1 It is not known how many applications for licence will be made but it is anticipated that the impact on existing income will be minimal.

#### **6 LEGAL IMPLICATIONS**

6.1 The proposed conditions appear both reasonable and enforceable

#### **7 OBSERVATIONS OF OTHER OFFICERS**

None

#### **8 EQUAL OPPORTUNITIES IMPLICATIONS**

8.1 The provision of this service will provide additional employment and licensing opportunities to all members of the community who are suitably qualified. This includes Members of the ethnic minorities.

#### **9 CORPORATE OBJECTIVES**

9.1 The licensing of this type of operation will enable the Taxi Licensing Service to help meet the corporate objective of encouraging new businesses and attracting employers to Nottingham.

#### **10 BEST VALUE**

10.1 Consulting with the applicants and other bodies whilst considering the request demonstrates adherence to the principle of best value.

11 List of background papers other than published works or those disclosing confidential or exempt information

None

12 Published documents referred to in compiling this report

None

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Appendix "1"

**CITY OF NOTTINGHAM**

**CONDITIONS ATTACHED TO THE GRANT OF A  
PRIVATE HIRE MOTORCYCLE DRIVERS/RIDERS LICENCE**

**1. DEFINITIONS**

- (a) "The Council" means the Council of the City of Nottingham
- (b) "Licence plate" means the plate issued by the Council pursuant to section 48 (5) of the Local Government (Miscellaneous Provisions) Act 1976 for the purpose of identifying the motorcycle as a private hire vehicle.
- (c) "The Operator" means a person holding a licence to operate Private Hire Vehicles issued pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976.
- (d) "The Proprietor" has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976
- (e) "Authorised Officer" has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976
- (f) "Drivers Badge" means the driver's identification badge issued by the Council under section 54 of the Local Government (Miscellaneous Provisions) Act 1976
- (g) Any reference to driver/rider does not include any passenger carried.

**2. CONDUCT OF THE DRIVER/RIDER**

The Driver/Rider shall:-

- (a) Afford reasonable assistance with passengers luggage.
- (b) At all times be clean and respectable and behave in a civil and orderly manner.
- (c) Not eat or drink whilst undertaking a booking

- (d) Not without the consent of the hirer, play any radio or sound reproducing equipment other than for the purpose of receiving bookings and communicating with the operator.
- (e) Not accept any bookings for the vehicle. All such bookings must be made through the licensed operator.

**3. PASSENGERS**

- (a) The Driver/rider shall at all times when a motorcycle is hired take all reasonable steps to ensure the safety of their passenger.
- (b) The Driver/rider shall only carry one passenger.
- (c) No person under the age of 16 shall be permitted as a passenger.
- (d) The driver/rider of a private hire motorcycle shall not carry any passenger who is not wearing a crash helmet and armoured clothing to the upper body.

**4. LOST PROPERTY**

- (a) The Driver/rider shall immediately after the hiring, or as soon as practicable search the motorcycle for any property that may have been left by the hirer.
- (b) Any property left accidentally by the hirer on, or in, the motorcycle shall as soon as possible, and in any event within 24 hours, be taken to the Central Police Station, Nottingham.

**5. DRIVER'S/RIDER'S LICENCE**

- (a) The Driver/rider shall deposit their private hire drivers/riders licence issued by the Council with their licensed Operator. The licence shall remain at the Operators base for inspection purposes until such time as the driver/rider ceases to work as a driver for the operator.

**6. PROMPT ATTENDANCE**

- (a) The driver/rider of a Private Hire Motorcycle which has been hired to be in attendance at an appointed time and place shall, unless delayed or prevented by some reasonable cause, punctually attend with the motorcycle at the appointed time and place.

**7. WRITTEN RECEIPT**

- (a) The driver/rider shall, if requested by the hirer, provide the hirer with a written receipt of the fare paid.

**8. OTHER COUNCILS AREAS**

- (a) The driver/rider when in another Councils area, on being approached by any authorised officer of that Council shall answer any reasonable questions and produce documents in relation to themselves, and the motorcycle, as requested.

**9. REPORTING OF DAMAGE TO VEHICLES**

- (a) The driver/rider of any private hire motorcycle shall report any damage to the motorcycle which may affect its suitability to be licensed. The damage must be reported as soon as reasonably practicable and in any event within 72 hours to the Taxi Licensing Office. The vehicle must be presented for inspection at the Taxi Licensing Office so that its suitability to remain licensed can be assessed.

**10. SOUNDING OF AN AUDIBLE WARNING DEVICE FITTED TO THE MOTORCYCLE**

- (a) Drivers/riders must not sound the horn of the motorcycle outside of any premises where they have been sent to pick up a fare, irrespective of the hour of the day.

**11. TOUTING**

The Driver/rider shall not:-

- (a) Tout or solicit on a road or other public place any person to hire or to be carried for hire on a private hire motorcycle.
- (b) Cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried for hire on any private hire motorcycle.

Road means any highway and any other road to which the public has access including bridges over which a road passes.

**12. ANIMALS**

- (a) The driver must not convey either on, or in any attachment to the motorcycle, any animal.

**13. CHANGE OF ADDRESS**

- (a) The driver/rider shall give notice to the Council in writing of any change of their address during the period of the licence. Such notice shall be given within 7 days of the change taking place

**14. DRIVER'S BADGE AND IDENTIFICATION**

- (a) Each driver/rider shall at all times when working display their private hire drivers/riders badge in a prominent position on their armoured jacket
- (b) The badge shall remain the property of the Council and must be returned to the Council immediately the licence is suspended, revoked or becomes invalid for whatever reason.
- (c) The driver shall have their name and licence number affixed to the side of the crash helmet by way of transfer in letters and numbers not less than 1" in height. The numbers and letters shall be in a contrasting colour to the helmet.

**15. CONVICTIONS**

- (a) The driver/rider shall within 7 days disclose to the Council in writing details of any convictions incurred by them during the period of the licence.

**16. DRIVER/RIDER QUALIFICATIONS**

- (a) Any driver/rider of a private hire motorcycle licence shall hold a certificate from the Institute of Advanced Motorists or an equivalent qualification acceptable to the Council.

**17. CLOTHING**

- (a) The rider shall, at all times when riding a private hire motorcycle, wear armoured clothing on both the upper and lower part of their body.
- (b) The rider shall, at all times when riding a private hire motorcycle, wear a full face crash helmet.
- (c) The rider shall, at all times when riding a private hire motorcycle, wear a high visibility band diagonally over the armoured leathers.

## **CITY OF NOTTINGHAM**

### **CONDITIONS ATTACHED TO THE GRANT OF A PRIVATE HIRE VEHICLE (MOTORCYCLE) LICENCE**

#### **1. DEFINITIONS**

- (a) 'The Council' means the Council of the City of Nottingham
- (b) 'Private Hire Motorcycle' or "motorcycle" means a private hire motorcycle licensed by the Council under section 48 of the Local Government (Miscellaneous Provisions) Act 1976
- (c) 'Authorised Officer' has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976
- (d) 'Licence Plate' means the plate issued by the Council pursuant to section 48 (5) of the Local Government (Miscellaneous Provisions) Act 1976 for the purposes of identifying the motorcycle as a private hire vehicle.
- (e) 'The Proprietor' has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

#### **2. VEHICLE SPECIFICATION, EQUIPMENT AND INSPECTION**

- (a) The vehicle shall be maintained throughout the licence period so as to comply at all times with the vehicle specification approved by the Council.
- (b) The proprietor shall permit an authorised officer or any constable to inspect the vehicle at all reasonable times.

#### **3. VEHICLES GENERAL**

- (a) The vehicle (motorcycle) shall be kept clean and well maintained in every way fit for public use.
- (b) The vehicle (motorcycle) shall only be permitted to carry one passenger.

#### **4. VEHICLE DOCUMENTATION**

At all times during the currency of the licence there shall be in force:



- (a) A policy of insurance covering the vehicle for hire and reward and complying with the requirements of Part VI of the Road Traffic Act 1972. The driver/rider shall produce the same to an authorised officer when requested to do so.
- (b) A current Vehicle Excise Licence.

**5. ALTERATION OF VEHICLE**

- (a) No material alteration or change in the specification, design, condition or appearance of the vehicle (motorcycle) can be made after inspection of the vehicle (motorcycle) by the Council without the approval of the Council at any time when the licence is in force. The vehicle (motorcycle) shall at all times comply with the Councils specifications for a licensed vehicle (motorcycle).

**6. SALE/TRANSFER OF VEHICLE**

- (a) If the vehicle (motorcycle) is sold, the proprietor must inform the Council in writing within 14 days of the sale. Details of the new owner must also be supplied. The new proprietor must also inform the Council in writing of the transaction within 14 days.

**7. DRIVERS**

- (a) No person shall act as the driver/rider of the vehicle unless they hold a current drivers/riders licence issued by Nottingham City Council.
- (b) If the proprietor permits or employs any other person to drive/ride the vehicle as a private hire vehicle (motorcycle) he shall, before that person commences to drive/ride the vehicle (motorcycle), cause the driver/rider to deliver their private hire vehicle (motorcycle) drivers/riders licence for retention by the private hire operator until such time as the driver/rider ceases to be permitted or employed to drive/ride the vehicle (motorcycle) or any other vehicle (motorcycle) operated by them.
- (c) The proprietor shall keep a list of drivers available for inspection by the authorised officer.

**8. LICENCE PLATES**

- (a) The plates shall at all times remain the property of the Council and the proprietor shall return the plate to the Council immediately after the licence ceases to be in force.

- (b) The licence plates on the motorcycle shall be kept in the position(s) fixed by the Council whilst the motorcycle is being used as a private hire vehicle (motorcycle).
- (c) The proprietor or driver/rider of a private hire vehicle (motorcycle) must not cause or allow any of the licence plate(s) to become concealed from public view, or to be so damaged or defaced that any of the wording of the licence plates is illegible, except under such circumstances as are described in Section 75 of the Local Government (Miscellaneous Provisions) Act 1976.

**9. DAMAGE**

- (a) The proprietor of the private hire vehicle (motorcycle) shall as soon as reasonably practicable and in any event within 72 hours of the incident report to the Council any accident or damage how so ever caused to the vehicle which may materially affect the safety, performance or appearance of the vehicle or the comfort or convenience of the driver/rider or passenger and shall present the vehicle to the Council for inspection on request.

**10. FIRST AID KIT AND FIRE EXTINGUISHER**

- (a) There must be provided and maintained on or in the vehicle (motorcycle) at all times when it is in use or available for hire, a suitable and efficient dry powder type fire extinguisher or other such type as may be approved by the Council in writing of at least 1 kilogram capacity, together with a suitable first aid kit. These items must be maintained in a clean condition and in an easily accessible position on the vehicle (motorcycle) available for use.

**11. DUAL LICENSING**

- (a) During the currency of this licence the vehicle (motorcycle) shall not be licensed by any other body for public/private hire.

**12. VEHICLE LICENCE**

- (a) The vehicle (motorcycle) licence shall be delivered to, and deposited with, the operator of the vehicle.

**13. TAXI METER**

- (a) If a meter is fitted in or to a private hire vehicle (motorcycle) it shall be constructed, attached and maintained in accordance with the requirements of an authorised officer.

**14. ELECTRICAL EQUIPMENT**

- (a) The proprietor shall ensure that any radio equipment, mobile telephones, GPS or any other electronic equipment fitted to the motorcycle shall be at all times maintained in a sound condition and in fully working order.
- (b) Any mobile telephone fitted to the vehicle shall be capable of being operated by voice activation only. No bookings for the use of the motorcycle as a private hire vehicle shall be accepted whilst the motorcycle is in motion, and no booking shall be accepted by the mobile telephone whilst the motorcycle is currently outside of the licensing authority's district.

**15. CHANGE OF ADDRESS**

- (a) The Proprietor shall notify the Council in writing of any change of address (including a change of business address) during the period of the licence within seven days of such change taking place.

**16. CONVICTIONS**

- (a) The Proprietor shall within seven days disclose to the Council in writing details of any conviction incurred by them (or, if the Proprietor is a company or partnership, by any of the directors or partners) during the period of the licence.

**17. ADVERTISING**

- (a) The Proprietor shall not display on, or from, any motorcycle any sign or advertisement unless approved by the Council.

**18. PASSENGER EQUIPMENT**

- (a) The proprietor shall provide the following for all passengers:
  - (1) Full face crash helmet
  - (2) Fully weatherproofed jacket to cover upper clothing
  - (3) High visibility band which is to be worn diagonally over the weatherproof upper clothing.

**CITY OF NOTTINGHAM**

## **CONDITIONS ATTACHED TO THE GRANT OF A PRIVATE HIRE MOTORCYCLE OPERATORS LICENCE**

### **1. DEFINITIONS**

- (a) "The Operator" means a person who makes provision for the invitation or acceptance of bookings for a private hire vehicle.
- (b) "The Council" means Nottingham City Council and "The City" means the City of Nottingham.
- (c) "The Act" means the Local Government (Miscellaneous Provisions) Act 1976.
- (d) "Private Hire Vehicle" or "Vehicle" means a private hire vehicle licensed under the Act
- (e) "Vehicle Licence" means a private hire vehicle licence issued under the Act.
- (f) "Proprietor" means the person or persons or body named in the vehicle licence as the proprietor of the vehicle and includes part-proprietors and, in relation to a vehicle subject to a hiring agreement or a hire purchase agreement, means the person in possession of the vehicle under that agreement.
- (g) "Drivers/Riders Licence" means a private hire motorcycle drivers/riders licence issued under the Act.

### **2. RECORDS**

- (a) The records are to be kept by the Operator under Section 56(2) of The Act and shall be kept in a suitable book or such other form as the Council shall have approved in writing and the following particulars shall be entered concerning every booking:
  - (i) The time and date of the booking
  - (ii) The name and address of the hirer
  - (iii) How the booking was made (i.e. telephone, personal call etc)
  - (iv) The time of the pick up
  - (v) The point of the pick up
  - (vi) The destination
  - (vii) The licence number (or call sign) of the vehicle allocated
  - (viii) Records kept in accordance with the above shall be preserved for a period of not less than 12 months following the date of the last entry.

- (b) The Operator shall also keep records of particulars of all private hire vehicles operated by him, to include details of owners, registration numbers and drivers/riders of such vehicles, together with any call sign used.

### **3. REPAIRS**

The Operator shall at all times ensure that all private hire motorcycles used or operated by him for the purposes of private hire are maintained in a satisfactory and roadworthy condition.

### **4. CHANGE OF ADDRESS**

The Operator shall notify the Council in writing of any changes of his address (including any address from which he operates.) during the period of the licence, within seven days of such a change occurring.

### **5. CONVICTIONS**

The Operator shall within seven days disclose to the Council in writing details of any conviction incurred by him (or, if the Operator is a company or partnership, by any of the Directors or Partners) during the period of the licence.

### **6. PARKING**

The Operator shall ensure that all vehicles operated by him shall be parked legally when not undertaking private work.

### **7. PRIVATE HIRE MOTORCYCLES**

- (a) The Operator shall not operate any vehicle as a private hire motorcycle unless that vehicle has a current private hire vehicle licence issued by the City.
- (b) The Operator shall, before operating a private hire motorcycle cause the proprietor to deliver the vehicle licence for retention by the Operator until such time as the Operator ceases to operate the vehicle.
- (c) The Operator shall notify the Council, in writing, of the following details of every vehicle operated within seven days after that vehicle first being operated.
  - (i) The vehicles registration number
  - (ii) The vehicles licence plate number
  - (iii) The name and address of the proprietor

- (iv) The names and address of persons that it is intended will utilise the vehicle as a private hire motorcycle
- (d) The Operator shall notify the Council in writing of each vehicle that he ceases to operate.

**8. PRIVATE HIRE DRIVERS**

- (a) The Operator shall not operate in the City any motorcycle as a private hire motorcycle if the driver/rider does not hold a current driver/rider licence issued by the Council.
- (b) The Operator shall before operating a private hire motorcycle cause the proprietor to deliver to him:
  - (i) a driver/rider licence (if any)
  - (ii) in respect of any other person that he intends to employ (or permit to use the vehicle) as a driver/rider that persons drivers/riders licence.

The Operator shall retain the licence(s) until such time as he no longer operates the motorcycle and/or the driver rider