

# Public Document Pack



**Nottingham  
City Council**

## **Nottingham City Council Regulatory and Appeals Committee**

**Date:** Monday, 27 November 2023

**Time:** 9.30 am

**Place:** Ground Floor Committee Room - Loxley House, NG2 3NG

**Councillors are requested to attend the above meeting to transact the following business**

**Director for Legal and Governance**

**Governance Officer:** Mike Carey

**Direct Dial:** 0115 8763760

- 1 Apologies for Absence**
- 2 Declarations of Interests**
- 3 Minutes** 3 - 6  
To confirm the minutes of the meeting held on 17 October 2023.
- 4 Hackney Carriage & Private Hire Licensing Policy & Procedures Manual** 7 - 148  
Report of Interim Director for Communities.
- 5 Hackney Carriage Unmet Demand Survey** 149 - 228  
Report of Interim Director for Communities.
- 6 Review of Age and Specification Policy Relating To Hackney Carriage And Private Hire Vehicles** 229 - 246  
Report of Interim Director for Communities.

If you need any advice on declaring an interest in any item on the agenda, please contact the Governance Officer shown above, if possible before the day of the meeting

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## Nottingham City Council

### Regulatory and Appeals Committee

Minutes of the meeting held at Loxley House, Nottingham on 17 October 2023  
from 2.02 pm - 2.17 pm

#### Membership

##### Present

Councillor Audrey Dinnall (Chair)  
Councillor Liaqat Ali  
Councillor Kirsty Jones  
Councillor Matt Shannon

##### Absent

Councillor Gul Nawaz Khan  
Councillor Salma Mumtaz  
Councillor Sana Nasir  
Councillor Nick Raine  
Councillor Audra Wynter

#### Colleagues, partners and others in attendance:

Mike Carey - Governance Officer  
Laura Marsden - Senior Regeneration Officer  
Shaun Miles - Head of Communities  
Tamazin Wilson - Solicitor

#### 7 Committee Membership Change

It was noted that Councillor Farzanna Mahmood has stood down from the Committee and that Councillor Matt Shannon has been appointed to the vacancy.

#### 8 Apologies for Absence

Cllr Gul Nawaz Khan – unwell  
Cllr Salma Mumtaz – unwell  
Cllr Sana Nasir – work commitments  
Cllr Nick Raine – work commitments  
Cllr Audra Wynter – leave

#### 9 Declarations of Interests

None.

#### 10 Minutes

The minutes of the meeting held on 9 June 2023 were confirmed as a correct record and were signed by the Chair.

#### 11 Proposed Designation/Re-designation of Specified Streets for Street Trading purposes in Nottingham City Centre

Shaun Miles, Head of Communities, and Laura Marsden, Regeneration Officer, presented the report regarding the proposed designation and re-designation of

specific streets for street trading purposes in Nottingham City Centre, and highlighted the following points:

- (a) Under Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, the Council has the power to designate streets as 'consent streets', 'licence streets', or 'prohibited streets' for the purposes of street trading;
- (b) most streets within Nottingham City have been designated as either 'consent streets' or 'prohibited streets'. The redevelopment of Broad Marsh is changing the dynamics of the area, so streets which are currently designated as prohibited may now be appropriate for street trading which can be regulated by the Council if redesignated as 'consent streets', and a currently undesignated street has been identified (where street trading can occur in an unregulated way) which it is proposed should now be designated as a consent street so that trading in that location can be regulated;
- (c) proposals have been developed to update the designations of streets in the Broad Marsh area. These proposals would support the redevelopment of Broad Marsh while enabling the Council to appropriately regulate any street trading in the named streets;
- (d) the team presented a report to the Committee on 9 June 2023 outlining the proposals. At that time the Committee gave authorisation for the appropriate notices to be served and advertisements published inviting representations about the proposals;
- (e) no objections to the proposals were received during the 28-day consultation period. Therefore, the Committee are now asked to confirm support for the proposals and authorise implementation of the plans.

In the discussion which followed, and in response to questions from the Committee, the following points were made:

- (f) the redevelopment in the city centre is not completed, and it may be appropriate to make further proposals as the city centre develops further. Designations have to be applied specifically to named streets, and it is felt that those named in this report are appropriate for the current situation;
- (g) having a street designated as a 'consent street' would allow traders to approach the Markets and Fairs team to outline their offer. Street Trading pitches on the designated 'consent street' would first need to be approved following consultation with other interested parties, such as the Highways team, the Economic Development team, Ward Councillors, the Portfolio Holder, other local businesses, the police and fire authority to ensure that any permitted street trading in that location is not detrimental to the area. Markets and Fairs will then be able to consider any application for a street trading consent on an approved pitch, and the team have flexibility on the terms of that consent. Traders may also need to obtain further licences from Highways;

- (h) if the resolution is approved, there will be a further two public notices required made before implementation in mid-December.

**The Committee resolved:**

- (1) that pursuant to Paragraph 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and being satisfied that it is necessary that, with effect from 11<sup>th</sup> December 2023, the streets in the city of Nottingham listed at (a)-(f) below shall be re-designated as “consent” streets for the purposes of street trading:**
  - (a) Collin Street**
  - (b) Sussex Street**
  - (c) Trent Street**
  - (d) Carrington Street from its junction with Collin Street to its junction with Station Street**
  - (e) Albion Street**
  - (f) Stanford Street**
  
- (2) that pursuant to Paragraph 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and being satisfied that it is necessary that, with effect from 11<sup>th</sup> December 2023, part of Station Street in the city of Nottingham from its junction with Carrington Street to its junction with Trent Street in the said city is designated as a “consent” street for the purposes of street trading.**
  
- (3) all previous resolutions of the Council relating to the designation of the streets listed in resolution 1 above be rescinded with effect from 11<sup>th</sup> December 2023**
  
- (4) that the Director of Communities be authorised to advertise the resolutions outlined in 1, 2 and 3 above in accordance with Paragraph 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.**

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**REGULATORY & APPEALS COMMITTEE – 27 November 2023**

<b>Title of paper:</b>	Hackney Carriage & Private Hire Licensing Policy & Procedures Manual	
<b>Director(s)/ Corporate Director(s):</b>	Colin Wilderspin Director – Communities	<b>Wards affected:</b> All
<b>Report author(s) and contact details:</b>	John Davis – Taxi Licensing Compliance Manager 07572262275 john.davis@nottinghamcity.gov.uk	
<b>Other colleagues who have provided input:</b>	Ann Barrett Team Leader, Planning Environment and Leisure Solicitors	
<b>Date of consultation with Portfolio Holder(s) (if relevant)</b>	N/A	
<b>Does this report contain any information that is exempt from publication?</b>		
No		
<b>Relevant Council Plan Outcome:</b>		
Green, Clean and Connected Communities	<input type="checkbox"/>	
Keeping Nottingham Working	<input type="checkbox"/>	
Carbon Neutral by 2028	<input type="checkbox"/>	
Safer Nottingham	<input type="checkbox"/>	
Child-Friendly Nottingham	<input type="checkbox"/>	
Living Well in our Communities	<input type="checkbox"/>	
Keeping Nottingham Moving	<input checked="" type="checkbox"/>	
Improve the City Centre	<input type="checkbox"/>	
Better Housing	<input type="checkbox"/>	
Serving People Well	<input type="checkbox"/>	
<b>Summary of issues (including benefits to citizens/service users):</b>		
<p>The Department for Transport ‘Statutory Taxi &amp; Private Hire Standards’ published in July 2020 recommends that all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing.</p> <p>The principal purpose of the Hackney Carriage and Private Hire Licensing Policy &amp; Procedures Manual is to consolidate current policies and good practice guidance into a single document that aligns with the national standards and is easier to access so as to facilitate compliance. The aim is to emphasise the importance of the standards in underpinning safeguarding to protect the vulnerable and promote public safety.</p> <p>The Council will recognise the Manual as a method to be clear about the standards the authority expects in carrying out its Hackney Carriage and Private Hire licensing function. The key issues that the policy manual promotes are:</p> <ul style="list-style-type: none"> <li>• Protecting the public, safeguarding children / the vulnerable and prevention of crime / disorder</li> <li>• The health and safety of the public and drivers</li> <li>• Vehicle safety, comfort and access</li> <li>• Encouraging environmental sustainability</li> </ul>		

In promoting the licensing aims and objectives, the Council expect to see all licence holders and applicants continuously demonstrate they meet or exceed the standards set by the Authority.

On 27 February 2023, the Committee resolved to accept the recommendation that the Policy and Procedures Manual (save for appendices A-B and I-Q, which reflect already adopted policies and procedures) be released for consultation. The consultation period was from 02 March to 27 April 2023.

**Recommendation(s):**

<b>1</b>	That Committee consider the appraisal of the consultation response at appendix 2
<b>2</b>	That the Policy and Procedures Manual attached at appendix 1 of this report be approved and (save for appendices A-B and I-Q which reflect policies and procedures which are already adopted and in force) be implemented from 01 January 2024. The revised conditions of licence will be attached to licences issued upon initial application or renewal from this date.
<b>3</b>	Power to maintain and update the Policy and Procedures Manual to reflect any future changes to Policy or Procedure as and when they occur be delegated to the Head of Environmental Health and Public Protection and the Licensing & Policy Manager

**1. Reasons for recommendations**

1.1 The Statutory Taxi & Private Hire Vehicle Standards (“the Statutory Standards”) states:-

‘Whilst the focus of the Statutory & Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups. The Department therefore expects these recommendations to be implemented unless there is a compelling local reason not to’.

1.2 The Hackney Carriage & Private Hire Licensing Policy and Procedures Manual (the Manual) brings the Council’s current policies and good practice guidance into a single document as the Statutory Standards recommend. In bringing existing policies into one document, it is not the intention that they are re-adopted hence the consultation process only related to those parts of the Manual which are new or where change is proposed.

**2. Other options considered in making recommendations**

2.1 None – the Department for Transport recommends all licensing authorities make publicly available a cohesive document that brings together all their procedures on taxi and private hire vehicle licensing.

**3. Consideration of Risk**

See Legal Comments below

**4. Background (including outcomes of consultation)**



- 4.1 In July 2020 the Government introduced the Statutory Taxi & Private Hire Vehicle Standards which amongst other things set out an expectation that licensing authorities consolidate their current policies and good practice guidance into a single document that aligns with the national standards and is easier to access so as to facilitate compliance.

A review was carried out of the Council's policy documents, conditions, and procedures in light of the publication of the Statutory Standards. On 27 February 2023 this Committee considered a report on a proposed Hackney Carriage & Private Hire Licensing Policy & Procedures Manual and resolved that (save for appendices A-B and I-Q which reflect already adopted policies and procedures) the proposed Manual be released for consultation.

- 4.2 The Manual was open to consultation for an 8-week period from 02 March 2023 to 27 April 2023. Only one consultation response was received, that being from the App Drivers & Couriers Union (ADCU) on behalf of 209 drivers.
- 4.3 The ADCU response commented on a number of matters which were outside of the scope of the consultation and which are not therefore addressed (or addressed in detail) in the Officer's appraisal of consultation comments. These included criticising the constitution of the Committee which agreed that the Manual be submitted for consultation. These comments are not considered to be relevant to the matters which were subject to the consultation nor are they considered to affect the ability of the Committee to further consider the adoption of the Manual. These matters are not therefore addressed in this report.

The ADCU response also focused on encouraging the Council to intervene in the relationship between an Operator and the drivers that they operate by imposing risk management processes. This is felt to go beyond the remit of the Licensing Authority as set out in the relevant legislation which directs that as long as the Council considers an operator to be a fit and proper person and that they are not otherwise disqualified then they must be granted an operator's licence.

Although "reasonably necessary" conditions may be attached to such a licence the relationship between an operator and those drivers who work for them is not a matter for the Council and is governed by employment and other legislation. It is not therefore felt that it would be either reasonable or necessary to take the interventionist approach suggested.

- 4.4 Officer's appraisal of the main recommendations put forward in the ADCU representation can be found at Appendix 2. Some changes have been made as a result of these comments and are noted in that Appendix. In addition, on further reviewing the Operator conditions of licence, it is felt appropriate to add a further condition at paragraph 5(b) and Appendix H point 2 to make it clear that where an Operator is a company, partnership or a group of individuals a basic DBS check is required for each director, partner or individual and not just the company, partnership or group.

It is now recommended that the Manual be approved and that going forward the Head of Environmental Health and Public Protection and the Licensing & Policy Manager be responsible for keeping the manual up to date in the event of any new policies or procedures being introduced in the future or any changes to policy/procedures being approved.

The Manual will be implemented from 01 January 2024 and available on the Council's website. The revised conditions of licence will be attached to licences issued upon initial application or renewal from this date.

## **5. Finance colleague comments (including implications and value for money)**

- 5.1 This report seeks approval to progress with the adoption of the Policy and Procedures Manual following consultation to a consolidated clear single policy for the Council's hackney carriage and private hire licenses. There are no financial implications to this request as this does not affect the fee mechanisms but rather a centralisation of policy information. Any general cost implications are expected to be met within the existing MTFP.

Susan Turner – Senior Commercial Business Partner 31/10/2023

## **6. Legal colleague comments**

- 6.1 As indicated in the main body of the report the Statutory Standards recommend that all of the Council's hackney carriage and private hire licensing policies and procedures are brought together in one document and the Manual represents that document. The Manual has been through a period of consultation as recommended by the Statutory Standards with only one response being received. The response raised several issues which were outside of the scope of the consultation including criticising the constitution of the Committee which originally resolved to release the Manual for Consultation. That Committee was however quorate and appropriately constituted and the resolution is considered to have been properly passed.
- 6.2 A number of minor amendments are proposed to the Manual arising either from the consultation response or as a matter of clarification. As indicated previously it is not the intention to re-adopt certain existing policies and procedures to be contained within the Manual. As with most local authority decisions potential exits for legal challenge, however the Manual is felt to comply with the Guidance set out in the Statutory Standards and to be reasonable with regard having been made to the relevant legislation.

Ann Barrett – Team Leader, Legal Services 09/11/2023

## **7. Other relevant comments**

None.

## **8. Crime and Disorder Implications (If Applicable)**

- 8.1 The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services.
- 8.2 The Statutory Taxi and Private Hire Vehicle Standards were issued in July 2020. The Standards document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5). Under section 177(4), licensing authorities "must have regard" to the Standards when exercising their functions.

**9. Social value considerations (If Applicable)**

9.1 N/A

**10. Regard to the NHS Constitution (If Applicable)**

10.1 N/A

**11. Equality Impact Assessment (EIA)**

11.1 Has the equality impact of the proposals in this report been assessed?

No

An EIA is not required because:  
(Please explain why an EIA is not necessary)

Yes

Attached as Appendix 3, and due regard will be given to any implications identified in it.

**12. Data Protection Impact Assessment (DPIA)**

12.1 Has the data protection impact of the proposals in this report been assessed?

No

A DPIA is not required because there is no additional impact on the data protection requirements already in place. A DPIA was completed when the NR3S policy was introduced.

Yes

Attached as Appendix x, and due regard will be given to any implications identified in it.

**13. Carbon Impact Assessment (CIA)**

13.1 Has the carbon impact of the proposals in this report been assessed?

No

A CIA is not required because this policy has no impact on carbon emissions.

Yes

Attached as Appendix x, and due regard will be given to any implications identified in it.

**14. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)**

None.

**15. Published documents referred to in this report**

15.1 Department for Transport's Statutory Taxi and Private Hire Vehicle Standards.

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**Nottingham City Council**  
**Hackney Carriage & Private Hire Licensing Policy**  
**and Procedures Manual**

**Date of implementation:**

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## 1. Introduction

The Department for Transport ‘Statutory Taxi & Private Hire Standards’ published in July 2020 (the “Statutory Standards”), recommends that all licensing authorities make publicly available a cohesive policy document that brings together all their procedures on taxi and private hire vehicle licensing. This Manual therefore brings together Nottingham City Council’s various policies and procedures relating to Hackney Carriage and Private Hire Vehicles, their Drivers and Operators and will be reviewed from time to time (in whole or part) as may be appropriate.

These policies and procedures set out the Licensing Authorities framework against which all applications and enforcement actions will be measured though each case will be considered on its own merits and the Licensing Authority may depart from its policies (and relevant governmental guidance) where it feels it has good reason to do so.

## 2. Application and Definitions

### 2.1 Application

The Local Government (Miscellaneous Provisions) Act 1976, as amended, (“the 1976 Act”) and the Town Police Clauses Act 1847 (“the 1847 Act) provide the regulatory framework for Nottingham City Council as the Licensing Authority (‘the Authority’) to carry out its licensing functions in respect of Hackney Carriage and Private Hire Licensing.

This document collates the policies and procedures that the Authority will apply when making decisions about new applications and licences currently in force. This document applies to:

- Hackney Carriages: being a vehicle available to transport the public with no more than 8 passenger seats, which is licensed to ply for hire. This means that it may stand at ranks, be hailed in the street by members of the public within the Nottingham City boundary or undertake pre-booked work.
- Private Hire Vehicles: licensed to carry no more than 8 passengers but must be booked in advance by customers through an operator and cannot ply for hire in the street.
- Private Hire operators.
- Hackney Carriage and Private Hire drivers.

In undertaking its licensing function, the Licensing Authority will have particular regard to relevant legislative requirements including:

- Town Police Clauses Act 1847 & 1889
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1985 & 2000
- Crime and Disorder Act 1998
- Environmental Protection Act 1990
- Equality Act 2010
- Road Traffic Acts
- Health Act 2006
- Human Rights Act 1998
- The Department for Transport “Statutory Taxi & Private Hire Standards” July 2020

The Licensing Authority will also have regard to other strategies, policies and guidance in its decision making. In setting and applying such strategies, policies and guidance the Council may have regard to wider considerations affecting visitors, employers and residents. These include the availability of Hackney Carriage and Private Hire transport at all times, public nuisance, pollution, crime and the capacity of the trade to cope with customer demand, particularly at night.

The Statutory Standards recognise that taxis and private hire vehicles are a “high risk environment” and primary concern of the Licensing Authority therefore remains the safety of the travelling public including safeguarding the children and vulnerable adults who may travel in them.

## 2.2 Definitions

In this policy manual:

- 'The Council' or 'Licensing Authority' means Nottingham City Council.
- 'Authorised Officer' means an officer authorised in writing by the Council for the purposes of Part II of the Local Government (Miscellaneous) Provisions Act 1976.
- 'This policy manual' means Nottingham City Council's Hackney Carriage and Private Hire Licensing Policy & Procedures Manual.
- 'Hackney Carriage' means a hackney carriage licensed by the Council section 37 under the Town Police Clauses Act 1847.
- 'Private Hire vehicle' means a vehicle licensed by the Council under section 48 the Local Government (Miscellaneous Provisions) Act 1976.
- 'Operator' means a person who makes provision for the invitation or acceptance of bookings for a Private Hire Vehicle licensed under section 55 of the Local Government (Miscellaneous Provisions) Act 1976
- 'Plate' means the plate issued by the Council for the purposes of identifying the vehicle as a Private Hire Vehicle or a Hackney Carriage.
- 'DfT' means the Department for Transport, including previous names under which that Department has been known.
- 'District' means Council's administrative district.
- 'He', 'his', or 'him' means all references to 'he', 'his', or 'him' expressly also imply the definition of 'she', 'hers', or 'her'.
- 'The Committee' means the Regulatory and Appeals Committee of the Council.
- 'DVLA (Driver and Vehicle Licensing Agency) driving licence' means a full original UK driving licence.
- 'Driver' means a person who has been granted a licence by the Council to drive a Hackney Carriage or a Private Hire Vehicle under Section 46, Town Police Clauses Act 1847 or Section 51, Local Government (Miscellaneous Provisions) Act 1976 respectively.
- 'Proprietor' means the person(s) or body named in the licence for the vehicle as the proprietor 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.
- 'Badge' means, in relation to the driver of a hackney carriage, any badge issued by a district council under byelaws made under section 68 of the Town Police Clauses Act 1847 and, in relation to the driver of a private hire vehicle, any badge issued by a district council under section 54 of the Local Government (Miscellaneous Provisions) Act 1976.
- 'Driver's licence' means, in relation to the driver of a hackney carriage, a licence under section 46 of the Town Police Clauses Act 1847 and, in relation to the driver of a private hire vehicle, a licence under section 51 of the Local Government (Miscellaneous Provisions) Act 1976.
- 'Taximeter' means any device for calculating the fare to be charged in respect of any journey in a hackney carriage or private hire vehicle by reference to the distance travelled or time elapsed since the start of the journey, or a combination of both.
- 'Vehicle licence' means a Hackney Carriage issued by the Council under sections 37 of the Town Police Clauses Act 1847 or a Private Hire Vehicle licence issued by the Council under section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

The principal purpose of Hackney Carriage and Private Hire Licensing is to protect the public and promote public safety.

The Council will adopt and carry out its Hackney Carriage and Private Hire licensing functions with a view to promoting the following:

- The protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder.
- The health and safety of the public and drivers.
- Vehicle safety, comfort and access.
- Encouraging environmental sustainability.

In promoting these licensing aims and objectives, the Council will expect to see all licence holders and applicants continuously demonstrate that they meet or exceed the standards set by the Licensing Authority.

The Licensing Authority will work in partnership with its licence holders, neighbouring authorities, the Police, local businesses and citizens to ensure promotion of these aims and objectives.

Relevant Council policies and conditions will be taken into account by the Licensing Authority when making decisions on applications/enforcement action. These may be set to include or have regard to:

**A. The protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder.**

- Raising awareness amongst the licensed trade and the general public of issues of safeguarding children and vulnerable adults.
- Operating rules, conditions and disciplinary processes.
- Vetting, qualification, training and monitoring licensees.
- Commitment to work with the police and licensing authority.
- An expectation that licence holders will treat all customers, passengers, the general public and Council Officers with courtesy and respect at all times.
- Enforcement of licence conditions.

**B. The health and safety of the public and drivers.**

- Consideration of the history of convictions and cautions.
- Driver training, qualification and performance.
- Knowledge of the Nottingham City area.
- Health & fitness to fulfil the role of a licensed driver.
- Vehicle specifications
- Regular driver medical checks
- Commitment to work and co-operate with the Police and other licensing authorities.

**C. Vehicle safety, comfort and access**

- Standards of vehicle comfort and appearance.
- Space standards for vehicles.
- Location of ranks.
- Use of ranks.
- Provision of disabled facilities.
- Number of vehicles available.

**D. Encouraging environmental sustainability**

Working with stakeholders in the trade to find methods of reducing vehicle emissions and not issuing licences to vehicles that are unable to comply with European Emissions Standards.

#### **4. Delegations**

The Statutory Guidance recommends that councils operate with a Regulatory Committee or Board convened at periodic intervals to determine licensing matters and that less contentious matters be delegated to appropriately authorised council officers via a transparent scheme of delegation.

The Council's Constitution details who is responsible for making decisions on matters relating to Hackney Carriage and Private Hire licensing. The Regulatory and Appeals Committee of the Council has primary responsibility for licensing as set out in its Terms of Reference. However, due to the large number of licensing matters that require determining on a daily basis, the Council has delegated a majority of its operational licensing functions to officers including the power to grant, refuse and review licences. These powers are delegated to multiple officers of varying degree of seniority to ensure that they can be efficiently exercised in a timely and consistent manner and that impartiality and independence from investigating officers can be maintained. A copy of the constitution which contains the scheme of delegation is available on the Council's website or upon request.

## **5. Whistleblowing (confidential reporting)**

Paragraph 3.8 and 3.10 of the Statutory Guidance expect licensing authorities to have effective internal procedures in place for staff to raise concerns and for any concerns to be dealt with openly and fairly and that staff are aware of the policy.

If a confidential report (whistleblowing) is made to the Council, the Council's confidential reporting policy will be followed. A copy of the Council's confidential reporting code (whistleblowing procedure) can be found at Appendix P.

## **6. Hackney Carriage & Private Hire (combined) Driver licensing requirements**

All drivers must satisfy the Licensing Authority that they are fit and proper people to be granted a driver's licence and then must remain a fit and proper person for the duration of that licence. The fitness and propriety of the driver will be monitored/assessed throughout the period that the licence is held.

Applicants are expected to act with honesty and integrity throughout the application process and must therefore fully and accurately disclose any information that is requested. This includes information regarding previous convictions, warnings and reprimands, current investigations and pending criminal proceedings. Enquiries will be made with the Disclosure & Barring Service and through Police Common Law Disclosure.

It is the applicant's duty to declare if they have held or hold a Hackney/Private Hire Vehicle licence with any other authority, if they have surrendered the licence before its renewal date and if they have been subject to any suspension or revocation of the said licence.

The Licensing Authority aims to ensure that Private Hire and Hackney Carriage services delivered within the City are of a high standard. The application and compliance procedures are designed to ensure that these standards are maintained, monitored for compliance and appropriately enforced.

The sections below apply equally to Private Hire Vehicle and Hackney Carriage drivers unless indicated and the application process is set out in Appendix A.

### **6.1 Fit and proper person**

Licensees are in a position of trust and therefore the Licensing Authority must ensure that applicants/licence holders are and remain fit and proper to hold a licence. This requirement is contained within the 1976 Act (Part II).

The term 'Fit & proper Person' is not legally defined, however, in determining whether a person is fit and proper to hold a licence, the Statutory Guidance recommends that those tasked with determining licences/applications should consider the following question, 'Without prejudice and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?'

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

In order to assess suitability of an applicant, the Licensing Authority will undertake relevant checks to ensure that licences are not issued to or used by unsuitable people. In assessing the suitability of an applicant or licence holder, the Council will take into consideration the following factors:

- Criminal record including cautions.
- Period of holding a driver's licence.
- Number of penalty points on a driver's licence.
- Right to work in the UK.
- Medical fitness.
- Standard of driving/driving ability.
- General conduct/standards of behaviour including, where of concern, online behaviour.
- The conduct of the applicant in making the application i.e. whether they have acted with honesty and integrity during the application process.
- The previous licensing history of existing/former licence holders including the reasons for any entry on the NR3S database.
- Theoretical knowledge of issues and matters related to the work of a licensed driver.

The Licensing Authority may also consider information from other relevant sources such as the Police, Children and Adult Safeguarding Boards, other licensing authorities, statutory and non-statutory agencies and any entries on the NR3S database. An applicant will be required to provide consent to relevant checks being made with appropriate bodies at the application stage.

An applicant must inform the Licensing Authority of any convictions they have on application and when issued with a licence, the licence holder MUST notify the Council within 7 days of any arrest and release, charge or conviction for any sexual offence, any offence involving dishonesty or violence and ANY motoring offence. Failure to do so may result in the refusal of an application or suspension or revocation of an existing licence.

## **6.2 Application process**

See Appendix A

## **6.3 Disclosure and Barring Service (DBS) and DVLA Driver Licence checks**

See Appendix B

## **6.4 Relevance of convictions, cautions and warnings etc.**

The Licensing Authority is committed to ensuring that the licensed trade is fit and proper. This will entail periodic audits of licensed drivers to ensure that any errors or material changes are identified and acted upon.

In relation to the consideration of convictions, cautions, warnings and reprimands etc. the Licensing Authority has adopted the policy set out in Appendix B.

In assessing whether the applicant is a fit and proper person to hold or retain a licence, the Licensing Authority will consider each case on its merits. It will take into account cautions, convictions, reprimands or warnings etc. whether spent or unspent, but only in so far as they are relevant to an application for a licence (in line with the Department for Transport 'Taxi & Private Hire Standards' July 2020).

The policy at Appendix B will also be used to determine the suitability of an existing licence holder should it be necessary to consider action in relation to the licence part way through the licence period.

## **6.5 Topography Test**

Applicants will be required to produce photographic evidence of identification before the test can be commenced. The topography test must be passed and is designed to ensure applicants have sufficient knowledge in relation to the rules, regulations and conditions of licence, locations, the Highway Code and to evaluate literacy and numeracy skills.

As part of this process, applicants will be required to demonstrate that they possess English literacy skills of a standard that would reasonably be expected of a person undertaking the role as a hackney carriage or private hire driver.

The initial application fee will only include the initial test fee and is non-refundable upon failure. All re-tests will be charged in accordance with the fees set by the Council and are non-refundable in the event of failure.

No refund will be provided for any cancellations with less than 24 hours' notice in writing.

## **6.6 Medical Assessment**

Licensed drivers are expected to meet Group 2 Standards of Medical Fitness as applied by the DVLA to licensed lorry/bus drivers.

The Licensing Authority requires applicants and current licensees to undergo medicals through a third-party provider as approved by the Licensing Authority in writing.

The applicant will be responsible for arranging, attending and funding the medical appointment, as well as providing a copy of the medical certificate to the Licensing Authority.

Where there remains any doubt about the fitness of an applicant, the Licensing Authority may revert back to the medical practitioner for further information. The applicant will then be determined on the medical evidence available.

All new applicants are required to have a medical. For renewal applications, you are required to have a medical for the first renewal application made on or after their 45<sup>th</sup> birthday and thereafter every five years until their 65<sup>th</sup> birthday. After their 65<sup>th</sup> birthday a medical will be required every year.

An application will not be accepted/processed unless all elements of the application process have been completed.

No licence shall be issued until medical fitness has been established.

Licence holders must advise the Licensing Authority of any deterioration or other change in their health that may affect their driving capabilities as soon as is practicable. Failure to do so could result in suspension, revocation and/or another course of action deemed appropriate by the Licensing Authority.

The Licensing Authority also reserves the right to request a driver/applicant to produce a medical certificate at any point during the period of the licence. The driver may be required to cover the cost of this. Failure to comply with such a request may result in immediate suspension, revocation and/or another course of action deemed appropriate by the Licensing Authority.

To provide equity with drivers of other forms of public transport, the Licensing Authority will conduct drug/alcohol/eyesight tests on drivers on an intelligence-led and random basis. Selected drivers and applicants will be expected to either submit to any test deemed appropriate by the Licensing Authority or to attend a medical practitioner chosen by the Council and submit to any test deemed appropriate. Positive test results or failing to comply with the test request may result in a refusal, suspension or revocation of a licence.

Licensed drivers are under a legal duty to carry assistance dogs in their vehicles without additional charge. Drivers who have a medical condition which is aggravated by exposure to dogs may apply to the Licensing Authority for an exemption from the requirement on medical grounds. If an application is successful, they will be issued with an exemption certificate and a notice of exemption. The notice of exemption must be exhibited by fixing it facing outwards, either on the windscreen, in a prominent position on the dashboard or on the partition screen. Such an exemption must be reapplied for when the licence is renewed.

## **6.7 Duration of a licence**

The Licensing Authority will normally issue a Combined Hackney Carriage & Private Hire driver's licence for a three-year period. The Licensing Authority does have the discretion to issue licences for a shorter period, if it considers this may be necessary in the circumstances.

## 6.8 Conditions

The Licensing Authority may attach such conditions to a Combined Hackney Carriage & Private Hire driver's licence as are considered necessary. The Licensing Authority's standard conditions are set out in Appendix D but the Authority may in addition add individual conditions to a licence should it consider it necessary.

Failure to comply with the conditions attached to a licence may result in enforcement action and the licence being reviewed.

## 6.9 Safeguarding

All new applicants will be required to attend and pass a Safeguarding Vulnerable Passengers training course prior to a licence being granted.

The training will involve attending a session at a location or method designated by the Licensing Authority. At the end of the session, all applicants will be required to pass a test.

Failure to pass the test will result in the applicant re-taking the training session and test at their own cost.

Fees are non-refundable in the event of failure.

## 6.10 Right to work in the UK

The Licensing Authority requires all applicants to provide documentary evidence to confirm that they can legally work in the UK For example:

- A UK passport confirming that the holder is a British Citizen
- A passport or passport card (in either case, whether current or expired) showing that the holder is an Irish citizen.
- A current passport or another travel document endorsed to show that the holder is allowed to stay in the United Kingdom and undertake paid employment.
- Full UK Birth/Adoption Certificate
- An immigration document issued by the Border and Immigration Agency to the holder which indicates that the named person can stay in the United Kingdom and undertake paid employment.
- A work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment.

This is not an exhaustive list and other documents may be accepted.

**Where a driver is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom.**

The Licensing Authority requires all its drivers to ensure that passengers are safeguarded when being transported in a licensed vehicle. The following are applicable:

- Ensure that they are fit to drive at all times.
- Ensure that their vehicle is fit to be driven at all times.
- Not to use a vehicle which could put the public at risk.
- To remain professional at all times.
- To carry their photographic I.D. at all times and wear it in accordance with any conditions of the licence.
- Not to swear or use offensive or inappropriate language.
- Not to behave in a manner that would make passengers feel uncomfortable, intimidated and/or threatened.
- Not to misuse personal information obtained whilst working.
- Ensure a log is maintained which records all incidents, refusals and accidents involving passengers and is reported to their operator immediately and in any event, before taking the next fare.
- They must inform the Licensing Authority and if applicable the Private Hire Operator of any offences/convictions or arrests.

### **Reporting Concerns**

If a driver is concerned about the safety, welfare or behaviour of an individual, they should report it to the Police by telephoning 101 (or in an emergency by calling 999) or Crimestoppers.

### **6.12 Drivers hours**

There are no direct controls over the hours that hackney carriage/private hire drivers can work. There are, however, limits applicable to drivers of heavy goods vehicles and public service vehicles.

The Licensing Authority is concerned that the number of hours worked by drivers can impact on public safety and encourages drivers to have regard to the limits that are applicable to drivers of heavy goods vehicles and public service vehicles namely:

- An average of 48 hours per week calculated over a 17-week period but up to 60 hours in a single week, providing the 48-hour average limit is maintained.
- Night work limited to 10 hours unless there is an agreement to work longer hours.
- Working between 6 and 9 hours per day requires breaks totalling 30 minutes. If more than 9 hours is worked then breaks must total 45 minutes, and breaks should be at least 15 minutes in duration.

The Licensing Authority recommends that these requirements are used as a guideline to ensure drivers are fit to drive and that public safety remains paramount at all times.

### **6.13 NR3S, NAFN, National Register of Taxi Licence Revocations & Refusals**

All applicants will have their details checked against the register and any relevant information taken into account in assessing the application. Where an application is refused, suspended or where a licence is granted but subsequently revoked, this will be entered into the register.

The Licensing Authority provides information to the National register of Taxi Licence Refusals and Revocations (NR3S) which is a mechanism for licensing authorities to share details of individuals who have had a Hackney Carriage or Private Hire Vehicle driver's licence revoked, suspended or an application for one refused. This is necessary in assessing whether an individual is a fit and proper person to hold a licence.

Therefore, where a licence is revoked, suspended or an application is refused, the Licensing Authority will automatically record this decision on NR3S.

All applications for a new licence or licence renewal will be checked on NR3S. If a search indicates a match with an applicant, the authority will seek further information about the entry on the register from the licensing authority



which recorded it. Any information received as a result of a search on NR3S will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.

The information on NR3S will be limited to;

- Name
- Date of birth
- Address and contact details
- National Insurance number
- Driving licence number
- Decision taken
- Date of the decision
- Date the decision took effect

Information will be retained on NR3S for a period of 25 years.

This is a mandatory requirement when applying for or being granted a Nottingham City Council Combined Hackney Carriage & Private Hire Vehicle driver's licence.

#### **6.14 Designated wheelchair accessible vehicles Section 167 list.**

Nottingham City Council is committed to promoting accessible transport services to all users and to uphold the objectives of the Equality Act 2010.

The Licensing Authority maintains a list of all vehicles designated for the purpose of section 165 of the Equality Act 2010 (Section 167 list) on the Council's website.

The following responsibilities are placed on drivers of Hackney Carriages and Private Hire Vehicles that have been licensed as designated wheelchair accessible vehicles;

- To carry the passenger whilst in a wheelchair.
- Not to make any additional charge for doing so.
- If the passenger chooses to sit in a passenger seat, to carry the wheelchair.
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort.
- To give the passenger such 'mobility assistance' as is reasonable required.

What does mobility assistance mean?

Mobility assistance essentially means helping passengers who use wheelchairs by providing physical assistance. If the passenger wishes to remain in the wheelchair, the driver must help the passenger to get into and out of the vehicle. If the passenger wants to transfer to a seat, the driver must help him or her get out of the wheelchair and into a seat and back into the wheelchair; the driver must also load the wheelchair into the vehicle. The driver must also offer to load the passenger's luggage into and out of the vehicle.

Guide dogs/assistance dogs

Duties are also placed on Hackney Carriage and Private Hire Vehicle drivers when driving a licensed vehicle to carry guide dogs and other assistance dogs under the requirements of the Equality Act 2010, regardless of the designation on the section 167 list.

Refusal to comply with the above duties

Unless a driver has been granted an exemption certificate by Nottingham City Council Licensing Authority on the grounds that they are medically unable to provide the above assistance, then an offence is committed if the duties imposed are not carried out as required. In such instances, the Council will investigate any complaints received about the lack of assisting wheelchair users and/or those accompanied by guide/assistance dogs and will take appropriate enforcement measures in accordance with our Hackney Carriage & Private Hire Vehicle licensing policy.

## **7. Hackney Carriages and Private Hire Vehicles**

### **7.1 Application process**

See Appendix I.

### **7.2 Age & specification of vehicles**

In order for a vehicle to be licenced it must comply with the Licensing Authority's Age & Specification policy (Appendix J) and supplementary testers manual (Appendix M).

The specification for Private Hire Vehicles is set out in Appendix K and for Hackney Carriages at Appendix L.

### **7.3 Insurance**

All insurance documents must be shown before a licence is issued by the Licensing Authority. This requires:

- A valid certificate of insurance or cover note confirming that insurance is in place for each driver of the vehicle and specifying use as either a Hackney Carriage or Private Hire Vehicle.
- A Hackney Carriage vehicle requires insurance to cover public hire and hire and reward.
- A Private Hire vehicle requires insurance to cover hire and reward
- A cover note will be accepted and the licence will be issued on the understanding that a certificate of insurance will be produced at the earliest opportunity

The Licensing Authority will undertake periodic auditing of licensed vehicles to verify that the vehicle is appropriately insured.

### **7.4 Conditions**

The Council is empowered to impose such conditions as it considers reasonably necessary in relation to the granting of Hackney Carriage or Private Hire Vehicle licences.

The Licensing Authority's standard conditions are set out in Appendix E for Private Hire Vehicles and Appendix F for Hackney Carriages. The Licensing Authority also retains the power to add vehicle specific conditions if appropriate.

### **7.5 Identification of vehicles as Private Hire Vehicles or Hackney Carriages**

The Council requires Hackney carriages and Private Hire Vehicles to clearly indicate to the public that they are licensed vehicles. Therefore, they must be clearly distinguishable from other vehicles and each other. The Council believes that clear signage, types of vehicles together with the colour of the vehicle, can achieve this.

#### **Hackney Carriage**

- The exterior colour of all Hackney Carriages must be the manufacturers black with a white vinyl roof and the Council crest in white on both the front doors. Permission may however be given for a Hackney Carriage to display advertising in accordance with the Advertising Policy in Appendix N.

- Plates must be fixed and displayed to the front and rear of the vehicle.

### **Private Hire Vehicles**

- By law, a Private Hire Vehicle must not have the appearance of a Hackney Carriage or have a top sign/light.
- They may display signs on the front doors of the vehicle identifying the operator that they are working for giving the name and contact details and indicating 'Advanced bookings only'.
- The minibus variants of approved Hackney Carriage vehicles, such as the Mercedes Vito, may be licensed as a Private Hire Vehicle but must not be painted in the manufacturers black.

The Council has set standards for the acceptable type of signage for Private Hire Vehicles and Hackney Carriages. These can be found in the Private Hire Vehicle/Hackney Carriage conditions set out in Appendix E for Private Hire Vehicles and Appendix F for Hackney Carriages. They include:

- The permitted position of licence plates
- Positioning of door signs for vehicles
- Required wording for door signs on vehicles
- Requirements for the display of notices in vehicles
- Other notices/markings that the Council will require licensed vehicles to display

### **7.6 Fire extinguishers and First Aid kits**

All vehicles are required to be equipped with a fire extinguisher and First Aid kits that conform to the specification as stated in the Council's conditions.

### **7.7 Accidents**

If at any time the vehicle is involved in an accident, however minor, the driver must inform the Licensing Authority in writing of this fact as soon as possible and in any event within 72 hours. Emails can be sent to [taxi.licensing@nottinghamcity.gov.uk](mailto:taxi.licensing@nottinghamcity.gov.uk)

The vehicle must be presented for inspection to the Council as soon as possible after the accident has taken place. An appointment will be arranged upon notification to the Licensing Authority. Failure to present the vehicle could result in the vehicle's licence being suspended and/or revoked.

The Council may, at any time, request that a vehicle be inspected. The vehicle should not be used for hire or reward until the Licensing Authority has confirmed it is satisfied that the vehicle is fit for use. The licence may be suspended in the interim. If, following an inspection, it is deemed that the vehicle is not, fit for use and/or, roadworthy then the vehicle licence may be suspended.

If the vehicle is significantly damaged/not roadworthy, or is being assessed by an insurance company, then the vehicle proprietor must inform the Licensing Authority as soon as possible and in any event within 72 hours. In these cases the proprietor should provide photographic or other evidence to justify why the vehicle is unable to be presented for examination. Failure to do so may result in the licence being suspended and/or revoked.

### **7.8 Vehicle examination and testing requirements**

Hackney Carriage and Private Hire vehicles examination and testing requirements are set out in Appendix M.

### **7.9 Meters**

All Hackney Carriages must be fitted with a meter.

Meters used to calculate fares must be accurate, display the correct time and be capable of displaying:

- In the case of Hackney Carriages, the various tariffs as approved by the Council (including extra charges recoverable under the approved Table of Fares). The meter shall be calibrated and set to the Council's agreed charging distances and tariffs currently in force.
- In the case of private hire vehicles, any scale of charges which will be provided by the Private Hire operator.

Meters will be checked for accuracy by a measured mile distance or by waiting time.

Meters must be positioned in order that the fare must be clearly displayed to the passenger throughout the journey.

Meters in use must not facilitate fraudulent use. Any signs of tampering will result in a suspension notice being issued immediately. For the suspension notice to be removed, the vehicle meter must have been checked and calibrated by an approved meter company and presented to the Council for inspection.

Private Hire Operators and / or drivers may agree a cost for the journey with the customer prior to the journey commencing. In this situation, the price quoted is the price that must be charged – there is to be no deviation from this price without the agreement of the customer.

On occasions where a price has been not been agreed prior to the journey commencing, the fare charged must be that which is reflected on the meter where the vehicle is equipped with a meter.

## **7.10 CCTV**

It is not the policy of the Licensing Authority to require CCTV to be fitted to a licensed vehicle. If a proprietor wishes to fit CCTV to their vehicle, the system must meet the specifications set out in Appendix R.

## **7.11 Wheelchair accessibility**

All Hackney Carriages are required to be Wheelchair Accessible Vehicles and able to carry the Department of Transport (DFT) designated "reference wheelchair" (a set of dimensions which the DFT have published on their website).

## **7.12 Advertisements**

No advertisements shall be placed on any licensed vehicle without the applicant receiving prior written approval from the Licensing Authority.

An application must be made in writing to the Licensing Authority together with a copy of the advertisement. Further information can be found at Appendix N.

## **7.13 Limousines and executive hire**

A Private Hire Vehicle proprietor may apply in writing to the Licensing Authority for an exemption from displaying external plates in order to carry out executive work.

The external licence plates need not be displayed where the proprietor has declared that their vehicle will **only** be undertaking contracts, which involve contract / executive / corporate activities **only** through a Nottingham City Council Licensed Operator and not general Private Hire work.

Whilst an exemption has been granted for the display of the external licence plates, the internal ID plate will still need to be carried in the boot of the vehicle at all times, and produced on request to **ANY** Authorised Officer or Police Officer. (In the event that the vehicle use is changed for other hire and reward activities, the front and rear

external licence plates must be displayed and securely placed on the brackets provided and the Licensing Authority notified with immediate effect).

The letter of exemption must be carried in the vehicle at all times and produced upon request to any Authorised Officer or Police Officer.

#### **7.14 Special events vehicles and courtesy cars**

The Council considers the following types of vehicles to be 'special events vehicles' in the context of licensing:

- Decommissioned emergency service vehicles
- Vintage vehicles
- Other non-standard type converted vehicles used for special events

The above list is not exhaustive and other types of vehicle may be considered from time to time. When considering an application for a special event vehicle, the Council will have regard to the general requirements for Private Hire vehicles contained within this policy manual and relevant appendices.

Courtesy cars used for transporting customers to and from specific venues such as hotels and night clubs, whether operated with or without charge to the customer, are considered to be Private Hire vehicles. These vehicles must be licensed as Private Hire vehicles, driven by Private Hire drivers and the journey must be booked via a Private Hire operator.

#### **7.15 Additional provisions for Hackney Carriage vehicles only**

##### **Limitation on numbers**

The main aim of the Council's licensing of the Hackney Carriage and Private Hire trade is the protection of the public. The Council is aware that the public should have reasonable access to hackney carriage and Private Hire services, because of the part they play in local transport provision. Disabled groups are particularly reliant on Hackney Carriages as a means of transport.

Licensing authorities have no power to restrict the number of Private Hire vehicles they licence.

Licensing authorities can however restrict the number of Hackney Carriages which they licence if they are satisfied that there is no significant unmet demand for taxi services in their area. The Licensing Authority currently limits the number of Hackney Carriage Vehicle licences that it will issue to 420. The Authority though it has a legal duty to commission independent periodic surveys of unmet demand and this policy is currently under review.

The Authority also operates a Hackney Carriage Licence Allocation Policy to ensure that the allocation of any available hackney carriage licences in a fair and proportionate manner. The policy is set out in Appendix Q.

## **8. Fares**

### **8.1 Hackney Carriages**

The Hackney Carriage Table of Fares ('the tariff') is set by the Council and sets the maximum fare that can be charged by Hackney Carriage drivers for journeys within the City which can be negotiated downwards by the hirer for journeys.

The hirer may agree to the fare for a journey, which ends outside the City boundary, being charged other than at the metered rate. The fare must be agreed before the commencement of the journey.

A fares tariff is enforceable as a byelaw and it is an offence for any person to charge more than the metered fare.

The Council will review Hackney Carriage fare scales from time to time in liaison with the Hackney Carriage proprietors. A notice of any variation to the maximum fare shall be advertised by the Council.

A table of authorised fares will be provided to each Hackney Carriage licence holder, which must then be displayed in each vehicle so that it is easily visible to all hirers.

Drivers must provide written receipts for fares paid if requested by a passenger.

## **8.2 Private Hire vehicles**

The Council is not able to set fares for Private Hire vehicles.

Best practice is to agree the fare prior to the commencement of the journey with the private Hire Operator. Drivers must provide written receipts for fares paid if requested by a passenger.

## **9. Private Hire Operators**

### **9.1 Requirement for a licence**

Vehicles and drivers may only lawfully carry out bookings made through an operator who is licensed by the same authority. When an Operator is unable to fulfil a booking due to unforeseen circumstances, it may pass that booking to another Operator to fulfil the commitment providing it is done in accordance with the law.

The term 'operate' is defined at section 80 of the 1976 Act as meaning, in the course of a business, to make provision for the invitation or acceptance of bookings for private hire vehicles.

Operators play a key role in ensuring that the public are kept safe, that drivers are suitably trained, experienced and supported to deliver a high quality service and to ensure that vehicles are kept in a clean, safe and sound condition at all times.

Whilst it is accepted that operators will have less direct contact with the public than drivers (with the exception of receiving bookings for journeys), to ensure the safety of the public the Licensing Authority must apply similar checks when considering applications for licences. The Licensing Authority must be satisfied that prospective operators are fit and proper persons.

A licensed Private Hire Vehicle must only be despatched to a customer by a Private Hire Operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a licensed hire vehicle in line with the law.

### **9.2. Application process**

See Appendix H.

### **9.3. Fitness and propriety of applicants**

In determining applications, the statutory test set out at section 55 of the 1976 Act is applicable, namely that the Licensing Authority "*shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator's licence*".

The operator is responsible for all persons (and vehicles) that are employed, contracted or otherwise used in the course of their business.

In order to assess the suitability of an applicant the Licensing Authority will undertake any checks and apply whatever processes it considers necessary to determine whether an applicant is fit and proper to hold a licence and ensure that licences are not issued to, or used by, unsuitable people.

In assessing the suitability of an applicant or licence holder, the Licensing Authority will consider the following factors:

- Criminality
- Right to work
- General conduct / standards of behaviour (including online behaviour)
- The conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process).
- The previous licensing history of existing / former licence holders (including honesty and integrity).

In addition, the Licensing Authority may need to verify information or obtain further information from other sources such as the Police, other local authorities, statutory & non-statutory agencies and Boards such as the Children and Adult Safeguarding Boards.

The Licensing Authority requires that all operators (all partners/directors) fund, obtain and provide a basic DBS certificate annually if the applicant is not the holder of a current Nottingham City Council Combined Hackney Carriage & Private Hire driver's licence. If the operator holds a current driver's licence, permission to access the Update Service will be acceptable.

All Operators are required to undertake and maintain evidence of checks that satisfy them that their drivers and/or vehicles are suitable, fit and proper to be used in the course of their business. Failure to ensure that appropriate checks are in place may have an adverse impact the operator's licence.

Examples of checks include:

- Ensuring vehicles are at all times roadworthy;
- Monitoring the conduct of drivers and drawing any concerns to the attention of the Licensing Authority;
- Appropriate complaints handling
- Records of any public safety issues/concerns involving drivers and/or vehicles and the reporting of such concerns to the Licensing Authority
- Good Record keeping (including);
- Driver hours
- Vehicle maintenance
- Vehicle checks
- Training records

#### **9.4. Convictions**

Whilst Operators come into contact with the public less frequently than drivers, they still play a critical role in ensuring the safety of public. In assessing an applicant's fitness and propriety, the Licensing Authority will take into account any convictions or cautions for criminal offences when determining an application.

The effect of any convictions or cautions which are not considered to be 'spent' under the provisions of the Rehabilitation of Offenders Act will all be considered.

A serious view will be taken where there are offences relating to dishonesty, financial impropriety, violence, substance misuse, abuse of a person with a protected characteristic, safeguarding offences or misconduct under taxi and private hire legislation. The Enforcement, Convictions & Fitness policy applicable to drivers will be used as a guideline when considering offences for Operators.

It shall be the duty of the Operator to inform the Licensing Authority of the following:

- Any convictions incurred by them or any partner, director or company secretary during the period of the licence for any offence. They must be reported to the Licensing Authority in writing within 7 days
- Change of address, in writing within 7 days
- Any other changes that could affect the licence
- Any convictions of their employees or agents who hold hackney carriage/private hire vehicle driver's licences. They must be reported to the Licensing Authority in writing within 7 days

Private Hire operators are not identified as an exempt profession under the Rehabilitation of Offenders Act 1974, and therefore the provisions of that Act relating to convictions becoming spent after a certain amount of time will apply in full.

### **9.5. Licences**

Any relevant licensing history relating to an applicant or operator will be considered by the Licensing Authority. Where appropriate, further information may be sought from any other relevant body. Consent from the applicant should not be unreasonably withheld.

Where consent is refused a licence will normally be refused.

It shall be the duty of the licensed Operator to ensure that the licences of all vehicles and drivers are valid and current.

The Council will normally issue an Operator's licence for a five-year period.

The Council does have the discretion to issue licences for a shorter period, if it considers this to be necessary in the circumstances.

### **9.6 Safeguarding Vulnerable Passenger Training**

If an applicant for an operator's licence isn't already the holder of a combined driver's licence, then they will be required to attend and pass a Safeguarding Vulnerable Passengers training course prior to a licence being granted.

The training will involve attending a session at a location approved by the Licensing Authority. At the end of the session all applicants will be required to pass a test.

Failure to pass the test will result in the licensee re-taking the training session and exam at their own cost and within a specified amount of time.

The initial test fee may be included in the application fee.

All re-tests will be charged in accordance with the fees set by the Council.

### **9.7 Right to work in the UK**

Please refer to section 6.10

### **9.8 Conditions**

Under section 55(3) of the 1976 Act, the Licensing Authority may attach such conditions to an operator's licence as are believed necessary.

The Licensing Authority's standard conditions which will be attached to all licences issued. are appended at Appendix G. Additional conditions can be attached where deemed appropriate.

Failure to comply with the conditions set out in this document may result in enforcement action and the review of the licence.

### **9.9 Planning permission**



Any premises maintained by the operator (e.g. vehicle depots, booking offices, call centres, etc.) may require planning permission for that usage, irrespective of how many vehicles are to be operated from that location. It is advised that applicants seek advice from the planning authority prior to making an application for a licence or commencing the use of premises under a licence, as to whether any permission will be required.

Applicants must note that both planning and licensing requirements must be satisfied prior to the commencement of any operation.

### **9.10 Insurance**

Operators are required to have the relevant insurance policies in place:

- Vehicle;
- Public Liability;
- Employers Liability (where applicable)

### **9.11 Trading names**

Operators will be asked to declare their (proposed) trading name(s) within their application. This is the name by which the business will typically be known by customers and the public, and which will appear on advertising placed by the Operator.

While trading names are a matter for an Operator to determine, the Licensing Authority will, as part of its licensing process, seek to prevent names which may offend or cause confusion from being used in connection with the provision of private hire services in the area.

Legally, only hackney carriages may display the words 'taxi' or 'cab' on their vehicles. For this reason, trading names which include the words 'taxi', 'cab', 'hackney' or 'public hire', or which are phonetically or visually similar, will not be permitted by private hire operators.

If, however, the operator also provides bookings to hackney carriages, a variation of the permitted trading name including one of these terms may be displayed on advertising specifically in respect of those vehicles, but not in respect of any matter relating to the wider business or to private hire vehicles.

Should concerns arise about the suitability of a trading name, in the first instance these concerns will be discussed with the applicant, who will be given an opportunity to respond or to amend his application.

### **9.12 Door signs and advertising**

Under the council's standard conditions applying to vehicle licences, all vehicles which are operated by an operator may display that operator's door signs in prescribed positions, at all times. The door signs must be of a design and colour scheme approved by the Council.

A sample or proof of the proposed door sign should accompany an initial application for an operator's licence, or if this is not possible, should be supplied to the Council as soon as practicable following the confirmation of grant of the licence.

A door sign that has not been approved cannot be used on a vehicle. Proofs may be supplied either on paper or electronically. Approval of a design will not be unreasonably withheld, so long as the signage includes the required wording, is of a suitable size, and relates to the operating company's services only, and not to any other product or service.

Please refer to Appendix N for further information.

Each Operator shall keep a record of complaints made to them, their agents or employees in relation to any aspects of the business. The records shall be maintained for the duration of the Licence and should be available at all times for inspection by a Police or authorised Officer.

Complaints involving any element of:

- a. the fitness of a licensed driver to drive; and/or
- b. the driving ability of any licensed driver
- c. the condition of any licensed vehicle

Must be reported to the Councils Licensing Department, in writing, within 48 hours of the complaint being made to the Operator.

#### **9.14 Exemption from displaying licence plate**

The Licensing Authority has considered requests from certain operators for their businesses or part thereof to be exempted.

Exemptions are only granted in exceptional circumstances and for specialist businesses, for example, those providing novelty vehicles such as stretch limousines and/or executive chauffeur businesses.

In all cases, requests for exemption from one or more of the licence requirements must be made in writing, setting out the exemption sought and the justification as to why this exemption may be considered appropriate, in accordance with the criteria set out in the preceding paragraph. The request must be accompanied at the time of submission (not at a later stage) by suitable and sufficient evidence to support the request.

Where exemptions are granted, the Licensing Authority reserves the right to impose additional conditions or requirements, which may stipulate an alternative way of achieving the initial requirement, or a close alternative.

All exemptions granted will be subject to periodic review, and may be withdrawn at any time and without prior notice if the Licensing Authority can no longer be satisfied that the exemption is necessary, or if there is evidence to suggest it is no longer suitable.

The Licensing Authority will not grant exemptions from the signage requirements for hackney carriages.

#### **9.15 Duties under the Equality Act 2010**

The Equality Act 2010 places specific duties on Operators to transport passengers accompanied by assistance dogs.

An Operator commits an offence under section 170(1) of the Equality Act 2010 if they fail or refuse to accept a booking for a Licensed Vehicle:-

- (a) if the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and
- (b) the reason for the failure or refusal is that the disabled person will be accompanied by an assistance dog.

An Operator commits a further offence under section 170(2) of the Equality Act 2010 if they make an additional charge for carrying an assistance dog which is accompanying a disabled person.

Operators are under a duty to accept bookings from passengers with guide, hearing and other assistance dogs without additional charge. When carrying such passengers, drivers have a duty to:

- Convey the disabled passenger's dog and allow it to remain under the physical control of the owner; and
- Not to make any additional charge for doing so.

Operators are required to inform their drivers about the best practice when they are conveying disabled passengers with assistance dogs.

Operators should allocate bookings made by passengers accompanied by assistance dogs to drivers who do not hold a medical exemption certificate to exempt them from conveying assistance dogs.

If a driver, who is employed by an Operator or works on behalf of an Operator holds a medical exemption certificate the Operator must ensure the driver:

- Exhibits the medical exemption certificate in the vehicle by fixing it in an easily accessible place (e.g. on the windscreen or in a prominent position on the dashboard)
- Seeks to use a tactile medical exemption certificate so that guide dog owners are able to identify the certificate. This tactile medical certificate should be presented to the guide dog owner upon request.

## **10. Fees**

### **10.1 Fees**

The Licensing Authority reserves the right to review its fees at any time. If varied, a notice of the variation will be published by the Council.

The current fees applicable are available on the Council's website or upon request.

## **11. Communication & information security**

### **11.1 Personal Information**

In the course of their business, operators and/or drivers will be required to process and store various pieces of data, some of which will be personal data.

The processing and storage of this data will fall under the provisions of the Data Protection Act 1998, which will require certain measures to ensure the security of that data, and to prevent unauthorised breaches of the security, or usage of the information for unauthorised purposes (e.g. sending marketing information without the consent of the subjects).

Licensees are required to establish whether they need to register with the Information Commissioner's office as a data controller.

For further information on whether registration is required, please refer to the website of the Information Commissioner's Office, at [www.ico.org.uk](http://www.ico.org.uk).

### **11.2 Radios**

Where a Licensee maintains a radio network for use, the range and/or frequency used by the system may require a business radio licence<sup>1</sup> from Ofcom.

Operators will be asked to confirm whether they have satisfied this requirement on making an application. For further details please visit: <http://licensing.ofcom.org.uk/radiocommunication-licences/business-radio>

### **11.3 CCTV**

No CCTV camera shall be fitted or used in the Hackney carriage unless it meets the Council's Licensed Vehicle CCTV Technical Specification and System Requirements. See Appendix R

## **12. Compliance and enforcement**

### **12.1 Enforcement**

The principal purpose of Hackney Carriage and Private Hire licensing is to protect the public and promote public safety. The Licensing Authority aims to provide the delivery of efficient, targeted and proportionate regulatory services and as such will monitor its licensees to ensure compliance.

The Enforcement, Convictions & Fitness policy for the Council is attached at Appendix C.

The Council will respond to complaints made by the public and referrals from other agencies and bodies. In addition officers will undertake proactive inspections and testing as either day to day activities or programmed operations.

Any breach of the required standards, policies or conditions may lead to suspension and/or revocation of the licence, the issuing of penalty points or prosecution.

If the Council considers it necessary, in the interests of public safety, it may require a suspension or revocation of a licence to have effect immediately.

Once a licence has been suspended or revoked, the licence holder/former licence holder may appeal to the local Magistrates Court in order to challenge the Council's decision. There is no other recourse available to the licence holder/former licence holder, should they wish to have the decision to suspend or revoke their licence reversed.

### **12.2 Driver Improvement Penalty Points Scheme**

The Driver Improvement Penalty Points Scheme (DIPPS) is a non-statutory enforcement tool designed to enable authorised officers to issue penalty points to those drivers licensed by the Council who persistently fail to meet the required standards contained within licensed conditions and licensing legislation.

The aim of the scheme is to improve overall driver compliance with legislation and licence conditions in order to secure overall improvements in driver behaviour, customer service and passenger safety.

The scheme will achieve this by providing drivers with a transparent, incremental enforcement approach for repeated breaches of conditions and other defined standards. The scheme will also enable authorised officers to deal with low level non-compliance.

The DIPPS scheme will not preclude the Council from taking alternative enforcement action at its disposal.

The DIPPS scheme is outlined in Appendix O.

### **12.3 Suspension of licence**

The Council can suspend and/or revoke a licence in accordance with:

1. Section 60(1) Local Government (Miscellaneous Provisions) Act 1976 for vehicle Licences;
2. Section 61(1) Local Government (Miscellaneous Provisions) Act 1976 for driver Licences;
3. Section 62(1) Local Government (Miscellaneous Provisions) Act 1976 for operator Licences.

Notification of any such decision will be provided in writing to those affected.

In situations where there are concerns of public safety with regard to a driver's licence, the Council will consider whether an immediate suspension and/or revocation is necessary in the circumstances. Where a decision is made to suspend and/or revoke with immediate effect, the driver cannot work during any appeal process.

### **12.4 Refusal to renew a licence**

If a decision is taken to refuse to renew a licence and the applicant is not satisfied with the decision then an appeal can be made to the Magistrates Court with 21 days of receiving notification.

### **12.5 Prosecution of licence holders**

The Council may prosecute licence holders for relevant offences having regard to any relevant provision of the Regulator's Code and its General Enforcement Policy.

## **12.6 Appeals**

Any notifications of enforcement actions will include information on how to appeal and to whom the appeal is made, if a right of appeal exists.

## **12.7 Service requests and complaints**

Members of the public can submit any service requests, complaints and/or concerns about licensed drivers, vehicles and/or operators in writing or by email to the Licensing Section at:

### **Safer Business (Licensing)**

Community Protection  
Nottingham City Council  
Central Police Station  
Byron House  
Maid Marian Way  
Nottingham  
NG1 6HS

[Taxi.licensing@nottinghamcity.gov.uk](mailto:Taxi.licensing@nottinghamcity.gov.uk)

## **Appendix A**

### **Private Hire & Hackney Carriage Driver's Application Procedure**

Nottingham City Council will only issue licences to those applicants that it considers to be 'fit and proper' to hold a licence.

Applicants are expected to act with honest and integrity throughout the application process and must therefore fully and accurately disclose any information that is requested. This includes information regarding previous convictions, warnings and reprimands, current investigations and pending criminal proceedings.

There is no statutory definition of what constitutes a 'fit and proper' person, however Nottingham City Council will take a number of factors into account and set specific criteria for applicants when considering a licence application. These factors and criteria are detailed below:

1. Applications will only be accepted from applicants that have held a full UK driving licence for at least 12 months.
2. All applicants will be required to attend a safeguarding of children and vulnerable adults awareness briefing session.
3. All applicants will be required to obtain an Enhanced Disclosure Certificate from the disclosure and Barring Service. The contents of this certificate will be assessed in accordance with the Council's policy on convictions in determining the fitness and propriety of the applicant.

Licences will not be granted unless the applicant is able to provide at least 5 years UK address history except in the following cases:

- The applicant is able to provide a document from an EU member state which is the equivalent of a UK issued Enhanced DBS Certificate
- If this cannot be provided then an official document provided by the embassy of a non-EU member state will be acceptable, provided that the document can be verified and is comparable to a UK issued Enhanced DBS certificate

In either case the onus is on the applicant to obtain such a document and the applicant remains liable for all associated costs.

Once it has been issued by the DBS, the Licensing Authority will consider an Enhanced Disclosure Certificate to be valid for a period of three months from the date that it was printed. This is subject to the certificate having been obtained through the Council's licensing service as part of a driver or operator application. The Licensing Authority may accept an Enhanced DBS certificate obtained through another Council's licensing authority at its discretion. The Council reserves the right to request a new Enhanced DBS check should it consider it appropriate to do so.

4. Applicants are required to have passed the Council's topography test. This test will assess the applicant's knowledge in relation to:
  - Conditions of licence

- Literacy and numeracy
- Locations and
- Highway Code.

As part of this process, applicants will be required to demonstrate that they are able to converse orally and in writing in English to a standard that would reasonably be expected of a person undertaking a role as a Hackney Carriage or Private Hire driver.

The initial application fee will only include the initial test and is non-refundable upon failure. All re-tests will be charged in accordance with the fees set by the Council and are non-refundable in the event of failure.

5. Applicants are required to satisfactorily complete a driving skills test to Driver and Vehicle Standards Agency standards. Details of the test will be provided to the applicant by the Licensing Office.
6. All applicants must agree to the Council verifying their DVLA driving licence.
7. Applicants whose DVLA driving licence is endorsed with 9 or more penalty points will be required to attend a fact-finding meeting with a designated officer in order that their application can be determined.
8. All new applicants are required to have a medical. For a renewal application the applicant is required to have a medical for the first renewal application on or after your 45<sup>th</sup>, 50<sup>th</sup>, 55<sup>th</sup>, 60<sup>th</sup>, and 65<sup>th</sup> birthday. After your 65<sup>th</sup> birthday you will require a medical every year.
9. In determining whether an applicant is physically and mentally fit to drive a hackney carriage and/or a private hire vehicle, the Licensing Authority will consider the medical report to assess the fitness of the applicant. The Council will also consider any relevant medical evidence of a qualified medical practitioner submitted by the applicant and make take such evidence into account when determining the application.

Applications should be made on the appropriate forms and should include the following:

- Two character references from someone who has known the applicant for a period of at least 5 years.
- A letter from the operator the applicant intends to drive for
- One passport size photograph
- The applicant's current driving licence
- The correct fees
- Documents required as part of the DBS check

In certain cases, applications may need to be referred to a designated officer. In these cases, the designated officer will make a decision whether to grant or to refuse a licence. This is usually if the applicant has a conviction, police caution, reprimand or warning on their DBS record, but may also be for other reasons.

Once a licence expires, the applicant will be required to complete the application as if it were for a grant of a licence, i.e. the whole process must be undertaken from the start, regardless of how many years the applicant has held a licence previously.

If a licence is not renewed prior to its expiry, or if a renewal application is received but the application is not determined prior to the expiry of the licence, then that person will no longer be able to lawfully operate as a licensed driver.

## **Right of appeal**

Where an application is refused, the applicant has the right to appeal to the local Magistrates Court within 21 days of notification.



## **Appendix B**

### **Disclosure & Barring Service (DBS) Application Procedure**

A criminal record check on a driver is necessary and deemed an important safety measure. Enhanced disclosure through the Disclosure and Barring Service is required as these disclosures include details of live and spent convictions, police cautions and other relevant information that indicates whether a person poses a risk to public safety.

Both Hackney Carriage and Private Hire drivers are deemed as 'exceptions' within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (the 'Exceptions Order').

For Private Hire Operators who are NOT drivers, this will be a basic check.

All applicants/licensees will be asked to disclose on their application form all cautions or convictions even if it is spent for other purposes as well as any fixed penalty notices and warnings.

The applicant will be responsible for funding, obtaining and providing the Licensing Authority with a copy of the DBS certificate.

Certificates should be obtained using the Licensing Authorities approved DBS process.

All licence holders shall notify the Licensing Authority of any convictions or cautions, or fixed penalty points received during their licence period. Failure to inform the Licensing Authority of any convictions, cautions and fixed penalty notices during the licensing period may result in the suspension or revocation of their licence.

A licence will not be granted or renewed in the absence of a current Enhanced DBS Disclosure Certificate or an online check.

The Licensing Authority requires all drivers to fund, obtain and produce an enhanced DBS or an online check every six months and all the details contained within this will be retained by the Licensing Authority. Licence holders are encouraged to subscribe to the Disclosure and Barring Service Online Update [www.gov.uk/dbs-update-service](http://www.gov.uk/dbs-update-service). The Update Service can be used if an application is made for renewal or a six-monthly background check and there has been no changes. If no changes are recorded on the DBS certificate, then a full DBS check will not be required. In all other cases, a full Enhanced DBS check will be required before a licence will be renewed or issued.

The applicant/licence holder must provide consent for the Licensing Authority to undertake checks for their DBS status as and when it is deemed appropriate to do so and failure to do this may result in an application being refused.

It may be necessary for the Licensing Authority to access the Update Service to monitor licence holders to be satisfied that they continue to be fit and proper to hold a licence.

### **Applicants with periods of residency outside the UK**

If an applicant has spent six continuous months or more overseas, the Licensing Authority will need to see evidence of a criminal record check from the country/countries visited during the period that the applicant was abroad.

Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy manual, the Licensing Authority will need to ensure that sufficient background checks are conducted for those applicants who have lived overseas.

If the relevant checks cannot be supplied, the Licensing Authority will not be able to grant a driver's licence.

It must be noted that it is the **responsibility** of the driver to submit either their DBS online unique reference number or completed DBS application to the Licensing Authority every six months. Failure to do so may lead to the driver's licence being suspended until such time as the check has been carried out.

### **DVLA Driving Licence Check**

All applicants for and holders of a Combined Hackney Carriage & Private Hire driver's licence, will be required to have a six monthly check of their DVLA Driver Licence record.

A signed mandate will be required as part of the application process.

Any offences disclosed will be dealt with in accordance with the Council's 'Enforcement, Convictions & Fitness policy'.

## **Appendix C**



### **CITY OF NOTTINGHAM**

#### **Hackney Carriage and Private Hire**

##### **Enforcement, Convictions and Fitness Policy**

### **1. Introduction**

1.1 It is the responsibility of Nottingham City Council (referred to as the Council) to issue Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. In exercising this duty, the Council will consider the safety of the public as its primary consideration. This Policy gives guidance to those exercising the Council's powers in relation to Hackney Carriage and Private Hire licensing in determining whether or not an applicant or existing licence holder is fit and proper to hold such a licence.

1.2 In the interest of public safety and to safeguard vulnerable persons, the licensing authority seek to ensure:

- That a person is a fit and proper person in accordance with Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)
- That the person does not pose a threat to the public
- That the public are safeguarded from dishonest persons
- The safety of children, young persons and vulnerable adults

1.3 The term "Fit and Proper Person" for the purposes of licensing is not legally defined and in assessing whether someone may be "Fit & Proper" the Licensing Authority will consider the following, and take any other relevant information into account:

- Criminality
- Human Rights
- Period of holding a driver's licence
- Number of endorsed driving licence penalty points
- Right to work
- Medical fitness
- Driving ability test
- The fitness and propriety of Private Hire Operators, ensuring the business is run in a safe and professional manner, having regard to management controls, compliance with the law and that drivers are properly monitored to ensure that they behave in an appropriate manner and comply with their duties and responsibilities, including the monitoring of drivers hours
- The conduct of the applicant in making the application (e.g. whether they have acted with openness and integrity during the application process).
- The previous licensing history of existing / former licence holders and any complaints made against them and investigated by any local authority licensing service

In addition, the Council will also consider further information if it is before it from sources such as the Police, Children and Adult Safeguarding Boards and other statutory agencies.

1.4 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:

- Applicants for a driver's licence
- Existing licensed drivers whose licences are being reviewed
- The holders of Private Hire Operators licences
- Licensing officers
- Members of the Regulatory and Appeals Committee
- Magistrates hearing appeals against local authority decisions

1.5 In considering this guidance the Council will be mindful that each case must be considered on its individual merits and, where the circumstances demand, the committee may depart from the guidelines. Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City v Mohammed Farooq (1998)]

1.6 In this policy 'from date sentence has ended' is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. For example, if a sentence is five years imprisonment then the date that the sentence ends will be five years from the date of sentencing – regardless of the amount of time actually served in prison by the applicant. If the sentence is amended by a court at a later date, then this new sentence becomes relevant for the purposes of this policy. The term 'since completion of sentence' is to be construed in a similar way.

1.7 In this policy information other than convictions will be taken into account and can include but is not restricted to, cautions, warnings, reprimands, fixed penalty notices and driver behaviour.

1.8 In this policy the word 'applicant' refers to either new applicants existing licence holders seeking to renew licences and existing licence holders whose licences are being reviewed.

## **2. General Policy**

2.1 Whilst the Council may consider that a person with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be normally expected that the applicant would be required to:

- a. Remain free of conviction for an appropriate period as detailed below; and
- b. Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the applicant to produce such evidence).

Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

2.2 The Council may depart from this policy if good reasons exist. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances

## **2.3 Outstanding Charges or Summonses**

If an outstanding charge or summons involves a serious offence and/or the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application should normally be put on hold until proceedings are concluded or the licence may be refused.

## **2.4 Additional information**

The Council retains a discretion to take into account any other information relating to an applicant's behaviour, notwithstanding the fact that the matter(s) have not resulted in criminal proceedings.

2.5 In assessing the action to take, the safety of the public must be the paramount concern.

2.6 Where an applicant has had a Hackney Carriage/Private hire driver's licence revoked by another local authority, the Council will not normally grant a licence unless sufficient time has passed or circumstances have changed since the revocation took place and the Council is satisfied that the applicant is a fit and proper person

## **3. Powers**

3.1 Section 61 and Section 62 of the Local Government (Miscellaneous Provisions) Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence under certain circumstances.

3.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a Private Hire Vehicle or Hackney Carriage driver's licence, whether spent or not. Therefore, the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. In accordance with this Act, all convictions, cautions, warnings and reprimands must be declared by the Applicant.

3.3 Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to be satisfied that an applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire Vehicle driver's licence and/or Private Hire Vehicle Operator's licence is a "fit and proper" person to hold such a licence. The authority will consider:

1. How relevant any recorded/reported offence(s) are to the licence being applied for
  - a. How serious the offence(s) are/were
  - b. When the offence(s) were committed
  - c. The date of conviction
  - d. Circumstances of the individual concerned
  - e. Sentence imposed by the court
  - f. The applicant's age at the time of conviction
  - g. Whether they form part of a pattern of offending
2. Any other character check considered reasonable (e.g. personal references)
3. Any other factors that might be relevant, for example:
  - (a) The previous conduct of an existing or former licence holder,
  - (b) Whether the applicant has intentionally misled the council or lied as part of the application process,
  - (c) Information provided by other agencies / council departments,
  - (d) Whether the applicant has been subject to warning/suspension by the Licensing Office.

It may also be appropriate to consider the sentencing powers engaged by the court in disposing of criminal proceedings and Judges reasons for coming to that decision.

3.4 Existing holders of driver's licences are required to notify the licensing authority in writing within seven days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions and arrests). Failure to do so will raise concerns as to the honesty of the licence holder and may be taken into account as part of any subsequent renewal applications or reviews.

3.5 Applicants can informally discuss further what effect a caution/conviction may have on any application or existing licence by contacting the Licensing Service, details of which are available on the Nottingham City Councils website. The Council will not be bound by any advice given and reserve its full powers.

3.6 The Council conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver's licence. Applicants applying for the grant or a renewal of a driver's licence will be required to obtain an enhanced disclosure at their expense or subscribe to the update service and also at other times as determined by the Council. Where an applicant does not sign up to the DBS update service, they will be required to complete a manual form on an annual basis again at their own expense and also risk a delay in response from the DBS.

3.7 The Council is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other licensing authorities, and information disclosed by the police.

3.8 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Section 57(3) Local Government (Miscellaneous Provisions) Act 1976 Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

3.9 The Council is not prohibited from taking offences or other information which is not specifically identified in this Policy into account.

#### 4 Policy on immediate revocation/suspension of driver's licence

4.1 If the Council decides to revoke or suspend a driver's licence, it will then have to consider whether that revocation/suspension should take immediate effect under Section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976.

4.2 The Council only has the power to resolve that the revocation/suspension will take immediate effect if it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect. The phrase "interests of public safety" is not defined and is for the Council to determine. However, regard will be had to any risks to public safety arising from concerns about the licence-holder's driving standards, his character including but not limited to dishonesty, violent behaviour, involvement in drink or drugs, inappropriate sexual conduct, any relevant previous convictions and any other matters the Council may deem relevant.

4.3 Before reaching a decision, where practicable, the Council shall give the licence holder the opportunity to make representations as to whether or not the revocation/suspension will have immediate effect.

4.4 The overriding consideration shall always be the safety and protection of passengers and the general public.

4.5 Matters such as unemployment and home circumstances will not be taken into account when determining whether the revocation or suspension will take place immediately and therefore shall not outweigh the public safety factor.

4.6 If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, the Council will give notice to the driver, which includes a statement to that effect and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

#### 4.7 Appeals

Any applicant refused a driver's licence, or who has their licence suspended or revoked has a right to appeal to the Magistrate's Court within 21 days of the notice of refusal [Local Government (Miscellaneous Provisions) Act 1976, s77)].

### 5. Considerations given to Offences

This section deals with various types of offences and applies to **new and renewal applications**, and upon **review** of a current licence. Although the following sections mainly refer to the "grant" of a licence, references to the period to have passed since the completion of any sentence gives an indication of the seriousness with which the Council is likely to treat the matter and the period the Council would expect to lapse before any subsequent application may be likely to be successful.

#### 5.1 Serious offences involving violence

Licensed drivers have close regular contact with the public. A firm line will be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.

##### 5.1(a) Exploitation

Where an applicant or a licence holder has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not normally be granted a license. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse. Such offences include but are not limited to:

1. Slavery
2. Trafficking
3. Child sexual abuse
4. Exploitation
5. Grooming
6. Psychological, emotional or financial abuse
7. Kidnapping or abduction
8. Or any similar offences (including attempted or conspiracy to commit) offences which may replace the above.

5.2 A licence will **not normally** be granted where the applicant has a conviction for an offence such as:

1. Murder
2. Manslaughter
3. Manslaughter or culpable homicide while driving
4. Terrorism offences
5. Kidnapping or abduction
6. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

5.3 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) to those below until at least **10 years** have passed since the completion of any sentence:

1. Arson
2. Malicious wounding or grievous bodily harm which is racially aggravated
3. Actual bodily harm which is racially aggravated
4. Grievous bodily harm with intent
5. Robbery
6. Possession of firearm
7. Riot
8. Assault Police
9. Common assault with racially aggravated
10. Violent disorder
11. Threats to kill
12. Resisting arrest
13. Hate crime against a person
14. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

5.4 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below until at least **7 years** have passed since the completion of any sentence:

1. Racially aggravated criminal damage
2. Racially aggravated offence
3. **Hate crime against a person or persons**
4. Hate crime against property
5. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

5.5 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below until at least **10 years** have passed since the completion of any sentence and/or licence period:

1. Common assault/Battery
2. Assault occasioning actual bodily harm
3. Affray
4. S5 Public Order Act 1986 offence (harassment, alarm or distress)
5. S.4 Public Order Act 1986 offence (fear of provocation of violence)
6. S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
7. Obstruction
8. Criminal damage
9. Harassment
10. Offences involving anti-social behaviour
11. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

5.6 A licence will not normally be granted if an applicant has more than one conviction in the last **10 years** for an offence of a violent nature.

5.7 In the event of a licence being granted, despite convictions against the Applicant, a strict warning both verbally and in writing should be administered. If a warning is issued, this will remain in place for a period commensurate with the time periods in the relevant sections above.

## 5.8 Possession of a weapon

If an applicant has been convicted of possession of a weapon or any other weapon related offence, depending on the circumstances of the offence, at least **7 years** must have passed since the completion of the sentence, before a licence is granted.

## 5.9 Sexual and indecency offences

As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. All sexual offences should be considered as serious. Applicants with convictions for sexual offences will **normally be refused a licence upon application, renewal or review**. Such offences include:

1. Rape
2. Assault by penetration
3. Offences involving children or vulnerable adults
4. Grooming, Trafficking or other Sexual Exploitation related offences (adults and/or children)
5. Making or distributing obscene material
6. Possession of indecent photographs depicting child pornography.
7. Sexual assault
8. Indecent assault
9. Exploitation of prostitution
10. **Making indecent telephone calls**
11. **Importuning**
12. **Indecent exposure**
13. **Soliciting (kerb crawling)**
14. Any similar offences (including attempted or conspiracy to commit) offences which replace the above

5.10 In addition to the above the licensing authority will **not normally grant a licence** to any applicant who is currently on the Sex Offenders Register or any other similar register.

## 5.11 Dishonesty

A licensed driver is expected to be trustworthy. In the course of their working duties drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. For these reasons, a serious view is taken of any conviction involving dishonesty.

5.12 **Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. Offences involving dishonesty include but not limited to:**

1. theft
2. burglary
3. fraud
4. benefit fraud
5. handling or receiving stolen goods
6. forgery
7. conspiracy to defraud
8. obtaining money or property by deception
9. other deception
10. taking a vehicle without consent
11. or any similar offences (including attempted or conspiracy to commit) offences which replace the above

5.13 Applicants or existing licence holders that are found to have intentionally misled the council, or lied as part of the application process, will not normally be issued with a licence.

## 5.14 Alcohol and Drugs

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. However, a number of convictions for drunkenness, including drunk and disorderly or drunk and incapable, could indicate a medical problem necessitating critical examination and refusal of licence.

5.15 In addition, the applicant will normally be required to show a period of **10 years** has elapsed after completion of detoxification treatment if (s)he was an alcoholic.

5.16 A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.



5.17 Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

5.18 Where an applicant has a conviction of possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

5.19 If there is evidence of persistent drug use, misuse or dependency, a specialist examination (in accordance with the DVLA group two medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of **5 years** free from drug taking after detoxification treatment before a licence is granted.

## 5.20 Driving offences involving the loss of life

A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life. A licence will not normally be granted if the applicant has a conviction for:

1. Causing death by dangerous driving
2. Causing death by careless driving whilst under the influence of drink or drugs
3. Causing death by driving: unlicensed, disqualified or uninsured drivers
4. Or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

5.21 Before a licence is granted, an applicant should be free of conviction for **10 years** (or at least **10 years** must have passed since the completion of the sentence, whichever is longer) if the applicant has a conviction for:

1. Causing death by careless driving
2. Causing death by driving: unlicensed, disqualified or uninsured drivers.

## 5.22 Driving offences involving alcohol and/or drugs

A serious view will be taken of convictions of driving, or attempting to drive, or being in charge of a vehicle while under the influence of drink or drugs. Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed.

In the case of driving under the influence of drugs, any applicant or licence holder may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

5.23 More than one conviction for this type of offence or one such offence within the last **7 years** is likely to merit refusal.

In addition, applicants will normally be required to show a period of at least **7 years** has elapsed after completion of detoxification treatment if (s)he was an alcoholic or drug addict.

5.24 Appendix one sets out the traffic offences which may be considered to fall within this section.

## 5.25 Major Traffic Offences

Subject to the above paragraphs an isolated conviction for a major traffic offence, without disqualification, such as dangerous driving or driving without due care and attention will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire drivers. However, where the conviction is within **6 months** prior to the date of the application the application will normally be refused.

5.26 In cases of disqualification at least **3 years** free from conviction after the restoration of the DVLA licence should normally elapse before an applicant is granted a licence.

5.27 Where an applicant has been convicted of a major traffic offence which has not resulted in disqualification, careful consideration should be given to the circumstances surrounding the offence. An application for a licence will normally be refused where the offence occurred less than **2 years** prior to the application.

5.28 Where an existing licence holder is disqualified from driving as a result of a conviction for a major traffic offence, the licence will normally be revoked.

5.29 Where an existing licence holder is convicted of a major traffic offence, but the licence-holder is not disqualified from driving, the licence should normally be revoked or not renewed and any subsequent application for a new licence will be determined in accordance with the guidance above.

5.30 Appendix one sets out the traffic offences which may be considered to fall within this section

### 5.31 Minor Traffic Offences

Isolated convictions for minor traffic offences or minor traffic violations may not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account. If there are several minor traffic offences an application will normally be granted unless there is clear evidence of a minimum 6-month period without offending.

5.32 An application with a points total **above 7** will merit further consideration. A licence will normally be refused where the applicant has **12 or more penalty points** on his DVLA licence for minor traffic offences but has not been disqualified from driving.

5.33 Where an offence has resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard.

5.34 Generally, a period of **12 months** free from conviction must have elapsed from the restoration of the DVLA licence.

5.35 Where an existing licence holder is disqualified from driving the licence will normally be revoked by the Head of Service under delegated powers.

### 5.36 Using a handheld device whilst driving

Where an applicant has a conviction for using a hand held mobile phone or a hand held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is later.

5.37 Appendix two sets out the traffic offences which may be considered to fall within this section

### 5.38 Totting Up Disqualifications

5.39 Where a number of traffic offences have resulted in a driver receiving **12 penalty** points or more on his/her licence the driver will be disqualified from driving unless the Court is satisfied that exceptional hardship would be suffered by an individual if disqualified. This is known as a "totting-up" disqualification. Where an applicant has a totting-up disqualification an application will usually be refused until a period of between **12 months and 2 years** has lapsed from the restoration of the DVLA licence depending on the seriousness of the offences which led to the totting up.

5.40 Where an existing licence holder is disqualified from driving as a result of a totting up, the licence will normally be revoked.

### 5.41 Hybrid traffic offences

Offences of the type listed in **Appendix 3** will be treated as **major** traffic offences if the court awarded **4** or more penalty points for the offence and as **minor** traffic offences if the court awarded **3** or less penalty points for the offence.

5.42 Any applicant who has committed an offence of plying for hire within 6 months of their application will normally be refused a licence. Any existing licence holder found to have committed this offence will be judged on the circumstances of the case, and at the least suspension of the licence should be considered. Where a driver is convicted on more than one occasion the licence may be revoked or not granted. Consideration will be taken if the offence of plying for hire was accompanied by the fact that at the time there was no insurance cover in place for the vehicle in line with 5.43 below. It will be up to the applicant to prove that there was valid insurance in place at the time of the offence.

### 5.43 Insurance Offences

A serious view will be taken of convictions of driving a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided the applicant has been free of conviction for **3 years**. However, strict warning should be given as to future behaviour. More than one of these offences would normally

prevent a licence being granted or renewed. Isolated incidents associated with a licensing offence will not necessarily prevent a licence being granted or renewed. Each case will be prevented on its merits.

5.44 At least **3 years** should elapse (after restoration of the DVLA driving licence), before a licence would normally be granted for a HC or PH driver's licence. An operator found guilty of aiding and abetting the driving passengers for hire and reward whilst without insurance will have his operator's licence revoked immediately and prevented from holding a licence for **3 years**.

#### **5.45 Breach of Traffic Regulation Order (TRO); pedestrianised areas or restricted area**

5.46 There is a significant issue in relation to drivers breaching TROs in Nottingham, especially in relation to driving over/parking up on pedestrianised areas and other restricted areas. This poses a safety risk to the public and demonstrates a disregard for the law and regulation. On this basis a robust approach is taken, and any licensed driver found in breach of any TRO or found to be in a pedestrianised or restricted area will normally be subject to the following minimum sanctions:

- First breach 2 weeks suspension, minimum
- Second Breach 4 weeks suspension, minimum
- Third Breach revocation of Hackney Carriage/Private Hire Drivers licence on the grounds of no longer constituting a fit and proper person.

5.47 Any driver to which one of the above sanctions is imposed will not normally have a subsequent application granted unless there is clear evidence of a minimum 12-month period without offending.

5.48 A map showing restricted areas is available from the Licensing Officer and can also be viewed on the Nottingham City Council website

5.49 Where a breach of TRO is reported to the Licensing Officer:

- We will write to the driver with details of the breach and make a decision based on the evidence before us.
- The driver will then be given an opportunity to request an interview to put their case forward. The onus will be on the driver to contact the officer within 7 days of our dated letter to arrange an interview.
- Following the interview, a decision will be made and the driver written to with the final outcome.
- The driver will then have 21 days right to appeal to the Magistrates' Court.

#### **5.50 The Driver Improvement Penalty Point Scheme**

The Council is considering the implementation of a Driver Improvement Penalty Point Scheme (DIPPS). If adopted, this will form an additional policy to this document designed to set the standards expected of drivers by Nottingham City Council. Failure to adhere to the DIPPS policy could also result in the review and/or suspension or revocation of a driver's licence.

## **6. GUIDELINES RELATING TO MEDICAL CONDITIONS**

### **6.1 Medical Checks**

6.2 In order to meet the "fit and proper" test Licence holders must also be physically and mentally fit to drive a hackney carriage or private hire vehicle. In determining this, the Licensing Authority will have regard to a medical report and may also consider any relevant medical evidence from a qualified medical practitioner.

6.3 The Council requires applicants to pass a Group 2 medical standard examination as set by the Driver and Vehicle Licensing Authority (DVLA). This examination is undertaken on initial application and when licence holder reaches 45 years, 50 years, 55 years, 60 years, 65 years and then annually thereafter. Applicants who fail the examination will normally be refused a licence until the medical examination is passed. Where an existing licence holder develops a medical condition which means they will not meet the Group 2 medical standard, the licence will normally be revoked or refused.

## Appendix One

### MAJOR TRAFFIC OFFENCES

- AC10 Failing to stop after an accident
- AC20 Failing to give particulars or to report an accident within 24 hours
- AC30 Undefined accident offences
  
- BA10 Driving while disqualified by order of court
- BA30 Attempting to drive while disqualified by order of court
- BA40 Causing death by driving while disqualified
- BA60 Causing serious injury by driving while disqualified
  
- CD10 Driving without due care and attention
- CD20 Driving without reasonable consideration for other road users
- CD30 Driving without due care and attention or without reasonable consideration for other road users
- CD40 Causing death through careless driving when unfit through drink \*
- CD50 Causing death by careless driving when unfit through drugs \*
- CD60 Causing death by careless driving with alcohol level above the limit \*
- CD70 Causing death by careless driving then failing to supply a specimen for analysis \*
- CD80 Causing death by careless or inconsiderate driving \*
- CD90 Causing Death by driving: unlicensed, disqualified or uninsured drivers \*
  
- DD40 Dangerous driving
- DD60 Manslaughter or culpable homicide while driving a vehicle \*
- DD80 Causing death by dangerous driving \*
- DD90 Furious driving
- DG60 Causing death by careless driving with drug level above the limit\*

**The above offences marked \* are dealt with in the section entitled driving offences involving the loss life**

- DR10 Driving or attempting to drive with alcohol level above limit +
- DR20 Driving or attempting to drive while unfit through drink +
- DR31 Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity
- DR40 In charge of a vehicle while alcohol level above limit +
- DR50 In charge of a vehicle while unfit through drink +
- DR60 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
- DR61 Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive +
- DR70 Failing to provide specimen for breath test +
- DR80 Driving or attempting to drive when unfit through drugs +
- DR90 In charge of a vehicle when unfit through drugs +
- DG10 Driving or attempting to drive with drug level above the specified limit
- DG40 In charge of a vehicle while drug level above the specified limit

**The above offences marked + are dealt with in the section entitled alcohol and drugs**

- IN10 Using a vehicle uninsured against third party risks
  
- LC20 Driving otherwise than in accordance with a licence
- LC30 Driving after making a false declaration about fitness when applying for a licence
- LC40 Driving a vehicle having failed to notify a disability
- LC50 Driving after a licence has been revoked or refused on medical grounds
  
- MS50 Motor racing on the highway
  
- UT50 Aggravated taking of a vehicle
  
- TT99 signifies a disqualification under the totting up procedure 12 or more points within three years

## Appendix Two

### MINOR TRAFFIC OFFENCES

- CU10 Using vehicle with defective brakes
- CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
- CU30 Using a vehicle with defective tyre(s)
- CU40 Using a vehicle with defective steering
- CU50 Causing or likely to cause danger by reason of load or passengers
- CU80 Using a mobile phone while driving a vehicle
  
- MS10 Leaving a vehicle in a dangerous position
- MS20 Unlawful pillion riding
- MS30 Play street Offences
- MS40 Driving with uncorrected defective eyesight or refusing to submit to a test
- MS60 Offences not covered by other codes
- MS70 Driving with uncorrected defective eyesight
- MS80 Refusing to submit to an eyesight test
- MS90 Failure to give information as to the identity of driver etc.
  
- MW10 Contravention of Special Road Regulations (excluding speed limits)
  
- PC10 Undefined contravention of Pedestrian Crossing Regulations
- PC20 Contravention of Pedestrian Crossing Regulations with moving vehicle
- PC30 Contravention of Pedestrian Crossing Regulations with stationary vehicle
  
- SPI0 Exceeding goods vehicle speed limit
- SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
- SP30 Exceeding statutory speed limit on a public road
- SP40 Exceeding passenger vehicle speed limit
- SP50 Exceeding speed limit on a motorway
- SP60 Undefined speed limit offence
  
- TS10 Failing to comply with traffic light signals
- TS20 Failing to comply with double white lines
- TS30 Failing to comply with a "Stop" sign
- TS40 Failing to comply with direction of a constable/ warden
- TS50 Failing to comply with traffic sign (excluding "Stop" sign, traffic lights or double white lines)
- TS60 Failing to comply with school crossing patrol sign
- TS70 Undefined failure to comply with a traffic direction sign

## Appendix Three

### HYBRID TRAFFIC OFFENCES

- CU10 Using vehicle with defective brakes
- CU20 Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
- CU30 Using a vehicle with defective tyre(s)
- CU40 Using a vehicle with defective steering
- CU50 Causing or likely to cause danger by reason of load or passengers
  
- SPI0 Exceeding goods vehicle speed limit
- SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
- SP30 Exceeding statutory speed limit on a public road
- SP40 Exceeding passenger vehicle speed limit
- SP50 Exceeding speed limit on a motorway
- SP60 Undefined speed limit offence

Other non endorsable motoring offences i.e. no MOT

#### NOTE:

All offences in Appendix One to Three may also the following codes

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. becomes CU14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16)

**Appendix D**

**NOTTINGHAM CITY COUNCIL CONDITIONS  
FOR COMBINED HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE**

1. **DEFINITIONS**

“**Authorised Officer**” means an officer authorised in writing by the Council for the purposes of Part II of the Local Government (Miscellaneous Provisions) Act 1976

“**City**” means the City of Nottingham.

“**The Council**” means Nottingham City Council

“**Driver**” means the holder of this licence

“**Hackney Carriage**” means a hackney carriage licensed by the Council under section 37 of the Town Police Clauses Act 1847.

“**Operator**” means a person who makes provision for the invitation or acceptance of bookings for a Private Hire Vehicle licensed under section 55 of the Local Government (Miscellaneous Provisions) Act 1976 and “**Operation**” means in connection with the invitation, acceptance and carrying out of bookings by an Operator

“**Plate**” means the plate issued by the Council for the purpose of identifying the Vehicle as a Private Hire Vehicle or hackney carriage.

“**Private Hire Vehicle**” means a Private Hire Vehicle licensed by the Council under section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

“**Proprietor**” means the person(s) or body named on the licence for the Vehicle as the proprietor of the Private Hire Vehicle and includes part proprietors and, in relation to a Vehicle subject to a hiring agreement or a hire purchase agreement, means the person in possession of the Vehicle under that agreement.

“**Vehicle licence**” means a Hackney Carriage licence issued by the Council under section 37 of the Town Police Clauses Act 1847 or a Private Hire Vehicle licence issued by the Council under section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

“**Vehicle**” means the Hackney Carriage or Private Hire Vehicle being driven by the holder of this licence

2. **CONDUCT OF DRIVER**

The Driver must:

- (a) Afford all reasonable assistance with passenger's luggage.
- (b) Be clean and respectable in his/her dress and person and behave in a civil and orderly manner.
- (c) Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the Vehicle driven by him.
- (d) Not smoke/vape/e-cig in the Vehicle at any time, nor allow any other person to do so, nor carry out or permit such conduct in such proximity to the Vehicle so as to permit smoke or vapour to enter it.
- (e) Not drink or eat in the Vehicle whilst it is hired.
- (f) Not, without the express consent of the hirer, play any radio or sound reproducing equipment in the Vehicle other than for the purpose of sending or receiving messages in connection with the Operation of the Vehicle.
- (g) At no time cause or permit the noise emitted by any radio or sound reproducing equipment in the Vehicle to be a source of nuisance or annoyance to any person, whether inside or outside the Vehicle.
- (h) Not use the horn to alert a customer on arrival.
- (i) Not use an electronic handheld device in the Vehicle whilst it is being driven.

- (j) Report all accidents involving the Vehicle to the Council by completing and lodging an accident form, within 72 hours of the accident.
- (k) The Driver shall not behave in any discriminatory or provocative manner and shall not engage in any conversation with their passengers of a private, personal or sexual nature.
- (l) The Driver shall when in another council's area, answer any reasonable questions and/or produce documents in relation to the Driver and Vehicle as requested by an authorised officer of that council.

3. **LOST PROPERTY**

Any property left in the Vehicle shall if not reclaimed, be taken by the Driver to Central Police Station, Nottingham within 24 hours of being found.

4. **PASSENGERS**

- (a) The Driver must not convey or permit to be conveyed in a Private Hire Vehicle or a Hackney Carriage a greater number of persons than that prescribed in the licence for the Vehicle. (Children under the age of 3 years and seated on an adults' lap in the rear of the Vehicle shall not be counted for this purpose).
- (b) The conveying of children under the age of 10 years shall only be permitted as follows: -
  - (i) There must be sufficient room to allow each passenger to be seated.
  - (ii) No such child shall be conveyed in the front of the vehicle.
- (c) The Driver must not allow more than one passenger to be conveyed in the front of the Private Hire Vehicle, unless a seating plan has been obtained from the Licensing Department which permits the Vehicle to carry 8 passengers, 2 of which are in the front passenger seats.
- (d) . No passengers may sit in any front seats of a Hackney Carriage.
- (e) The Driver shall not without the consent of the hirer of the Private Hire Vehicle convey or permit to be conveyed any other person in the vehicle.
- (f) The Driver may, at his/her discretion, convey passengers' animals or pets in the rear of the vehicle only, provided that this restriction does not apply to assistance dogs.

5. **WRITTEN RECEIPT**

Where a driver knows the fare being charged or has taken physical payment for the fare, the Driver must if requested by the hirer provide the hirer with a written receipt of the fare paid.

6. **CHANGE OF ADDRESS**

The Driver shall notify the Council in writing as soon as reasonably practicable but in any event within 7 days of any change of his/her address.

7. **CONVICTIONS**

The holder of this licence shall as soon as reasonably practicable but in any event within 7 days of the occurrence of any of the events listed below notify and provide full details of the event to the Council in writing: -,

- a) Any conviction
- b) Receipt of any caution (issued by the police or any other agency).
- c) Receipt of a Magistrate's Court summons or other form of charge.
- d) Receipt of a fixed penalty notice for any matter.
- e) Receipt of a formal warning, order or injunction, including Criminal Behaviour Orders or similar.
- f) Arrest for any offence (whether or not charged).

8. **MEDICAL CONDITIONS**



- (a) Where the Driver is under a duty to notify DVLA of any medical condition which may affect safe driving, or where their GP has advised them not to drive the Driver shall notify the Council, of such condition as soon as reasonably practicable and in any event within seven days.
- (b) The Driver shall comply with any request of an Authorised Officer to undertake a medical examination with the Council's occupational health representative in order to satisfy the Council that they are safe to undertake public transport duties. An original copy of the medical examination certificate shall be presented to the Council as soon as reasonably practicable and in any event within seven days of such examination.

9. **DISPLAY OF INFORMATION**

- a) The Driver shall not obscure any information and signage required to be displayed in the Vehicle.
- b) The driver shall ensure that their dashboard badge is clearly displayed in clear view of passengers at all times when working.

10. **METERS**

If the Private Hire Vehicle being driven is fitted with a meter

- (i) The Driver must ensure that when the Vehicle is not undertaking a hired journey, no fare is recorded on the face of the meter.
- (ii) On commencement of the journey, the Driver must bring the meter into action and keep the meter in action until the termination of the hiring.
- (iii) The Driver must cause the meter to be properly illuminated throughout any part of the hiring, which is during the hours of darkness, and at any other time, if requested to do so by the hirer of the vehicle.
- (iv) The Driver must not charge a fee higher than that displayed on the meter at the termination of the journey.

11. **WORKING FOR MULTIPLE OPERATORS**

Where the Driver proposes to operate for more than one Operator, they shall;

i) provide the Council with a signed offer of work letter from each Operator they propose to work for prior to the commencement of such work with the Operator.

ii) give 7 days prior notification to the Council when

- a) commencing work as a Private Hire Vehicle Licensed Driver for the second or subsequent Operator
- b) ceasing work as a Private Hire Vehicle Licensed Driver for an Operator  
but if such work is commenced or ceased on fewer than 7 days' notice the driver shall comply with i) or ii) above within 24 hours of commencing/ceasing such work.

iii) provide each operator they work for with copies of their Private Hire Driver Licence together with the Private Hire Vehicle Licence certified by the Council. The costs of the Council in providing certified copies shall be borne by the driver.

iv) ONLY display the side panel for one Operator on the vehicle at any given time that being the Operator with whom the specific hiring is booked.

**NOTE**

These conditions are additional to the statutory requirement imposed upon proprietors by the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, and byelaws made by the Council.

A copy of the Town Police Clauses Act 1847 byelaws is attached for hackney carriage drivers

## **PENALTIES**

The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part II of the Act, shall be guilty of an offence and liable on summary conviction to a fine. In addition, such action whether or not resulting in criminal proceedings being taken may lead to the suspension or revocation of an existing licence or the failure to renew such a licence.

## **DRIVERS RESPONSIBILITY**

**YOU ARE RESPONSIBLE FOR THE REASONABLE PROTECTION OF YOUR DRIVERS BADGE AND THE PERSONAL INFORMATION WHICH IS CONTAINED ON IT.**

Nottingham City Council, **Commercial & Operations**, Licensing, Byron House,  
Maid Marian Way, Nottingham NG1 6HS

Website: [www.nottinghamcity.gov.uk/taxi](http://www.nottinghamcity.gov.uk/taxi)  
Email: [taxi.licensing@nottinghamcity.gov.uk](mailto:taxi.licensing@nottinghamcity.gov.uk)

## Appendix E

# NOTTINGHAM CITY COUNCIL CONDITIONS FOR PRIVATE HIRE PRIVATE HIRE VEHICLE LICENCE

## 1. DEFINITIONS

“**Authorised Officer**” means an officer authorised in writing by the Council for the purposes of Part II of the Local Government (Miscellaneous Provisions) Act 1976

“**City**” means the City of Nottingham.

“**The Council**” means Nottingham City Council

“**Drivers Licence**” means a licence to drive a Private Hire Vehicle granted under the provisions of the Local Government (Miscellaneous Provisions) Act 1976

“**Operator**” means a person who makes provision for the invitation or acceptance of bookings for a Private Hire Vehicle licensed under section 55 of the Local Government (Miscellaneous Provisions) Act 1976 and “**Operation**” means in connection with the invitation, acceptance and carrying out of bookings by an Operator

“**Plate**” means the plate issued by the Council for the purpose of identifying the Vehicle as a Private Hire Vehicle or hackney carriage.

“**Private Hire Vehicle**” means a Private Hire Vehicle licensed by the Council under section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

“**Proprietor**” means the person(s) or body named on the licence for the Vehicle as the proprietor of the Private Hire Vehicle and includes part proprietors and, in relation to a Vehicle subject to a hiring agreement or a hire purchase agreement, means the person in possession of the Vehicle under that agreement.

## 2. MAINTENANCE OF PRIVATE HIRE VEHICLES

- (a) The Private Hire Vehicle and all its fittings and equipment must at all times, when the Private Hire Vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition. In particular all data units, radios, Personal Digital Assistants or any other equipment installed in the Private Hire Vehicle must be affixed to the Private Hire Vehicle by use of secure fittings so they cannot be easily removed, to prevent injury or harm to the driver or passengers.
- (b) The interior of the Private Hire Vehicle must be kept clean and tidy at all times when the Private Hire Vehicles is in use or available for private hire work. The exterior of the vehicle shall, so far as is reasonably practicable be kept clean at all such times, having due regard to the weather conditions on the day
- (c) Once a Private Hire Vehicle has been inspected by the Council’s approved MOT station, and a licence has been granted, it must be maintained in that form and condition. No change in the specification design or appearance of the Private Hire Vehicle, or addition of any body work accessories shall be made within the duration of the licence without the prior written approval from Licensing.

## 3. PLATES

- (a) The Plate remains the property of the Council, and must be fixed to the vehicle, in accordance with the instructions of an Authorised Officer, at the cost of the proprietor, in such a manner as to be easily removable by an Authorised Officer or constable.
- (b) The Private Hire Vehicle shall display the front Plate, rear Plate and interior Plate issued by the Council throughout the duration of the licence
- (c) The interior Plate shall be clearly displayed and maintained inside the Private Hire Vehicle in such a position as to be visible to passengers at all times.
- (d) The driver’s dashboard badge must be clearly displayed at all times whilst working, ensuring it is in clear view of the rear passengers.
- (e) . The Proprietor must apply in writing to the Licensing Department if they wish to carry out contract or executive work only and to have exemption from displaying Plates on their Private Hire Vehicle. The letter of exemption and Plates for the Private Hire Vehicle shall be stored in the Private Hire Vehicle at all times.

#### **4. PASSENGERS**

- (a) The Driver must not convey or permit to be conveyed in a Private Hire Vehicle a greater number of persons than that prescribed in the licence for the Vehicle. (Children under the age of 3 years and seated on an adults' lap in the rear of the Private Hire Vehicle shall not be counted for this purpose.
- (b) The conveying of children under the age of 10 years shall only be permitted as follows: -
  - (iii) There must be sufficient room to allow each passenger to be seated (children under the age of 3 years and seated on an adult's lap in the rear of the Private Hire Vehicle shall not be counted for this purpose.
  - (iv) No child shall be conveyed in the front of the Private Hire Vehicle.
  - (v) In any Private Hire Vehicle where there is a rear triple seat, two children may be seated in place of, and counted as, one adult for the purpose of paragraph (a) of this condition provided that at all times the total number of such children conveyed does not exceed four and that there is no breach of sub-paragraph (i) above.
- (c) The Driver must not allow more than one passenger to be conveyed in the front of the Private Hire Vehicle, unless a seating plan is obtained to carry 8 passengers, 2 of which are in the front seats.
- (d) The driver must not without the consent of the hirer of the Private Hire Vehicle convey or permit to be conveyed any other person in the Private Hire Vehicle.
- (e) The driver may, at his/her discretion, convey passengers' animals or pets only in the rear of the Private Hire Vehicle only, provided that this restriction does not apply to assistance dogs.
- (f) The driver must convey guide/assistance dogs, unless in possession of a certificate of exemption obtained from the Council.
- (g) A serious view will be taken of any discriminatory behaviour. This may lead to the prosecution of the driver and suspension/revocation of his/her licence.
- (h) The driver must be conscious of concerns that women or children may have about being alone with someone they do not know, or only have limited knowledge of. The driver must not ask any personal questions regarding the passenger's private life or personal relationships.

#### **5. CONVICTIONS**

The driver must, within seven days, disclose to the Council in writing details of any conviction incurred by him/her during the period of the licence, giving full details of:

- (a) Any conviction.
- (b) Receipt of any caution (issued by the police or any other agency).
- (c) Receipt of a Magistrate's Court summons against them.
- (d) Receipt of a fixed penalty notice for any matter.
- (e) Receipt of a formal warning, order or injunction, including Criminal Behaviour Orders or similar.
- (f) Their arrest for any offence (whether or not charged).

#### **6. INSURANCE**

The proprietor must maintain in force, throughout the licence period, in relation to the use of the Private Hire Vehicle as a Private Hire Vehicle, a policy of insurance for covering the Private Hire Vehicle for hire and reward and complying with the requirements of Part VI of the Road Traffic Act 1972. Such policy shall be produced as soon as reasonably practicable and in any event within 7 days of the request of an Authorised Officer.

**7. RADIO**

The proprietor must ensure that any radio equipment fitted to the taxi is at all times kept structurally and mechanically sound and maintained in proper working order.

**8. NO SIGNS ON PRIVATE HIRE VEHICLE**

No sign, advertisement or operator livery shall be displayed on the Private Hire Vehicle unless approved by the Council in writing.

**9. SIDE PANEL/ LIVERY**

- (a) The driver must ONLY display the side panel for one operator on the vehicle at any given time that being the operator with whom the specific hiring is booked.
- (b) The driver must not alter or tamper with the side panels in any way.

**10. PRIVATE HIRE DRIVERS**

- a) The Proprietor must not in the City employ or use any person as the driver of the Private Hire Vehicle for the purpose of any hiring, or permit any other person to act as the driver of the Private Hire Vehicle for the purpose of any hiring unless the person concerned has a current private hire driver's licence issued by the Council.
- b) If the proprietor permits or employs any other person to drive the Private Hire Vehicle as a Private Hire Vehicle, he must, before that person commences to drive the Private Hire Vehicle cause the driver to deliver his Private Hire Vehicle driver's licence for retention until such time as the driver ceases to be permitted or employed to drive the Private Hire Vehicle or any other Private Hire Vehicle belonging to the proprietor.
- c) The proprietor must keep a list of drivers available for inspection by an authorised officer.

**11. DEPOSIT OF LICENCES WITH PRIVATE HIRE OPERATOR**

This licence and all appropriate driver's licences must be delivered to, and deposited with, the Operator of the Private Hire Vehicle.

**12. DETAILS TO BE REPORTED**

- (a) The proprietor must report an accident to Licensing, by completing an accident report form, within 72 hours of said accident.
- (b) The proprietor must notify Licensing of a change of address, in writing, within 7 days.
- (c) The proprietor must report any plates that are lost or stolen, to Licensing, within 72 hours.
- (d) The proprietor must notify Licensing of a transfer of ownership, in writing, within 7 days.

**13. CCTV**

No CCTV camera shall be fitted or used in the Hackney carriage unless it meets the Council's **Licensed Vehicle CCTV** Technical Specification and System Requirements

**NOTE**

These conditions are additional to the statutory requirement imposed upon proprietors by the Local Government (Miscellaneous Provisions) Act 1976.

**PENALTIES**

The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part II of the Act, shall be guilty of an offence and liable on summary conviction to a fine. In addition, such action whether or not resulting in criminal proceedings, being taken may lead to the suspension or revocation of an existing licence or the failure to renew such a licence.

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## APPENDIX F

# NOTTINGHAM CITY COUNCIL CONDITIONS FOR HACKNEY CARRIAGE VEHICLE LICENCES

### 1. DEFINITIONS

“**Authorised Officer**” means an officer authorised by the Council in writing, for the purposes of Part II of the Local Government (Miscellaneous Provisions) Act 1976

“**City**” means the City of Nottingham.

“**The Council**” means Nottingham City Council

“**Drivers Licence**” means a licence to drive a Hackney Carriage granted under the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976

“**Hackney Carriage**” means a hackney carriage licensed by the Council under section 37 of the Town Police Causes Act 1847.

“**Plate**” means the plate issued by the Council for the purpose of identifying the vehicle as a Hackney Carriage.

“**Proprietor**” means the person or persons or body named in this licence as the proprietor of the Hackney Carriage and includes part proprietors and in relation to a vehicle subject to a hiring agreement or a hire purchase agreement, means the person in possession of the vehicle under that agreement.

### 2. MAINTENANCE OF VEHICLES

- (d) The Hackney Carriage and all its fittings and equipment must be kept in an efficient, safe, tidy and clean condition at all times, when the vehicle is in use or available for hire. In particular all data units, radios, Personal Digital Assistants or any other equipment installed in the vehicle must be affixed to the vehicle by use of secure fittings so they cannot be easily removed, as so as to prevent injury or harm to the driver or passengers.
- (e) The interior of the vehicle shall be kept clean and tidy at all times when the vehicles is in use or available for hire. The exterior of the vehicle shall, so far as is reasonably practicable be kept clean at all such times, having due regard to the weather conditions on the day.
- (f) No alterations or change shall be made to the specification design or appearance of the Hackney carriage, nor any addition of body work accessories during the duration of this licence without the prior written consent of the Council.

### 3. PLATE

- (f) The Plate remains the property of the Council, and must be fixed to the vehicle, in accordance with the instructions of an Authorised Officer, at the cost of the proprietor, in such a manner as to be easily removable by an Authorised Officer or constable.
- (g) The Hackney Carriage shall display the front Plate, rear Plate and interior Plate issued by the Council throughout the duration of the licence.
- (h) The interior Plate shall be clearly displayed and maintained inside the Hackney Carriage in such a position as to be visible to passengers at all times.
- (i) The driver’s dashboard badge must be clearly displayed at all times whilst working, on the partition of the vehicle, ensuring it is in clear view of the rear passengers.

### 4. PASSENGERS

- (i) The driver must not convey or permit to be conveyed in a Hackney Carriage a greater number of persons than that prescribed in the licence for the vehicle. **Page 63**  
Children under the age of 3 years and seated on an adults lap in the rear of the vehicle shall not be counted for this purpose.

- (j) The conveying of children under the age of 10 years shall only be permitted as follows:-
- (vi) There must be sufficient room to allow each passenger to be seated (children under the age of 3 years and seated on an adults lap in the rear of the vehicle shall not be counted for this purpose.
- (vii) No child shall be conveyed in the front of the Hackney Carriage.
- (viii) In any Hackney Carriage where there is a rear triple seat, two children may be seated in place of, and counted as, one adult for the purpose of paragraph (a) of this condition provided that at all times the total number of such children conveyed does not exceed four and that there is no breach of sub-paragraph (i) above.
- (k) The driver must not allow any passengers to be conveyed in the front of the Hackney Carriage.
- (l) The driver must not without the consent of the hirer of the Hackney Carriage convey or permit to be conveyed any other person in the vehicle.
- (m) The driver may, at his discretion, convey passengers' animals or pets only in the rear of the vehicle.
- (n) The driver must convey guide/assistance dogs, unless in possession of a certificate of exemption from the Council.
- (o) A serious view will be taken of any discriminatory behaviour. This may lead to the prosecution of the driver and suspension/revocation of his/her licence.
- (p) The driver needs to be conscious of concerns that women or children may have about being along with someone they do not know or only have limited knowledge of. The driver must not ask any personal questions regarding the passenger's private life or personal relationships.

6. **LOCAL SERVICES**

Whilst operating as a Hackney Carriage under this licence, the proprietor must not allow any sign to be displayed which may indicate that the Hackney Carriage is operating a "local service" under section 12 of the Transport Act, 1985.

7. **SHARED SERVICES**

Whilst operating as a taxi under this licence, the proprietor must not allow any sign to be displayed which may indicate that the Hackney Carriage is operating a "shared service" under a scheme made under section 10 of the Transport Act 1985.

8. **CONVICTIONS**

The driver must, within seven days, disclose to the Council in writing details of any conviction incurred by him/her during the period of the licence, giving full details of:

- a) Any conviction.
- b) Receipt of any caution (issued by the police or any other agency).
- c) Receipt of a Magistrate's Court summons or other form of charge
- d) Receipt of a fixed penalty notice for any matter
- e) Receipt of a formal warning, order or injunction, including Criminal Behaviour Orders or similar.
- f) Arrest for any offence (whether or not charged).

9. **INSURANCE**

The Proprietor shall maintain in force, throughout the licence period, a policy of insurance for covering the vehicle for immediate hire and reward and complying with the requirements of Part VI of the Road Traffic Act 1972. Such policy shall be produced as soon as reasonably practicable and in any event within 7 days of the request of an Authorised Officer.



10. **RADIO**

The proprietor shall ensure that any radio equipment fitted to the Hackney Carriage is kept mechanically and structurally sound and maintained in proper working order at all times.

11. **HACKNEY CARRIAGE METERS**

The Hackney Carriage shall be fitted with a Hackney Carriage meter constructed, fitted and maintained in accordance with the requirements of the Council.

12. **SIGNS**

- (a) The Hackney Carriage shall be fitted with a sign on the roof bearing the words "for hire" or "Taxi" on the front. The sign shall be capable of being switched on internally so that it is illuminated when the Hackney Carriage is "for hire" and not so illuminated otherwise.
- (b) No other signs or advertisement shall be displayed unless approved by the Council in writing.

13. **FARE CARDS**

The fare card showing the approved rate of charge shall be displayed in a prominent position inside the Hackney Carriage where it can be easily seen and shall be maintained in a clean and legible state and shall not be altered or defaced.

14. **HACKNEY CARRIAGE DRIVERS**

- (a) If the Proprietor permits or employs any other person to drive the Hackney Carriage, he shall , obtain that person's Driver's Licence for retention until such time as the driver ceases to drive the Hackney Carriage or any other Hackney Carriage belonging to the Proprietor
- (b) The Proprietor shall not permit or employ any person as a driver of the Hackney Carriage unless that person has a current Driver's Licence issued by the Council.

15. **DETAILS TO BE REPORTED**

The Proprietor shall: -

- a) Report all accidents involving the Vehicle to the Council by completing and lodging an accident form, within 72 hours of the accident notify the Council of a change of address, in writing, within 7 days.
- b) The proprietor must report any plates that are lost or stolen, to Licensing within 72 hours.
- c) The proprietor must notify Licensing of a transfer of ownership, in writing, within 7 days.

16. **CARD MACHINE**

- a) The Hackney Carriage shall be fitted with a card payment machine to accept debit/credit cards & contactless card payments.
- b) The card payment machine shall be fitted in such as manner so that the card machine is always in a prominent view to the customer.
- c) The proprietor shall ensure that the card payment machine fitted to the Hackney Carriage is kept structurally and mechanically sound and maintained in proper working order at all times.
- d) Signage shall be prominently displayed in the Hackney carriage to inform the customer that payment can be made by a credit/debit card.

17. **CCTV**

No CCTV camera shall be fitted or used in the Hackney carriage unless it meets the Council's Licensed **Vehicle** **CCTV** Technical Specification and System Requirements

## **NOTE**

These conditions are additional to the statutory requirement imposed upon proprietors by the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, and byelaws made by the Council.

## **PENALTIES**

The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part II of the Act, shall be guilty of an offence and liable on summary conviction to a fine. In addition, such action whether or not resulting in criminal proceedings being taken may lead to the suspension or revocation of a licence or the failure to renew such a licence.

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**Appendix G**

**NOTTINGHAM CITY COUNCIL  
CONDITIONS FOR PRIVATE HIRE OPERATORS' LICENCE**

1. **DEFINITIONS**

“the **Act**” means the Local Government (Miscellaneous Provisions) Act 1976 (as amended).

“**Authorised Officer**” means an officer authorised in writing by the Council for the purposes of purpose of these conditions Part II of the Local Government (Miscellaneous Provisions) Act 1976

“**City**” means the City of Nottingham.

“the **Council**” means Nottingham City Council

“**Drivers Licence**” means a private hire drivers licence issued by the Council under the Act.

“**Operate**” means to make provision for the invitation, acceptance and carrying out of bookings for a Private Hire Vehicle and “Operates” “Operated” and “Operation” shall be construed accordingly

“**Operator**” means a person who makes provision for the invitation or acceptance of bookings for a private hire vehicle licensed under section 55 of the Act.

“**Plate**” means the plate issued by the Council for the purpose of identifying the vehicle as a private hire vehicle or hackney carriage.

“**Private Hire Vehicle**” means a private hire vehicle licensed by the Council under section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

“**Proprietor**” means the person(s) or body named on the Vehicle Licence as the proprietor of the Private Hire Vehicle and includes part proprietors and, in relation to a vehicle subject to a hiring agreement or a hire purchase agreement, means the person in possession of the vehicle under that agreement.

“**Vehicle Licence**” means a Private Hire Vehicle licence issued by the Council under the Act.

2. **RECORDS**

(a) A record shall be kept in a paginated book or by use of a suitable computer programme of the following particulars in respect of every booking invited or accepted: -

(m) The name of the passenger

(n) The name of the hirer

(o) The hirers contact telephone number and/or email address

(p) The method in which the booking was made i.e. telephone, electronic means or in person.

(q) The time and date of the booking.

(r) The pick-up point.

(s) The time of pick up.

(t) The destination (which may be recorded electronically at the conclusion of the journey using GPS tracking).

(u) The name of the driver

(v) The driver's licence number

(w) The vehicle registration number

(x) Whether the booking was accepted from the hirer or at the request of another Operator

- (y) The name of any individual that responded to the booking request
- (z) The name of any individual that dispatched the vehicle.
- (b) Records made in accordance with (a) above shall be kept for a period of not less than 12 months following the date of the last entry in those records.
- (c) A record shall be kept in a paginated book or by use of a suitable computer programme of the particulars of all Private Hire Vehicles and Drivers Operated under the terms of this licence and shall include: -
  - (i) the name and address of the Proprietor(s)
  - (ii) the vehicle registration number
  - (iii) the Vehicle Licence number
  - (iv) the name and Drivers
  - (v) Licence number of any driver who drives the Private Hire Vehicle
  - (vi) the radio call sign allocated to the Private Hire Vehicle/driver.
- (d) Records made in accordance with (c) above shall be kept for a period of no less than 12 months following the date that the Private Hire Vehicle ceases to be Operated under the terms of this licence.
- (e) The Operator shall maintain a register of all staff that will take bookings or dispatch vehicles and each member of those staff shall provide to the operator a valid basic DBS certificate prior to commencement of employment and then on an annual basis. The register must be made available to an Authorised Officer on request.
- (f) The Operator shall implement and maintain a policy relating to the employment of ex-offenders. The policy must be provided to the Licensing Authority upon implementation and be available to an Authorised Officer upon request.
- (g) The Operator shall implement and maintain a safeguarding policy that addresses the needs of the protection of children and vulnerable adults for whom the Operator provides transport services.
- (h) The Operator shall ensure that any other Operator to whom they sub-contract bookings to also has a similar safeguarding policy in place to protect children and vulnerable adults.
- (i) The use of a driver who holds a Passenger Carrying Vehicle Licence (PCV) and the use of a Passenger Carrying Vehicle (PCV) to undertake a Private Hire Vehicle booking is not permitted unless the hirer has been informed that PCV licensed driver is not required to have an enhanced DBS check.

#### 4 **REPAIRS**

All Private Hire Vehicles Operated under this licence shall be fit for use and maintained in a suitable mechanical and roadworthy condition.

#### 5 **CHANGE OF DETAILS**

- a) The holder of this licence shall notify the Council in writing as soon as reasonably practicable but in any event within 7 days of any change of his/her/its address, (including any address from which he/she/it Operates or otherwise conducts business as an Operator).
- b) Where the operator is a company or partnership, the operator shall notify the Council of any change to its directors or partners within 7 days of such change occurring and any new directors or partners shall within 28 days provide the Council with a basic DBS certificate.

6. **CONVICTIONS**

The holder of this licence shall as soon as reasonably practicable but in any event within 7 days of the occurrence of any of the events listed below notify and provide full details of the event to the Council in writing: -,

- (g) Any conviction.
- (h) Receipt of any caution (issued by the police or any other agency).
- (i) Receipt of a Magistrate's Court summons or other form of charge
- (j) Receipt of a fixed penalty notice for any matter
- (k) Receipt of a formal warning, order or injunction, including Criminal Behaviour Orders or similar.
- (l) Arrest for any offence (whether or not charged).

Where the holder of this licence is a company, partnership or other form of body this condition applies to its directors, partners or other persons in a position of authority or control within it as it applies to the body itself.

7. **PRIVATE HIRE VEHICLES**

- (a) No vehicle shall be Operated as a Private Hire Vehicle unless a valid Private Hire Vehicle Licence is in force in respect of it.
- (b) Before any Private Hire Vehicle is Operated the holder of this licence shall obtain its Vehicle Licence from its Proprietor. The Vehicle Licence shall be retained in a safe place during the duration of the time that the vehicle continues to be Operated and shall be returned to the Proprietor as soon as reasonably practicable (and in any event within 7 days) once Operation of the Private Hire Vehicle has ceased.
- (c) The Operator will accept a copy of the Certificate of Compliance issued to a Private Hire Vehicle for a maximum of 30 days pending the issue of the Private Hire Vehicle licence.

8. **PRIVATE HIRE DRIVERS**

- (a) No vehicle shall be Operated as a Private Hire Vehicle unless the driver holds a valid Driver's Licence.
- (b) Before any Private Hire Vehicle is Operated the holder of this licence shall cause the Proprietor to deliver.
  - (i) His/her Drivers Licence (if the Proprietor intends to drive the Private Hire Vehicle themselves), and
  - (ii) The Drivers Licence of any other person that the Proprietor intends to employ (or permit to use the vehicle) as a driver,

Such Drivers Licence(s) shall be retained in a safe place during the duration of the time that the vehicle continues to be Operated, or, any driver in respect of which a Driver's Licence has been retained ceases to drive the vehicle where upon it shall be returned to the Proprietor as soon as reasonably practicable and in any event within 7 days.

9. **PLATES, SIGNAGE AND SIDE PANELS**

- (a) Any advertisements (including details of the Operators business) displayed on the Private Hire vehicle must comply with the Council's current Advertising Policy.
- (b) Any Private Hire Vehicle operated, which has been granted an exemption from displaying plates or signs as the proprietor has declared that their vehicle will only be undertaking work which involves contract / executive / corporate activities only through a Nottingham City Council Licensed Operator and not general Private Hire work, must carry the letter issued by the Licensing department, confirming the exemption, along with the plates at all times in the boot of the vehicle. This should be available for inspection by an authorised officer at any time.

## 10. **COMPLAINTS**

- (a) The operator shall establish and operate a complaints procedure and take all reasonable steps to fully investigate any complaints, ensuring a record (in either bound and paginated book or electronic format) is kept of the following information:
- (i) Name, contact details of complainant and date complaint received
  - (ii) Date, time and details/nature of complaint
  - (iii) Name of driver (and badge number) or member of staff, to which the complaint relates, and
  - (iv) Details of action taken in respect of the complaint.
- (b) The operator shall keep the records required by (a) above for at least 12 months after investigation of the complaint has been concluded and such records shall be made available for inspection by an Authorised Officer on request
- (c) Complaints involving any element of.
- Safeguarding
  - The driving ability of any licensed driver
  - The condition of any licensed vehicle

Must be reported to the Licensing Authority in writing within 48 hours of the complaint being made to the Operator.

### **NOTE**

These conditions are additional to the statutory requirement imposed upon proprietors by the Local Government (Miscellaneous Provisions) Act 1976.

### **PENALTIES**

The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part II of the Act, shall be guilty of an offence and liable on summary conviction to a fine. In addition, such action whether or not resulting in criminal proceedings being taken may lead to the suspension or revocation of an existing licence or the failure to renew such a licence.

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## **Appendix H**

### **Private Hire Operator Application process**

1. Applications for Operator's licences must be made in writing using the approved application form.

- Where the application is being made by a single individual, the questions on the application form should be answered by that individual.
- Where the application is being made by multiple individuals (whether in a formal partnership or not), the questions should be answered jointly by the applicants.
- Where a limited company is applying for a licence, the questions should be answered in respect of both the company and its directors.

2. This is necessary and particularly relevant to the questions relating to conviction, cautions, insolvency or disqualification, where the Licensing Authority must be satisfied as to the fitness and propriety of each and every applicant.

Before an application will be accepted the applicant must include the following:

- A basic DBS certificate (if not already a licensed driver with this Council). **Where the applicant is a company, partnership or group of individuals, each director, partner of individual must provide a basic DBS certificate.**
- A certificate of good conduct (if applicable);
- Proof that the applicant is legally permitted to work in the UK – a licence will not be issued for a period longer than that period the applicant is permitted to work;
- The safeguarding vulnerable people course certificate; (all applicants will be required to attend and pass this course)
- The application fee;
- Any other documentation required to progress your application e.g. relevant insurance documents.

If any issues arise during the processing of the application, in the first instance the applicant will be given an opportunity to provide clarification, or if appropriate to amend the application form.

When all required documents and other information have been received, the application will be determined.

In accordance with the Interpretation Act 1978, the term 'person' may apply to both individuals and bodies corporate and un-incorporate. Where an application is made by one or more individuals, the provisions herein shall be applied to each individual so specified in the application. Where an application is made by a partnership or limited company, the provisions herein shall be applied to each partner or director, as the case may be, and to the company secretary.

Completed application forms (including any information in annexes required as part of the application) should be returned to the Licensing Authority along with the applicable fee. A further charge is made for each Nottingham City Council licensed vehicle operated by your company.

Operator's licences are non-transferrable. In the event of the control of a licensed business passing to a different person, it will be necessary for the new owner of the business to apply for a licence.

**Determination**

Applications can be granted at Officer level where all documentation is satisfactory and the statutory tests are met.

Where an application presents issues which cannot be addressed through the application process it will be heard by the Regulatory and Appeals Committee. The applicant will be given an opportunity to make representations, either in writing or orally at a meeting. All representations will be given full consideration prior to a decision being made in respect of the application.

The Licensing Authority may consider information from other sources such as the Police, Children and Adult Safeguarding Boards, other licensing authorities and statutory/non-statutory bodies.

Where an application is granted, a licence document will be issued to the applicant, which confirms their right to operate private hire vehicles. Licences will usually be granted for a period of 5 years. The Council does however reserve the right to grant licences for a shorter duration if deemed necessary in the circumstances.

Where an application is refused, suspended and/or revoked by the Council and the operator is aggrieved by the decision, there is a right of appeal to a magistrate's court. Further details will be provided where applicable.

## **Appendix I**

### **Hackney Carriage & Private Hire Vehicle Licence Application Process (including renewal of existing licences)**

Applications for vehicle licences will only be accepted in relation to vehicles that comply with:

1. Nottingham City Council's specification for private hire vehicles, or hackney carriages (as appropriate), and
2. Nottingham City Council's Vehicle Age and Emissions Policy.

In making an application for a vehicle licence, applicants must submit the following:

- The vehicle application form;
- The appropriate fee;
- The original of the Vehicle Registration Document (Log Book/V5) certificate of registration for the vehicle (the new keeper's supplement section of the V5 document will be accepted in the case of vehicles that are not licensed at the time that the application is made, and the vehicle has recently been purchased by the applicant (documentary evidence will be required). Licences will not be renewed unless the full V5 document is made available to the council at the time of application);
- The original insurance certificate or insurance cover note for the vehicle (this document must be provided before the plate is issued to the applicant)

The vehicle must be submitted for examination at the council's nominated inspection facility. This inspection will include an assessment of the vehicle's mechanical and aesthetic condition, and will exceed the MOT standards set by the Driver and Vehicle Standards Agency. The inspection is intended to assess the vehicle for licensing suitability. The council will not issue an MOT certificate for the vehicle; however a Certificate of Compliance will be incorporated into the vehicle licence.

All vehicles will be issued with a licence and with a licence plate showing the actual date of expiry.

Private Hire Vehicles under 3 years old will be issued a licence for a one year period, commencing on the date that the licence is issued. Vehicles older than 3 years old on the day that the licence is granted will be issued with a 6 month licence.

Hackney Carriages under 5 years old will be issued a licence for a one year period, commencing on the date that the licence is issued. Vehicles older than 5 years old on the day that the licence is granted will be issued with a 6 month licence.

**The applicant must submit to Taxi Licensing all necessary documents before the start of the vehicle examination.**

**The person presenting the vehicle for testing must be in possession of a valid Nottingham City Council Combined Hackney Carriage & Private Hire Vehicle driver's licence.**

All vehicles are subject to a HPI check. If the vehicle is reported as having a condition alert (accident damage) then a licence will not be granted until such time as the vehicle has been inspected by Autolign and a certificate of confirmation of works undertaken is produced which will allow the condition alert to be removed.

The vehicle must be presented for testing at the agreed time and date. Any failure to attend or failure to give at least 24 hour's notice of cancellation, will incur a cancellation fee.

Once the vehicle has been inspected, the inspection facility will confirm to the Licensing Office that a licensing inspection has taken place, and the result of that inspection. This may be done by supplying the vehicle proprietor and the Licensing Office with the appropriate confirmation documentation.

This documentation must indicate to the proprietor of the vehicle

- if the vehicle "passed" or "failed" the inspection
- what point(s) the vehicle failed on (where a failure is given),



- if a re-test inspection is required.

Where a vehicle fails an inspection, the inspector must supply the proprietor and licensing officer with sufficient documentation to indicate what faults exist on the vehicle and are required to be rectified to enable the vehicle to pass a re-test (including body damage / dents / scratches or damage to fabrics / missing plates, notices or door signs). This document must be supplied to the proprietor of the vehicle at the end of that test inspection.

In cases where a licence renewal application has been submitted but has not been processed before the date that the licence expires.

If a licence is not renewed prior to its expiry (or if a renewal application is received, but the application is not determined prior to the expiry of the licence) then that vehicle will no longer be able to lawfully operate as a licensed vehicle.

## **Appendix J**

### **AGE AND SPECIFICATION POLICIES RELATING TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES**

#### **GENERAL**

1. This policy will have effect from 1 January 2018
2. No Hackney Carriage or Private Hire vehicle shall be granted a licence unless it meets the City Council's approved vehicle specification. In accordance with the Council's earlier Policy it will still be the case that no licence will be granted for a Hackney Carriage Vehicle Licence unless that Vehicle is wheelchair accessible and displays the Council's Coat of Arms on the front side doors. (unless advertising is being placed on the door in line with the Council's Advertising Policy).
3. Nottingham City Council will refuse to renew a licence for a vehicle for use as a Hackney Carriage or Private Hire vehicle once the respective upper age limit has been reached.
4. From 01/01/2020 additional vehicle specifications will be required for all vehicles. Vehicle owners are encouraged to contact the Licensing Office for advice at least 2 years before the vehicle is due to reach the upper age limit or purchasing a new vehicle.
5. From 01/01/2025, any vehicle being licensed for the first time as a Hackney Carriage or Private Hire vehicle will be required to be ZEC UI-EV
6. From 01/01/2030, no vehicle shall be licensed as a Hackney Carriage or Private Hire vehicle unless it is a Zero Emissions Capable Ultra Low Emission Vehicle

#### **PRIVATE HIRE VEHICLES**

##### **From 01/01/2020**

1. Only Private Hire vehicles FOUR (4) years of age and under from the date of first DVLA registration will be considered for first licensing or as a replacement vehicle.
2. Private Hire vehicles over the age of TEN (10) years from the date of first DVLA registration will ordinarily be REFUSED a licence
3. Private Hire vehicles over the age of THREE (3) years from the date of first DVLA registration will be subject to SIX (6) monthly MOT inspections carried out by Nottingham City Council testers

#### **WHEELCHAIR ACCESSIBLE HACKNEY CARRIAGE VEHICLES**

##### **From 18/01/2021**

1. All applications for replacement Hackney Carriage vehicles will be ordinarily REFUSED unless the vehicle to be licenced is newer than the existing vehicle and is no more than SIX (6) years of age from the date of first DVLA registration
2. All Hackney Carriage vehicles over the age of Five (5) years from the date of first DVLA registration will be subject to SIX (6) monthly MOT inspections carried out by Nottingham City Council testers.
3. Hackney Carriage vehicles over the age of TEN (10) years from the date of first DVLA registration will ordinarily be REFUSED a licence UNLESS the vehicle is in exceptionally good road-worthy condition and approved for use following an Exceptional Condition Vehicle Check carried out by an authorised officer.

##### **From 16/03/2018**

1. All applications for replacement Hackney Carriage vehicles will be ordinarily REFUSED unless the vehicle is coloured black with a white vinyl roof. The black is to be one of the manufacturer palette colours on the appended list, as amended from time to time.

##### **From 01/01/2020**

1. All Hackney Carriage vehicles will be required to be a minimum of Euro 6 Diesel or ZEC ULEV.

Updated 28/062023 version 6

2. No Euro 6 Diesel vehicle will ordinarily be licensed as a hackney carriage if it over the age of TEN (10) years.
3. No ZEC UI-EV vehicle will ordinarily be licensed as a hackney carriage if it over the age of FOURTEEN (14) years

From 01/01/2025

1. No ZEC UI-EV vehicle will ordinarily be licensed as a hackney carriage if it over the age of TWELVE (12) years

Euro 6 diesel relates to the engine AND vehicle both being manufactured after September 2015.

\*\*  
ZEC UI-EV definition — emit up to 50g/km CO<sub>2</sub> with a minimum of 30 mile emission range. A ZEC Hackney Carriage MUST be petrol if an internal combustion engine is used

## **Appendix K**

### **Policy in relation to the specification of Private Hire Vehicles**

Local Government (Miscellaneous Provisions) Act – Section 48

1. The vehicle must comply with all relevant statutory requirements contained in the Road Vehicles (Construction and Use) Regulations 1986.
2. The vehicle must meet the criteria set out in the Council's Vehicle Age and Emissions Policy.
3. The vehicle must have no material alteration or change in the specification, design, condition or appearance from time of manufacture of that vehicle (without written approval of the Council).
4. If the vehicle was originally constructed to seat more than 8 passengers (excluding the driver) it must not have been converted, modified or altered in any way which permanently allows it to carry eight or less passengers (excluding the driver) (unless notified to H.M. Customs and Excise immediately on completion of the conversion, modification or alteration).
5. The vehicle must have 4 road wheels and a minimum of 4 doors, 2 to each side of the vehicle. A full size spare tyre or, a space saver wheel must be carried in the vehicle or a generator and sealant where supplied as standard with the vehicle. Where 'run flat' tyres are fitted, a spare wheel/tyre is still to be carried.
6. The vehicle must be right hand drive. However, in certain circumstances a left hand drive may be considered suitable for licensing – this will be at the discretion of the council (and will include some limousines for example).
7. The vehicle must have sufficient seating capacity to carry a minimum of 4 and not more than 8 passengers. Except where application is made for a vehicle wishing to carry less than 4 passengers in which case its suitability to be licensed will be checked on its own merits.
8. In the case of MPVs where there is a rearmost row of seats and seats capable of being the rearmost seats e.g. fold away seats – these must be forward facing
9. The seating capacity will be determined by the Council based upon the manufacturer's specification as stated on the vehicle registration document, the orientation of the seating and the dimensions of the seating.
10. Each 400 millimetres of seat base will constitute a seat, (unless it is impossible for a person to sit there, e.g. due to no leg room.) All measurements are taken across the front of the seat cushion.
11. The seating must be capable of being configured to achieve 600 millimetres minimum leg room available to any passenger. The measurement will be taken from the base of the seat to the rear of the seat in front. Where there is no seat in front the measurement will be taken from the base of the seat to the nearest obstruction in front.
12. All seats within the vehicle, front and rear, must be fitted with working seatbelts. In relation to number of doors in the case of vehicles to be licensed for less than 4 passengers this will be determined on its own merits
13. The vehicle must, if using LPG as a fuel, either wholly or as an alternative means of propulsion, be appropriately and safely converted in line with regulations that are in force / applicable at the time of inspection. Where a doughnut tank is fitted in the boot for LPG the spare wheel if still carried in the boot must be properly secured. Alternately a spare wheel cage installed to manufacturers and British Standards may be fitted to the underside of the vehicle.
14. The vehicle must not have displayed on or from the vehicle any sign or notice, mark, or illumination which consists of or includes the word 'taxi' or 'cab' or leads a person to believe the vehicle is a hackney carriage.
15. The vehicle must not have any other feature which may suggest to a person seeking to hire a vehicle that the vehicle is a hackney carriage.
16. The vehicle must be in the colour it was originally manufactured, and no advertisement be displayed on the vehicle (without the written approval of the council in accordance with Appendix O).
17. The vehicle must have provided and maintained at all times safety equipment that will be, from time to time, specified by the Licensing Authority and detailed in the Private Hire Vehicle and Hackney Carriage examination and testing requirements.
18. The Licensing Authority may, from time to time, make alterations to this specification to reflect changes in road vehicles regulations, manufacturing, and government guidance or conditions. Such changes will be notified as appropriate to proprietors.

19. In addition to the foregoing the proprietor / licensee is required to comply with statutory requirements and attention is drawn in particular to the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

20. The vehicle must not have sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, have been disposed of under an insurance salvage agreement (categories A, B, C and D).

#### **Additional Requirements for Wheelchair Accessible Vehicles:**

##### 21. Wheelchair Facilities

(1) Suitable anchorages must be provided for the wheelchair and chair bound disabled person. These anchorages must be either chassis or floor linked and be capable of withstanding stresses to a dynamic deceleration test of 15g peak at 20 m.p.h. Restraints for wheelchair and occupant must be independent of each other.

Anchorage must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.

(2) The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75 cm. The minimum angle of the door when opened must be 90 degrees.

(3) The clear height of the doorway must be not less than 120 cm.

(4) Grab handles must be placed at door entrances to assist the elderly and disabled.

(5) The top of the tread for any entrance must be at floor level of the passenger compartment and must not exceed 38 cm above ground level when the vehicle is unladen. The outer edge of the floor at each entrance must be fitted with non-slip treads.

(6) The vertical distance between the highest part of the floor and the roof in the passenger compartment must be not less than 1.3 meters.

(7) Where seats are placed facing each other, there must be a minimum space of 42.5 cm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level. Where all seats are placed facing to the front of the vehicle, there must be a clear space of at least 66 cm in front of every part of each seat squab.

(8) A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside rear passenger door. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use.

##### 22. Passenger Capacity

(1) The occasional seats must be at least 40 cm in width and the minimum distance from the back of the upholstery to the front edge of the seat must be 35.5 cm.

(2) The occasional seats must be so arranged as to rise automatically when not in use. They must be symmetrically placed and at least 4 cm apart. When not in use, front seats must not obstruct doorways.

(3) The rear seat dimensions must be adequate to carry two or three adult passengers comfortably in vehicles licensed to carry four or five passengers respectively.

(4) Suitable means must be provided to assist persons to rise from the rear seat with particular attention to the needs of the elderly and disabled.

##### 23. Driver's Compartment

(1) The driver's compartment must be so designed that the driver has adequate room, can easily reach and quickly operate the controls and give hand signals on the offside of the vehicle.

(2) The controls must be so placed as to allow reasonable access to the driver's seat and, when centrally placed, must be properly protected from contact with luggage.

(3) A serviceable device for demisting the windscreen must be fitted.

(4) Every vehicle must be provided with an approved means of communication between the passenger and the driver. When a sliding window is fitted on the glazed partition, the maximum width of the opening must not exceed 11.5 cm.

### **General Specifications**

- (1) Front Engine Petrol, Diesel, Hybrid, Front or Rear Wheel Drive  
Minimum Engine Capacity of 1600cc for conventional 4 passenger vehicles (Petrol or Diesel)  
Minimum Engine Capacity of 1400cc for conventional 4 passenger vehicles (Hybrid)
- (2) Seating should be for at least 4, but no more than 8 passengers in addition to the driver.  
Rearward facing seats over or rearward of the rear wheels and axle(s) having normal access only through a rear door will not be accepted.  
Folding or moving seats which are so constructed to provide access to other seats to which there is no direct access will not be accepted.  
Front seats shall be equipped with safety belts in accordance with current legislation and any vehicle having a gangway between the body side and nearside passenger seat must be equipped with a lap and shoulder belt which does not obstruct the gangway.
- (3) A separate lockable luggage compartment is preferred. In vehicles where the luggage is not in a separate compartment passengers must be protected by a screen from items of luggage being propelled into the passenger compartment area by the vehicle movement.
- (4) At least 4 road wheels.
- (5) Manufacturers gross vehicle weight for tyres and suspension actually fitted to the vehicle submitted for a licence must be sufficient for a minimum payload equal to the driver, full fuel tank, the number of passengers for which a licence is requested (at 70 kg per person) and luggage (at 20 kgs per person).  
Where Propane or L.P.G is used as the vehicle fuel the weight of extra equipment must be within the gross weight.  
Where the vehicle type has a marginal payload rating and it has many nonstandard fittings and equipment, a weighbridge certificate of kerb weight may be required.
- (6) All vehicles will be of an approved type, being properly constructed in accordance with all appropriate Act of Parliament and E.E.C Legislation applicable to the U.K. Approved vehicles will be right hand drive, with the exception of chauffeur driven limousine type vehicles used for executive hire which may be left-hand drive, fitted with at least 4 road wheels, with at least two passenger doors in the body sides and separate means of access for the driver.  
Passengers will be provided with sufficient means of communication with the driver and have facilities to carry luggage in a safe and secure condition. The passenger accommodation will have properly upholstered and covered seats, with floors also properly covered. There will be direct access to all doors without the need to fold or move any seats to provide a gangway. There will be means of opening and closing at least one window each side of the vehicle.

### **GENERAL EQUIPMENT**

Where a vehicle has more than 4 passenger seats and arranged on more than 2 rows of seats, the headroom for the intermediate seats will be as for the front seat.

- (1) Spare Wheel and Tyre, Jack and Wheel Brace - properly stowed to protect passengers luggage.  
(2) or an electronically operated tyre pump and Page 78 of tyre sealant  
(3) 1.36kg B.C.F or Dry Powder Fire Extinguisher and First Aid Kit in the passenger compartment of

**(4)** Nearside and Offside rear view mirrors

**(5)** If a fare meter is fitted it must be visible to all passengers and not be a safety hazard to passengers

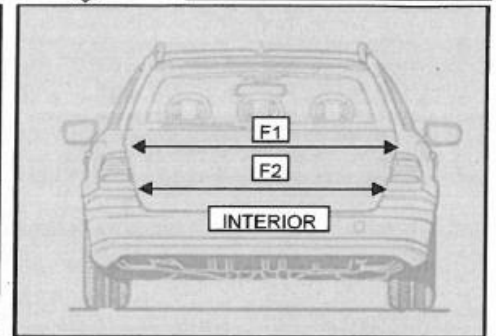
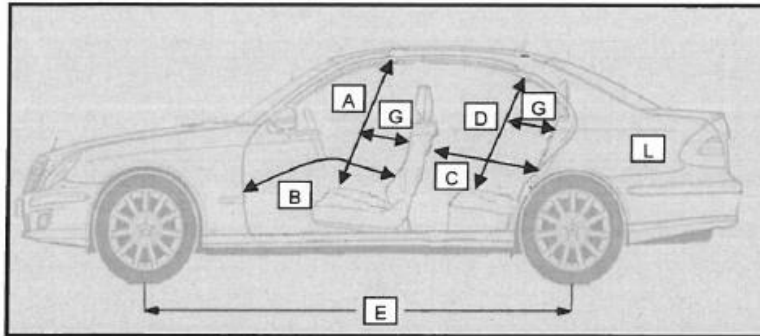
In addition to the general requirements, Private Hire Vehicles will not display any advertising or lettering other than the permitted 127mm x 76mm label in the windscreen displaying the City of Nottingham Private Hire Licence number or other approved legend in letters and figures no more than 25mm high.

London type Hackney Carriages are not allowed to be licensed as Private Hire Vehicles.

**New Vehicle Measurement Form**  
**Specification For Private Hire Vehicles**



**Nottingham**  
**City Council**



**GENERAL DIMENSIONS**

**Vehicle Make & Model**

<b>A</b>	914mm	min	Cushion not compressed	=	<input style="width: 100%; height: 25px;" type="text"/>
<b>B</b>	939mm	min	Seat fully rearward	=	<input style="width: 100%; height: 25px;" type="text"/>
<b>C</b>	609mm	min	Front seat fully rearward	=	<input style="width: 100%; height: 25px;" type="text"/>
<b>D</b>	863mm	min	Cushion not compressed	=	<input style="width: 100%; height: 25px;" type="text"/>
<b>E</b>	2438mm	min	Wheelbase for rear wheel drive	=	<input style="width: 100%; height: 25px;" type="text"/>
vehicles (shorter wheelbases will be considered for front wheel drive cars and other types of vehicle where the design of the vehicle provides interior space in excess of the above minimum dimensions)					
<b>F1</b>	1346mm	min	Interior width measured in line	=	<input style="width: 100%; height: 25px;" type="text"/>
with the top face of the seat cushions, but excluding any arm rests and at a point on the bodysides 2" below the bottom edge of the side window aperture.					
<b>F2</b>	1244mm	min	Interior width measured between any arm rest on the door.	=	<input style="width: 100%; height: 25px;" type="text"/>
<b>G</b>	254mm		Point of measurement parallel with the squab.	=	<input style="width: 100%; height: 25px;" type="text"/>
<b>H</b>	0.42cu		Metres of hard luggage min. (15 cu feet)	=	<input style="width: 100%; height: 25px;" type="text"/>

Length =

Width =

Height =

Divide (L) x (W) x (H) by 1728 to obtain cubic capacity.

=



### **General Specifications for a one passenger vehicle**

- 1) Front engine petrol, diesel minimum engine capacity of 800cc.
- 2) Seating should be for 1 passenger in addition to the driver. Rearward facing seats over or rearward of the rear wheels and axle(s) having normal access only through a rear door will not be accepted.
- 3) Folding or moving seats which are so constructed to provide access to other seats to which there is no direct access will not be accepted.
- 4) Front seats shall be equipped with safety belts in accordance with current legislation.
- 5) A separate, lockable luggage compartment is preferred. In vehicles where the luggage is not in a separate compartment, passengers must be protected by a screen from items of luggage being propelled into the passenger compartment area by vehicle movement.
- 6) At least 4 road wheels.
- 7) Manufacturers gross vehicle weight for tyres and suspension actually fitted to the vehicle submitted for a licence must be sufficient for a minimum payload equal to the driver, full fuel tank, the number of passengers for which a licence is requested (at least 70kf per person) and luggage (at least 20kg per person). Where propane or L.P.G. is used as the vehicle fuel, the weight of extra equipment must be within the gross weight.
- 8) Where the vehicle type has a marginal payload rating and it has non-standard fittings and equipment, a weighbridge certificate of kerb weight may be required.
- 9) All vehicles will be of an approved type, being properly constructed in accordance with all appropriate act of Parliament and E.U. legislation applicable in the U.K. Approved vehicles will be right hand drive with the exception of chauffeur driven limousine type vehicles used for executive hire which may be left-hand drive, fitted with at least 4 road wheels, with at least one passenger door in the body side and separate means of access for the driver.
- 10) Passengers will be provided with sufficient means of communication with the driver and have facilities to carry luggage in a safe and secure condition. The passenger accommodation will have properly upholstered and covered seats with floors also properly covered. There will be direct access to a door without the need to fold or move any seats to provide a gangway. There will be means of opening and closing at least one window.

### **General equipment**

- 1) Spare wheel and tyre, jack and wheel brace – properly stowed to protect passenger's luggage (or manufacturers equivalent)
- 2) 1.36kg B.C.F. or dry powder fire extinguisher and first aid kit in the passenger compartment.
- 3) Nearside and offside rear-view mirrors.

- 4) If a fare meter is fitted, it must be visible to all passengers and not a safety hazard to passengers.

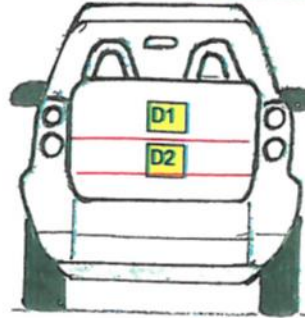
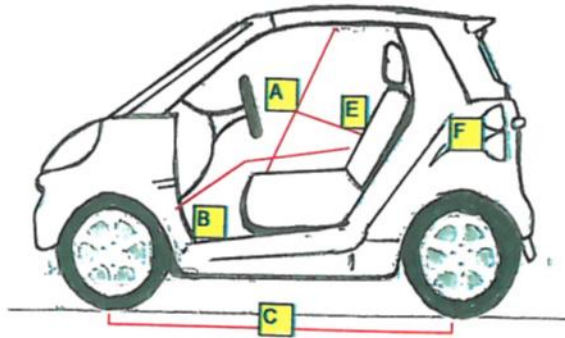
In addition to the general requirements, Private Hire Vehicles will not display any advertising or lettering other than the permitted 127mm x 76mm label in the windscreen displaying the City of Nottingham Private Hire Licence number or other approved legend in letters and figures no more than 25mm high.

London type Hackney Carriages are not allowed to be licensed as Private Hire Vehicles.

**Minimum Dimensions For One Passenger Vehicle**  
Specification For Private Hire Vehicles



**Nottingham**  
**City Council**



**GENERAL DIMENSIONS**

Vehicle Make & Model

A 914mm min Cushion not compressed =

B 939mm min Seat fully rearward =

C 1807mm min Wheelbase =

vehicles (shorter wheelbases will be considered for front wheel drive cars and other types of vehicle where the design of the vehicle provides interior space in excess of the above minimum dimensions)

D1 1150mm min Interior width measured in line =

with the top face of the seat cushions, but excluding any arm rests and at a point on the bodysides 2" below the bottom edge of the side window aperture.

D2 1140mm min Interior width measured between any arm rest on the door. =

E 254mm Point of measurement parallel with the squab. =

F 12.6 cu ft Cubic Feet of hard luggage min. =

Length =

Width =

Height =

Divide (L) x (W) x (H) by 1728 to obtain cubic capacity. =

**Appendix L**



EXTRACT from the minutes of the City of Nottingham  
ENVIRONMENT COMMITTEE City Secretary's Department held on 19  
~~APRIL 1990~~

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**317 WHEELCHAIR ACCESSIBLE HACKNEY CARRIAGES**

Consideration was given to a report of the City Secretary, copies of which had been circulated.

**RESOLVED**

- (1) that, from 1 April 1995, no vehicle should be licensed as a hackney carriage unless of a type approved by the London Public Carriage Office and wheelchair accessible;
- (2) that the current vehicle specifications for hackney carriages be amended as set out in the report to include a specification in respect of vehicles approved by the London Public Carriage Office;
- (3) that the approved vehicles be finished in one colour of 'Jaguar Racing Green' (number JBC 701) and the City coat of arms be displayed on both front door panels and that this be a condition of the licence;
- (4) that, from 1 September 1990, all replacement vehicles be of the type and specification referred to in resolutions (1) and (2) above;
- (5) that, from 1 September 1990, hackney carriage licences which had lapsed be not renewed unless of a type and specification referred to in resolutions (1) and (2) above;
- (6) that, subject to him submitting reports to the Environment (Licensing) Sub-Committee concerning applications of an unusual nature, the City Secretary be authorised to determine applications for licences received after 1 September 1990 in respect of vehicles not of the type and specification referred to in resolutions (1) and (2) above, provided that such vehicles complied with the existing type approvals and specifications, save that the colour might be black or white, and that he was satisfied that the application was made in circumstances where the vehicle had to be unexpectedly replaced, and such licences be issued for a period not exceeding 3 months;
- (7) that the Policy and Resources Committee be requested to grant a supplementary estimate of £1,400 for the purchase of rear licence plates.

**Appendix M**

Requirements for vehicle examination

**NOTTINGHAM CITY COUNCIL**

**THE LICENSING OF HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES**

**SUPPLEMENTARY TESTERS MANUAL**

**Vehicles will be tested to standards as laid down in the MOT Testers Manual and this Supplementary Testers manual. Where appropriate the Council may require vehicles to be submitted for examination by a Council appointed Motor Engineer.**

**EFFECTIVE FROM 01.01.2020**

**NOTE: THE COUNCIL RESERVES THE RIGHT TO MAKE AMENDMENTS TO STANDARDS AND REQUIREMENTS CONTAINED IN THIS MANUAL**

## **INDEX**

Section 1	Vehicle Exterior
Section 2	Hackney Carriage and Private Hire Vehicle Signs
Section 3	Licence Plates
Section 4	Tyres and Spare Wheels
Section 5	Boot/Luggage Compartment
Section 6	Engine Compartment and underside
Section 7	Interior of Vehicles
Section 8	First Aid Kit
Section 9	Fire Extinguishers
Section 10	Road Test
Section 11	Meters
Section 12	List of Amendments

# 1. EXTERIOR OF THE VEHICLE

## METHOD OF INSPECTION

## REASONS FOR FAILURE

## NOTES

1.1	The exterior of the bodywork, the underside of the vehicle and the engine compartment must be free from mud, oil and grease to allow for proper inspection of these areas (see Notes), <i>steam cleaning may be required in some cases.</i>	1.	Contamination preventing proper inspection.	If the vehicle is presented for annual inspection in a filthy condition the inspection will not be carried out. A test may be refused if the vehicle is presented with wet paint or wet underseal.
1.2	Check the operation of all external door catches and locks to ensure that all doors can be securely closed and easily opened.	2.	Defective external door catches which prevent a door opening and closing properly. Missing or ineffective door locks.	
1.3	Check all doors to ensure that they are properly aligned and will close easily.	3.	Poorly fitting doors to the vehicle.	
1.4	Ensure that the door hinges are in good condition allowing free movement of the door.	4.	Defective door hinges.	
1.5	Check all wind-check positions to ensure that doors are held in place when opened.	5.	Wind-checks missing or faulty.	Any wind check straps must be of a type approved by the manufacturer.
1.6	Examine the external body panels and structure for evidence of corrosion, damage and/or unsatisfactory repairs, or severe misalignment.	6.	Corrosion or damage to the vehicle body or structure which adversely affects the appearance and/or safety of the vehicle.	Engineers certification may be required to satisfy the vehicle examiner that repairs have been properly carried out.
1.7	Examine the external paintwork for damage which adversely affects the appearance of the vehicle (see Notes).	7.	Exterior of vehicle so dirty that the overall finish of the paintwork cannot be assessed. Paintwork so deteriorated, damaged, rust blistered or stone chipped, that it detracts from the overall appearance of the vehicle. Renovations to paintwork which produce runs, flat or uneven finish or of non matching colour, ie. not compatible with adjacent panels. Repairs incomplete in primer or undercoat.	

## EXTERIOR OF THE VEHICLE cont'd

### METHOD OF INSPECTION

1.7 (cont.)

### REASONS FOR FAILURE

Vehicle resprayed in unapproved colour or colours.  
Overspray on glass or other fittings.  
Finisher moulding insecure, incorrectly fitted or missing.

### NOTES

Private Hire Vehicles should be one solid colour, and will not be accepted in the colour of Jaguar British Racing Green  
Hackney Carriages should be London Style Public Carriage Office approved wheelchair accessible cabs, as approved by Environment committee on 19<sup>th</sup> April 1990.

Regulatory appeals Committee 25/09/2019 approved Hackney Carriage:

Nissan Dynamo Electric Taxi, Ford Tourneo, Vauxhall Vivaro VX8 Taxi, Ford Procab Euro 6 Diesel and converted by a specialist, LEVC TX

Approved by delegated authority  
Ford Coachman by Flexicab 09/09/2019  
Nissan Dynamo 40Kwh 11/09/2019

Regulatory & Appeals Committee 16/12/2019 approved Hackney Carriage;  
LEVC Icon

N.B. Hackney carriages must be finished in one colour of the manufacturers black with a white vinyl wrap roof and the coat of arms in white.  
(Regulatory & Appeals Committee 16/03/2018)

**SEE APPENDIX 1 FOR LIST OF VEHICLES THAT MEET THE CURRENT AGE & SPECIFICATION POLICY**

**From 01/01/2020 all Hackney Carriage vehicles will be required to be a minimum of Euro 6 diesel or ZEC ULEV. (Regulatory and Appeals Committee 18/12/2017)**



- |      |  |     |  |
|------|--|-----|--|
| 1.8  | Check that the nearside and offside door/wing mirrors are fitted to the vehicle in a secure manner and that they function correctly. | 8.  | Missing or defective door/wing mirrors. Mirror cover/ lacking in primer or sprayed in obviously none-matching colours.   |
| 1.9  | Ensure that the front and rear bumpers are in good order (without damage) and are securely fixed to the vehicle.                     | 9.  | Damaged or inadequately secured front or rear bumpers, severely misaligned bumpers.  |
| 1.10 | Ensure that front and rear number plates comply with current regulations.  | 10. | Damaged front or rear number plates. Number plates which do not comply with the Vehicle Excise and Registration Act 1994 and Road Vehicles (Registration and Licensing) Regulations. Number plate severely misaligned or inadequately secured. |

**EXTERIOR OF THE VEHICLE cont'd**

<b><u>METHOD OF INSPECTION</u></b>	<b><u>REASONS FOR FAILURE</u></b>	<b><u>NOTES</u></b>
1.11 Examine the rubber seals to every door for serious damage, looseness or absence.	11. Damaged, missing or loose door seals which are likely to cause draught, rainwater penetration, unreasonable road noise or a trip hazard.	The vehicle will fail the test where defects in a door seal are considered to be likely to cause rain penetration, excessive draught, excessive road noise inside the vehicle or represent a trip hazard to users of the vehicle.
1.12 Ensure that the vehicle boot lid opens, closes and locks properly, and that the hinges and opening mechanism adequately support the lid when it is in the open position.	12. Worn hinges to boot lid, defective boot lock, weak or defective boot opening device. Doors or access panels severely corroded or inadequately repaired around hinges or catches. Bodywork or pillars as above.	
1.13 Check the operation of the number plate light, reversing lights and front and rear fog lights.	13. Inoperable or insufficient number plate, reversing or fog lights.	Lights may be of insufficient intensity when incorrect bulbs have been fitted. <i>(Any lamp fitted must work correctly and be properly aligned)</i> . "Lamps which are not a legal requirement will <u>not</u> be a reason for rejection unless their condition or appearance detracts from the overall appearance of the vehicle". This does not apply to reversing lamps.

## 2. SIGNS - HACKNEY CARRIAGE SIGNS

<u>METHOD OF INSPECTION</u>	<u>REASONS FOR FAILURE</u>	<u>NOTES</u>
2.1 Examine the roof mounted sign affixed to the vehicle, and ensure that its size, design and construction conform to the Council's standards. Ensure that the sign is undamaged, the lettering clearly legible, and that it is capable of automatic illumination.(See notes)	<ol style="list-style-type: none"> <li>1. A sign that does not conform to the Council's standards</li> <li>2. A sign which is damaged or has lettering which is not clearly legible.</li> <li>3. A sign which cannot be switched off by separate means.</li> </ol>	<p>A Hackney Carriage must be equipped with an illuminated sign on the roof of the vehicle bearing the word "TAXI".</p> <p>The roof sign should be connected to the meter switch so that the cancelling of the meter automatically illuminates the sign and activating or switching off of the meter by other means(e.g. an isolator switch) automatically extinguishes the sign.</p>

## 2. SIGNS - PRIVATE HIRE VEHICLE SIGNS

<u>METHOD OF INSPECTION</u>	<u>REASONS FOR FAILURE</u>	<u>NOTES</u>
2.2 Examine the signs where affixed to the vehicle to ensure that they comply with the Council's vehicle licence conditions.	4. Non-compliance with conditions.	The Council's licence conditions require:- No top signs are allowed on Private Hire Vehicles. No signs including the words 'Taxi', 'Cab', 'for hire' etc. are allowed on private hire vehicles which may lead the public to think that the vehicle is a taxi.

## 2. SIGNS - ADVERTISING ON HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

NO ADVERTISING IS ALLOWED ON VEHICLES OTHER THAN THAT PREVIOUSLY APPROVED BY THE COUNCIL

### 3. LICENCE PLATES (i.e Taxi Plates)

#### METHOD OF INSPECTION

#### REASONS FOR FAILURE

#### NOTES

3.1 Ensure that the vehicle has provision for front and rear 'Taxi' plate to be fitted securely to the exterior in a position where they will be clearly legible.

1. No provision for plates to be mounted. Plate mounting device or bracket insecure, broken or otherwise unfit for purpose
2. Plate is not securely fixed to the rear of the vehicle

The Council's licence conditions require licence plates to be displayed at all times. Vehicles with "executive exemption" must have supporting documentation when presented for test.  
NEW TAXI's at the initial test will be fitted with plate brackets, these will be fitted F.O.C unless this is unreasonably difficult.  
This may be subject to review.

Charge for broken brackets

Do not fit brackets, Taxi driver/ company to fit.

**4. TYRES AND SPARE WHEEL (Where wheel trims are fitted these should be removed by the driver before the test to enable the wheel to be properly checked)**

<b><u>METHOD OF INSPECTION</u></b>	<b><u>REASONS FOR FAILURE</u></b>	<b><u>NOTES</u></b>
4.1 Tyres must be of the same size or to manufactures specification.	1. Variation in size of tyre. Where this is clearly not to the manufacture's specification.	Spare wheel or puncture repair provision must be supplied with the vehicle.
4.2 Examine the tyre for signs of damaged or excessive wear (see notes). Ensure that the spare (where supplied) complies with damage/tread depth requirements. "Space saver" spare tyre must have a minimum tread depth of 1.6mm over the central three quarters of the overall tread width.	2. Damaged, worn or otherwise illegal tyres, Tyres below the Council's minimum tread depth (See Notes) <i>A tyre, which has any significant area of the original, tread pattern missing.</i>	This may be (1) a spare wheel with the same type and size of tyre as fitted to the rest of the vehicle. 2- A 'spare saver' spare wheel 3- An electronically operated tyre pump and container of tyre sealant. 4- Run flat tyres if fitted as standard by the vehicle manufacturer.
4.3 Visually examine all tyres for obvious over or under inflation.	3. A tyre that is obviously over or under inflated.	A British standard remold will be acceptable if it carries clearly legible. B.S markings
4.4 Examine the jack and wheel brace provided.	4. Failure to provide a suitable jack and or wheel brace.	Tyre tread pattern should be a minimum of 2mm across the central three –quarters of the tread. L71 and Metrocab Hackney Carriage must have tyres fitted which are marked on manufacture 'TAXI or CAB'
4.5 Check the spare wheel fixing brackets (or similar securing device) to ensure the wheel is properly secured in the correct position.	5. Failure to satisfactorily secure the spare wheel.	
4.6 Check all wheel rims for damage or distortion	6. A damaged or distorted wheel rim.	

## 5. BOOT/LUGGAGE COMPARTMENT

<u>METHOD OF INSPECTION</u>	<u>REASONS FOR FAILURE</u>	<u>NOTES</u>
5.1 Examine for evidence of damage, corrosion or water penetration.	1. Damage or corrosion to the floor inner wing panels or lid, or evidence of water penetration.	
5.2 Examine floor covering to ensure that it is in good condition and offers adequate protection to luggage stored.	2. Excessive wear, damage or staining floor covering	
5.3 Examine the interior for accumulations of dirt, grease, litter etc. or staining of any surface with which luggage may come into contact.	3. Accumulations of dirt, grease, rubbish etc. which could soil or damage luggage stored therein.	
5.4 Check for the presence of containers of any flammable or corrosive material (e.g. oil, petrol).	4. Containers for the storage of oil, petrol or any flammable or corrosive material shall not be carried in the vehicle	These materials are a fire hazard. They may also contaminate passengers luggage, taint food etc.
5.5 Ensure that all interior panels are in position, covering electrical wiring and associated fittings.	5. Panels insecure or missing.	
5.6 Ensure that wheelchair accessible vehicles have suitable ramps marked with plate no.	6. Failure to supply suitable ramps Ramps not clearly marked with plate no.	
5.7 Ensure that if wheelchair accessible vehicle is fitted with a manufacturers step that it is maintained to a suitable standard	7. Appropriate vehicles with missing or unserviceable step.	

**NOTE:**

**A JACK, FIRST AID KIT, FIRE EXTINGUISHER AND WHEELCHAIR RAMPS (Where applicable) MAY BE CARRIED IN THE LUGGAGE COMPARTMENT.**

## 6. ENGINE COMPARTMENT and UNDERSIDE of VEHICLE

### METHOD OF INSPECTION

### REASONS FOR FAILURE

### NOTES

1.1	Carry out a visual inspection of the engine compartment for signs of oil or fuel leaks.	1.	Any fuel leakage	Inspection to be carried out from both above and below the vehicle.
1.2	Ensure that the battery is properly secured in position.	2.	Any oil leakage where oil contamination is apparent over parts of the engine or underside of the vehicle or where oil is seen to be dripping from the vehicle.	
1.3	Check the clutch master cylinders for any signs of spillage or leakage of fluid.	3.	Insecure battery	Battery must be securely clamped down.
1.4	Check the clutch mechanisms for correct operation	4.	Leaking clutch master cylinders.	
1.5	Check the operation of the bonnet release catch.	5.	Fluid leakage or mechanical component wear in the clutch mechanisms.	
1.6	Carry out a visual inspection of the entire underside of the vehicle, applying "private MOT" standards; however assessment of safety – critical items such as brake pipes and hoses, highly stressed steering joint, etc, and important areas of the vehicles structure must be assessed given due consideration to the increased loads and mileage imposed upon taxi' vehicles and standards, must be adjusted accordingly	6.	Defective bonnet release catch/mechanism.	

## 7. INTERIOR OF VEHICLE

<u>METHOD OF INSPECTION</u>	<u>REASONS FOR FAILURE</u>	<u>NOTES</u>
7.1 Examine the floor and upholstery inside the vehicle for accumulations of dust, dirt, litter, general debris, cigarette ash, staining or excessive wear.	1. A vehicle which is in a dirty condition with accumulations of dust, litter, debris etc. or staining to the carpets or upholstery.	Vehicle will be failed if cushion/backrests, upholstery, carpeting or matting is collapsed, holed, split, temporarily repaired, dirty or stained. Correctly fitted seat covers will be acceptable
7.2 Check that there are no excessive unpleasant odours noticeable inside the vehicle	2. Unacceptable smells of vomit, food or other contaminants.	
7.3 Remove any mats from the floor and examine the carpeting for signs of leakage of water into the vehicle.	3. Evidence of leakage of water into the vehicle from rainwater penetration or leaking cooling/heating system.	
7.4 Examine any mats provided to ensure that they are not worn or damaged (see Notes).		
7.5 Assess all seats within the vehicle to ensure that all seat cushions and back rests are in a good condition and offer proper support to passengers and the driver (see Notes).		
7.6 Examine all seats to ensure that they are properly secured to the vehicle; with a fixed rear seat ensure that the seat cushion is not loose	4. Seats which are not adequately secured to the vehicle.	
7.7 Examine swivel seats where fitted to ensure correct operation and mechanism.	5. Swivel seat not maintained to safe standard.	
7.8 Check the operation of the interior light and dashboard illumination within the vehicle, both the manual switch and the door operated switches.	6. Faulty interior light fitting. Faulty interior light switch. Faulty interior light door switches. Faulty dashboard illumination.	
7.9 Examine the interior rear view mirror and ensure that it is securely fixed.	7. A loose, damaged or missing rear view mirror.	
7.10 Check the operation of the heater/windscreen demister to ensure that it is in satisfactory working order.	8. Defective heater/windscreen demister.	



7.11 Examine the clutch and brake pedal rubbers for signs of excessive wear and security.

9. Worn or missing or insecure brake and/or clutch pedal rubbers.

**INTERIOR OF VEHICLE cont'd**

**METHOD OF INSPECTION**

**REASONS FOR FAILURE**

**NOTES**

7.12 Check the operation of all window winders ensuring that they allow all windows to be fully lowered and raised easily.

10. Window winders that do not allow windows to be easily lowered or raised.

7.13 Check the operation of all door release catches to ensure that doors can be opened easily from within the vehicle.

11. Defective interior door release catches.

7.14 Ensure that child proof locks (if fitted) to rear doors are in working order.

12. Defective child proof locks.

7.15 If a security grille is fitted (hackney carriages) check to ensure that there are no sharp or exposed parts which could cause injury to a passenger or driver.

13. Loose or incorrectly fitted security grille or exposed parts which could cause injury.

7.16 Check that estate cars are fitted with a secure luggage guard or cover.

14. Luggage guard/cover not fitted or ineffective.

7.17 Ensure that at least one 'No Smoking' Sign is clearly displayed.

15. Failure to clearly display a 'no smoking sign'.

**. No smoking sign must be at least 70mm diameter.**

7.18 Check the condition and security of passenger grab handles.

16. Missing, broken, damaged or insecure passenger grab handle.

## 8. FIRST AID KIT

### METHOD OF INSPECTION

- 8.1 Ensure that a first aid kit is provided within the vehicle. Examine the kit to ensure that the contents conform to the requirements laid down in the The Health and Safety (First Aid) Regulations 1981 Specification for travelling First Aid Kits (see Notes)
- 8.2 Ensure that the first aid kit is suitably sited and accessible. (see Notes).

### REASONS FOR FAILURE

1. Failure to provide a first aid kit, or a kit which does not conform to the Council's specification.
2. A first aid kit which is sited in a position which is not conspicuous or readily accessible to the passengers and where there is no legible sign displayed on the dashboard indicating the location of the kit.

### NOTES

The Health and Safety (First Aid) Regulations 1981 Specification for travelling First Aid Kits states that each kit should contain the following:-

- (a) 6 individually wrapped sterile adhesive dressings.
- (b) one medium sized sterile unmedicated dressing (approx.10cm x 8cm; examples of suitable dressings currently available are the Standard Dressings No.8 and No. 13 B.P.C.)
- (c) One Triangular bandage (this should if possible, be sterile: if not, a sterile covering appropriate for serious wounds should also be included):
- (d) 6 safety pins

All contents should be within the expiry date marked.

The first aid kit should be sited in the front center of the vehicle or in the front passenger compartment and should be visible from the front and rear seats of the vehicle. In certain circumstances where, because of the design of the vehicle, the kit cannot be sited in the above stated positions, a clearly legible sign should be affixed to the dashboard stating the position of the first aid kit.

## 9. FIRE EXTINGUISHERS

<u>METHOD OF INSPECTION</u>	<u>REASONS FOR FAILURE</u>	<u>NOTES</u>
9.1 Ensure that the fire extinguisher provided is a minimum size of 1KG dry powder or a 1Ltr.A.F.F.F. foam of a stored pressure type which complies with both British and European Standards and is marked BS. EN3.	1. Failure to provide a fire extinguisher, or a fire extinguisher of the stated type, within the vehicle.	A fire extinguisher may be secured in the boot area provided a sign to the effect is displayed prominently and legibly inside the vehicle
9.2 See that the fire extinguisher is sited in a conspicuous and easily accessible position within the vehicle.	2. A fire extinguisher which is not in a conspicuous and readily accessible position within the vehicle.	
9.3 Examine the fire extinguisher to ensure that it is within the test date and that the seal is not broken. Where a pressure gauge is fitted ensure that the extinguisher is at the correct pressure.	3. a) A fire extinguisher which has a broken seal. b) A fire extinguisher which is not pressurised (stored pressure type of extinguisher) c) A fire extinguisher which is more than 5 years old from date of manufacture.	
9.4 Examine the fire extinguisher mounting to see that it is sufficiently well secured to the vehicle to prevent it becoming dislodged by normal use of the vehicle.	4. A fire extinguisher which is not securely fixed within the vehicle or fixed in such a position that it may cause a hazard to passengers.	

## 10. ROAD TEST (All vehicles will undergo a road test)

<u>METHOD OF INSPECTION</u>		<u>REASONS FOR FAILURE</u>		<u>NOTES</u>
10.1	Check for any vibrations through the steering column or transmission.	1.	Any unreasonable vibration through the steering column or transmission.	Taxi drivers will not participate in the test drive of the vehicle, passenger or otherwise.
10.2	Check that the steering is true and positive and does not 'pull' to the nearside or offside.	2.	Steering which pulls to the nearside or offside or which is not positive.	
10.3	Check that the operation of the footbrake does not cause the vehicle to judder, or to pull the vehicle to the nearside or offside.	3.	Juddering or pulling to nearside/offside when the footbrake is applied.	
10.4	Listen for any unusual noise from the engine and transmission.	4.	Unacceptable engine or transmission noise.	
10.5	Check the clutch for correct operation to ensure that it is positive and smooth.	5.	A clutch which fails to give proper clearance slips in operation or is difficult to operate.	
10.6	Check the operation of the gear lever for signs of wear in the mechanism.	6.	Evidence of excessive wear in gear lever mechanism.	
10.7	Observe the vehicle emissions for excessive smoke	7.	Excessive smoke emissions	
10.8	Observe the performance of the engine during the road test for signs of any misfiring, lack of engine power etc, or any indication that the engine is not functioning in the correct manner.	8.	Any evidence that there is a problem affecting the performance or reliability of the vehicle.	
10.9	Check the operation of the speedometer	9.	Speedometer inoperative or defective	
10.10	Report any other matters which may affect the fitness of the vehicle for use as a hackney carriage or private hire vehicle.			

## 11. METERS

<u>METHOD OF INSPECTION</u>	<u>REASONS FOR FAILURE</u>	<u>NOTES</u>
11.1 Ensure that the meter is sited in a position where it can be clearly seen from all passenger seats within the vehicle or in accordance with the Authority's licence conditions.	1. Absence of a meter, or a meter which is not suitably sited within the vehicle.	Private hire vehicle are not required to have a meter fitted within the vehicle. When fitted to a private hire vehicle a meter must comply with the specifications as set out in this sheet.
11.2 Examine the meter mounting to ensure that it is satisfactorily secured within the vehicle.	2. A meter which is not adequately secured within the vehicle.	
11.3 Check the meter to ensure that the figures indicating the fare are illuminated.	3. Lack of adequate illumination to the meter display.	
11.4 Ensure that the meter is correctly calibrated and sealed in accordance with the agreed table of fares (see Notes)	4. An incorrectly calibrated meter. 5. An unsealed meter.	The calibration test should be carried out by test driving the vehicle over the agreed measured distance and ensuring that the appropriate fare displayed corresponds to the distance covered. Check all tariff rates. (The above test can be carried out on a Dynaroller or similar approved equipment if available).
11.5 Check that a table of fares (in the format laid down by the Council), is displayed in the vehicle in a position where it can be clearly seen by passengers in the front and rear of the vehicle.	6. Failure to display a table of fares in a conspicuous position within the vehicle.	Applies to all hackney carriages.

## 12. **LIST OF AMENDMENTS**

- 12.1 3 AUGUST 1998 - Addition of items 5.6 & 5.7
- 12.2 2 NOVEMBER 1998 - Frontispiece re:- Motor Engineer & Autolign Emissions & Testing Ltd.
- 12.3 15 November 1999 – Addition to item 1-7 for inclusion of Fiat & Mercedes Eurocabs
- 12.4 25 September 2017 – Addition to item 1.7 for inclusion of the Nissan Dynamo Electric Taxi  
The Ford Tourneo Taxi ; Vauxhall Vivaro VX8 Taxi and Ford Procab Taxi, Ford Coachman Taxi,
- 12.5 14 March 2018 – Re-written since last revision 1998
- 12.6 25 May 2018 - Amendments Approved – Angela Rawson Regional Licensing & Policy Manager
- 12.7 25 September 2018 - Addition to item 1.7 - Regulatory appeals Committee -Approved Hackney Carriage
- 12.8 22 December 2019 – Appendix 1 added listing all approved Hackney Carriages
- 12.9 30 December 2019 – Additions to item 1.7 Regulatory Appeal Committee/Delegated Authority approved Hackney Carriages, removal of non-compliant Hackney Carriages. Addition of Euro 6 diesel or ZEC ULEV requirement.
- 12.10 04 February 2020 – Addition to item 1.7 Renault Trafic RX8 approved by delegated authority by Angela Rawson to replace the Vauxhall Vivaro which. Is no longer in production.
- 12.11 21 September 2020 – Notes in Section 4 – inclusion of run flat tyres if fitted by the vehicle manufacturer.

## APPENDIX 1

<b>Hackney Carriages</b>				
<b>Make</b>	<b>Model</b>	<b>Paint Colour</b>	<b>Paint Code</b>	<b>Approved Manufacturer</b>
Nissan	Dynamo (40 Kwh)	Metallic Black	GN0	Dynamo Motor Company
Ford	Tourneo	Panther Black	JAYCWWA	Voyager / Cab Direct/Flexicab
Vauxhall	Vivaro	Midnight Black	92U	Voyager
Mercedes	Vito	Obsidian Black	197	Mercedes Approved Dealer
LEVC	TX	Raven Black	P43	LEVC
LTI	TX4 (Euro 6)	Raven Black	P43	LEVC
LEVC	ICON	Raven Black	P43	LEVC * SEE BELOW

\* to comply with the specifications required by Nottingham City Council the following extras must be fitted before it will be licensed;

1. Driver protection screen including digital voice intercom & hearing loop
2. Full size spare wheel
3. Wheelchair accessibility package which includes retractable accessibility ramp with side rails, retractable intermediate step, forward facing wheelchair position, and quick-fasten wheelchair restraints
4. Hackney + pack which includes an internal side for hire lamp, hackney plate plinth on rear bumper, fare table display pocket and a manual fuel cut-off switch
5. Illuminated front 'Taxi' sign

**VEHICLES MUST IN BLACK WITH WHITE CRESTS AND WHITE ROOF OR APPROVED ADVERTISING - NO OTHER DECALS ARE TO BE DISPLAYED**

## Appendix N



# CITY OF NOTTINGHAM ADVERTISING POLICY

ONLY ADVERTISING COMPLYING WITH THE FOLLOWING  
REQUIREMENTS MAY BE DISPLAYED

## GENERAL

1. All advertisements must:-
  - a. Be on adhesive vinyl sheeting or magnetic panel. No paper based materials or water soluble adhesive pastes shall be used.
  - b. Comply with the Advertising Standards Authority's Code of Practice.
  - c. Be approved in writing by the Licensing Authority prior to use.
2. No advertisements of a religious, political or controversial nature are permitted
3. Advertisements shall be maintained in good condition.
4. Officers authorised by the City Council under Part (II) of the Local Government (Miscellaneous Provisions) Act 1976 will have the right to request a proprietor to remove any advertisements not complying with this policy

## ADVERTISING ON WHEELCHAIR ACCESSIBLE HACKNEY CARRIAGES

5. **Front Doors** can be used to display a telephone number which may be used to book the hackney carriage or the logo of any ride hailing application through which the vehicle may be hired. This must be placed directly below the City Coat of Arms and centralised. The individual numbers must be white and within the following dimensions:-

Height maximum 127 mm (approx 5") minimum 63mm (approx 2½") Width maximum 89 mm (approx 3½") minimum 51 mm (approx 2").

Advertisements are permitted to cover the whole of the front doors (except for the windows which should be left completely clear and visible), as part of a side or full wrap.

If the front door is being utilised for advertisements, the Nottingham City Council crest and/or any other number/logo must be placed on each of the rear doors.

6. **Rear doors** – Advertisements are permitted to cover the whole of the rear doors provided they comply with the above requirements. (Not including windows which should only display 'No Smoking' signage).



7. **Rear Screen** - Advertisements are permitted on the rear screen provided they comply with the above requirements and are made of a material which provides for displays visible from the outside of the vehicle but which cannot be seen from inside the vehicle and do not affect the drivers ability to see through the window. The rear window may be used to display a telephone number/logo which may be used to the book the hackney carriage.
8. **Side & Full Body Wraps** – Advertisements are permitted on the side of vehicles as are fully body wraps provided they comply with the above requirements. Where the wrap covers the front and rear body of the vehicle, the hackney carriage plates should be clearly visible and unobstructed at all times. For full wraps, the largest white Nottingham City Council crest, dimensions above, must be displayed clearly in the rear door window.
9. **Interior** – Advertisements are permitted inside the vehicle providing they comply with the above requirements and do not obstruct the view of either the driver or passengers. This may include the use of a digital screen so long as this does not interfere with driver or passenger safety or drivers visibility. The screen must be turned off at the passengers request and the driver's identification badge should be mounted in the top left hand corner of the dividing Perspex screen.
10. **In vehicle WiFi for passenger use** – this is allowed, including ads-to access but must comply with the conditions set out at points 1 (b) and 2 of this policy.
11. Where a hackney carriage receives bookings through a business run for that purpose, then the display of the name and phone number of the business will be permitted other than just on the front doors and rear screen of the vehicle subject to any lettering being placed directly below the telephone number and being centralised. The maximum/minimum height, width and colour of the letters shall be the same as those used for the telephone numbers.

## ADVERTISING ON PRIVATE HIRE VEHICLES

12. An Operator is permitted to advertise business details on the sides of vehicles operated by them. Such details shall be limited to:
  - i company name
  - ii company logo
  - iii telephone number
  - iv internet address
  - v logo of any booking application through which the vehicle is being operated.

All designs must comprise of full door wraps and must be approved in writing by the Licensing Authority prior to use.

13. Advertisements displayed on the sides of vehicles shall also contain the words “ Pre-booked only” or “Advanced bookings only ” in letters no smaller than 30mm high .
14. A company name and logo may be displayed on the bonnet of a vehicle provided the advertisement does not exceed six inches square
15. Advertisements on the rear screen of a Vehicle are only permitted if:-

- they are made of a material which provides for displays which are visible from the outside of the vehicle but which cannot be seen from inside the vehicle and do not affect the drivers ability to see through the window.

and

- the advertisement contains the wording “Advanced Bookings only” in letters no smaller than 30mm high at the top of the screen.

16. There shall be no advertisements on the roof of the vehicle

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<sup>1</sup> 16 March 2018 the Regulatory & Appeals Committee delegated authority to the Chair in consultation Vice-Chair and the Lead Opposition Member to determine the final detail of the revised Hackney Carriage & Private Hire advertising policy.

## Appendix O



**Nottingham**  
**City Council**

## Nottingham City Council

### Hackney Carriage and Private Hire

### Driver Improvement Penalty Points Scheme (DIPPS)

#### 1. Introduction

1.1 Nottingham City Council (The Council) has a responsibility to ensure that all drivers of Nottingham City Council licensed vehicles adhere to minimum standards and to apply this in a consistent and transparent manner. The standards concerned are defined by legislation, licence conditions, byelaws adopted by the Council and in this Scheme. Together they identify what is expected and required of the trade and help to ensure a consistent approach is taken to reach those expectations.

1.2 The Driver Improvement Penalty Points Scheme (DIPPS) is a new non-statutory enforcement tool designed to enable Authorised Officers of Nottingham City Council to issue penalty points to those drivers licensed by the Council who knowingly and persistently fail to meet the required standards, and acts as a first step in ensuring compliance with conditions and legislation. It also serves as an early warning system to drivers who see fit to ignore their responsibilities or fail to meet the requirements of their licence.

#### 2. Definitions

Under this Scheme, unless the context otherwise requires:

- a) "Driver" means the person who holds a combined drivers licence issued by the Council
- b) "Council" means Nottingham City Council
- c) "Authorised Officer" means any Officer (including Nottingham City Council Community Protection Officers) authorised by this, or any other council, in writing, for the purpose of this Scheme and/or any statutory requirements relating to hackney carriage/private hire drivers.
- d) "Scheme" means the Driver Improvement Penalty Points Scheme

#### 3. Responsibilities and Aims

3.1 The Council is the Licensing Authority responsible for the licensing of hackney carriage and private hire driver, vehicle and operator licenses within its boundaries. It is the statutory duty of the Council to ensure that all drivers are 'fit and proper persons' and carry out their trade in accordance with licensing legislation and locally prescribed conditions.

3.2 The aim of the Scheme is to improve overall driver compliance with legislation and licence conditions in order to secure overall improvements in driver behaviour, customer service and passenger safety.

3.3 The Scheme will achieve this by providing drivers with a transparent incremental enforcement approach for repeated breaches of conditions and other defined standards. The scheme will also enable Authorised Officers to give cumulative consideration for repeated breaches.

3.4 The Scheme will not preclude the Council from taking alternative enforcement action if it is more appropriate to the circumstances of the individual case.

## 4. Scheme Overview

### 4.1 Penalty Points

4.2 Penalty points will be a formal reprimand endorsed on a Nottingham City Council combined drivers record to show that a breach of standards has occurred. The schedule of standards to which this Scheme applies, and the relevant penalty points that may be imposed, can be found at **Appendix A** to this document.

4.3 Drivers may receive a maximum of twelve points per three year rolling period before their licence will be reviewed. This means that points will lapse after three years. Drivers will be able to check the number of points on their licence by contacting the Licensing Team details of which are available on the Nottingham City Council [website](#).

### 4.4 Points Imposition

4.5 A Penalty Points Notice (PPN) (**See Appendix B**) will only be issued where an Authorised Officer of Nottingham City Council has reasonable grounds to believe a driver is persistently and knowingly breaching a standard identified in the Scheme and has sufficient evidence to support such a breach.

### 4.6 Right to Challenge

4.7 Licence holders will be able to challenge the issue of a PPN. Drivers will have 21 days from the issue of the PPN to submit a written appeal to; [taxi.licensing@nottinghamcity.gov.uk](mailto:taxi.licensing@nottinghamcity.gov.uk)

4.8 The content of such a complaint will be considered and written notification sent to the driver advising the outcome. Such result will be full and final and no further recourse is available.

### 4.9 Breaching Points Threshold

4.10 Where a driver has exceeded the 12 point limit within a three year period they will be requested to attend an Officer Review Meeting (ORM). The driver may be accompanied at the meeting by a representative or solicitor if desired.

4.11 At the meeting, the driver will be able to explain and comment upon the matters being considered by the Reviewing Officer in relation to breaches of the Scheme. The Reviewing Officer may also wish to discuss any other relevant information e.g. passenger complaints

4.12 Depending on the individual circumstances of each case the Reviewing Officer will be able to choose from the following actions:

- Take No Action
- Issue a Recorded Warning
- Refuse to Renew Licence
- Suspend Licence
- Revoke a Licence

It should be noted that breach of a Traffic Regulation Order (TRO), pedestrianised or restricted area will be dealt with through the Enforcement, Convictions and Fitness Policy and will receive one of the following minimum sanctions:

- First breach – 2 weeks minimum suspension
- Second breach – 4 weeks minimum suspension
- Third breach – Revocation of Hackney or Private Hire Drivers licence, on the grounds of no longer constituting a fit and proper person

4.13 The driver will be notified in writing of the result of the meeting. Any driver aggrieved by a decision of the Reviewing Officer to either suspend, revoke or refuse to renew a drivers licence will have the right to appeal to the Magistrates' Court.

## 5. Scheme Review

This Scheme will be subject to continual review. Minor amendments to the Scheme may be approved by the Chief Environmental Health Officer in consultation with the Chair of the Regulatory and Appeals Committee. If the Chair deems the amendment(s) to not be minor, they will defer approval to Nottingham City Council's Regulatory & Appeals Committee.

Serious offences or breaches will remain liable to prosecution.

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<sup>2</sup> Approved by Regulatory & Appeals Committee on 29 November 2016

## Appendix P



### **CONFIDENTIAL REPORTING CODE (WHISTLEBLOWING PROCEDURE)**

#### **1. Introduction**

- 1.1 In this policy 'Whistleblowing' means the reporting by employees of suspected misconduct, illegal acts or failure to act within the Council. The aim of this policy is to encourage employees and others who have serious concerns about any aspect of the Council's work to come forward and voice those concerns.

This procedure suggests the kind of complaints that may be covered by the Whistleblowing Procedure, how and who to voice these complaints to, how the Council will respond and, it aims to reassure those raising a complaint that they will not suffer detriment.

#### **2. Preamble**

- 2.1 Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. This code encourages employees to raise such concerns using the internal mechanisms set out below.
- 2.2 The Council is committed to the highest possible standards of openness, probity and accountability. We expect employees, and others that we deal with, who have serious concerns about any aspects of the Council's work to come forward and voice those concerns.
- 2.3 This Procedure makes it clear that employees can raise concerns without fear of victimisation, subsequent discrimination or disadvantage. The Council is committed to support employees who make a disclosure. The Whistleblowing Procedure is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside.
- 2.4 The Procedure applies to all employees and those contractors working for the Council on Council premises, for example, agency staff, builders, drivers etc. It also covers suppliers and those providing services under a contract with the Council in their own premises, for example, care homes.

2.5 This procedure should be used to raise serious concerns within the Council, which are in the public interest where an individual genuinely feels there is evidence of malpractice, impropriety or wrongdoing within the Council or by others acting on behalf of the Council. This procedure is not intended to replace existing complaint procedures or normal work communication channels for routine issues that may arise from day to day business. Other complaints procedures should be considered before making a whistleblowing complaint. The Whistleblowing Procedure is not an appeal mechanism for other procedures.

2.6 This Procedure has been discussed with the relevant trade unions but does not form a collective agreement and does not form part of employees' contracts of employment.

### **3. Aims and scope of this procedure**

3.1 The Whistleblowing Procedure aims to:

- Encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
- Provide avenues for you to raise those concerns and receive feedback on any action taken
- Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- Provide protection from possible reprisals or victimisation where the person making the disclosure believes that the information available tends to show malpractice and the disclosure is made to the appropriate person or body.

3.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment or raise other concerns. The Whistleblowing Procedure is intended to cover major concerns that fall outside the scope of other procedures or where a procedure exists but you believe management may be involved or are not taking an issue raised seriously. Issues that could be covered by the Whistleblowing Procedure include:

- Conduct which is an offence or a breach of law (criminal offences and failures to comply with legal obligations)
- Favouritism, nepotism etc.
- Disclosures related to miscarriages of justice
- Health and safety risks, including risks to the public as well as other employees
- Damage to the environment

- The unauthorised use of public funds or other assets
- Possible fraud and corruption
- Racial, sexual, disability or other discrimination
- Neglect or sexual or physical abuse of clients
- Other unethical conduct
- Institutional racism, or;
- Action to conceal any of the above.

3.3 Thus, any serious concerns that you have about any aspect of service provision or the conduct of officers or members of the Council or others acting on behalf of the Council can be reported under the Whistleblowing Procedure. This may be about something that:

- Makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to; or
- Is against the Council's Standing Orders and policies; or
- Falls below established standards of practice; or
- Amounts to improper conduct.

3.4 Where other procedures exist, they should be considered before making a whistleblowing complaint. For example:

- Complaints about your employment - these should be dealt with through our Resolution and Grievance Procedure.
- Concerns about the sexual or physical abuse of clients – such concerns should be referred via the Safeguarding Adults Procedure through Adult Services for concerns about adults or through the Child Protection Procedure through Children's Services for concerns about children.
- Customer complaints about our services - these are dealt with through our Corporate Complaints Procedure.
- Allegations against councillors - you can pass these directly to our Monitoring Officer who will refer them on.

#### 4. **Safeguards and support**

4.1 The Council is committed to the highest standards of openness, probity and accountability. The Council aims to promote a culture in which employees feel they can raise genuine concerns without fear of subsequent victimisation, discrimination or disadvantage.



- 4.2 The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect and support you.
- 4.3 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.
- 4.4 Subject to any legal constraints the person to whom you made the complaint or their nominated representative will keep you informed of progress in relation to your complaint, the investigation etc.

## **5. Confidentiality**

- 5.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. However, you should appreciate that the investigation process may reveal the source of information and a statement by you may be required as part of the evidence. At the appropriate time, you may need to come forward as a witness.

## **6. Anonymous allegations**

- 6.1 This procedure encourages you to put your name to your allegation whenever possible. We very much hope that the assurances we give in this policy will encourage you to disclose your identity to those who need to know it.
- 6.2 Concerns expressed anonymously are less powerful and much more difficult to investigate but will be considered at the discretion of the Monitoring Officer in consultation with Internal Audit (Audit Manager).
- 6.3 In exercising this discretion the factors to be taken into account would include:
- The seriousness of the issues raised;
  - The credibility of the concern;
  - The likelihood of confirming the allegation from attributable sources;
  - The level of detail given to allow the complaint to be investigated.

## **7. Untrue allegations**

7.1 If you make an allegation, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

## **8. How to raise a concern**

8.1 The earlier you express the concern and the higher the level of detail the easier it is to take action

8.2 As a first step, you should normally raise concerns with your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that management is involved or the issue is sufficiently serious, you should approach the Council's Monitoring Officer (Director of Legal and Governance) or you can contact the Council's Internal Audit Section (Audit Manager) to discuss.

8.3 If you wish to raise a concern relating to something in the Monitoring Officer's area of work then this should be addressed to the Corporate Director, Finance and Resources.

8.4 Concerns may be raised verbally but are best raised in writing. When making a written disclosure the following format is suggested:

- The background and history of the concern (giving relevant dates, names, places etc.)
- The reason why you are particularly concerned about the situation.
- Explain what evidence exists or how evidence of the complaint can be obtained
- Provide details of who you have spoken to so far about your concerns
- The fact that you are raising this concern as a whistleblowing complaint.

8.5 If you wish to contact the Monitoring Officer or the Internal Audit Manager by e-mail, the following address can be used - [Audit.Services@nottinghamcity.gov.uk](mailto:Audit.Services@nottinghamcity.gov.uk).

8.6 Council employees can report whistleblowing complaints using the intranet. To do this look for Quick Links > Finance and Money > Whistleblowing form.

- 8.7 When raising a concern you will not be expected to provide proof beyond reasonable doubt of an allegation, but you will need to be able to demonstrate that there are reasonable grounds for the concerns raised. Where possible notes should be kept of what you have seen, heard or felt. Notes should be dated and copies of all relevant information kept.
- 8.8 You may wish to obtain advice/guidance on how to pursue matters of concern. Advice can be obtained from the Monitoring Officer (Director of Legal and Governance), Internal Audit (Audit Manager) or the Director for HR and EDI.
- 8.9 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns but do be mindful of confidentiality issues.
- 8.10 You may invite your trade union, professional/association representative or a work colleague to be present during any meetings or interviews in connection with the concerns you have raised.
- 8.11 You need to be aware that your colleagues are bound by the same obligations as you relating to confidential information. If you share confidential information with union reps, professional associations or others with a view to using this procedure you will need to be careful that the confidential information is not used inappropriately. The Public Interest Disclosure Act gives protection only where certain information is disclosed in the course of obtaining legal advice. Therefore when seeking such advice, you should ensure that confidential information is not passed on to third parties. Check with the Monitoring Officer or Internal Audit (Audit Manager) or the Director for HR and EDI about this issue.

## **9 Whistle blowing complaints received by managers or HR colleagues**

- 9.1 When receiving complaints, managers and HR colleagues should always consider the possibility that they might be presented with a whistleblowing issue and should remember that whistleblowing complaints have to be dealt with via a separate process
- 9.2 Line Managers or HR colleagues who are made aware of possible whistleblowing complaints **must** in the first place seek advice from the Monitoring Officer or Internal Audit (Audit Manager) so that the complaint can be considered and a decision made on how to proceed.
- 9.3 All whistleblowing complaints will be recorded and monitored by the Monitoring Officer who is assisted by Internal Audit (Audit Manager).

## **10. How the Council will respond**

- 10.1 Within ten working days of a concern being raised, the person receiving the complaint (i.e. your line manager or the Monitoring Officer or their designated representative) will write to you:
- Acknowledging that the concern has been received
  - Indicating how we propose to deal with the matter
  - Giving an estimate of how long it will take to provide a final response
  - Telling you whether any initial enquiries have been made
  - Supplying you with information on colleague support mechanisms, and
  - Telling you whether further investigations will take place and if not, why not.
- 10.2 Where appropriate, the matters raised may:
- Be investigated by management, an appropriately trained investigator, internal audit, or through another appropriate procedure
  - Be referred to the police
  - Be referred to the external auditor
  - Form the subject of an independent inquiry.
- 10.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle, which the Council will have in mind, is the public interest but will balance this with its duty of care to its employees. Concerns or allegations that fall within the scope of other specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.
- 10.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.
- 10.5 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from you and

throughout any investigation will try to keep you informed of what is happening, subject to any legal constraints.

10.6 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative or a work colleague.

10.7 The Council will take steps to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure.

10.8 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints your line manager or the Monitoring Officer or their designated representative will inform you of the outcome of any investigation at the end of the case.

## **11. The Responsible Officer**

11.1 The Monitoring Officer has overall responsibility for the maintenance and operation of this procedure. The Monitoring Officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report on an annual basis to the Standards Committee of the Council.

## **12. How the matter can be taken further**

12.1 If you are unsure about whether or not to follow the Council's Whistleblowing Procedure, or you want further independent advice, you may contact the organisation called Protect. This is a charity, formerly known as Public Concern at Work that is completely independent of the Council, which specialises in providing free and confidential legal advice on how to raise a concern about serious malpractice at work. Protect will also help to advise you on whether a circumstance can be properly reported to an additional outside body such as the Police.

Protect can be contacted as follows - Telephone: 020 3117 2520; Fax: 020 7403 8823; Email: [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk); Website: <https://protect-advice.org.uk>

12.2 In certain circumstances the Public Interest Disclosure Act 1998 provides protection to employees who make disclosures outside the organisation. We hope you will be satisfied with any action we take. If you are not and want to take the matter outside the Council you could contact:

- The Council's external auditor
- Your trade union
- Your local Citizens Advice Bureau
- Relevant professional bodies or regulatory organisations
- A relevant voluntary organisation
- The Police

12.3 In addition, an employee may consider a disclosure to other external bodies but only if certain strict conditions are met.

12.4 Under the 1998 Act, staff making "protected disclosures" are protected from detrimental action, unfair dismissal and redundancy, and can complain to an employment tribunal.

12.5 The Procedure additionally covers any conduct not included above which is of an unethical nature. In these circumstances the Council undertakes to provide the same protection as set out in paragraph 4 above. However, you would not necessarily be protected by PIDA and you may want to take separate advice on that, for example by contacting Public Concern at Work.

12.6 If you do take the matter outside the Council, you should ensure that you do not disclose confidential information. Check with the Monitoring Officer *or* the Director of Finance, Internal Audit (Audit Manager) *or* the Director for HR and EDI about this issue.

## **Appendix Q**

### **Hackney Carriage Allocations Policy**

#### Introduction and Aim

The aim of the policy is to introduce a process to allow proprietors of lapsed hackney carriage licences who may have been affected by Covid-19 and the downturn in business an opportunity to licence a compliant vehicle, allow interested parties to register their interest to licence a compliant hackney carriage in a fair and proportionate manner and to reissue unused hackney carriage licences.

#### Procedure

- a) Previous holders of HCV licences who have not replaced their vehicles with policy compliant vehicles will be contacted and asked if they wish to make an application for a policy compliant vehicle (i.e. to give an “Expression of Interest”. They will have until 30 September 2021 to indicate whether they intend to do so or by which to return their plate (if they still have it). If they give an Expression of Interest, they will be placed upon a waiting list in the order that they respond and paragraph e). below will apply to them.
- b) All Expressions of Interest will only be accepted via the [taxi.licensing@nottinghamcity.gov.uk](mailto:taxi.licensing@nottinghamcity.gov.uk) email address.
- c) As from 01 October 2021 the Regulatory and Appeals Committee’s resolution that any new licence applications other than as replacement for a previously licensed vehicle be deferred until the allocation policy is in place will cease to have effect
- d) As from 01 October 2021 anyone who wishes to acquire a HCV licence (including anyone who has not responded within the deadline set in a) above) will be required to email the dedicated email address with an Expression of Interest in acquiring a licence for a policy compliant vehicle and requesting to go on the waiting list
- e) The Council will acknowledge the Expression of Interest in writing within 5 working days and give a period of 3 months from the date that the request was received for the applicant to provide
  - o Proof of ownership of a policy compliant vehicle or
  - o Proof of a non-cancellable order for a policy compliant vehicle including its proposed delivery date and
  - o A fully completed application form and
  - o The licence fee
- f) Applicants’ Expressions of Interest will be placed on the waiting list in the date and time order in which they are received
- g) If within 3 months of acknowledgement of an Expression of Interest, the items listed in e) above have not been provided then the applicant’s name will be removed from the waiting list
- h) Applications will be determined in accordance with the Council’s normal policies and procedures.

- i) In the event of a refusal of an HCV licence no licence will be issued in place of that application that takes the Council above the limit imposed under section 16 of the Transport Act until either the time for appealing against the refusal has expired or, in the event of an appeal being made, the appeal has been dismissed
- j) Initially proprietors (individuals or companies) may only apply for one HCV licence. However, if licences up to the limit imposed under section 16 of the Transport Act remain available for allocation without there being anyone on the waiting list for them, then further Expression(s) of Interest may be made. Third and subsequent Expressions of Interest made by a proprietor will be referred to the Regulatory and Appeals Committee for consideration.
- k) Once the number of licences issued reaches the limit imposed under section 16 of the Transport Act the waiting list will remain in operation for Expressions of Interest however potential applicants will not be required to provide the items listed in e) above until such time as they are notified by the Council that a licence is actually available.



**Appendix R****Licensed Vehicle CCTV**

## Technical Specification and System Requirements

In order to be considered suitable for installation in a Nottingham City Council Licensed vehicle, a camera system must meet the following requirements:

## 1 Operational Technical Specifications

Ref	Specification	Details
1.1	100% solid state design or a proven vibration and shock resistant system	The system should not have any fan and the recording should be vibration and shock proof, i.e.: - Flash-based SSD (100% industrial grade), - Hard disk with both mechanical anti-vibration and anti-shock mechanism and self-recovery and self-check file writing system. SD cards will not be acceptable
1.2	8 to 15 Volts DC	Operational between 8 and 15-volts DC
1.3	Reverse polarity protected	System to be protected against reverse voltage.
1.4	Short circuit prevention	System to be protected against short circuits
1.5	Over voltage protection	System to be protected against high voltage transients likely to be encountered in the vehicle electrical system.
1.6	Automotive Electromagnetic Compatibility Requirements	The taxi camera equipment must be e-marked or CE-marked with confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles.
1.7	System override switch to be located in a position where it is not accessible from inside the vehicle (i.e. in the boot) The override switch must be illuminated when switched "on"	The system is required to be active at all times that the vehicle is being used as a licensed vehicle. This will allow the facility for the system to be deactivated during times when the vehicle is being used for private purposes (e.g. domestic use). The switch that deactivates the system must be located within the vehicles luggage area (i.e. it must not be possible to deactivate the system from inside of the vehicle).
1.8	First-in/first-out buffer recording principle	The system must automatically overwrite to create a constant cycle recording
1.9	Access record	A log must be kept and maintained by the approved installer and the local authority to record time/date/reason when data is accessed.
1.10	Security, duration and auto-clearing of access record.	Access record will be kept for 12 months.
1.11	Image recording formats and media	Images must be encrypted to a minimum of FIPS 140/2
1.12	Image protection during power disruption	Images must be preserved in the event of loss of power. Battery back-up will not be permitted
1.13	Unit must operate without the ignition being turned on.	The Unit must have the ability to operate for at least 30 mins without power from the ignition.

		The device must be hard wired to both constant and ignition supply.
1.14	Image and audio data shall be recorded and stored in a unit separate from the camera head.	Self-contained storage cards within the camera head will not be acceptable
1.15	GPS capability	System must have GPS capability.
1.16	The system must be capable of recording audio time synchronized to the recorded images.	If activated, the audio must record within the video file.
1.17	The system shall not record audio except when audio recording is activated by means of an approved trigger / panic switch	The system should have the ability to start recording audio data by means of a trigger switch.
1.18	The audio playback, when triggered, shall be in 'real time' and synchronised with the images that are captured.	
1.22	Audio data and image data must be stored together, not in separate files, and must be protected against unauthorised access or tampering.	
1.23	The system must support testing of the audio function for installation set-up and inspection purposes.	
1.25	Recorded images by the system shall not be displayed within the vehicle.	The monitor must display live images as clearly visible by having a glance around as per ICO specifications, it must not display recorded images
1.26	The system must have a panic switch for audio activation	At least one trigger/audio activate button in the form of a rocker switch must be capable of being operated by the driver AND a passenger. Once activated, this switch must trigger the recording of video and audio in accordance with section 6.1 below. If more than one switch is installed, they must operate independently of each other.

1.27	The system must include a visual indicator that will clearly show when audio recording is taking place. This indicator must be visible to all passengers within the vehicle.	This may take the form of an indicator LED built into the audio activation switch which can clearly be seen by passengers.
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## 2 Storage Capacity Technical Specification

Ref	Specification	Details
2.1	Minimum of 28 days i.e. (28 x 24 hours) of recording capacity	The camera system must be capable of recording and storing a minimum of 28 days of images of HD1 (720/288) size or better.
2.2	Images must be clear in all lighting conditions	System to provide clear images in bright sunshine, shade, dark and total darkness. Also, when strong back light is present without the need for additional components.

## 3 Camera Head Technical Specification

Ref	Specification	Details
3.1	Camera installation non-obstructive	The camera and all system components shall be installed in a manner that does not interfere with the driver's vision or view of mirrors or otherwise normal operation of the vehicle.
3.2	Protected camera disconnect	The camera head shall be designed to disconnect for ease of removal and replacement only by maintenance personnel.
3.3	Special tools for adjustment/removal	To prevent inappropriate interference only tools supplied to authorised fitters should be capable of carrying out adjustments or removal.
3.4	Field of view to capture all passengers in the vehicle	The lens or the position of the camera must be of a type that captures the driver and all passengers of the vehicle on the recorded image. The lens must be of a style not to create a "fishbowl" effect.
3.6	Compatible for use in vehicles with a partition (shield)	The camera system must be adaptable to provide clear images when a vehicle is equipped with a shield. This may be accomplished with the use of multiple camera heads.
3.7	Multiple cameras	The unit shall be capable of supporting up to four (4) cameras. Four cameras may be required to provide adequate coverage in larger vehicles and/or certain purpose-built vehicles or external images.

## 4 Storage Device Technical specification

4.1	Impact and shock resistance	The recorder shall be impact resistant, sufficient to withstand a typical car accident, or striking with a large, heavy object such as a suitcase.
4.2	Controller in concealed location	The storage unit shall be concealed from within the passenger compartment and effectively inaccessible except by authorised personnel. For example, in the luggage area

4.3	Download port provision	The recorder shall be equipped with a communication port within the hard drive housing for downloading by authorised officer.
4.5	Download port cable length (1 foot minimum)	Download port shall be at least one foot in length for ease of download.
4.6	Recorder to be securely affixed to the vehicle	
4.7	Log to register each user access	
4.8	Log to register camera system parameter modifications	
4.9	Log to register each image download session	
4.10	Log to register modification/manipulation of downloaded images	
4.11	Log to register exporting of downloaded images	
4.12	Log to register exporting of downloaded clips	
4.13	Log file protected against unauthorised access	
4.14	Time/date stamp	All stored images must be time and date stamped.
4.15	Vehicle ID number stamp	All stored images must have vehicle identification (VIN & or number plate).
4.16	Controller non-modifiable ID code stamp	Each recorded image shall be automatically stamped with a unique and non-modifiable code that identifies the controller that was used to record the image.
4.17	Controller (Storage Recorder)	Manufacturer to supply the Council with a supply of specialised tools to allow for removal of the controller and download of data when required.
5. Specifications for video and audio recording rate		
5.1	Video image recording on system activation (when audio is not activated).	The system shall record images at a minimum rate of 25 images per second.
5.2	Video image recording when audio is activated.	The system shall record images at the rate of 25 images per second during periods when audio recording is activated (either due to time requirement, or through activation by the driver trigger switch or passenger audio button).
5.3	When activated, audio recording must be in real time and synchronised with the video recording.	When activated, audio recording must be in real time and synchronised with the video recording.

5.4	System to continue to record images (and audio when applicable) when engine is off.	System must continue to record images (and audio when applicable) for 30 minutes after engine / ignition or override switch is switched off.
6. Specification for activation via driver or passenger trigger/ audio button		
6.1	The activation of a trigger button when activated by driver or passenger.	The system must be fitted with at least one trigger button in the form of a rocker switch that once activated will trigger synchronised audio and video recording.
7 Downloading Technical Specification		
7.2	Provision of necessary software, cables, security keys to the Council Licensing Team.	
7.3	Windows compatible.	Once downloaded and converted
7.4	Recorded images stored in non-volatile media	
7.5	Recorded images stored in secure format	
7.6	Verifiable image authenticity	Each image shall be watermarked with vehicle ID, and time and date, and be tamperproof.
7.7	Provision of technical support to Nottingham City Council Licensing team when necessary.	To assist in accessing system in case of damage to the vehicle or to the system in case of accident within a reasonable time frame
7.8	Wireless Download Prohibited	All wireless hardware to be disabled.
7.9	Filter the specific images for events and times for the approximate time of the crime committed.	The playback software must list the files in date and time slot order for ease of location of required file.
8 Requirements in relation to System Information		
8.1	Provision of service log	The unit manufacturer shall have a service log. The manufacturer shall also provide detailed instructions for the drivers with each unit.
8.2	Serial number indication on service log	The unit will be marked with a serial number
8.3	Installation date indication	A certificate of installation must be provided which will indicate the installation date
8.4	Clarity of operating instructions	The system shall be provided with clear and concise operation instructions which are written or presented with due consideration to varying levels of literacy.
8.5	Installation by authorised agents	The unit shall only be installed by manufacturer's authorised agents, or other installers approved by those agents
8.6	Provision of authorised agents list to the Council Licensing Team	The manufacturer or supplier shall provide a list of all authorised agents to the Council Licensing Team.

8.7	Documentation	The manufacturer must provide clear and concise operating instructions which are written or presented in layman's terms. (Details on how the system operates)
8.8	Image Protection	All captured images must be protected using encryption software that meets or exceeds the current FIPS 140-2 (level 2) standard or equivalent.
9 System requirements in relation to Vehicle Inspection Facility – Inspections		
9.1	Provision of system status/health indicator	The driver shall have an indicator showing when the system is operational and when there is a malfunction. This should include the images as shown to verify the status of each camera.
9.2	Mounting location of system status/health indicator to be seen	The indicators shall be mounted in such a way so as to allow for ease of view.
9.3	Design and or installation to be testable as part of the vehicle compliance test (or persons acting on behalf of the council – such as vehicle inspectors)	The system shall be designed and installed such that the system may be easily tested as part of vehicle compliance test as prescribed.
10 General System Requirements		
10.1	Vandal and tamper resistance	All component parts must be securely mounted, hard wired and small and discreet enough to remove the risk of tampering.
10.2	Provision of statement of compliance	In addition to a formal test of all aspects of this requirement specification, a statement of compliance shall be provided and signed by an officer of the company.
10.3	Reliability in operational and environmental conditions	The system shall provide reliable and full functionality in all operational and environmental conditions encountered in the operation of taxis.
10.4	Programmability of image timing parameters	It shall be possible to change timing and parameters without the requirement to change components.
10.5	Training and Technical Support and Equipment	Manufacturer must provide Nottingham City Council Licensing Team with a Training and Technical support
10.6	Software and Hardware	Manufacturer to supply the Council Licensing Team with a supply of cables and software to be installed under the supervision of Nottingham City council's authorised staff.
10.7	Agreement between the Camera Manufacturer and Nottingham City Council	Agreement to allow Nottingham City Council access to the relevant software from the supplier so that in the event the manufacturer goes out of business, council will be able to support the system.



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**Nottingham City Council**

**Responses to consultation**

**Hackney Carriage & Private Hire vehicle Policy and Procedures Manual (the Manual)**

<b>Ref no</b>	<b>Summary of respondent's comments</b>	<b>Authority's appraisal of comments</b>	<b>Authority's response with regard to the proposed Manual</b>
1	Withdraw DIPPS policy because in the absence of a driver improvement programme, enforcement alone is unlikely to be successful & may be counterproductive.	The DIPPS policy is an adopted policy and was not included in the consultation.	No change proposed
2	Withdraw the convictions policy requirement to ban for 5 years a driver caught using a handheld device. This is disproportionate.	<p>The Statutory Guidance recommends that 'Where an applicant has a conviction for using a hand-held mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later'.</p> <p>The Department for Transport expects its recommendations to be</p>	No change proposed - the proposals are consistent with the Statutory Standards and in any event the convictions policy allows for each case to be determined on its own merits.

		implemented unless there is a compelling local reason not to.	
3	Convictions related revocation should be applied for criminal convictions relating to sexual & violence related offending only with all other convictions to be considered on their merits on a case-by-case basis.	In considering the Convictions, Enforcement & Fitness policy, the Council must be mindful that all cases be considered on their individual merits, and where circumstances demand, it may depart from the policy. Statutory powers of revocation are not limited to sexual or violence related convictions and the Council is entitled to formulate a policy of the type proposed	No change proposed
4	Operators should be required to prove that they are in compliance with all employment law to be considered fit and proper.	This is not a requirement of either the Local Government (Miscellaneous Provisions) Act 1976 or the Statutory Guidance. Employment issues are matters between the business and those it employs. The Licensing Authority is concerned with the regulation and fitness of the operator to operate vehicles and accept bookings	No change proposed
5	Operators should be required to record all physical assaults and hate crime against drivers and report to the regulator within 48 hours.	All crimes against drivers should be reported to the police in order that they can be investigated. The investigation of such offences is	No change proposed

		not within the power of the Council.	
6	Operators should be required to document and present to the regulator an operational safety & risk management system.	This is not a requirement of either the Local Government (Miscellaneous Provisions) Act 1976 or the Statutory Guidance. Health and safety at work is the subject of separate legislation and regulation. The Licensing Authority is concerned with the regulation and fitness of the operator to operate vehicles and accept bookings. Duplication of other existing legislative requirements is not proportionate, appropriate, nor reasonably necessary	No change proposed
7	Operators must uphold equalities law & provide an option for disabled passengers to declare their disability needs in the booking process online and via telephone. The operator must ask if there are any disability needs. The information must be transmitted by the operator to the driver before pick up.	There are already legal requirements placed on both drivers and operators by the Equality Act 2010 and the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022. Duplication of legislative requirements is not proportionate, appropriate nor reasonably necessary  Drivers can apply for exemption certificates not to carry assistance dogs or to provide assistance to customers in wheelchairs if they	No change proposed

		produce the relevant medial evidence.	
8	Operators must abide by sec 56 LG(MP) Act 1976 & confirm to passengers that the contract for transport is between the passenger & the operator.	Confirmation of the provisions of 56 LG(MP) Act 1976 by an operator is not a requirement of either the Local Government (Miscellaneous Provisions) Act 1976 or the Statutory Guidance.	No change proposed
9	Operators must require a basic DBS for passengers intending to share rideshare services with other passengers.	<p>This is not a requirement of either the Local Government (Miscellaneous Provisions) Act 1976 or the Statutory Guidance. It is not reasonable to require operators to ask or require their passengers to produce DBS checks nor is it likely that Operators would have a power to do so.</p> <p>A condition of the Combined driver's licence states that 'the driver shall not without the consent of the hirer of the Private Hire vehicle, convey or permit to be conveyed any other person in the vehicle.</p>	No change proposed
10	Operators must inform passengers how they can make complaints to NCC	The Statutory Guidance makes this a requirement for the licensing authority rather than the Operator. This information is already available on the taxi licensing web site.	No change proposed

11	Operators should make a declaration that the personal data must not be used to profile drivers or passengers in any automated decision making relating to fares or pay.	This is not a requirement of either the Local Government (Miscellaneous Provisions) Act 1976 or the Statutory Guidance. The Licensing authority does not regulate employment or other related matters between drivers and those they choose to work for. The management of personal data is subject to other statutory controls	No change proposed
12	The Council must provide a whistleblowing policy for operator staff and private hire drivers.	The Statutory Guidance only relates to Council's having internal whistleblowing procedures in place – there is no suggestion of seeking to impose such procedures on operators or drivers. The Manual covers internal whistleblowing procedures in section 5 of the document and Appendix P.	No change proposed
13	Fit & proper checks to include online behaviour, invasion of privacy and breaches right to a private life.	The relevant legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence. However the reference to online behaviour in paragraph 6.1 was not meant to imply that there would be routine monitoring of social media rather if the Council had for example become aware of concerns about statements made and published on line then they	Change “General conduct/standards of behaviour including online behaviour” to General conduct/standards of behaviour including, <b>where of concern</b> , online behaviour

		could form a consideration. The human rights referred to are qualified where interference is in accordance with the law (e.g. applying the fit and proper person test) and necessary in the interests of (amongst other things) public safety, the prevention of crime and disorder, or the protection of the rights and freedoms of others	
14	Topography test – no statutory or safety requirement to carry out a numeracy test.	Drivers handle cash so it is pertinent to check that they can carry out simple maths to ensure they give passengers the correct change.	No change proposed
15	Medical assessment – nothing in the Statutory Guidance suggesting the need for drug and alcohol testing of drivers.	These requirements provide equity with drivers of other forms of public transport. The Statutory Guidance in relation to drug convictions and drug driving convictions, does state that an applicant may have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.	No change proposed
16	Irish citizens have the right to work in the UK	Agreed This is correct, and an additional line has been added to section 6.10 of the document for clarification.	An additional line has been added to section 6.10 of the Manual for clarification.
17	Driver's hours – comments on who will keep the records and if the licensing authority is recommending or mandating the requirements.	The licensing authority cannot mandate the hours worked by licensed drivers. The information in the Manual is clearly expressed to	No change proposed

		be a recommendation only based on the limits applicable to heavy goods and public service vehicle drivers.	
18	Fire extinguishers & first aid kits – operators to provide first aid training at their expense	This will not be practicable as many drivers are self-employed and can work for more than one operator.	No change proposed
19	Receipts – driver will not always know the fare the operator is charging; they cannot provide a VAT receipt and passengers cannot obtain a VAT receipt from a non-VAT registered driver.	This is a current condition of a combined driver's licence and just requires a driver to provide a passenger with a receipt for the fare paid, not a VAT receipt. However for clarification an additional line has been added to the conditions of licence which states that a driver need only provide a receipt if they know the fare or have taken physical payment.	Change 'Where a driver knows the fare being charged or has taken physical payment for the fare' has been added to the conditions of licence.
20	Section 80 definition of an operator is insufficient. s56 sets out requirements for record keeping and contracting While operators may have less immediate contact with passengers, the risk to passengers is arguably greater over the longer term from operators and their staff. This is because they have continuous access to passenger personal data including booking records.	The Manual accurately reflects the definition of the term 'operate' contained in section 80 of the LG(MP) Act 1976. Record keeping is governed by the Conditions of Licence in Appendix G and the use of data is governed by separate legislation	No change proposed
21	Operator fitness – operators must be required to declare that they comply with all taxation and employment law to be assessed as fit and proper.	In relation to employment law, this is not a consideration of either the Local Government (Miscellaneous Provisions) Act 1976 or the Statutory Guidance.	No change proposed

		<p>When applying for an operator licence for the first time, the applicant must confirm that they are aware of their tax responsibilities.</p> <p>An applicant who wishes to renew a licence has to provide a tax check code. The licensing authority will use this code to obtain confirmation from HMRC that the applicant has completed the check and are signed up to pay tax before being able to consider their renewed licence application.</p> <p>This is an HMRC requirement.</p>	
22	Complaints record – should be kept for a 3-year rolling basis.	Once an operator licence expires, the licensing authority cannot mandate that an operator keeps its records.	No change proposed
23	Equalities – operators should ask passengers if they have a disability otherwise, they can never be held legally liable under section 167 (A) A1) (a)	There are already legal requirements placed on both drivers and operators by the Equality Act 2010 and the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022.	No change proposed
24	DIPPS – in the absence of a comprehensive policy, DIPPS enforcement is unlikely to improve regulatory compliance.	See also 1 above. The DIPPS policy is an adopted policy and was not included for consultation.	No change proposed



25	Using a handheld device whilst driving – revocation and a 5-year ban is a harsh punishment for what is a 6-point DVLA offence	<p>See also 2 above The Statutory Guidance recommends that ‘Where an applicant has a conviction for using a hand-held mobile telephone or a hand-held device whilst driving. A licence will not be granted for at least 5 years have elapsed since the conviction or any sentence/disqualification was imposed’.</p> <p>The Department for Transport expects its recommendations to be implemented unless there is a compelling local reason not to.</p>	No change proposed
26	Operator conditions – additional conditions should be made to require the operator to ask or make provision for the passenger to declare disability needs to meet their obligations under sec 167 Equality Act.	<p>See also 23 above There are already legal requirements placed on both drivers and operators by the Equality Act 2010 and the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022. This would not therefore be considered a “reasonably necessary “condition to impose. A passenger may wish to declare a disability need.</p>	No change proposed
27	Operator conditions – The operator shall implement a policy of risk management to ensure the safety & welfare of drivers and passengers & require passengers who wish to partake in ride sharing to provide a basic DBS certificate.	<p>See also 6 and 9 above This is not a requirement of either the Local Government (Miscellaneous Provisions) Act 1976 or the Statutory Guidance.</p> <p>A condition of the Combined driver’s licence states that ‘the</p>	No change proposed

		drive shall not without the consent of the hirer of the Private Hire vehicle, convey or permit to be conveyed any other person in the vehicle.	
28	Complaints – NCC appears to have ignored the requirement to inform and educate passengers on how they can complain to the licensing authority.	This information is already on the taxi licensing web site.	No change proposed
29	Driver security – operators must inform the council within 48 hours of any assault or hate crime carried out against a licensed driver & develop effective strategies for reduction	See also 5 above All crimes should be reported to the police in order that they can be investigated.	No change proposed

## Equality Impact Assessment Form

[screentip-sectionA](#)

### 1. Document Control

**Control Details:**

Title:	Statutory Taxi & private Hire Vehicle Standards Hackney Carriage & Private Hire Licensing Policy
<b>If this is a budget EIA please ensure the title is the same as the title used within the budget booklet</b>	
Author:	John Davis
Director:	Colin Wilderspin
Department:	Communities
Service Area:	Taxi Licensing
Contact details:	<a href="mailto:john.davis@nottinghamcity.gov.uk">john.davis@nottinghamcity.gov.uk</a> 07572262275
Strategic Budget EIA: N (Does this EIA have an impact on the budget)	N
<b>If yes, please include the reference number</b>	
Exempt from publication: N (All EIA's are published on Nottingham Insight for public viewing unless specified. Exemption criteria is available on the EIA section on the Intranet)	N

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### 2. Document Amendment Record:

Version	Author	Date	Approved
V.1	John Davis	28 December 2022	

**3. Contributors/Reviewers** (Anyone who has contributed to this document will need to be named):

Name	Position	Date
Nasreen Miah	Equality & Employability Consultant	29.06.2023

**4. Glossary of Terms**

Term	Description
NR3S	National Register of Taxi & Private Hire Revocations Refusals & Suspensions
DBS	Disclosure & Barring Service (Criminal records check)
DVLA	Driver & Vehicle Licensing Agency
NAFN	National Anti-Fraud Network
LGA	Local Government Association
CCTV	Closed-circuit television
EU	European Union

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[screeentip-sectionB](#)

**5. Summary**

(Please provide a brief description of proposal / policy / service being assessed)

The Policing and Crime Act 2017 enables the Secretary of State for Transport to issue statutory guidance on exercising taxi and private hire vehicle licensing functions to protect children and vulnerable individuals who are over 18 from harm when using these services. The Statutory Taxi and Private Hire Vehicle Standards were issued in July 2020. The Standards document is published by the Secretary of State for Transport under section 177(1) of the Policing and Crime Act 2017 following consultation in accordance with section 177(5). Under section 177(4), licensing authorities “must have regard” to the Standard when exercising their functions.

The principal purpose of Hackney Carriage and Private Hire Licensing Policy is to protect the public and promote public safety.

The Council will adopt and carry out its Hackney Carriage and Private Hire licensing functions with a view to promoting the following:

- The protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder,
- The health and safety of the public and drivers
- Vehicle safety, comfort and access
- Encouraging environmental sustainability

In promoting these licensing aims and objectives, the Council will expect to see all licence holders and applicants continuously demonstrate that they meet or exceed the standards set by the Licensing Authority.

Applicants are required to have an enhanced DBS check, DVLA check, medical, pass a topography test, a driving standard test and attend a safeguarding vulnerable person's course.

Applicants renewing a licence have an enhanced DBS check and a DVLA check

All licensed drivers have 6 monthly DBS/DVLA checks and a medical every 5 years until the age of 65 when it's yearly.

Any convictions or complaints during the period of a licence can result in a licence being reviewed to confirm if the licence holder is still considered to be 'fit & proper' to hold a licence. Licences can be suspended or revoked.

Complaints & convictions are recorded on the driver's Flare record.

The key issues are;

- A. The protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder.
  - Raising awareness amongst the licensed trade and the general public of issues of safeguarding children and vulnerable adults.
  - Operating rules, conditions and disciplinary processes.
  - Vetting, qualification, training and monitoring licensees.
  - Commitment to work with the police and licensing authority.
  - An expectation that licence holders will treat all customers, passengers, the general public and Council Officers with courtesy and respect at all times.
  - Enforcement of licence conditions.

B. The health and safety of the public and drivers.

- Consideration of the history of convictions and cautions.
- Driver training, qualification and performance.
- Knowledge of the Nottingham City area.
- Health & fitness to fulfil the role of a licensed driver.
- Vehicle specifications
- Regular driver medical checks
- Commitment to work and co-operate with the Police and other licensing authorities.

C. Vehicle safety, comfort and access

- Standards of vehicle comfort and appearance.
- Space standards for vehicles.
- Location of ranks.
- Use of ranks.
- Provision of disabled facilities.
- Number of vehicles available.

D. Encouraging environmental sustainability

- Working with stakeholders in the trade to find methods of reducing vehicle emissions and not issuing licences to vehicles that are unable to comply with European Emissions Standards.

## 6. Information used to analyse the effects on equality:

(Please include information about how you have consulted/ have data from the impacted groups)

This policy will be presented to the Regulatory & Appeals Committee for approval to commence consultation with all interested parties.

The manual went to the Regulatory & appeals committee on 27 February 2023 and approval was granted for it to go to consultation.

The consultation period was 02 March – 27 April 2023 and the document was sent to all licensed Private Hire Vehicle Operators, trade organisations/unions, and was published on the Taxi Licensing web site and the NCC Engage Hub.

I am looking to present the document back at committee in September, date not yet confirmed.

This EIA will be updated as soon as date of committee is confirmed.

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## 7. Impacts and Actions:

<a href="#"><u>screenip-sectionD</u></a>	<b>Could particularly benefit</b> <b>X</b>	<b>May adversely impact</b> <b>X</b>
People from different ethnic groups.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Men	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Women	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Trans	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disabled people or carers.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Pregnancy/ Maternity	<input type="checkbox"/>	<input type="checkbox"/>
People of different faiths/ beliefs and those with none.	<input type="checkbox"/>	<input type="checkbox"/>
Lesbian, gay or bisexual people.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Older	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Younger	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other (e.g. marriage/ civil partnership, looked after children, cohesion/ good relations, vulnerable children/ adults).	<input type="checkbox"/>	<input type="checkbox"/>
<b><i>Please underline the group(s) /issue more adversely affected or which benefits.</i></b>		

<p><b>How different groups could be affected</b> (Summary of impacts)</p> <p style="text-align: right;"><a href="#"><u>screeentip-sectionE</u></a></p>	<p><b>Details of actions to mitigate, remove or justify negative impact or increase positive impact</b> (or why action isn't possible)</p> <p style="text-align: right;"><a href="#"><u>screeentip-sectionF</u></a></p>
<p>Provide details for impacts / benefits on people in different protected groups.</p> <p>There are no negative impacts on any group with protected characteristics.</p>	<p>There is evidence to support the view that taxis and private hire vehicles are a high-risk environment. In terms of risks to passengers, this can be seen in abuse and exploitation of children and vulnerable adults facilitated and in some cases perpetrated by the trade and the number of sexual crimes reported which involve taxi and private hire vehicle drivers.</p>



Links between the trade and child sexual abuse and exploitation have been established in many areas.

Whilst the focus of the Statutory Taxi and Private Hire Vehicle Standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it. There is consensus that common core minimum standards are required to regulate better the taxi and private hire vehicle sector, and the recommendations in this document are the result of detailed discussion with the trade, regulators and safety campaign groups.

The Taxi Licensing service is a statutory service bound by various codes of practice, laws and case law. Not meeting minimum service standards through adoption of relevant standards and policies could result in legal challenge or reputational/vicarious liability risk if citizens are harmed by the taxi trade that should have been regulated to a reasonable standard.

Section 51 & 59 of the Local Government (Miscellaneous Provisions) Act 1976 places a requirement on licensing authorities not to issue a licence to an applicant unless they are satisfied that they are a 'fit & proper person' to be licensed.

These checks along with the policies contained within the manual are all part of the process to ensure that requirement is met along with the Department for Transport's Best Practice Guidance 2010.

There are costs to be borne by applicants/drivers to show that they meet these standards, but they are already in place and there won't be any additional costs introduced as part of the introduction of this manual.

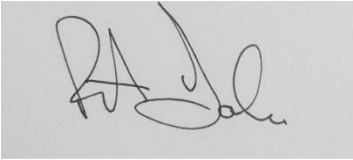
**8. Arrangements for future monitoring of equality impact of this proposal / policy / service:**

The Nottingham City Council Hackney Carriage & Private Hire Vehicle policy will have to be reviewed every five years as a minimum requirement. This EIA will be updated following any consultation and any equality impacts that may have arisen will be highlighted and measures put in place to mitigate those impacts.

**9. Outcome(s) of equality impact assessment:**

<input checked="" type="checkbox"/>	No major change needed	<input type="checkbox"/>	Adjust the policy/proposal
<input type="checkbox"/>	Adverse impact but continue	<input type="checkbox"/>	Stop and remove the policy/proposal

**10. Approved by (manager signature) and Date sent to equality team for publishing:**

<p><b>Approving Manager:</b> The assessment must be approved by the manager responsible for the service/proposal. Include a contact tel &amp; email to allow citizen/stakeholder feedback on proposals.</p>	<p><b>Date sent for advice: 28.06.2023</b> Send document or Link to: <a href="mailto:equalities@nottinghamcity.gov.uk">equalities@nottinghamcity.gov.uk</a></p>
<p><b>Approving Manager Signature:</b> <b>Paul Dales</b> Chief Environmental Health Officer</p> 	<p><b>Date of final approval:</b> <b>23.08.2023</b></p>

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**Before you send your EIA to the Equality and Employability Team for advice, have you:**

1. Read the guidance and good practice EIA's  
<http://intranet.nottinghamcity.gov.uk/media/1924/simple-guide-to-eia.doc>
2. Clearly summarised your proposal/ policy/ service to be assessed.
3. Hyperlinked to the appropriate documents.
4. Written in clear user-friendly language, free from all jargon (spelling out acronyms).
5. Included appropriate data.
6. Consulted the relevant groups or citizens or stated clearly, when this is going to happen.
7. Clearly cross-referenced your impacts with SMART actions.

**PLEASE NOTE: FINAL VERSION MUST BE SENT TO EQUALITIES OTHERWISE RECORDS WILL REMAIN INCOMPLETE.**

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**Regulatory & Appeals Committee – 27 November 2023**

<b>Title of paper:</b>	Hackney Carriage Unmet Demand Survey	
<b>Director(s)/ Corporate Director(s):</b>	Colin Wilderspin Director - Communities	<b>Wards affected:</b> All
<b>Report author(s) and contact details:</b>	John Davis – Taxi Licensing Compliance Manager 07572262275 john.davis@nottinghamcity.gov.uk	
<b>Other colleagues who have provided input:</b>	Ann Barrett Team Leader, Planning Environment and Leisure Solicitors	
<b>Date of consultation with Portfolio Holder(s) (if relevant)</b>	N/A	
<b>Does this report contain any information that is exempt from publication?</b> No		
<b>Relevant Council Plan Outcome:</b>		
Green, Clean and Connected Communities	<input type="checkbox"/>	
Keeping Nottingham Working	<input type="checkbox"/>	
Carbon Neutral by 2028	<input type="checkbox"/>	
Safer Nottingham	<input type="checkbox"/>	
Child-Friendly Nottingham	<input type="checkbox"/>	
Living Well in our Communities	<input type="checkbox"/>	
Keeping Nottingham Moving	<input checked="" type="checkbox"/>	
Improve the City Centre	<input type="checkbox"/>	
Better Housing	<input type="checkbox"/>	
Serving People Well	<input type="checkbox"/>	
<b>Summary of issues (including benefits to citizens/service users):</b>		
<p>Nottingham City Council (“the Council”) currently limits the number of Hackney Carriage Vehicle (“HCV”) licences that it will issue to 420.</p> <p>Following reports to this Committee on 14 December 2020 and 6 September 2021 this report considers the outcome of a Survey of Unmet Demand and whether it is appropriate to maintain a limit on the number of Hackney Carriage Vehicle licences which the Council will issue.</p>		
<b>Recommendation(s):</b>		
<b>1</b>	It is recommended that the Committee considers the results of the Survey of Unmet Demand at Appendix 1 and resolves what action they wish to take from the following options;	
<b>1.1</b>	To maintain the current restriction on the number of hackney carriage vehicle licences which the Council will issue at 420 or	
<b>1.2</b>	To consider reviewing the existing policy on the issue of hackney carriage vehicle licences to either reduce or remove the restriction on numbers.	
<b>2</b>	Should the Committee be minded to consider reviewing the existing policy, a consultation will be carried out with all current stakeholders and the public.	

## 1. **Reasons for recommendations**

- 1.1 The results of the Survey of Unmet Demand are brought to the Committee for its consideration in accordance with the Committee's earlier resolutions and
- 1.2 If it is felt appropriate to review the Council's current policy as a result of the Survey, then guidance indicates that it may be appropriate to consult on any proposed changes.

## 2. **Other options considered in making recommendations**

- 2.1 The three available options are listed in the report.

## 3. **Consideration of Risk**

- 3.1 The advantages and disadvantages of the various options are considered in the report below and see also the Legal Comments

## 4. **Background (including outcomes of consultation)**

- 4.1 Legal Requirements and department for Transport Best Practice Guidance.
- 4.2 Section 16 of the Transport Act 1985 states that a local authority may only limit the number of hackney carriages which it will licence if it is satisfied that there is no significant unmet demand for hackney carriages within the area. Effectively this has resulted in any council which numerically restricts the number of hackney carriage licences issued having to undertake a survey of unmet demand to provide evidence that there is no significant unmet demand and the level at which any cap on licence numbers should be set. Following the earlier reports, an unmet demand survey has been conducted by specialists, Licensed Vehicle Surveys and Assessment (LVSA), and a final report produced. The report (the Survey Report) is attached as Appendix 1.
- 4.3 The Department for Transport has issued best practice guidance regarding limiting the number of hackney carriage licences issued. Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of the travelling public - that is to say, the people who use taxi services. What benefits or disadvantages arise for them as a result of the continuation of controls; and what benefits or disadvantages would result for the public if the controls were removed? Is there evidence that removal of the controls would result in a deterioration in the amount or quality of taxi service provision?
- 4.4 Nottingham City Council (the Council) currently not only exercises quantity controls but also exercises quality controls through its Age and Specification Policy. Prices for hackney carriages that comply with this latter policy are high with there being only one ULEV Hackney Carriage model available at the moment and due to a current shortage of new and used euro 6 diesel hackney carriages. As previously reported a large number of Hackney Carriage proprietors made the decision not to purchase policy compliant vehicles and, having lost their appeals against the Council's policy and refusal to renew non-compliant vehicle licences, have left the trade. Whilst the Council's quantity controls currently restrict the number of hackney carriage vehicle licences it will issue to 420,

there are currently only 205 licensed vehicles with the quality controls contributing to the significant decrease in licence take-up. Notwithstanding this the Survey has concluded that even with this reduced number of licensed vehicles there is still no significant unmet demand.

- 4.5 LVSA carried out the survey between September 2022 and February 2023. On street pedestrian survey work occurred in November 2022. Video rank observations occurred in mid-October 2022 once the universities were back in full term-time operation. Licensed vehicle driver opinions and operating practices were obtained by an all-driver on-line survey available from August 2022 to the end of October 2022. Key stakeholders were consulted throughout the period of the survey. The conclusion of the Survey Report states.

‘Drawing on all the evidence within this report, there is no evidence of any unmet demand which could be counted significant in terms of Section 16 of the 1985 Transport Act.

The fleet is providing a good level of service to the public and covers the city centre well both spatially and temporally.

Key actions require public information about ranks and how they can access the licensed vehicle service safely and effectively.

Unless legislation changes, there would be strong merit in undertaking a further demand survey three years hence, meaning rank work would be during October 2025 once University students had returned.’

- 4.6 Taking into consideration the findings of the Survey Report, if the Council is satisfied there is no significant unmet demand, it is able to continue to restrict to the current level the number of hackney carriage vehicle licences issued. A further independent survey of unmet demand should be carried out in three year’s time. Alternatively, should the Committee be minded to consider reviewing the existing policy on the issue of hackney carriage licences whether to allow for a decrease in the current number or complete removal of quantity controls, the Statutory Taxi and Private Hire Standards suggest that licensing authorities should consult on proposed changes in licensing rules that may have significant impacts on passengers and/or the trade. If the Committee feels that the current policy should therefore be reviewed it is recommended that a period of consultation should be undertaken to get the views of stakeholders and members of the public. A further report would then be provided for members to consider the consultation responses and make a decision as to the policy.
- 4.7 The Council’s options in relation to the review of its policy, together with the advantages and disadvantages are as follows:

4.8 **Option 1**

To retain the existing restriction at 420.

**Advantages:**

Retains the current status. Is in line with the conclusion in the Survey Report of there being no significant unmet demand.

Due to the geography of the city centre the benefits relate to the managing congestion, preventing over ranking at the limited number of designated rank spaces available and prevents unofficial ranks forming. All of which will add to poor air quality issues already experienced across the city.

Prices for hackney carriages that comply with the Council's Age & Specification policy are also at a premium due to the high cost of the only ULEV hackney available at the moment and the current shortage of new and used euro 6 diesel hackney carriages. A restriction on numbers allows drivers the opportunity to earn a living wage.

A restriction on the number of hackney carriages may prevent drivers working excessive hours which would affect the safety of the travelling public.

**Disadvantage:**

This option is contrary to Department of Transport Guidance and would need to be justified.

In most cases where quantity restrictions are imposed, vehicle licences command a premium, often in tens of thousands of pounds, however this is not currently the case in Nottingham as not all vehicle licences have been issued.

A further unmet demand survey will be required in 3 year's time which has cost implications for the Council. The current survey cost in the region of £19,140 and prices are likely to rise over the next 3 years.

The travelling public would not enjoy the benefits of more competition within the taxi market.

#### 4.9 **Option 2**

To reduce the number of licences issued to 250.

**Advantage:**

The unmet demand survey was conducted whilst the number of licensed hackney carriages was around 200 and the conclusion of the survey was that there is no evidence of any unmet demand for the services of hackney carriages which is significant at this time in the Council's licensing area.

Prior to Covid-19 and the introduction of the Council's Age & Specification Policy on 01 January 2020, the number of licensed hackney carriages was 411 (9 licences were never issued) and never dropped below this number.

Since the introduction of the Age & Specification Policy, the number of licensed hackney carriages has remained at around 200. This can be linked to a number of factors. Hackney carriages are required to be either ZEC ULEV or a Euro 6 diesel and these vehicles can cost between £35,000 and £65,000, the number of people travelling to the City for work or business has not returned to pre-Covid levels with people continuing to work from home and the Night Time economy has also not returned to pre-Covid levels with a number of night clubs and other venues reducing the number of days or hours that they are open.



Where a proprietor has made a significant investment in a cleaner compliant hackney carriage, then having a reduced number of licensed hackney carriages operating in the City will give those proprietors and drivers more opportunity to earn a living wage.

It will reduce the amount of time that a hackney carriage is sitting on a rank between jobs and potentially prevent vehicles sitting with their engines idling especially in winter when the drivers are using the vehicle heaters and therefore will contribute to reducing pollution in the City Centre.

A restriction on the number of hackney carriages may prevent drivers working excessive hours which would affect the safety of the travelling public.

**Disadvantage:**

This option is contrary to Department of Transport Guidance and would need to be justified.

In most cases where quantity restrictions are imposed, vehicle licences command a premium, often in tens of thousands of pounds, however this is not currently the case in Nottingham as not all vehicle licences have been issued.

A further unmet demand survey will be required in 3 year's time. Which has cost implications for the Council. The current survey cost in the region of £19,140 and prices are likely to rise over the next 3 years.

The travelling public would not enjoy the benefits of more competition within the taxi market.

#### 4.10 Option 3

The removal of the numerical restrictions on the number of hackney carriage licences issued.

**Advantage:**

This option is in line with best Practice guidance.

Potential better service for consumers by increasing the competition and reducing waiting times at peak times.

There will be no need for a triennial survey with associated extra work, this option lets market forces immediately dictate the number of hackney carriages without Council intervention and accords fully with Government guidance. Whether a better service would be provided overall would only be ascertained after a period of implementation.

The Council's quality restrictions in terms of the Age and Specification Policy and the cost of policy compliant vehicles are still likely to act as some form of control on the numbers of hackney carriage vehicles.

## **Disadvantage:**

Potential dissatisfaction within the taxi trade due to perceived additional competition. However, “public safety” is the primary licensing test and economic and business considerations are irrelevant.

Concerns that the City will become flooded with more vehicles causing congestion and pollution. These concerns should however be balanced against the effect of the Council’s Age and Specification Policy which is still likely to have a limiting effect on the number of persons who will apply for vehicle licences meaning that the market will not suddenly become flooded.

An unlimited number of hackney carriages could result in driver’s working excessive hours which may affect passenger and driver safety.

## **5. Finance colleague comments (including implications and value for money)**

- 5.1 Based on the Survey’s findings concluding that there is no significant unmet demand for Hackney Carriages the City Council has proposed 3 options.
- 5.2 To remain at current levels or to reduce the license numbers would have little financial implications as the resources it needed to administer and enforce the hackney carriage licensing regime would need to be reviewed and the licence fees adjusted accordingly to provide no effect on the general fund. Both of these options require the 3 year unmet demand survey to be completed ongoing at a current cost of circa £19,140.
- 5.3 If the option is made to remove the cap the 3 year unmet survey will no longer be required ongoing as this would be in line with best practice and with the current level of Hackney carriages being at circa 205 and the cap is only limiting at 420.
- 5.4 In the event of an appeal against the first two capping options, the Council will have to bear the costs of defending this decision.

Susan Turner, Senior Commercial Business Partner, 16/11/2023

## **6. Legal colleague comments**

- 6.1 The Survey Report has concluded that there is no significant unmet demand for hackney carriages within the City providing the Council with the **option** of retaining a limit on the number of hackney carriage vehicle licences which it issues. Whilst this provides evidence that the statutory test in section 16 of the Transport Act 1985 has been met the Committee is not bound to continue to impose restrictions and should consider the range of options available to it. In doing so it should have regard to Best Practice Guidance and other relevant considerations.
- 6.2 The Current Best Practice Guidance remains that issued by the Department for Transport (DFT) in 2010 with the salient points being expressed in similar terms in the revised consultative draft version issued in 2022 referred to in the body of this report. That guidance confirms that:-

*“most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice.”*

The draft DFT guidance also refers to guidance issued by the Competition and Markets Authority in 2017 that :-

*“Quantity restrictions are not necessary to ensure the safety of passengers, or to ensure that fares are reasonable. However, they can harm passengers by reducing availability, increasing waiting times, and reducing the scope for downward competitive pressure on fares”*

6.3 Both versions of the DFT Guidance indicate that :-

*The matter should be approached in terms of the interests of the travelling public - that is to say, the people who use taxi services.*

- *what benefits or disadvantages arise for them as a result of the continuation of controls?*
- *what benefits or disadvantages would result for the public if the controls were removed?*
- *Is there evidence that removal of the controls would result in a deterioration in the amount or quality of taxi service provision?*

In addition, the draft guidance asks if there are alternative ways in which the issue could be addressed and suggests that if an alternative measure could be used to achieve the same effect then those measures should be used in preference to quantity restrictions.

6.4 Whichever option the Committee chooses it is potentially open to challenge on the usual administrative law grounds. The Committee may depart from the guidance should it wish but in order to minimise risk should have regard to it (together with any other relevant considerations,) and should confirm its reasons for departing from the guidance should it choose to do so.

Ann Barrett, Team Leader Legal Services, 02/11/2023

## 7. **Other relevant comments**

7.1 None.

## 8. **Crime and Disorder Implications (If Applicable)**

8.1 N/A

## 9. **Social value considerations (If Applicable)**

9.1 N/A

## 10. **Regard to the NHS Constitution (If Applicable)**

10.1 N/A

## 11. **Equality Impact Assessment (EIA)**

11.1 Has the equality impact of the proposals in this report been assessed?

No

An EIA is not required because:

(Please explain why an EIA is not necessary)

Yes   
Attached as Appendix 2, and due regard will be given to any implications identified in it.

**12. Data Protection Impact Assessment (DPIA)**

12.1 Has the data protection impact of the proposals in this report been assessed?

No   
A DPIA is not required because there is no additional impact on the data protection requirements already in place.

Yes   
Attached as Appendix x, and due regard will be given to any implications identified in it.

**13. Carbon Impact Assessment (CIA)**

13.1 Has the carbon impact of the proposals in this report been assessed?

No   
A CIA is not required because this policy has no impact on carbon emissions.

Yes   
Attached as Appendix x, and due regard will be given to any implications identified in it.

**14. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)**

14.1 None.

**15. Published documents referred to in this report**

15.1 Taxi and Private Hire Vehicle Licensing: Best Practice Guidance – March 2010



Nottingham City Council  
Unmet Demand Survey for hackney carriages  
April 2023



## Executive Summary

This Unmet Demand survey for hackney carriages has been undertaken on behalf of Nottingham City Council following the guidance of the April 2010 DfT Best Practice Guidance document, and all relevant case history with reference to unmet demand. This Executive Summary draws together key points from the main report that are needed to allow a committee to determine from the facts presented their current position in regard to the policy of limiting hackney carriage vehicle licences according to Section 16 of the 1985 Transport Act. It is a summary of the main report which follows and should not be relied upon solely to justify any decisions of a committee, but must be read in conjunction with the full report below.

This Report summarises the full body of evidence gathered between September 2022 and February 2023 following the DfT Guidance in place at the time of undertaking and writing (early April 2023, but for the sake of clarity before the new DfT BPG was formally confirmed).

The current fleet of hackney carriages is much depleted from the level pre-pandemic. However, this fleet still covers eight ranks across the city very well and very effectively. This is despite the fleet being around half its maximum size. The level of unmet demand is very low and a long way from being significant.

Main opportunities to develop the service focus around informing people where ranks are and when they are active. It is also important to advertise the difference between hackney carriage and private hire given the high levels of out of town and app-based hires that are occurring. This is a matter of public safety as people in general are unaware of the pitfalls of using any vehicle not licensed by the City and also not particularly well versed in understanding the actual difference between bookings, hailings, taking vehicles from ranks, and use of apps.

The principal conclusion is there is no evidence of any unmet demand that could be counted as significant in terms of Section 16 of the 1985 Transport Act, allowing the Committee to retain the current limit. The limit is currently providing public benefit.





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## 1 General introduction and background

Licensed Vehicle Surveys and Assessment (LVSA) is a joint venture between CTS Traffic and Transportation Ltd (CTS) and Vector Transport Consultancy. These two companies have hitherto been the two leading practitioners of hackney carriage unmet demand surveys in recent years and who joined forces in early 2017. The combined experience of this joint venture covers in the order of 250 similar studies undertaken since 1999. This is our first survey for Nottingham City Council although we are aware of a number of previous surveys undertaken by other contractors.

Nottingham City Council is responsible for the licensing of hackney carriage and private hire vehicles operating within the Council area and is the licensing authority for this complete area. Further details of the local application of Section 16 of the 1985 Transport Act with regard to limiting hackney carriage vehicle numbers is provided in further Chapters of this report. Hackney carriage vehicle licences are the only part of licensing where such a stipulation occurs and there is no legal means by which either private hire vehicle numbers, private hire or hackney carriage driver numbers, or the number of private hire operators can be limited.

### ***The Best Practice Guidance***

This review of current policy is based on the Best Practice Guidance produced by the Department for Transport in April 2010 (BPG). It seeks to provide information to the licensing authority to meet section 16 of the Transport Act 1985 “that the grant of a hackney carriage vehicle licence may be refused if, but only if, the licensing authority is satisfied that there is no significant demand for the services of hackney carriages within its local area, which is unmet.” This terminology is typically shortened to “no SUD”.

Several sections of the BPG were revised by the introduction of the “Statutory Taxi and Private Hire Vehicle Standards” (STPHVS) document on 23<sup>rd</sup> July 2020 (see further detail below). None of these resulted in any material change to the elements regarding unmet demand and its review. At the end of March 2022, consultation began on a fully revised version of the BPG, with responses due back by 20<sup>th</sup> June 2022 but no final date for acceptance of the revised document. An initial review suggested again no material change in the elements regarding unmet demand and its review.

### ***Legal Background***

Current hackney carriage, private hire and operator licensing is undertaken within the legal frameworks first set by the Town Police Clauses Act 1847 (TPCA), amended and supplemented by various following legislation including the Transport Act 1985, Section 16 in regard to hackney carriage vehicle limits, and by the Local Government Miscellaneous Provisions Act 1976 with reference to private hire vehicles and operations. This latter Act saw application of regulation to the then growing private hire sector which had not been previously part of the TPCA. Many of the aspects of these laws have been tested and refined by other more recent legislation and more importantly through case law.

### ***Public Experience***

Beyond legislation, the experience of the person in the street tends to see both hackney carriage and private hire vehicles both as 'taxis' – a term we will try for the sake of clarity to use only in its generic sense within the report. We will use the term 'licensed vehicle' to refer to both hackney carriage and private hire.

### ***Legislative Developments***

The legislation around licensed vehicles and their drivers has been the subject of many attempts at review. The limiting of hackney carriage vehicle numbers has been a particular concern as it is often considered to be a restrictive practice and against natural economic trends.

The five most recent reviews were by the Office of Fair Trading in 2003, through the production of the Best Practice Guidance in 2010 (BPG 2010), the Law Commission review which published its results in 2014, the All-Party Parliamentary Task and Finish Group which reported in September 2018, the Government Response in February 2019 leading to a part revision of BPG 2010, and the 2022 consultation on a more comprehensive BPG 2010 review (BG 22). None of these resulted in any material change to the legislation involved in licensing.

### ***Legislative Additions***

There have been some actual changes to legislation (not guidance) put in place over recent years.

The Deregulation Act 2015 had two clauses relevant to taxi licensing – relating to length of period covered by licences (Section 10) and allowance of operators to transfer work across borders (Section 11) (both enacted October 2015).

In November 2016, the Department of Transport (DfT) undertook its consultation regarding enacting Sections 165 and 167 of the Equality Act 2010. These allowed for all vehicles capable of carrying a wheel chair being placed on a list by the Council (Section 167) leading to any driver that uses a vehicle on this list having a duty under Section 165 to:

- Carry the passenger while in the wheel chair
- Not make any additional charge for doing so
- If the passenger so chooses to travel in a seat to make provision for proper and safe carriage of the wheel chair
- To take such steps as are necessary to ensure the passenger is carried in safety and reasonable comfort
- To give the passenger such mobility assistance as is reasonably required

Since enactment in April 2017 issues with discrimination have not reduced as much as expected and further change occurred with one of two 2022 Acts put in place (see below).

The two 2022 Acts make small but significant changes. The 2022 Acts are the "Taxis and Private Hire Vehicles (Safeguarding and Road Safety Act) (31 March 2022)" and the "Taxis and Private Hire Vehicles (Disabled Persons) (28 June 2022)".

The first makes it mandatory for any licensing authority in England that has information about a taxi (hackney carriage) or private hire vehicle (phv) driver licensed by another authority that is relevant to safeguarding or road safety concerns in its area to share that information with the authority that issued that drivers licence.

The second amends the Equality Act 2010 to place duties on taxi and phv drivers and operators such that any disabled person has specific rights and protections to be transported and receive assistance when using a taxi or phv without being charged extra for doing so.

Regard has also been had to the Statutory Taxi and Private Standards July 2020 which were published on 21 July 2020 and represented a milestone in transportation regulation, because for the first time the safeguarding of children and vulnerable people were put right at the heart of the taxi licensing system. This publication also noted that a more complete review of all sections of the 2010 Best Practice Guidance would occur in due course and consultation on a draft of this new document ran from March to June 2022.

At the time of writing of this report, no date had still been given for formal publication of the new DfT Best Practice Guidance following the close of the consultation period.

### ***Alternatives to limiting vehicle numbers***

A more recent restriction, often applied to areas where there is no 'quantity' control felt to exist per-se, is that of 'quality control'. This is often a pseudonym for a restriction that any new hackney carriage vehicle licence must be for a wheel chair accessible vehicle, of various kinds as determined locally. In many places this implies a restricted number of saloon style hackney carriage licences are available, which often are given 'grandfather' rights to remain as saloon style. These are different to 'mandatory' orders (as in place in Nottingham) that generally require all hackney carriages to be wheel chair accessible style.

Within this quality restriction, there are various levels of strength of the types of vehicles allowed. The tightest restriction, now only retained by a few authorities only allows 'London' style wheel chair accessible vehicles, restricted to those with a 25-foot turning circle, and at the present time principally the LTI Tx, the Mercedes Vito special edition with steerable rear axle, and the Metrocab (no longer produced).

Others allow a wider range of van style conversions in their wheel chair accessible fleet, whilst some go as far as also allowing rear-loading conversions. Given the additional price of these vehicles, this often implies a restriction on entry to the hackney carriage trade.

Some authorities do not allow vehicles which appear to be hackney carriage, i.e. mainly the London style vehicles, to be within the private hire fleet, whilst others do allow wheel chair vehicles. The most usual method of distinguishing between hackney carriages and private hire is a 'Taxi' roof sign on the vehicle, although again some areas do allow roof signs on private hire as long as they do not say 'Taxi', some turn those signs at right angles, whilst others apply liveries, mainly to hackney carriage fleets, but sometimes also to private hire fleets.

It must be noted that in many cases application of 'new hackney carriage to be wheel chair accessible' can be used as an alternative to limit policies but one characteristic is that such quality controls have no legal requirement for testing with regard to their impacts.

More recent considerations have added how greater and speedier introduction of more sustainable vehicle propulsion might be encouraged in the licensed vehicle fleets. Air quality zones have also had significant impacts, and in many areas more recently agglomeration of councils has modified overall policies towards licensed vehicles.

Nottingham has had a 'mandatory order' requiring all hackney carriages to be wheelchair accessible (WAV) style since 1995.

### ***Index of significance of unmet demand (ISUD)***

After introduction of the 1985 Transport Act, Leeds University Institute for Transport Studies developed a tool by which unmet demand could be evaluated and a determination made if this was significant or not. The tool was taken forward and developed as more studies were undertaken. Over time this 'index of significance of unmet demand' (ISUD) became accepted as an industry standard tool to be used for this purpose.

Some revisions have been made following the few but specific court cases where various parties have challenged the policy of retaining a limit.

Some of the application has differed between Scottish and English Authorities. This is mainly due to some court cases in Scotland taking interpretation of the duty of the licensing authority further than is usual in England and Wales, requiring current knowledge of the status of unmet demand at all times, rather than just at the snap-shot taken every three years. However, the three year survey horizon has become generally accepted given the advice of the BPG and most locations that review regularly do within that timescale.

The DfT asked in writing in 2004 for all licensing authorities with quantity restrictions to review them, publish their justification by March 2005, and then review at least every three years since then. In due course, this led to a summary of the government guidance which was last updated in England and Wales in 2010 (but more recently in Scotland).

The BPG in 2010 also provided additional suggestions of how these surveys should be undertaken, albeit in general but fairly extensive terms. A key encouragement within the BPG is that "an interval of three years is commonly regarded as the maximum reasonable period between surveys". BPG suggests key points in consideration are passenger waiting times at ranks, for street hailing and telephone bookings, latent and peaked demand, wide consultation and publication of "all the evidence gathered".

### ***Unmet Demand Case History***

In respect to case law impinging on unmet demand, the two most recent cases were in 1987 and 2002. The first case (R v Great Yarmouth) concluded authorities must consider the view of significant unmet demand as a whole, not condescending to detailed consideration of the position in every limited area, i.e. to consider significance of unmet demand over the area as a whole.

R v Castle Point considered the issue of latent, or preferably termed, suppressed demand consideration. This clarified that this element relates only to the element which is measurable. Measurable suppressed demand includes inappropriately met demand (taken by private hire vehicles in situations legally hackney carriage opportunities) or those forced to use less satisfactory methods to get home (principally walking, i.e. those observed to walk away from rank locations).

2019 saw three challenges with respect to surveys of unmet demand. All three found in favour of the current methodology being undertaken. A key focus was the need for a robust and up to date independent survey report being available.

In one case it was made clear the current guidance is based on the 2010 BPG, which supercedes previous notes and DfT advice, whilst in another case having a valid survey meant those challenging had no case for their proposed challenge, and in the final case an authority was clearly told they could not rely on a very old survey which itself could not be produced. In the end a fresh survey was undertaken, finding no unmet demand, but undertaken on the established standards only.

In general, industry standards suggest (but specifically do not mandate in any way) that the determination of conclusions about significance of unmet demand should take into account the practicability of improving the standard of service through the increase of supply of vehicles.

It is also important to have consistent treatment of authorities as well as for the same authority over time, although apart from the general guidance of the BPG there is no clear stipulations as to what this means in reality, and certainly no mandatory nor significant court guidance in this regard.

The 2010 Best Practice Guidance stated "Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice." This is restated in the currently draft new Best Practice Guidance.

This new draft Best Practice Guidance also adds para 9.3 quoting "The Competition and Markets Authority was clear in its 2017 guidance "Regulation of taxis and private hire vehicles: understanding the impact of competition" that "Quantity restrictions are not necessary to ensure the safety of passengers, or to ensure that fares are reasonable."

To summarise, the Department for Transport Best Practice Guidance only references 'quantity restrictions' and that not imposing them is regarded by the Department as 'best practice'.



### ***Cross Border and Sub Contracting Implications***

Recent legislation needing clarification has some operators believing they can use vehicles from any authority as long as they are legally licensed as private hire. At first, under the 'Stockton' case, this was hackney carriages operating as private hire in other areas (cross-border hiring). More recently, under the Deregulation Act, private hire companies are able to subcontract bookings to other companies in other areas if they are unable to fulfil their booking, but the interpretation of this has become quite wide.

The 'triple lock' licensing rule has also become accepted. A vehicle, driver and operator must all be under the same licensing authority to provide full protection to the passenger. However, it is also accepted that a customer can call any private hire company anywhere to provide their transport although many would not realise that if there was an issue it would be hard for a local authority to follow this up unless the triple lock was in place by the vehicle used and was for the area the customer contacted licensing.

Further, introduction of recent methods of obtaining vehicles, principally using 'apps' on mobile phones have also led to confusion as to how 'apps' usage sits with present legislation.

All these matters can impact on hackney carriage services, their usage, and therefore on unmet demand and its significance.

During September 2018 the All-Party Parliamentary Group on taxis produced its long-awaited Final Report. There was a generally accepted call for revision to taxi licensing legislation and practice, including encouragement for local authorities to move towards some of the practical suggestions made within the Report. The Government has broadly supported the recommendations of this Task and Finish Group.

Despite some opposition from members of the group, the right to retain limits on hackney carriage vehicle numbers was supported, with many also supporting adding a tool which would allow private hire numbers to be limited where appropriate, given reasonable explanation of the expected public interest gains. This latter option is now being taken forward in Scotland, with two studies published and the Scottish Government preparing guidance, although the Government response did not support this option.

As already stated, other groups have provided comments giving their views about licensing matters but the upshot remains no change in legislation from that already stated above. The Scottish Government are moving forward in terms of their application of the potential limiting of private hire vehicle numbers but this is specific to Scottish law and not presently relevant to the English licensing authorities.

The “Protecting Users Statutory Guidance” (now the “Statutory Taxi and Private Hire Vehicle Standards” (STPHVS) was issued in July 2020 for application and advice of such application to DfT by the end of January 2021. Whilst again the taking forward of the wider BPG review is mentioned in terms of a further consultation, exact times for this nor the likely implementation date for this are not given. The April 2010 BPG therefore remains valid for our review.

For completeness, STPHVS seems to require by the end of January 2021 (subject to the continued impact on time resources of the COVID-19 pandemic) the following:

- Making publicly available a cohesive taxi licensing policy document
- Clearly documented ways the licensing authority will share information between relevant stakeholders
- Provision of a robust system for recording complaints that is clearly made known to passengers
- Sufficient training for those making decisions about licence issue
- Clear assessment of option of mandating CCTV in vehicles
- Specific requirements for private hire company records

### **Coronavirus**

The serious Covid-19 virus took hold in the UK during March 2020. Whilst life carried on almost as normal until mid-March of the same year, formal lockdown was applied from Tuesday 24<sup>th</sup> March 2020 until 24<sup>th</sup> February 2022 when final restrictions were removed. Significant reductions in movement had begun to bite from the previous week. The last dates in 2020 when on-street and rank surveys occurred in other areas were effectively Sunday 16<sup>th</sup> March 2020. Up to that point regular review on the three-year timetable had begun to be much more widely accepted.

The licensed vehicle trade was one of a few industries permitted to continue to operate throughout the pandemic and various lockdowns, albeit in a range of different ways due to reduced demand.

The lockdown began to be eased on 13<sup>th</sup> May 2020 in some sectors, with people encouraged to return to work if they were not able to work from home. Restrictions on outdoor exercise, golf courses, tennis courses and socialising at distance, with restart of construction also allowed. From 15<sup>th</sup> June 2020, bars, restaurants and hairdressers were allowed to return to a ‘new normal’. The next wave of easement occurred on 4<sup>th</sup> July 2020.

However, a range of different re-restrictions were applied in various locations as cases began to rise again. Schools were re-opened in September, but a new 'rule of six' was introduced shortly after reducing the ability of people to socialise as rates of infection rose again, together with a 22:00 hours close time for all hospitality venues. In general, new restrictions tended to be introduced with a few days lead in but this ended with a new lockdown from Thursday 5<sup>th</sup> November 2020 ending on Wednesday 2<sup>nd</sup> December 2020 that year.

After that, new Tiers were introduced (to try to minimise restrictions in parts of the country where the virus was less dominant) and then again another national lockdown was applied from early January 2021 but with the start of vaccinations providing some hope of an eventual overcoming of the impacts of the virus.

As levels of vaccination increased and infection / hospitalisations and deaths reduced, a new road out of lockdown was announced and implemented. The final stage, removal of most English restrictions, was delayed about a month but was finally instigated towards the end of July 2021. The Government focus has since then been on 'coping with the virus' although as Winter 2021 progressed infection levels tended to move upwards.

Later in Winter 2021 appearance of a new variant led to further concern and encouragement to partake in a booster vaccination programme as well as taking further care about interaction. Mask wearing was returned to being a legal requirement at the start of December 2021 in many, but not all of the previous circumstances. The situation around Christmas 2021 was very tense. Working from home was reinstated towards the end of 2021.

Early 2022 saw more confidence that the 'omicron wave' could be survived although in early January 2022 there was pressure on many industries arising from staff isolating. Various methods were being considered to minimise the impact of need to self-isolate. On 24<sup>th</sup> February 2022 all legal restrictions in England were removed with the focus clearly moving to 'living with the virus' although unintended consequences of rising fuel and other prices from the reopening of the economy were also exacerbated by the current issue of the Ukraine occupation.

During Autumn 2022 there was a high level of COVID infection but the link between infection and serious illness appeared to have been broken, although the need to keep levels of immunity to severe disease may well lead to further immunisation as time proceeds. Another booster injection was starting to be rolled out as part of the vaccination strategy.

Overall, the pandemic led to a significant period of lack of business for both hackney carriage and private hire vehicles, in various ways as the pandemic developed. Some of the impacts of this are discussed in public and driver attitude chapters below, as well as review of impact on demand in the rank chapter. More significant was the reappraisal of many as to their involvement with the taxi industry, and the general job market churn that was instigated not just in the taxi arena. In many areas there is clear knowledge that many who planned to retire brought that date forward whilst others found that the certainty of income from delivery driving was preferable to the vagaries of taxi passenger demand.

Various contract work appears to have remained a constant during the pandemic however (school transport, health transport and so on). However, airports were particularly badly hit resulting in many private hire vehicles being unusable, whilst rail patronage remains reduced with patterns of travel strongly revised towards off-peak travel.

Yet others found the shortage of private hire drivers meant more requirement on hackney carriages in the daytime, in turn meaning they could earn more in the week, and not be reliant on servicing less-preferable customers in the early hours of Saturday and Sunday morning.

A further issue we have observed is that even pubs, restaurants and night venues are now reducing their opening hours or days in reaction to rising costs and staff shortages. This can lead to taxi demand in an area becoming peaky or peakier with such change. This means spikes in passenger demand for licensed vehicles, which is always harder to meet in a timely manner for a given level of vehicles particularly in the later and night-time economy hours?

Further, the impacts of the developing war in Ukraine and other economic changes partly arising from Brexit is again putting pressure on costs of providing licensed vehicle services. Rising fuel prices have also added to the issues, albeit counter-balanced with an increase in fare charges for some authorities. A further knock-on has been change to how those involved in the trade interact with their licensing authorities, with most face-to-face contact effectively removed.

The days when the main aim of a demand survey was checking if passenger demand had changed to see if supply remained sufficient have now been replaced by a much wider research need to identify both demand and supply side changes (such as drivers working shorter weeks, more time by drivers undertaking contracts or diversifying as delivery drivers changed passenger use of ranks and locations arising from matters such as reduced rail travel, etc).

Even long-standing areas with limited hackney carriage vehicle numbers have been impacted by having spare hackney carriage vehicle licences available for the first time in decades. However, our experience suggests that even spare plates and reduced demand can still result in unmet demand increasing as a result of change in the range of elements that need to balance to provide better public service.

### ***Conclusions to this Chapter***

In conclusion, the present legislation in England and Wales sees public fare-paying passenger carrying vehicles firstly split by passenger capacity. All vehicles able to carry nine or more passengers are dealt with under national public service vehicle licensing. Local licensing authorities only have jurisdiction over vehicles carrying eight or less passengers. Further, the jurisdiction focusses on the vehicles, drivers and operators but rarely extends to the physical infrastructure these use (principally ranks).

The vehicles are split between hackney carriages which are alone able to wait at ranks or pick up people in the streets without a booking, and private hire who can only be used with a booking made through an operator. If any passenger uses a private hire vehicle without such a properly made booking, they are not generally considered to be insured for their journey.



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## 2 Local background and context

Key dates for this Unmet Demand survey for hackney carriages for Nottingham City are:

- appointed Licensed Vehicle Surveys and Assessment (LVSA) in July 2022
- in accordance with our confirmed methodology of August 2022
- as confirmed during the inception meeting for the survey held on 3<sup>rd</sup> August 2022
- this survey was carried out between September 2022 and February 2023
- On street pedestrian survey work occurred in November 2022
- the video rank observations occurred in mid-October 2022 once the universities were back in full term-time operation
- Licensed vehicle driver opinions and operating practices were obtained by an all-driver on-line survey available from August 2022 to the end of October 2022 (with an extension requested by the Trade provided)
- Key stakeholders were consulted throughout the period of the survey
- A draft of this Final Report was reviewed by the client
- and reported to the appropriate Council committee.

Nottingham City is a unitary City authority. The authority had a population of 323,700 using the 2021 estimates currently available from the 2021 census, just marginally less (3%) than the level from 2018 estimates based on 2011 census data updated, suggesting no real growth in the area in those four years.

In terms of background council policy, Nottingham City is a unitary authority but has a tightly drawn boundary that excludes several suburbs and towns considered part of Greater Nottingham. These are all lower tier authorities with Nottinghamshire County Council the upper tier for those. However, as a unitary, the City is responsible for all transport and highway powers as well as licensing ones although these are split between different departments.

The latest Transport Plan for the City is dated 2011-2026 and though dated April 2011 has seen update last in April 2020, with a set of implementation plans, the latest of which is dated 2019-2022. The City also works with the County authority as necessary.

The nature of the authority means that rank provision is under the jurisdiction of the Council, albeit within the highways section rather than directly within licensing. This should provide better links between licensing needs and provision of the infrastructure in terms of ranks and other highway related needs for licensed vehicles.

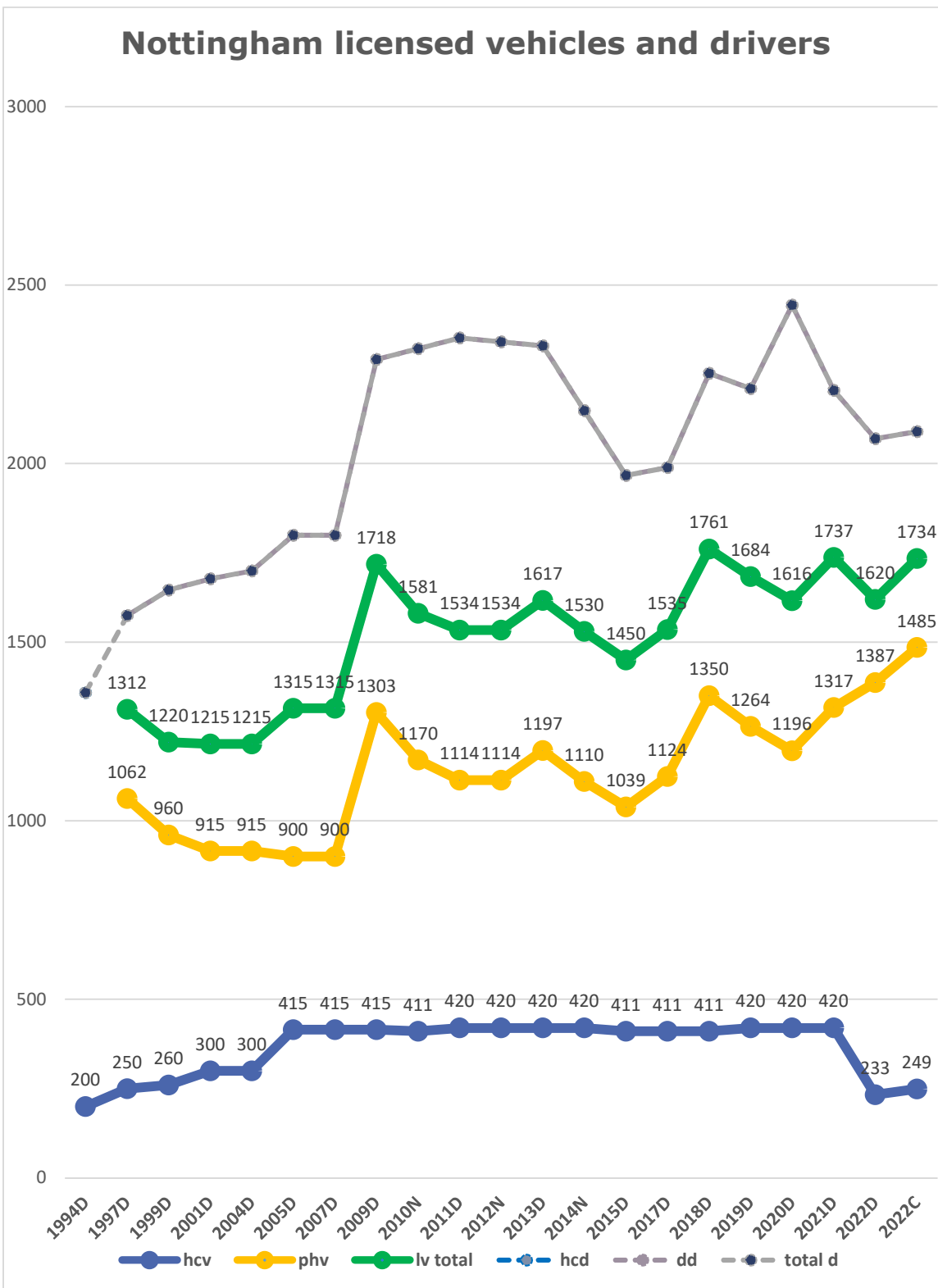
***The limit on numbers of hackney carriages***

However, all licensing authorities have full powers over licensing the vehicles, drivers and operators serving people within their area. The Nottingham City has chosen to utilize its power to limit hackney carriage vehicle numbers, and as far as we are aware has done so since before the introduction of the 1985 Transport Act.

By drawing together published statistics from both the Department for Transport (D) and the National Private Hire Association (N), supplemented by private information from the licensing authority records (C), recent trends in vehicle, driver and operator numbers can be observed. Due to the comparative size, the operator figures are shown in the second picture.







Licensing Statistics from 1994 to date

The graph shows that hackney carriages grew in number to reach a level of 415/420 that was maintained from 2004 through to the end of the first year of the pandemic. During that year, numbers dropped to just over half the previous level, and not much more than the lowest ever level. From the date of the latest DfT statistics to the figures at the time of the rank survey, numbers had recovered slightly but were still well suppressed from the previous stable high level.

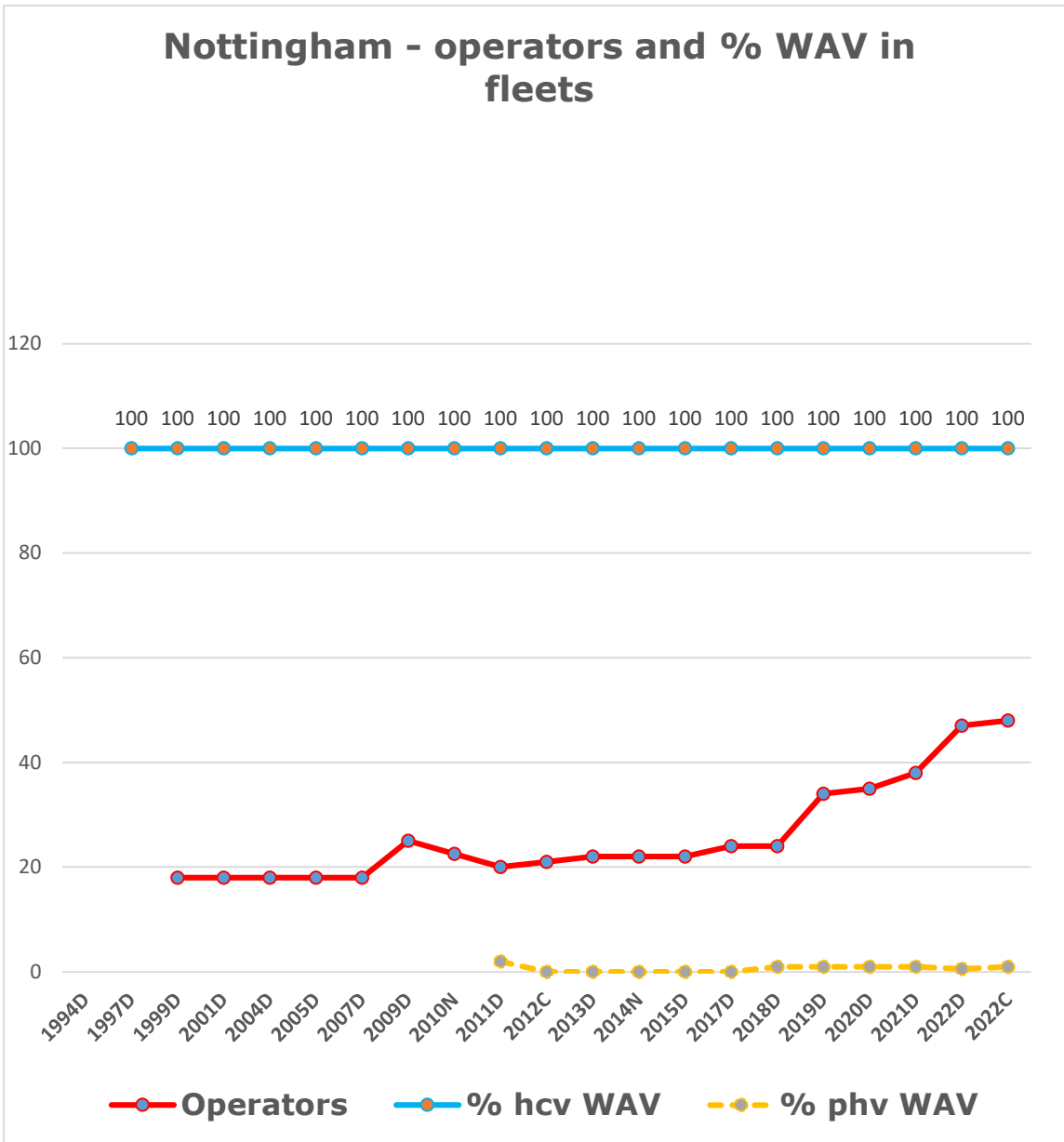
The classic reduction of private hire vehicle numbers appears to match the increase of hackney carriage numbers from 1997 to 2007. There was then a rapid increase after which numbers have tended to see-saw on a four year cycle. The present trend is fairly strongly upwards despite the pandemic, counter to national trends.

There is only one category of driver for Nottingham City, who can therefore drive both kinds of vehicle as suits their needs at the time. Driver numbers had dropped from 2018 to 2019 (before the pandemic) and were rising when the pandemic hit, getting to the highest number on record (2,444). The next two years saw decline of about 200 per year although again the numbers have begun to increase between the formal DfT survey date and the time of the survey.

Information is also available from these sources to show how the level of wheelchair accessible vehicles (WAV) has varied. It must be noted that in most cases the values for the private hire side tend to be much more approximate than those on the hackney carriage side, as there is no option to mandate for private hire being wheelchair accessible. In some areas, to strengthen the ability of the public to differentiate between the two parts of the licensed vehicle trade, licensing authorities might not allow any WAV in the private hire fleet at all. This is not the case for Nottingham.

As already noted, all Nottingham hackney carriages are wheelchair accessible style. The level of WAV in the private hire fleet is minimal, no more than 1%, mainly due to the high level of hackney carriage WAV.

The number of private hire operators has been growing steadily since 2018 with most growth between 2021 and 2022.



**Operator numbers and levels of WAV provision in the fleet**

**National Statistics**

In March 2022, DfT published their latest statistics of licensed vehicle numbers by licensing authority. Excluding London, England had 280 taxi licensing authorities. 58, or 21% of these, have 100% fully wheelchair accessible fleets, with Nottingham being one of these authorities. In other words, in terms of wheelchair accessibility, Nottingham is in the top 21% of authorities.

16 authorities had no wheelchair accessible vehicles with the remaining authorities having a 22% average wheelchair accessible fleet level, significantly less than 100%.

### **Review of limits on hackney vehicle numbers and policy**

Nottingham City has maintained a limit on its hackney carriage vehicle numbers and surveyed this on a number of occasions. Records suggest 1988, 1991, 1998, 2001 and 2005 provided formal reports. From that time onwards the authority held the view it was clear there was no unmet demand and did not undertake further formal surveys given its satisfaction on that score.

### ***Vehicle Types***

A review was provided identifying the different types of vehicle within the hackney carriage fleet. There were just six different vehicle types at the time of the survey. The largest provided 53% of the fleet. Next largest share was 19%, then 19% (across two models), 4%, 3% and 2%. Of all vehicles, 23% were purpose built electric vehicles (albeit one with a petrol range extender). All vehicles are purpose-built or modified and represent the larger WAV style vehicles. There are five different manufacturers represented.



### 3 Patent demand measurement (rank surveys)

As already recorded in Chapter 2, control of provision of on-street ranks in Nottingham City is directly under the control of the authority, albeit by the highways section of the Council. Overarching transport policy is also under the council aegis but shared with the Nottinghamshire County authority.

Our methodology involves a current review of ranks both in advance of submitting our proposal to undertake this Unmet Demand survey for hackney carriages and at the study inception meeting, together with site visits where considered necessary. This provides a valid and appropriate sample of rank coverage which is important to feed the numeric evaluation of the level of unmet demand, and its significance (see discussion in Chapter 7).

There has been little recent change to City ranks although these have changed since the last recorded formal survey. The pandemic, however, has revised demand and usage of ranks over the period and the results presented demonstrate some of these changes.

#### ***Overall survey results***

The observations from the rank surveys were analysed and overall estimated weekly levels of demand estimated for each of the ranks. To validate the information and understand current levels against those from the past, information from the previous surveys have also been drawn together and compared where available. The overall results are shown in the Table below with detailed hourly results from the rank surveys available on request if needed.

It should be noted that the previous survey results were principally a sample of the ranks considered to be the main active ranks at the time of each survey. Further, it is accepted that these are much older figures, with the 1988 methodology and results presented different to those presented for 1991 and 1998. The pair of 1998 flows are tests before and after Christmas in 1998. Other flows are from sums of observations in Autumn of the years noted.

The quoted 1988 flows are the total passengers observed during the sample data collection hours for each location; 1991 and 1998 use the same methodology but move forward to taking the total observed passengers and factoring them to an average weekly value.

These were used to drive the decisions regarding levels of hackney carriages based on the ISUD estimates also quoted later in this Report. The information is mainly given to provide an historical record and compare current with at least an appreciation of activity in the past.

Rank	2022		2005	1998		1991	1988
	Pass	%		BC	AC		
Trent St, Station	3856	38					
Midland St, Station				7250	4050	5600	601
Carrington St				3100	2150	2000	169
Wheeler Gate	1554	15.4					
South Parade				11450	8100	9200	1140
Cairns Street						2300	214
Long Row, McDonalds	1550	15.4					
Milton St, Victoria Centre	1428	14.2					
Milton St, KFC / John Lewis	824	8.3					
Milton St (unclear which)				10400	5950	1000	
South Sherwood St, Royal Centre Complex	552	5.5					
Talbot St, Rock City	167	1.7					
Lower Parliament St, Vintage / NG1	150	1.5					
Lower Parliament St, unknown				3500	3000	700	
Friar Lane, Beer Keller	0	0					
Lower Parliament St, Pryzm	0	0					
Burton St, Genting Casino	0	0					
Wollaton St						700	
Night ranks							392
Queens Medical Centre				600	500	800	100
Total estimate weekly	10079	100		36300	23750	22300	2616
From previous survey							

The table suggests that in 2022 there were an estimated 10,079 passengers picked up from hackney carriage ranks across the full licensing area of the City. This came from eight active ranks. There were three ranks expected to see some activity which saw no hackney carriage passengers at all.

This level of passengers is significantly less than the last available values from previous surveys, the most recent available being from 1998, some 24 years previous. There had been apparent growth from 1991 to 1998 and the 1998 survey also included an estimate of seasonal variation by undertaking surveys before and after Christmas. The listing of ranks also suggests significant change since that time so that values are no more than indicative.

Four of the eight active ranks produce 14% or more of total demand. Trent Street, the rank servicing the station, is by far the busiest, with 38% of total estimated passenger demand in a week. Wheeler Gate and Long Row, McDonalds both see very similar numbers in an estimated week, both providing 15.4% of the total. The final rank in this group sees 14.2% of estimated flows, and is the Milton Street rank servicing the Victoria Centre.

The Milton Street rank near KFC / John Lewis sees 8.2% of demand and the South Sherwood Street, Royal Centre Complex ranks some 5.5%. The other two ranks seeing usage are related to night venues, with the Talbot Street Rock City rank seeing 1.7% and the Lower Parliament Street Vintage / NG1 rank 1.5%.

Friar Lane Beer Keller, Lower Parliament St Pryzm and Burton Street, Genting Casino saw no hackney carriage passenger activity in our survey period. Our quick-watch of the Pryzm rank suggested most licensed vehicle activity tended to be away from the rank, into King Edward Street, but this appeared to be mainly booked private hire vehicles. The Burton Street rank appeared mainly to service people being dropped off to clubs in this area, with the main pick-ups here being round the corner in South Sherwood Street.

The graph below shows the overall total passengers across all active ranks in Nottingham over the survey weekend:



This graph shows good levels of demand at most times. Thursday has the overall lowest flows and only moderate levels beyond the 15:00 hour. Friday is busier, both overall but also in terms of seeing a longer period of demand. Saturday grows from a slightly later start and reaches its peak in the 23:00 hour on the Saturday. Only the two hours before this peak also see flows of

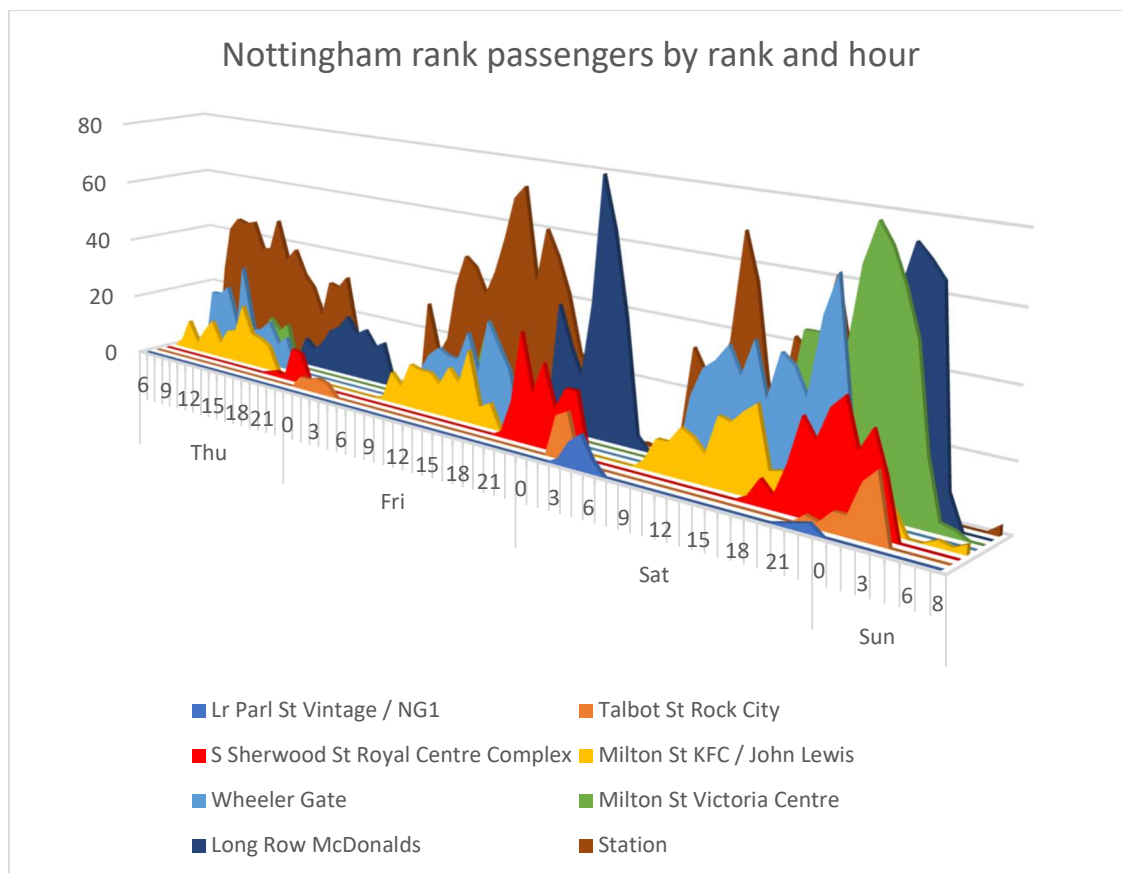
200 or more passengers. There is a second peak in the 02:00 hour although flows continue into the start of Sunday when flows again pick up.

Average passenger flows over 24-hours are 46 Thursday, 71 Friday and 115 Saturday. The overall average flow including the small number of Sunday hours covered beyond 72-hours is 75 passengers per hour. The peak hour flow is just under three times that average.

The values above and the overall graph demonstrate that Nottingham City has a peaky demand profile.

There were just two hours when there were no passengers at ranks across the City – 06:00 Thursday and 06:00 Friday, with no other hour with less than one passenger (Sunday 07:00 saw just one person leaving from a rank).

The all-rank graph is shown below:



The station rank is clearly dominant on Thursdays and Fridays in terms of providing overall passenger numbers to the ranks. It appears much less busy later on Saturday and has no passengers after the 01:00 hour on Sunday morning.



Milton Street KFC appears a mainly daytime rank apart from having some small level of usage later Saturday night into Sunday morning. Wheeler Gate is also mainly daytime but sees much more usage on Saturday and much later.

South Sherwood Street builds usage from Thursdays to Fridays with significant flows on Saturday/Sunday. The Milton Street Victoria Centre rank is very busy Saturday night / Sunday morning whilst Long Row McDonalds rank is busy on Thursdays but much more so on Fridays and grows again for the Saturday/Sunday flows.

The Vintage / NG1 rank contributes some flow on Fridays and Saturdays but a much smaller amount than other locations. Rock City saw flows on all three nights but again grows from Thursday through to the peak on Saturday.

Interestingly the peak flow at 23:00 on the Saturday night is comprised of four almost equal rank location flows plus the largest flow from Milton Street Victoria Centre, although the peak flow there is actually in the midnight hour.

Despite high total flows, the highest number of passengers in any hour at any single rank was 80 people – at the Long Row McDonalds rank in the 02:00 hour in the early hours of Saturday morning. Next highest flow (by just one passenger) was the midnight hour on the Saturday at Milton Street, Victoria Centre.

In terms of the actual observed flows over the surveyed period, the station contributed 34% of all passengers. However, its importance on Thursday was much greater, never providing less than 44% of flows in any hour from 07:00 Thursday through to 23:00 that day. As already noted, on a weekly basis the station provides 38% of estimated demand. Using the latest data, for the year ending March 2022, this is 7% of all passengers leaving the station in a typical week.

### ***Variation of demand***

For the observed ranks, the average Thursday flow was 46 passengers, on the Friday this increased 54% to 71, with a further 62% increase to the average of 115 for the Saturday. The highest flow in total was some 223 passengers in the 23:00 hour on the Saturday night. Flows were above 200 for the two hours before.

The Friday peak hour was the 18:00 hour and the Thursday peak the 17:00 hour. The ratio of the overall average flow per hour to the peak is just over three. Overall we would conclude the demand to be peaky, compounded by the spread of demand over a wide set of geographic locations.

***Incidence of passenger delay***

Taking all the actually observed hours (many with zero flows), there were 324 hours of ranks observed across the survey period. Of these, 10.5% had delays for passengers. Just 2.5% of hours saw average passenger delay of a minute or more (the measure of unmet demand that is significant).

The overall average passenger delay across the full survey period was just four seconds.

The largest average passenger delay value was just under 15 minutes with the actual longest wait for any passenger in that hour 15 minutes. That passenger arrived before vehicles were servicing the Wheeler Gate rank and left on foot. The next highest APD was just under seven minutes with a maximum passenger wait just under 21 minutes. This occurred in the 01:00 hour on Sunday morning at the station. This was at the end of operations at the station and was in an hour when overall passenger flows were very low. The third highest APD was just under 3 minutes, with this and the next two highest APD occurring at Milton St KFC rank. Again they appeared to be related to low flows. Inspecting all the delay hours only two of those APD 1 minute or more were when there were high passenger flows.

For the full survey, there were just four passengers that waited more than 11 minutes (0.07% of all passengers observed), two waited six to ten minutes (0.04%), and 2.3% waited between one and five minutes. This is very low levels of passenger delay.

Further discussion in regard to unmet demand and its significance is discussed in the later chapter.

***Other information regarding rank demand***

For all the observed hours, the average hourly flow at all sites in total was 75 passengers. There were just two hours with zero flows, the 06:00 Thursday and the 06:00 Friday.

As already noted, the peak flow was 223 passengers in the 23:00 hour on Saturday night, with the peak flow at any rank 80 passengers (04:00 hour Saturday), followed by a flow of 79 in the Saturday midnight hour.

There were three flows of 200 or more, all around the peak flow; and a good number of hours with 100 or more passengers – although the first occurrence of this level was not till the 16:00 hour on the Friday. Flows were 93 passengers per hour or more from 12:00 Saturday right through to the 03:00 hour on Sunday, a sustained period of 16 hours.

### **Active Plates**

A survey was undertaken of active licensed vehicles at five different locations for 1.5 hour periods on each of the three days of the survey. Some 2,628 licensed vehicle plate references were recorded. The sample locations chosen sought to maximise the number of vehicles operating observed and included Trent Street, Milton Street and Lower Parliament Street.

The observations were reviewed and checked to see if they were legitimate Nottingham City hackney carriages, private hire or Rushcliffe vehicles. The hackney carriage and private hire plates for the City both begin from 1 with hackney carriages ending at 618 and private hire at 2161. If a number was noted as hackney carriage but was not a current number, but existed as a private hire, its vehicle type record was amended to PHV. If recorded but not listed as current (but in valid ranges) it was noted as incorrect recording. If beyond the values, it was checked with Rushcliffe numbers and also against Wolverhampton numbers and recoded accordingly.

Due to the busy nature of the locations, in the end 32% of plates could not be recorded and a further 22% could not be confirmed as local legitimate numbers. The remaining plates were 19% Nottingham hackney carriage, 26% Nottingham private hire and small numbers of Rushcliffe and Wolverhampton plates.

The spread of the hackney carriages was reviewed. During the full period covered by the 24 sample hours, 68% of the hackney carriage fleet was observed. 17% were seen on the Thursday (six sample hours), 44% Friday and 38% Saturday (note – the early hours sample for Saturday was included with the Friday total). The table below summarises the proportion of plates seen in each time period (not removing duplicates across periods).

	1300/1430	1500/1630	1700/1830	2000/2130	2200/2330	0000/0130
Thursday	5	6	4	2		
Friday	11	8	22	10	14	8
Saturday	13	7	14	5	11	4

The data shows there are less vehicles active on Thursdays and most on Fridays. During daytime hours, the proportion of the fleet out increases from Thursday to Saturday for the lunch time period. However, moving later on the Saturday, the level of vehicles out later is reduced on the Saturday compared to the Friday. This follows the pattern we are seeing nationally of vehicles and drivers reducing their level of work towards the end of the working week.

It is notable that the level of active vehicles in the early hours of Sunday morning is half the value for the early hours of Saturday. The highest level of activity is Friday evening – although this does partly match one of the peak periods for passenger demand. The lower levels late afternoon may be symptomatic of vehicles servicing school contracts.

It must also be remembered the above are for sample hours and locations but they do seem to provide a realistic picture.

### ***Other vehicles at or near ranks***

Some 15,426 different arrivals, departures or comments were identified during the observation of the videos. 73% of these were identified as vehicle arrivals or departures. Of these vehicle observations, 65% were wheelchair accessible hackney carriage movements. There were 7% of the movements identified as private hire vehicles, with 1.6% goods vehicles, 0.6% emergency vehicles and 23% private cars. 2.8% were identified as being out of town licensed vehicles of some description.

The highest proportion of vehicle movements were identified at the station rank (28%) followed by Rock City (14%), Long Row McDonalds (13%), Milton Street Victoria Centre (12%), Sherwood Street (12%) Wheeler Gate (10%), Milton Street KFC (10%) and finally Lower Parliament St NG1, just 3%.

In terms of private car abuse, the worst locations were Rock City (57%) – which also had a high level of private hire and out of town licensed vehicles (13%), Sherwood Street (39%) and the Station (23%). All others saw 14% or less of vehicle movements being private cars. This does suggest people, as around the country, had got used to parking in ranks during the pandemic when less used, which now needs action for public safety. However, the Rock City location is a very busy site when the club is operating, with the rank tending to take almost one of the two available lanes, with people generally entering all kinds of vehicles in that vicinity.

### ***Use of ranks by those with disabilities***

During the period of observation, there were 9 observations of people in wheelchairs accessing hackney carriages. Six of these were at Wheeler Gate, two at the Station and one at Milton Street Victoria Centre rank.

There were 71 other observations of people with disabilities being assisted into vehicles – 39 at Milton Street KFC, 14 at the Station, 10 at Wheeler Gate, six at Milton Street Victoria Centre and one each at Long Row and Sherwood Street.

These are good levels of usage of licensed vehicles by those with visible disabilities.

### **Summary**

Hackney carriages are providing a good level of service across the city centre rank locations although night demand generally seems to see higher levels of competition from private hire, out of town vehicles and people using their own vehicles or getting lifts from friends.



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## 4 General public views

It is very important that the views of people within the area are obtained about the service provided by hackney carriage and private hire. A key element which these surveys seek to discover is specifically if people have given up waiting for hackney carriages at ranks (the most readily available measure of latent demand). However, the opportunity is also taken with these surveys to identify the overall usage and views of hackney carriage and private hire vehicles within the study area, and to give chance for people to identify current issues and factors which may encourage them to use licensed vehicles more.

Such surveys can also be key in identifying variation of demand for licensed vehicles across an area, particularly if there are significant areas of potential demand without ranks, albeit in the context that many areas do not have places apart from their central area with sufficient demand to justify hackney carriages waiting at ranks.

These surveys tend to be undertaken during the daytime period when more people are available, and when survey staff safety can be guaranteed. Further, interviews with groups of people or with those affected by alcohol consumption may not necessarily provide accurate responses, despite the potential value in speaking with people more likely to use hackney carriages at times of higher demand and then more likely unmet demand. Where possible, extension of interviews to the early evening may capture some of this group, as well as some studies where careful choice of night samples can be undertaken.

Our basic methodology requires a sample size of at least 200 to ensure stable responses. Trained and experienced interviewers are also important as this ensures respondents are guided through the questions carefully and consistently. A minimum sample of 50 interviews is generally possible by a trained interviewer in a day meaning that sample sizes are best incremented by 50, usually if there is targeting of a specific area or group (e.g. of students, or a sub-centre), although conclusions from these separate samples can only be indicative taken alone. For some authorities with multiple centres this can imply value in using a higher sample size, such as 250 if there are two large and one moderate sized centre.

It is normal practice to compare the resulting gender and age structure to the latest available local and national census proportions to identify if the sample has become biased in any way. We interviewed more males than the census suggested (49% compared to 51% in 2021 census), less under 30's (24% compared to 37% census) and over 55's (20% compared to 26% census) and correspondingly more 31-55's (55% compared to 37%). However, the variation should not bias the sample unnecessarily.

More recently, general public views have been enlisted from the use of council citizens' panels although the issue with these is that return numbers cannot be guaranteed. The other issue is that the structure of the sample responding cannot be guaranteed either, and it is also true that those on the panel have chosen to be there such that they may tend to be people willing to have stronger opinions than the general public randomly approached.

Finally, some recent surveys have placed an electronic copy of the questionnaire on their web site to allow interested persons to respond, although again there needs to be an element of care with such results as people choosing to take part may have a vested interest.

For this survey, 196 people were interviewed in various parts of the city centre. 36% were near the railway station, 33% near the bus station and the remainder spread between Market Square, Clumber Street, Lower Parliament Street and Milton Street. 90% of those interviewed said they lived in the area. Of those not from the area there was no particular place with a large share of those named.

Of those interviewed, 79% said they had used a licensed vehicle in the last three months in the area. However, when considered in terms of which type of vehicle, just 3% overall said hackney carriage only, 11% by both hackney carriage and private hire and 65% by private hire only.

Most people told us how often they used licensed vehicles, providing an estimate of 1.0 trips per person per month. However, when the question was asked about hackney carriage usage, as is normal the overall value was much lower, 0.2, or 20% of the total of trips made by licensed vehicles overall.

In terms of visibility, the hackney carriage fleet was well known, with just 2% of those responding to the question saying they could not remember seeing a hackney carriage in the Nottingham area. However, a higher 73% of people said they could not remember when they last used a hackney carriage, a matter of choice.



For all licensed vehicles, the most frequent quoted level of usage was once or twice a month, for 29% of those responding. 15% said they never used licensed vehicles. For hackney carriages the most frequent usage levels were equally shared between once or twice a month and once or twice a year.

Across all those who responded (with some multiple responses), 43% said they got a licensed vehicle by telephone, followed by 33% using an app, 14% using a rank, 6% using a freephone, 3% hailing and 1% 'googling'. The 17% attributed directly to hackney carriage are similar to the estimate of 20% from the frequency of usage.

When asked about companies they phoned for licensed vehicles, 71% of people gave at least one company. 54% named two companies, 31% three and 15% just a single company. There were 12 different names given. The top company gained 31% of votes, the second 23%, third 14% and fourth 12%. The others gained 7%, 4%, 3%, 2% (twice) 1% (twice) and one with just one quote. The second and fourth were national app companies who between them took 35% of mentions. That level is consistent with the 33% of responses that were people getting vehicles by app.

The top four companies named accounted for 80% of all mentions made of company names by respondents.

31 different names were provided regarding locations of ranks in the area by 67% of those interviewed. Many people mentioned multiple suggestions, with a total of 221 different mentions provided. Of these, 24% stated that they used the location and 76% that they did not. 10% told us three locations, 48% two and 42% just one.

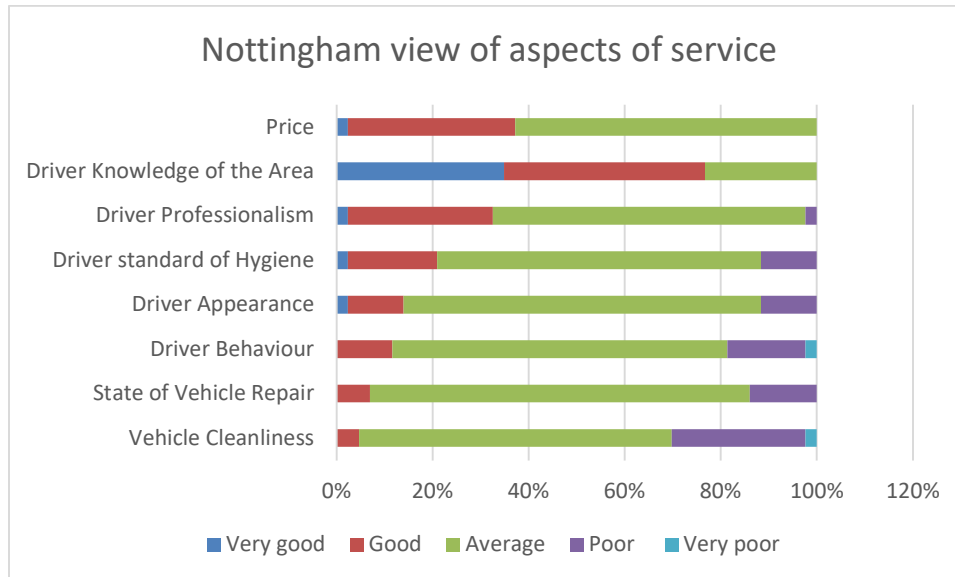
Only the station rank gained more than 9% of total mentions – gaining some 47% including a small proportion calling it Trent Street. 9% said Parliament Street but it was not clear which of the ranks that referred to. 7% said Victoria Centre, which could be either of the Milton Street ranks, with 3% more saying Milton Street or the Halifax rank. 5% said bus station, but again this is not clear as there are two bus stations and neither directly has a rank. 4% said Market Square which is Long Row West. 3% named Talbot Street (Rock City). Pryzm gained 2% and Victoria St 2%.

Some of the quoted levels of usage of places named were low. Only 16% said they used the station rank. Other larger proportions were for lesser quoted locations, such as 'Wellington Circus' (North Circus St) which was quoted by three people, two of whom said they used it. Eleven of the locations quoted saw people say they did not use them, including some active rank locations (e.g. Market Square)(Long Row West).

All other references were three or less people. Some were not rank locations, such as the Hospital or University, whilst others were colloquial names or names of where the rank was near.

This suggests a lack of clarity of both where ranks are, and what they are really called.

People were asked to rate their views of the licensed vehicle service provided. Overall, of all those interviewed, just 22% provided their views. The graph below summarises their views:



The overall picture suggests people view the service provided as average. The only exception was driver knowledge which saw its top score 'good' with 35% saying 'very good'. Price notably obtained no poor or very poor scores and 35% good, with 2% saying 'very good'.

However, there are very few 'very poor' scores. These were just two single votes, one concerning vehicle cleanliness and the other driver behaviour. On the other hand, 'poor' scores were relatively high, particularly for vehicle cleanliness, state of vehicle repair, and the three aspects related to drivers.

Eleven people provided negative comments, which in essence quoted poor experience of drivers, several wanting more environmentally friendly vehicles and one complaining that 'some taxis were too stinky at weekends'.

As is usual for these surveys, a much higher proportion were willing to tell us matters that might encourage them to use hackney carriages, or use them more often. Some 184 responses were obtained, many being multiple responses.

Of the total responses, the top reason was “if they were more affordable” – 46%, followed by more hackney carriages that people could phone for (28%). Vehicle quality scored 11%, driver quality 10%, a screen between passenger and driver 4% and more hackney carriages at ranks or to hail just 1%.

69% of those responding said they did not need, nor know anyone who needed a wheelchair or other adapted vehicle. This suggests relatively high need for adapted vehicles. Of those needing, or knowing someone that needed an adapted vehicle, all favoured WAV.

The latent demand factor, identified by asking if people had ever given up waiting for a hackney carriage at a rank in the City, obtained just six people saying they had given up waiting. Five of these were actual active ranks giving a rank latent demand value of 2.6%, not high. Further, most said this had been some while ago with only one stating ‘last month’. Half said they walked away and hailed with the other half phoning for a vehicle.

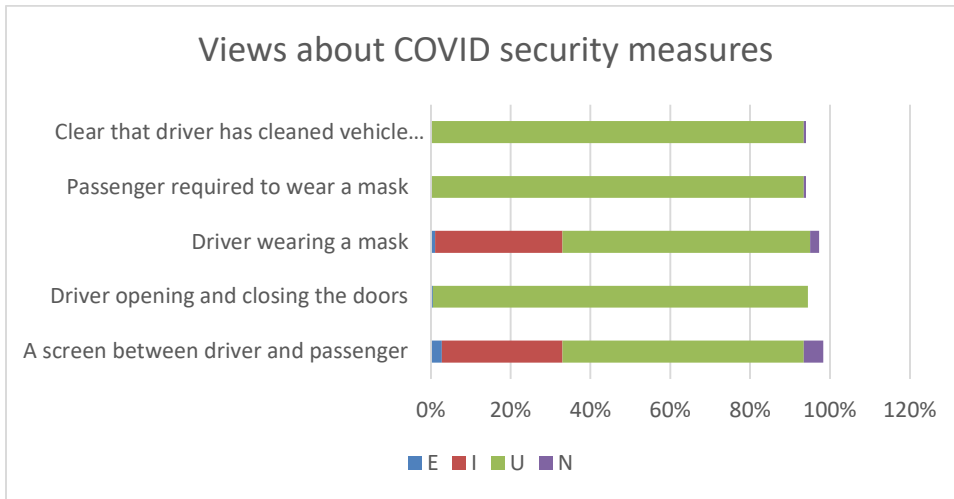
When asked what they did after leaving the rank, 57% said they went on to book a vehicle whilst 43% said they walked away from the rank and hailed a vehicle on their route home.

When asked if they felt there were enough hackney carriages across the area, 94% said there were and just 6% said they felt there were not. No-one said they did not know and nearly all answered this question.

People were asked how they felt their use of licensed vehicles would change from the time of the interview to the same time a year hence (i.e. by November 2023). 64% said they expected to use both vehicles about the same. 31% said they would use private hire vehicles more, but 1% said less. 4% said they would use hackney carriages more, and 1% less. This suggests some marginal growth in hackney carriage usage, but a lot more usage of private hire.

### ***Covid impacts***

People told us the measures they felt were important to them with reference to the pandemic. The graph below shows the responses: (it should be remembered this was asked before final relaxation of all restrictions occurred)



Key: N – not important, U – Useful, I – Important, E- Essential

These results suggest COVID security measures are now almost forgotten about. Only a screen and drivers wearing a mask are anything other than useful, with drivers wearing masks having the highest important score, but at only 33%. Need for a screen was counted as essential by the highest proportion – but just 3% of respondents. However, the focus is that the issues remain 'useful' not completely unimportant.

## 5 Key stakeholder consultation

The following key stakeholders were contacted in line with the recommendations of the BPG:

- Supermarkets
- Hotels
- Pubwatch / individual pubs / night clubs
- Other entertainment venues
- Restaurants
- Hospitals
- Police
- Disability representatives
- Rail operators
- Other council contacts within all relevant local councils

Comments received have been aggregated below to provide an overall appreciation of the situation at the time of this survey. In some cases, there are very specific comments from given stakeholders, but we try to maintain their confidentiality as far as is possible. The comments provided in the remainder of this Chapter are the views of those consulted, and not that of the authors of this report. Appendix 6 lists those consulted.

Our information was obtained by telephone, email, or letter as appropriate. The list contacted includes those suggested by the Council, those drawn from previous similar surveys, and from general internet trawls for information. Our target stakeholders are as far as possible drawn from across the entire licensing area to ensure the review covers the full area and not just specific parts or areas. An on-line survey form was circulated by Facebook and by direct email where possible. It was also included in several contacts made using on-line forms from different locations.

For the sake of clarity, we cover key stakeholders from the public side separately to those from the licensed vehicle trade element, whose views are summarized separately in the following Chapter.

Further, the element of key stakeholder contact has become much more difficult following the pandemic, with many not providing phone access and others advising only personal contacts will be dealt with, and then only if directly meeting sales-based questions and those from actual customers not general groups. In many cases, only Facebook general contact is possible.

However, it must be remembered that none of our consultation is statutory and for cost effective and fixed budget reasons we limit our attempts to contact people generally to a first attempt and reminder. Further, if there are issues, key stakeholders would generally contact the council and if there were issues would avail themselves of opportunity to comment.

### ***Online responses***

One response was received, from a night club (see below).

### ***Supermarkets***

No comment was obtained from any supermarket.

### ***Hotels***

No hotel responses were received.

### ***Public houses***

Several pubs were contacted but had no comment.

### ***Night clubs***

One night club told us their customers or staff used local licensed vehicles, contacting them using their own mobile phones. They were aware of ranks that could be used. However, they told us most of their customers used a large app company. They did not get any complaints from customers.

### ***Other entertainment venues***

No response was received.

### ***Restaurants***

Several restaurants were contacted but had no comment

### ***Hospitals***

One hospital contacted provided no comment about the service.

### ***Police***

The police made no comment regarding the service.

### ***Disability***

A more detailed questionnaire for those needing assistance in using licensed vehicles was undertaken and results are provided in a separate chapter below.

## 6 Trade stakeholder views

The BPG encourages all studies to include 'all those involved in the trade'. There are a number of different ways felt to be valid in meeting this requirement, partly dependent on what the licensing authority feel is reasonable and possible given the specifics of those involved in the trade in their area.

The most direct and least costly route is to obtain comment from trade representatives. This can be undertaken by email, phone call or face to face meeting by the consultant undertaking the study. In some cases to ensure validity of the work being undertaken it may be best for the consultation to occur after the main work has been undertaken. This avoids anyone being able to claim that the survey work was influenced by any change in behaviour.

Most current studies tend to issue a letter and questionnaire to all hackney carriage and private hire owners, drivers and operators. This is best issued by the council on behalf of the independent consultant. Usual return is now using an on-line form of the questionnaire, with the option of postal return still being provided, albeit in some cases without use of a freepost return. Returns can be encouraged by email or direct contact via representatives.

Some authorities cover private hire by issuing the letter and questionnaire to operators seeking they pass them on when drivers book on or off, or via vehicle data head communications.

In all cases, we believe it is essential we document the method used clearly and measure response levels. However, it is also rare for there to be high levels of response, with 5% typically felt to be good and reasonable.

Some contact was made by drivers seeking extra time to complete, but in the end no additional responses were received from either source.

A check was made to ensure there were no duplicate entries or any evidence of attempting to skew the survey. No duplicate entries or concerns were raised about the responses. For this survey, there was a 14% response rate from hackney carriage drivers, a large 71% response from private hire, 11% from those saying they did not drive and one person (3%) saying they drove both hackney carriage and private hire.

However, the 35 responses are less than 2% of the total driver population for the City.

69% of those responding said the licensed vehicle trade was their only or main source of income. 11% said they worked part time with no other sources of income, 9% were part time workers but with other sources of income and a similar 9% (three people) said they were not currently working in the licensed vehicle trade but would be returning when demand increased. There was one response (3% of the total) who said they were not currently working and did not plan to return.

When asked about the kind of work normally undertaken, some gave more than one response. Of the total, 19% of the respondents said they normally undertook immediate hire work from ranks. 40% undertook immediate hire via bookings and 30% advanced hire work. 2% (one respondent) undertook chauffeur or corporate and 9% principally undertook contracts.

In terms of how long respondents had been driving or operating a licensed vehicle in Nottingham, the average was just over 8 years with a maximum quoted of 33 years. On average those responding had worked just under five days, and 36 hours; with maximums quoted of seven days and 90 hours. The most frequent number of days worked was six (29%) followed by seven (23%) and five (17%).

85% said they owned their own vehicle. 12% said someone else drove the vehicle they drove at some other time. This was mainly in the daytime (50%), in mornings (25%), or other times (25%). For those saying no-one shared their vehicle, 3% said this had changed from pre-COVID times, suggesting little increase in sole use of vehicles.

77% said they accepted pre-bookings. 36% of those responding said this was from a private hire company. 14% said by phone, with 50% through an app.

The top rank drivers said they serviced was Trent Street / Station with 30% saying this location. 24% said Milton Street, 18% Wheeler Gate and 12% Angel Row – with three others naming locations we were not able to find.

39% said their most frequent way of getting fares was from phone, 29% from an app, 20% from rank, 10% from hailing and 2% from school contracts. This reflects the higher level of response from private hire.

The most frequent issue affecting when people worked was 35% saying they worked around family commitments, 29% worked when most passengers were around, 18% around 'traffic' (but not saying if this was avoiding traffic or working when it was busiest), 12% said they did not work nights but 6% said they focussed on night work.



36% felt rank work at the time of the survey compared to three years previous was reduced, with 29% suggesting levels were the same and 36% feeling it had increased.

The level of bookings response suggested 43% felt this had reduced, 30% that it was about the same and 26% that it had increased. These responses suggest ranks have been more resilient in Nottingham, not the national trend.

47% were aware of drivers that had given up due to the pandemic. Half of the responses were saying they knew of between 1 and 5 drivers, with a further 14% between six and ten. One person said they were aware of about 300 that had given up.

Most said that the pandemic had reduced demand significantly although a few said demand had returned by the time of the survey. Several said customers were still not going out as much.

Thoughts for the future were generally pessimistic. Some mentioned the large number of out of town vehicles.

70% felt there were more than enough hackney carriages in Nottingham at this time. 7% felt there were not and 23% were not sure.

64% felt the limit on hackney carriage vehicle numbers should be retained, with the remaining 36% disagreeing.

In terms of reasons for retaining the limit on hackney carriage vehicle numbers a few gave reasons including minimising congestion and pollution, more work for the current drivers and safer drivers. Several said they did not think there was a benefit.

Many took time to make extra comments, the bulk of which commented about out of town vehicle volumes. Another said one night club area no longer provided much trade for hackney carriages as most was taken by private hire, mostly out of town. They pointed out that private hire used the rank and did not allow hackney carriages to use it at all.

The questionnaire offered the opportunity for respondents to tell us how often they got customers needing to travel in wheelchairs from a rank, bookings and contracts. The results are shown in the table below (in chair first / transfer second):

	Never	Once a year	Once a month	Weekly	Daily
Rank	38/22	15/11	31/44	8/0	8/22
Bookings	18/24	18/24	32/19	14/19	18/14
Contracts	80/33	0	0/33	0	20/33

18% said they never had any wheel chair trips from a rank with 22% not having transfer trips from a rank. Generally higher percentages obtained wheel chair fares from bookings, although the level transferring tended to be lower. 8% said they got daily wheel chair jobs at a rank, but 22% said similar jobs that transferred. 31% of wheel chair trips at a rank were monthly, with 44% at ranks for those transferring. These figures appear unusual given the fleet is fully wheel chair accessible.



## 7 Disability Review

For this survey, a questionnaire regarding passenger need for people considering they had a disability or were regularly helping someone with need for adapted vehicles was made available for the council to distribute to relevant persons. Just one response was received.

The 20-39 year old person said they used hackney carriages once or twice a year and private hire once or twice a month. Their principal conditions were autism, communication and long standing health issues. They said they would need a text message to confirm vehicle arrival, require the vehicle to arrive exactly on time and not be late. They did not feel that hackney carriage or private hire drivers took any reasonable steps to assist them when travelling and that some vehicles had too high steps for them to use easily.

They were most likely to call a friend or family member for help if they were not able to find a suitable hackney carriage when needed. They were generally unable to get a private hire vehicle when they needed one. If a booked private hire did not turn up, they would not attend their activity or appointment. They said they had been made to feel uncomfortable by a taxi driver due to their disability. Positive suggestions were need for disability awareness, better use of smartphone apps, higher levels of council enforcement.

Despite their comments, they felt that the overall level of service provided by Nottingham City licensed vehicles was satisfactory.

Although only a single response this does provide some insight and clearly shows need for further work in this regard.

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## 8 Evaluation of unmet demand and its significance

It is first important to define our specific view about what constitutes unmet demand. Our definition is when a person turns up at a hackney carriage rank and finds there is no vehicle there available for immediate hire. This normally leads to a queue of people building up, some of who may walk off (taken to be latent demand), whilst others will wait till a vehicle collects them. Later passengers may well arrive when there are vehicles there, but because of the queue will not obtain a vehicle immediately.

There are other instances where queues of passengers can be observed at hackney carriage ranks. This can occur when the level of demand is such that it takes longer for vehicles to move up to waiting passengers than passengers can board and move away. This often occurs at railway stations but can also occur at other ranks where high levels of passenger arrivals occur. We do not consider this is unmet demand, but geometric delay and although we note this, it is not counted towards unmet demand being significant.

The industry standard index of the significance of unmet demand (ISUD) was initiated at the time of the introduction of section 16 of the 1985 Transport Act as a numeric and consistent way of evaluating unmet demand and its significance. The ISUD methodology was initially developed by a university and then adopted by one of the leading consultant groups undertaking the surveys made necessary to enable authorities to retain their limit on hackney carriage vehicle numbers. The index has been developed and deepened over time to take into account various court challenges. It has now become accepted as the industry standard test of if identified unmet demand is significant.

The index is a statistical guide derived to evaluate if observed unmet demand is in fact significant. However, its basis is that early tests using first principles identified based on a moderate sample suggested that the level of index of 80 was the cut-off above which the index was in fact significant, and that unmet demand therefore was such that action was needed in terms of additional issue of plates to reduce the demand below this level, or a complete change of policy if it was felt appropriate. This level has been accepted as part of the industry standard. However, the index is not a strict determinant and care is needed in providing the input samples as well as interpreting the result provided. However, the index has various components which can also be used to understand what is happening in the rank-based and overall licensed vehicle market.

ISUD draws from several different parts of the study data. Each separate component of the index is designed to capture a part of the operation of the demand for hackney carriages and reflect this numerically. Whilst the principal inputs are from the rank surveys, the measure of latent demand comes from the public on-street surveys, and any final decision about if identified unmet demand is significant, or in fact about the value of continuing the current policy of restricting vehicle numbers, must be taken fully in the context of a careful balance of all the evidence gathered during the survey process.

The present ISUD calculation has two components which both could be zero. In the case that either are zero, the overall index result is zero, which means they clearly demonstrate there is no unmet demand which is significant, even if other values are high.

The first component which can be zero is the proportion of daytime hours where people are observed to have to wait for a hackney carriage to arrive. The level of wait used is ANY average wait at all within any hour. The industry definition of these hours varies, the main index user counts from 10:00 to 18:00 (i.e. eight hours ending at 17:59). The present index is clear that unmet demand cannot be significant if there are no such hours. The only rider on this component is that the sample of hours collected must include a fair element of such hours, and that if the value is non-zero, review of the potential effect of a wider sample needs to be considered.

The other component which could be zero is the test identifying the proportion of passengers which are travelling in any hour when the average passenger wait in that hour is greater than one minute.

If both of these components are non-zero, then the remaining components of the index come into play. These are the peakiness factor, the seasonality factor, average passenger delay, and the latent demand factor.

Average passenger delay is the total amount of time waited by all passengers in the sample, divided by the total number of passengers observed who entered hackney carriages.

The seasonality factor allows for the undertaking of rank survey work in periods which are not typical, although guidance is that such periods should normally be avoided if possible particularly as the impact of seasons may not just be on the level of passenger demand, but may also impact on the level of supply. This is particularly true in regard to if surveys are undertaken when schools are active or not.

Periods when schools are not active can lead to more hackney carriage vehicles being available whilst they are not required for school contract work. Such periods can also reduce hackney carriage demand with people away on holiday from the area. Generally, use of hackney carriages is higher in December in the run-up to Christmas, but much lower in January, February and the parts of July and August when more people are likely to be on holiday. The factor tends to range from 0.8 for December (factoring high demand level impacts down) to 1.2 for January / February (inflating the values from low demand levels upwards).

There can be special cases where summer demand needs to be covered, although high peaks for tourist traffic use of hackney carriages tend not to be so dominant at the current time, apart from in a few key tourist authorities.

The peakiness factor is generally either 1 (level demand generally) or 0.5 (demand has a high peak at one point during the week). This is used to allow for the difficulty of any transport system being able to meet high levels of peaking. It is rarely possible or practicable for example for any public transport system, or any road capacity, to be provided to cover a few hours a week.

The latent demand factor was added following a court case. It comes from asking people in the on-street questionnaires if they have ever given up waiting for a hackney carriage at a rank in any part of the area. This factor generally only affects the level of the index as it only ranges from 1.0 (no-one has given up) to 2.0 (everyone says they have). It is also important to check that people are quoting legitimate hackney carriage rank waits as some, despite careful questioning, quote giving up waiting at home, which must be for a private hire vehicle (even if in hackney carriage guise as there are few private homes with taxi ranks outside).

The ISUD index is the result of multiplying each of the components together and benchmarking this against the cut-off value of 80. Changes in the individual components of the index can also be illustrative. For example, the growth of daytime hour queueing can be an earlier sign of unmet demand developing than might be apparent from the proportion of people experiencing a queue particularly as the former element is based on any wait and not just that averaging over a minute. The change to a peaky demand profile can tend towards reducing the potential for unmet demand to be significant.

Finally, any ISUD value must be interpreted in the light of the sample used to feed it, as well as completely in the context of all other information gathered. Generally, the guide of the index will tend not to be overturned in regard to significant unmet demand being identified, but this cannot be assumed to be the case – the index is a guide and a part of the evidence and needs to be taken fully in context.

**ISUD values**

The values from the ISUD calculations from the current survey are provided below.

<b>ISUD component</b>	<b>2022</b>	<b>2005</b>	<b>1998</b>	<b>1991</b>	<b>1988</b>
Average passenger delay (mins)	0.07		1.6	0.55	
Off peak queues	13.64		36	8	
Overall delay proportion	1.61		21	8	
Peakiness factor	0.5		1	0.5	
Seasonality	1		1	1	
Latent demand factor	1.026		n/a	n/a	
<b>Overall ISUD factor</b>	0.75		1210	18	
<i>ISUD is value of 80 or more</i>		Halcrow	TPi	TPi	(Leeds)

The 2022 estimate of the significance of unmet demand shows a very low level of unmet demand, which is a long way from being significant. This is very telling given that the fleet is now much smaller than it has been for many years.

Average passenger delay is just four seconds, 0.07 minutes. The largest component of unmet demand is queues of people in the off peak. The level of delay when there is a minute or more average passenger delay is small, at just 1.61% of hours. Latent demand is also low.

Comparison to much earlier surveys shows the current situation is much better service levels than in previous surveys for which results exist. Only off peak queues are worse than the 1991 result. This is normally due to hackney carriages working on private hire circuits.

What is clear, however, is that there is no unmet demand that can be counted as significant at this point in time.



## 9 Summary, synthesis and study conclusions

This Unmet Demand survey for hackney carriages on behalf of Nottingham City has been undertaken following the guidance of the BPG and other recent case history regarding unmet demand and its significance. This Chapter provides a summary of each of the previous chapters, draws the key facts together and then provides conclusions regarding the study. Recommendations follow in a separate Chapter. It has been written in early March 2022 under the various requirements and background as at that point in time.

### ***Background and context***

This report summarises the body of evidence gathered between September 2022 and February 2023, following our proposal of August 2022. Nottingham City is a unitary authority but also works closely with Nottinghamshire County Council given that the authority serves a much wider hinterland than that purely contained in the City boundaries itself.

The latest Local Transport Plan was updated last in April 2020 with implementation plan dated 2019 to 2022.

Hackney carriage vehicle numbers were just 200 when the first DfT survey of numbers was published. Identification of unmet demand led to numbers growing to around 415-420, a level maintained from 2004 to the start of the pandemic. The first pandemic year saw a dramatic fall, halving the number of hackney carriage vehicles, with only modest recovery to the time of this survey.

Private hire vehicle numbers followed the classic pattern of reduction as hackney carriage plates grew from 1997 to 2007. Current growth appears to be on a four year cycle with growth appearing to continue despite the pandemic with growth still occurring up to the time of the survey. It should be noted that these figures exclude any out-of-town vehicles which are believed to operate in modest numbers in the area.

The area has long had a dual-driver only category so that any driver can drive any vehicle as they see fit. Driver numbers were reducing ahead of the pandemic but then rose, but saw two years of decline through the pandemic but more recent increase.

Operator numbers have been growing since 2011.

The hackney carriage fleet has long been fully wheel chair accessible whilst the very small number of WAV vehicles in the private hire fleet is very slowly increasing. This places Nottingham amongst the 21% of licensing authorities that have such fully WAV fleets (as at March 2022 DfT statistics).

Nottingham City Council last formally had an independent unmet demand survey in 2005, with previous reviews in 2001, 1998, 1991 and 1988. Between the latest survey and now the authority believed there was clearly no unmet demand and did not consider any requirement for testing that independently.

A review of the type of vehicle in the hackney carriage fleet found the largest vehicle type made up 53% of the fleet. Next largest type saw two vehicles with 19% each. 23% were purpose built electric vehicles. All vehicles are larger WAV style and see five different manufacturers and just seven different models.

### ***Rank observations***

The city centre has seen significant change in recent years, not least the total revision of the provision of hackney carriages to the rail station location. Further, there are no known ranks beyond the confines of the city centre and several long disused ranks in the outer parts of the city centre area.

Our current estimate of the total number of passengers boarding hackney carriages at ranks in the City from the surveys undertaken is 10,079 for a typical week. The surveys were undertaken when the University was in full operation and therefore should provide a typical level. The average occupancy over the surveyed hours was 1.7, suggesting around 5,900 actual fares represented.

Passengers were spread over eight ranks. Trent Street, servicing the station, has the highest share at 38%. Wheeler Gate and Long Row are next with just over 15% of passengers each, with Milton Street Victoria Centre rank having 14%. This means the top four ranks provide 82% of passengers. The next two busiest ranks are Milton Street KFC (8.2%) and South Sherwood Street with 5.5%. Two night ranks remain used by hackney carriages with Talbot Street Rock City with 17% and Vintage / NG1 1.5%. Three other ranks expected to see custom were not used in our observation period. In one case the main demand appeared to be met by private hire pick-ups in a different location to the rank, but closer to the exit.

The City sees good level of hackney carriage rank-based demand at most times. As is typical around the country, Thursday flows (average 46 per hour) increase to Friday (71) and again to Saturday (115). The ratio of peak flow to overall average is just under 3 and this together with the profile suggest demand in Nottingham is 'peaky' (which militates against ability of the fleet to meet demand). During our survey period just two hours saw no passenger leaving any rank across the City.

Both Milton Street KFC and Wheeler Gate are mainly daytime ranks. Apart from the station, all other ranks focus on night time demand. The peak hour for demand in our survey was 23:00 Saturday with 223 passengers. However, the peak flow in any hour at any rank was 80 passengers. The Saturday late peak was made up of almost equal flows from four ranks. Friday peak was the 18:00 hour and Thursdays 17:00.

With respect to passenger delay, there were 10.5% of observed rank hours with average passenger delay, reducing to 2.5% for those travelling in hours when average passenger delay is over a minute. Overall average passenger delay was just four seconds. Many of the hours with delay were when the overall level of passenger demand was low.

Our plate sample survey covered five locations on all three days of the survey. All vehicles that appeared to be hackney carriage or private hire were recorded and the numbers validated against the current Nottingham City plate list. Any invalid plates were then cross-checked against both Rushcliffe and Wolverhampton vehicles, two authorities known to have significant number of vehicles observed in Nottingham. The locations chosen were near but not at ranks and designed to minimise chance of the observer being noticed. However, this also meant it was harder to read values, and in the end 32% of vehicles were not observable. A further 22% were not confirmed as being legitimate plates of any kind.

Of the total observations, 19% were Nottingham hackney carriages, 26% Nottingham private hire, plus small percentages of both Rushcliffe and Wolverhampton plates. As already noted, observations were not at ranks so some of the Rushcliffe vehicles particularly could be on legitimate jobs.

68% of the active hackney carriage fleet was observed over the three days. In terms of proportions of the fleet seen, most plates were observed on the Friday (44%). When specific periods were reviewed, the most plates were seen on the Friday around evening peak – 22%. Apart from the early afternoon Saturday there were always more plates out and about on the Friday compared to the Saturday.

A review was undertaken covering all the rank-based observations. Of all the observations made, 73% were vehicle arrivals and departures. Of the vehicle movements 65% were hackney carriages. 7% were private hire but 23% private cars. Just under 3% were out of town licensed vehicles of some description.

28% of all vehicle movements were observed at the Station rank. Six other rank locations saw between 10% and 14% of movements with the final rank just 3%. The location with the worst level of non-hackney carriage use was at Rock City where 57% of movements were private cars plus 13% out of town private hire. Sherwood Street saw 39% cars and the station 23%. This mirrors the national issue with private parking using ranks that people often found empty in the early part of the pandemic and have continued to assume they can now use.

Nine people were observed over the three-day observation period accessing hackney carriages in wheel chairs, two thirds being at Wheeler Gate. There were 71 cases of people observed being assisted into vehicles mainly due to their disabilities.

The rank work confirms that hackney carriages are providing a good level of service across the city centre rank locations although night demand particularly is seeing higher levels of competition from both private hire and out of town private hire.

### ***On street public views***

On street interviews were undertaken with some 196 total responses. The sample was compared to general information from the initial results of the 2021 census and found to contain marginally more males, less under 30's and over 55's and more of the intermediate age group than the census. 90% said they were from the area.

This survey found a quoted level of recent usage of licensed vehicles at 79%. Of these just 3% said they used hackney carriage only, 11% by both and 65% by private hire only. The remaining 21% said they did not use licensed vehicles at all.

An estimated 1.0 total licensed vehicle trips are made per person per month, falling to just 0.2 trips per person per month by hackney carriage. These are both low values.

The hackney carriage fleet remains highly visible to respondents (just two percent of those responding could not remember seeing a hackney carriage in the area, although some 73% could not remember when they last used a hackney carriage).

Quoted rank usage at 14% together with stated hail levels of 3% were in the same order as the 20% share for hackney carriages based on quoted usage. A third said they got vehicles using an app and 43% by phone.

In terms of quoted private hire companies contacted, 54% named two companies. There were 12 different company names given with the top one gaining 31% of votes and the second 23%. The second and fourth largest percentages, totalling 35% between them were national app companies – a value that matches closely the quote of 33% of people getting a vehicle using an app. The top four quoted companies took 80% of all mentions between them.

People were aware of a lot of ranks (some 31 different names), but only 24% of those mentioning ranks saying they did use the ones they had named. 48% named two ranks. Only the station rank gained more than 9% of mentions, gaining some 47% - but only 16% of these said they used it. There appears to be a lack of clarity in the public view of where ranks are and what they should be called.

22% of people responding gave us their views of the licensed vehicle service provided. The overall picture is that the service is viewed as average. Driver knowledge however saw 35% saying this was very good. On the opposite side there were very few very poor scores.

The top reason, as usual, that would encourage more use of hackney carriages was if they were more affordable (46% of responses), with 28% saying if they could phone for hackney carriages. Having more hackney carriages at a rank only scored 1% of all mentions – insignificant.

The level of demand for wheelchair or adapted vehicles appeared to be fairly high, with the focus being on WAV style.

The formal latent demand factor of 1.026 is low. The score for there being enough hackney carriages was 96%.

### ***Key stakeholder views***

As with most recent surveys, obtaining views from key stakeholders proved unfruitful despite increasing effort to obtain response. The only response was from a night club who said most customers used an app to get home.

### ***Trade views***

An all-driver survey undertaken for the first time for this area received just 35 responses, about 2% of the total. 71% of respondents were private hire and just 14% hackney carriage. 69% said the licensed vehicle trade was their only or main source of income. 19% principally got their work from ranks.

85% owned their own vehicle. 77% said they accepted pre-bookings. 20% said they got work from ranks but 10% said from hailing.

36% felt rank work was reduced now. 70% felt there were more than enough hackney carriages in Nottingham. 64% felt the limit on hackney carriage vehicle numbers should be retained. Reasons the limit benefitted the public included minimising congestion and pollution.

In other comments the most dominant point made was the high level of out-of-town vehicles drivers were aware of.

### ***Disability review***

A disability user survey was issued on our behalf by the council but received just a single response. They felt the overall service provided was satisfactory but also had major concerns on the way drivers treated them.

### ***Formal evaluation of significance of unmet demand***

The overall level of average passenger delay remains very low, at just 0.07 minutes. Latent demand levels are low, just 2.6%, and overall ISUD factor is low at just 0.75 (where 80 is the level where this would be said to be significant). The biggest element of the index is off peak passenger queues.

### ***Synthesis***

Using the latest (to end of March 2022) rail statistics, there are in the order of 52,000 passengers leaving Nottingham station in a typical week. the 3,856 hackney carriage passengers observed at the rank near the station implies 7.4% of all arriving station passengers leave using a hackney carriage from the rank – not a small proportion and relatively typical around the country.

Although the number of active ranks has declined and it is clear many markets have been eroded by the use of apps and private hire vehicles, the current fleet of hackney carriages still covers eight ranks across the city centre very well and effectively. Despite the fleet being around half of its maximum size it provides a level of service to the public with hardly any unmet demand existing at all. Although overall demand for rank-based vehicles is clearly reduced the service covers a wide range of central areas and needs.

Main opportunities to develop the service are focussed around public information – particularly informing people where ranks are, which are active when – but also ensuring people are aware of the difference between hackney carriage and private hire, and the pitfalls of using any vehicle that is not clearly from Nottingham City. The hackney carriage trade may need to consider use of the hackney carriage based apps to recover some of its lost ground.

### ***Conclusion***

Drawing on all the evidence within this report, there is **no evidence of any unmet demand which could be counted significant in terms of Section 16 of the 1985 Transport Act.**

The fleet is providing a good level of service to the public and covers the city centre well both spatially and temporally.

Key actions require public information about ranks and how they can access the licensed vehicle service safely and effectively.

Unless legislation changes, there would be strong merit in undertaking a further demand survey three years hence, meaning rank work would be during October 2025 once University students had returned.





## 10 Recommendations

The conclusion that there is no evidence of any unmet demand being significant provides the Council the option of retaining its current limit policy and keeping the level of vehicles at the present level.

There is merit in improving signing and marketing of rank locations across the area, although this is not directly in the gift of the licensing section.

Clear consideration of rank locations, particularly in terms of how they might service those in wheelchairs would also be a benefit.

The debate about what a 'fully accessible' hackney carriage might be needs to be held with trade and public alike. Despite significant national debate there is no clear definition of what this could be, and a growing understanding in the mind of professionals that such a vehicle cannot exist. What can exist, however, is documentation of what both trade and public consider they need, and comment following explaining what and why various standards might be achieved.

The potential for training and other adaptations to the range of fleet needs detailed discussion and liaison between trade, licensing and the public users of the service. This may need a living and developing user/provider/regulator action group. However, we strongly recommend that all scenarios considered must include fully wheel chair accessible hackney carriages.

The issue of the negative impact of the Interchange supplementary permit has now gone away, with the focus now being need to ensure that the proposed development of the area around the interchange focusses on ensuring hackney carriage service to this location is also developed further and improved.

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## Equality Impact Assessment Form

[screentip-sectionA](#)

### 1. Document Control

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**4. Glossary of Terms**

Term	Description
HCV	Hackney Carriage Vehicle
ZEC ULEV	Zero Emissions Compliant Ultra Low Emissions Vehicle
LVSA	Licensed Vehicle Survey & Assessment
BPG	Best Practice Guidance

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[screentip-sectionB](#)

**5. Summary**

(Please provide a brief description of proposal / policy / service being assessed)

Nottingham City Council currently limits the number of Hackney Carriage Vehicle licences that it will issue to 420. The Regulatory & Appeals Committee has previously considered reports on the Hackney Carriage Fleet Overview (14 December 2020) and a HCV Licence Allocations Policy (6 September 2021). Whilst Committee resolved to ask officers to prepare a report considering deregulation of the HCV fleet to be brought to Committee by the end of March 2021 the September 2021 Committee resolved to defer that decision due to the impact that Covid-19 continued to have on the operation of the HCV fleet on a day-to-day basis and the adverse economic effects caused by the downturn in trade. It was recommended that a report on a survey of unmet demand and the potential deregulation should not be brought back to Committee before June 2022 in

order to allow a longer period for the market to readjust to a “new normal” and ensure that an appropriate, thorough and reasonable assessment of the market could be conducted.

Under the Council’s Age and Specification Policy, [How to Apply for a Vehicle Licence - Nottingham City Council](#) all licensed Hackney Carriages have been required to be Euro 6 diesel or ZEC ULEV since 30 June 2020. Whilst large number of appeals were lodged against the Council’s refusal to renew HCV licences which failed to comply with its policy which were outstanding at the time of the earlier reports all of those appeals have subsequently been dismissed. In order to obtain a HCV licence a proprietor will therefore have to comply with the Council’s Age and Specification Policy. However, following the Covid-19 pandemic and a number of proprietors not wishing to move over to the required specification of vehicle, a large number of HCV licences have been surrendered or not renewed and currently there are only 204 licensed HCVs.

Section 16 of the Transport Act 1985 [Transport Act 1985 \(legislation.gov.uk\)](#) states that a local authority may only limit the number of hackney carriages which it will licence if it is satisfied that there is no significant unmet demand for hackney carriages within the area. This has resulted in any council which numerically restricts the number of hackney carriage licences issued having to undertake a survey of unmet demand to ascertain that they are acting correctly. Following the earlier reports an unmet demand survey has been conducted by LVSA and a final report produced.

The conclusion of the recent survey of unmet demand states.

**‘Drawing on all the evidence within this report, there is **no evidence of any unmet demand which could be counted significant in terms of Section 16 of the 1985 Transport Act.****

The fleet is providing a good level of service to the public and covers the city centre well both spatially and temporally.

[screentip-sectionC](#)

**6. Information used to analyse the effects on equality:**

(Please include information about how you have consulted/ have data from the impacted groups)

This report will be presented to the Regulatory & Appeals Committee with a recommendation to either keep the current cap of 420 hackney carriage vehicles or reduce the number to 250. We are in the process of reviewing the decision whether to reduce the number or keep the status quo. The committee report is still being written. The unmet demand survey that was carried out in 2022 included surveys carried out by Hackney Carriage drivers, passengers and local businesses as well as surveys conducted at various hackney ranks over several days at different times of the day to ascertain if passengers were unable to access hackneys within a reasonable period of time.

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**7. Impacts and Actions:**

<a href="#">screentip-sectionD</a>	Could particularly benefit X	May adversely impact X
People from different ethnic groups.	<input type="checkbox"/>	<input type="checkbox"/>
Men	<input type="checkbox"/>	<input type="checkbox"/>
Women	<input type="checkbox"/>	<input type="checkbox"/>

Trans	<input type="checkbox"/>	<input type="checkbox"/>
Disabled people or carers.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Pregnancy/ Maternity	<input type="checkbox"/>	<input type="checkbox"/>
People of different faiths/ beliefs and those with none.	<input type="checkbox"/>	<input type="checkbox"/>
Lesbian, gay or bisexual people.	<input type="checkbox"/>	<input type="checkbox"/>
Older	<input type="checkbox"/>	<input type="checkbox"/>
Younger	<input type="checkbox"/>	<input type="checkbox"/>
Other (e.g. marriage/ civil partnership, looked after children, cohesion/ good relations, vulnerable children/ adults).	<input type="checkbox"/>	<input type="checkbox"/>
<b><i>Please underline the group(s) /issue more adversely affected or which benefits.</i></b>		

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<p style="text-align: right;"><a href="#"><u>screeentip-sectionE</u></a></p> <p><b>How different groups could be affected</b> (Summary of impacts)</p>	<p style="text-align: right;"><a href="#"><u>screeentip-sectionF</u></a></p> <p><b>Details of actions to mitigate, remove or justify negative impact or increase positive impact</b> (or why action isn't possible)</p>
<p>Provide details for impacts / benefits on people in different protected groups.</p> <p>Persons who are wheelchair users may be impacted due to the reduced number of wheelchair accessible hackney carriages available.</p>	<p>As part of the unmet demand survey, the following key stakeholders were contacted in line with the recommendations of the BPG:</p> <ul style="list-style-type: none"> <li>• Supermarkets</li> <li>• Hotels</li> <li>• Pubwatch / individual pubs / night clubs</li> <li>• Other entertainment venues</li> </ul>

- Restaurants
- Hospitals
- Police
- Disability representatives
- Rail operators

Of the stakeholders contacted only one response was received from a nightclub which stated that their staff and customers usually booked a licensed vehicle through apps on their phones.

A more detailed questionnaire was sent to disability representatives and again only one response was received. The respondent had autism and communication issues and sometimes felt they didn't always get the support from drivers that they needed and they couldn't always book a vehicle when they required one and missed activities if a licensed vehicle failed to turn up. Overall, they rated the service they got from licensed vehicles as satisfactory.

The report concluded

Drawing on all the evidence within this report, there is **no evidence of any unmet demand which could be counted significant in terms of Section 16 of the 1985 Transport Act.**

The fleet is providing a good level of service to the public and covers the city centre well both spatially and temporally.



Following the introduction of the Council's Age & Specification Policy on 01 January 2020 and the Covid-19 pandemic, the number of licensed hackney carriages in Nottingham has been around the 200 mark and due to the high cost (£65,000) to buy a compliant vehicle, it is not envisaged that this number will return to the previous number of 420.

In addition to the wheelchair accessible hackney carriages, there are also 8 wheelchair adapted Private Hire Vehicles which can also be booked through Private Hire Operators. Under the Equality Act 2010, the Council publishes a section 167 list on the website [Wheelchair accessible taxi requirements - Nottingham City Council](#)


**1. Arrangements for future monitoring of equality impact of this proposal / policy / service:**

**An unmet demand survey should be carried out every 3 years. The next review will be carried out in 2025.**

**9. Outcome(s) of equality impact assessment:**

<input checked="" type="checkbox"/>	No major change needed	<input type="checkbox"/>	Adjust the policy/proposal
<input type="checkbox"/>	Adverse impact but continue	<input type="checkbox"/>	Stop and remove the policy/proposal

**10. Approved by (manager signature) and Date sent to equality team for publishing:**

<p><b>Approving Manager:</b> The assessment must be approved by the manager responsible for the service/proposal. Include a contact tel &amp; email to allow citizen/stakeholder feedback on proposals. Nick Burns Licensing Manager</p>	<p><b>Date sent for advice:03/08/2023</b> Send document or Link to: <a href="mailto:equalities@nottinghamcity.gov.uk">equalities@nottinghamcity.gov.uk</a></p>
<p><b>Approving Manager Signature:</b></p> 	<p><b>Date of final approval:</b></p> <p><b>23/08/2023</b></p>

**Before you send your EIA to the Equality and Employability Team for advice, have you:**

1. Read the guidance and good practice EIA's  
<http://intranet.nottinghamcity.gov.uk/media/1924/simple-guide-to-eia.doc>

2. Clearly summarised your proposal/ policy/ service to be assessed.
3. Hyperlinked to the appropriate documents.
4. Written in clear user-friendly language, free from all jargon (spelling out acronyms).
5. Included appropriate data.
6. Consulted the relevant groups or citizens or stated clearly, when this is going to happen.
7. Clearly cross-referenced your impacts with SMART actions.

**PLEASE NOTE: FINAL VERSION MUST BE SENT TO EQUALITIES OTHERWISE RECORDS WILL REMAIN INCOMPLETE.**

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**Regulatory & Appeals Committee – 27 November 2023**

<b>Title of paper:</b>	<b>Review of Age and Specification Policy Relating To Hackney Carriage And Private Hire Vehicles</b>	
<b>Director(s)/ Corporate Director(s):</b>	Colin Wilderspin Interim Director – Communities	<b>Wards affected: ALL</b>
<b>Report author(s) and contact details:</b>	Nick Burns Nick.Burns@nottinghamcity.gov.uk	
<b>Other colleagues who have provided input:</b>	Ann Barrett, Team Leader Legal Services 0115 8764411 Ann.Barrett@nottinghamcity.gov.uk	
<b>Date of consultation with Portfolio Holder(s) (if relevant)</b>	N/A	
<b>Does this report contain any information that is exempt from publication? NO</b>		
<b>Relevant Council Plan Outcome:</b>		
Green, Clean and Connected Communities	<input type="checkbox"/>	
Keeping Nottingham Working	<input type="checkbox"/>	
Carbon Neutral by 2028	<input checked="" type="checkbox"/>	
Safer Nottingham	<input type="checkbox"/>	
Child-Friendly Nottingham	<input type="checkbox"/>	
Living Well in our Communities	<input type="checkbox"/>	
Keeping Nottingham Moving	<input checked="" type="checkbox"/>	
Improve the City Centre	<input type="checkbox"/>	
Better Housing	<input type="checkbox"/>	
Serving People Well	<input checked="" type="checkbox"/>	
<b>Summary of issues (including benefits to citizens/service users):</b>		
<p>The reports asks the Committee to consider proposals to amend the Council’s Age and Specification Policy Relating To Hackney Carriage And Private Hire Vehicles and to release the proposals for a 4 week consultation.</p> <p>The consultation and engagement will be with key stakeholders, including user groups, the taxi trade and members of the public.</p>		
<b>Recommendation(s):</b>		
<b>1</b>	That the proposed updated Age and Specification Policy at Appendix 1 be considered by Regulatory and Appeals Committee and released for public consultation for a 4 week period together with the proposal to remove the requirement for a minimum engine size in the vehicle specification for both private hire vehicles and hackney carriages	

## **1 REASONS FOR RECOMMENDATIONS**

- 1.1 Section 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976 allow a council to prescribe the design and appearance of both Hackney Carriage and Private Hire vehicles with the aim to ensure the safety of the travelling passenger. The Council's current Age and Specification Policy (the Policy) was adopted on 18 December 2017 with various requirements to be implemented over a range of dates up to 1 January 2030. It is felt appropriate to review the Policy in light of various changes of circumstance since it was first adopted, to address changes in market and trade, and to reflect changes to national guidance and policy.
- 1.2 It is felt that the proposed changes will also support the Council's hackney carriage and private hire licensees in the current financial climate without adversely affecting public safety and welfare. The changes will enable the Council to attract and retain licensees ensuring that the Council remains competitive within the taxi and private hire market, licensing appropriately sized fleets which are well regulated and provide good public services.
- 1.3 The proposals will continue to provide the public with an identifiable method of transportation which is safe, comfortable and takes into account the technological improvements in a range of vehicles.

## **2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)**

- 2.1 Section 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976 allow a council to prescribe the design and appearance of both Hackney Carriage and Private Hire vehicles with the aim of ensuring the safety of the travelling passenger.
- 2.2 Nottingham City Council (The Council) is required to ensure that all vehicles licensed by them adhere to minimum standards which are applied in a consistent and transparent manner. The standards concerned are defined by legislation, licence conditions and byelaws adopted by the Council. Together they identify what is expected and required of the trade and help to ensure a consistent approach is taken to reach those expectations.
- 2.3 As a City, Nottingham already has a responsibility to maintain a transport system which not only facilitates the needs of its users but which also contributes to meeting the Council's wider duties and responsibilities. The Hackney Carriage and Private Hire vehicles licensed by Nottingham City Council form an important part of that system.
- 2.4 Nottingham City Council last reviewed the Policy back in 2017 and a copy is attached at Appendix 2 together with the current vehicle specifications at Appendix 3. Alongside the Council's duties as a Licensing Authority the Policy reflected the Council's ambitions to reduce the CO2 emissions and pollution levels within Nottingham City as well as aligning with central Government's own carbon neutral ambitions for 2030. At that time the Policy helped Nottingham avoid having a requirement imposed upon it by Central Government to implement a Clear Air Zone requiring certain vehicles to pay a charge to enter designated areas unless they met stringent emission standards. This was on the basis that all hackney carriages licensed in Nottingham would be required to be at least Euro 6 standard from 2020. There is no intention to depart from that requirement.
- 2.5 The recent Government announcement that restrictions on the sale of new petrol and diesel vehicles from 2030, is to be put back to 2035, perhaps reduces the urgency to move the fleet to newer vehicles in the shorter term, however at some point in the future

this will need to be readdressed within this policy. With that in mind it is proposed that implementation date for requiring any vehicle being licensed for the first time as a Hackney Carriage or Private Hire to be ZEC ULEV to be moved back from 01/01/2025 to 01/01/2027

- 2.6 Following the introduction of the Policy a number of hackney carriage proprietors chose not to move over to Euro 6 and ZEC ULEV vehicles. In some cases this resulted in appeals being lodged against the Council's decision to refuse to renew licences for non - policy compliant vehicles all of which were dismissed. This has resulted in various proprietors choosing to leave the trade or move to another Licensing Authority and overall the Council has seen a reduction in the number of Hackney Carriages it licenses from 411 to 205. There has also been a reduction in the Private Hire fleet with the Council currently licensing 1566 vehicles compared to 1850 in December of 2019.
- 2.7 The trade has submitted that it is difficult to source vehicles that meet current vehicle age requirements as the prices for new and second-hand vehicles have increased significantly and competition for them is high. There has also been a reduction in makes and models from manufacturers that has seen the competition for vehicles increase further and drive up the price of those vehicles. Since the Policy was introduced the following vehicles are no longer being manufactured, Vauxhall Vivaro, LTI TX4 (euro 6), Nissan Dynamo electric model. The only full electric Hackney Carriage being manufactured at present is the LEVC TX with no other replacement models being likely to be manufactured in the immediate future. Having considered the matter Officer's agree that the Council's Policy can present problems for proprietors seeking to source vehicles which comply with it. This may mean that licensees are likely to leave the Council to be licensed by other Authorities where they can continue to use the vehicle that they currently own for an extended period of time. In addition, some licensees cannot afford to replace their current vehicle due to the current financial crisis.
- 2.8 At the time that the Policy was introduced the market for both Hackney Carriages and Private Hire Vehicles was more extensive in terms of availability and affordability than the current market which continues to feel the impact of Brexit and the COVID-19 pandemic. From 2019 to 2023 the Council has seen a 20% reduction in vehicles licence applications (inclusive of renewals). Whilst some of this can be attributed to trade trends, anecdotal evidence also suggests that a significant number of proprietors are now choosing to license their vehicles elsewhere due our Policy requirements especially in relation to the age criteria. Often such vehicles are able to continue to lawfully come into the Council's administrative area to trade which can affect the Council's ability to keep members of the public safe where other Licensing Authorities' standards may not align with our own.
- 2.9 A review of the Policy has been carried out which seeks to address the above issues whilst maintaining public safety and welfare. It is also hoped that the proposed revisions to the Policy will encourage proprietors to return or apply to the Council as Licensing Authority so that the majority of the fleet operating in the City is licensed by the Council ensuring that it has the ability to inspect vehicles and take appropriate enforcement action against any driver falling short of the standards expected thereby raising public protection.
- 2.10 It is proposed that the Policy be amended as follows:
- Extend age at which Hackney Carriages and Private Hire Vehicles can first be licensed to 7 years.

- Extend the maximum age for vehicles to be licensed to 12 years for Private Hire Vehicles and 14 years for a fully electric Private Hire Vehicle.
- Extend the maximum age for vehicles to be licensed to 14 years for Hackney Carriage Vehicles and 15 years for a fully electric Hackney Carriage.
- Extend the policy to 1 enhanced MOT per year to the age of 7 and 2 enhanced MOTs per year there on after.
- Fully electric Hackney Carriages will require 1 enhanced MOT up until 10 years and 2 enhanced MOTs per year there on after.
- Fully electric Private Hire Vehicles will require 1 enhanced MOT up until 10 years of age and then 2 enhanced MOTs per year there on after.
- Remove the requirement for a minimum engine size in the specification for both private hire vehicles and hackney carriages.

2.11 The Department for Transport Taxi and Private Hire Vehicle Licensing Best practice Guidance 2010 advises that :-

*Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHV services, by putting up the cost of operation or otherwise restricting entry to the trade. Local licensing authorities should recognise that too restrictive an approach can work against the public interest – and can, indeed, have safety implications (by increasing waiting times on streets late at night or tempting people to use unlicensed vehicles)*

The Department for Transport Best Practice Guidance on Taxi and Private Hire Vehicles section 32 under vehicle testing (2010) states:-

*Age Limits. It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.*

Whilst this draft guidance is noted the revised age limits set out in the proposed revisions to the Policy are still considered appropriate with public safety in mind when travelling within City Council licensed vehicles. Earlier in 2023 the Department for Transport carried out some consultation in regard to MOT'S and the frequency of them. Within the summary it concluded that, vehicles are more likely to accumulate significant problems as they age and at higher mileages and more likely as a consequence to fail an MOT test, and it is also the case that vehicles that do greater mileage than average are more likely to fail an MOT test. With that in mind it is considered that the approach of still implementing an age limit will ensure that vehicles licensed by the Council remain in good and roadworthy condition whilst carrying passengers in the City and further afield maintaining a good level of public safety and confidence.

2.12 It is also proposed that the requirement for a minimum engine size in the specification for both private hire vehicles and hackney carriages be removed given smaller engines are lighter and therefore more fuel efficient and less polluting. With the introduction of improved computer technology and turbocharging, smaller engines can produce as much power as a larger engine could a few years ago and are therefore better for city driving.

2.13 In summary, whilst the proposed revisions to the Policy apply less stringent requirements than those originally introduced they aim to address the practicalities around the current supply issues and financial climate whilst being consistent with Guidance and without



compromising passenger safety and welfare.

- 2.14 Local Authorities have a statutory duty to improve air quality in their area and work towards meeting Air Quality Objectives. Nottingham City Council's Local Air Quality Management Annual Status Report 2023 identified a number of locations in the City where the nitrogen dioxide (NO<sub>2</sub>) annual mean air quality objective of 40 ug/m<sup>3</sup> is not being met.
- 2.15 Nottingham City Council is under a Ministerial Direction to implement a number of measures, including the current taxi age policy, to reduce concentrations of NO<sub>2</sub> in its administrative area. The age policy was brought in to reduce the number of older taxi's operating which were Euro iV and V which it has achieved.
- 2.16 The main element of this air quality action plan, which was the retrofit of approximately 185 Euro V emission standard Nottingham City Transport buses with NO<sub>2</sub> abatement technology to bring them up to Euro VI emission standard and the accelerated introduction of lower NO<sub>2</sub> emissions Bio-gas buses, was substantially completed by February 2020. <https://www.nottinghaminsight.org.uk/d/aBFptBx>
- 2.16 The second element of the plan, Nottingham City Council's revised Hackney Carriage and Private Hire Vehicle Strategy 2017-2020 designed to transition the fleet to Euro VI compliant taxi's from January 2020, and for a minimum of 40% of the HC and 25% of the Private Hire fleet to be Ultra Low Emission Vehicles has been implemented.

### **3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

- 3.1 Retention of the existing age policy that has seen our fleet already reduce in size by 20% and will continue to further reduce in size with the current policy. This has been discounted.

### **4 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)**

- 4.1 The statutory fees levied for the regime are intended to cover the cost of the review of this policy.
- 4.2 Currently no financial implications as pending consultation at this stage but will need to be fully reviewed post consultation.

Sohaib Chaudhry  
Senior Commercial Business Partner  
15<sup>th</sup> November 2023

### **5 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)**

- 5.1 Before the Council may grant a Private Hire or Hackney Carriage vehicle licence it is required to be satisfied of certain statutory criteria regarding its type, size, design, condition and safety and it is lawful for a Council to adopt policies relating to such matters. Here amendments are proposed to the Council's existing Policy to reflect relevant changes in circumstance since it was originally adopted.

- 5.2 Regard should be had to the relevant Best Practice Guidance is set out in the body of the report. Whilst there is no statutory requirement to do so the proposal at this stage is to consult with the private hire and hackney carriage trades before the changes to the existing policies are potentially adopted and this is consistent with Guidance set out in the Statutory Taxi and Private Hire Standards albeit the standards themselves offer no further guidance in relation to vehicle specifications. The risk of challenge at this stage is therefore low albeit if the changes are ultimately adopted they may be open to challenge either by way of judicial review or by a vehicle owner on appeal against the refusal of a vehicle licence. As with all policies the Council is permitted to depart from them if exceptional reasons can be demonstrated as to why the Policy should not be applied.
- 5.3 The introduction of original Age and Specification Policy formed part of the Local Plan to Improve Air Quality in Nottingham and which was approved by the Secretary of State on 20th November 2018. The Council was under Ministerial Direction to implement that Plan (which it has done) to ensure that compliance with the legal limit for Nitrogen Dioxide was achieved in the shortest possible time and by 2019 at the latest. The authority was also under a direction not to vary, revoke or suspend implementation of the local plan without the prior written consent of the Secretary of State. The Local plan highlighted that one of the most important targets in the Council's 2017 taxi strategy was that every Hackney Carriage in Nottingham should be ULEV by 2025. It is now proposed that date be put back to 2027. Whilst this was only a target and the main focus of the letter accompanying the Ministerial Direction was to introduce changes which would require all Hackney Carriages licensed in Nottingham to be at least Euro 6 in 2020 (which was achieved albeit at a later date following appeal) it is suggested that the Report Author/Corporate Director make contact with the Secretary of State's department whilst consultation is taking place on the proposed changes to ensure that there would be no perceived breach of the Ministerial Direction were the Policy to be amended as proposed.
- 5.4 Should the proposed amendments to the policy ultimately be adopted they may be open to challenge either by way of judicial review or by a vehicle owner on appeal against the refusal of a vehicle licence. As with all policies the Council is permitted to depart from them if exceptional reasons can be demonstrated as to why the Policy should not be applied.

Ann Barrett, Team Leader, Legal Services 15 November 2023

**6 STRATEGIC ASSETS & PROPERTY COLLEAGUE COMMENTS (FOR DECISION RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE) (AREA COMMITTEE REPORTS ONLY)**

6.1 N/A

**7 EQUALITY IMPACT ASSESSMENT**

7.1 Has the equality impact of the proposals in this report been assessed?

No



An EIA is not required because this is a statutory requirement and the policy has been developed to enable fairness to all parties.

## **8. DATA PROTECTION IMPACT ASSESSMENT (DPIA)**

- 8.1 A DPIA is not required because the policy does not have sensitive information within the policy.

## **9. CARBON IMPACT ASSESSMENT**

- 9.1 The Carbon impact has been commented on during this report.

## **8 LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION**

- 8.1 None

## **9 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT**

- 9.1 Local Government (Miscellaneous Provisions) Act 1976  
Department for Transport Draft Best Practice Guidance on Taxi and Private Hire Vehicles (2010)  
Department for Transport Changes to the date of the first MOT test and research into other MOT enhancements, Updated 16 February 2023

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## APPENDIX 1.

# CITY OF NOTTINGHAM



**Nottingham**  
**City Council**

## AGE AND SPECIFICATION POLICIES RELATING TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

### GENERAL

1. This Policy amends the policy which took effect from 1 January 2018
2. In accordance with the earlier policy
  - 2.1 All Hackney Carriage vehicles will be required to be a minimum of Euro 6 Diesel or ZEC ULEV
  - 2.2 No Hackney Carriage or Private Hire vehicle shall be granted a licence unless it meets the City Council's approved vehicle specification and
  - 2.3 No licence will be granted for a Hackney Carriage Vehicle Licence unless that Vehicle is wheelchair accessible.
  - 2.4 No Euro 6 Diesel vehicle will ordinarily be licensed as a hackney carriage if it over the age of TEN (10) years.
  - 2.5 No ZEC ULEV vehicle will ordinarily be licensed as a hackney carriage if it over the age of FOURTEEN (14) years

Hackney Carriages will also need to continue to meet the Council's livery policy and both Hackney Carriages and Private Hire Vehicles will need to comply with the Council's Advertising Policy

3. Nottingham City Council will refuse to renew a licence for a vehicle for use as a Hackney Carriage or Private Hire vehicle once the respective upper age limit has been reached :-
  - 3.1 **From 01/01/2027**, any vehicle being licensed for the first time as a Hackney Carriage or Private Hire vehicle will be required to be ZEC ULEV
  - 3.2 **From 01/01/2030**, no vehicle shall be licensed as a Hackney Carriage or Private Hire vehicle unless it is a Zero Emissions Capable Ultra Low Emission Vehicle

### PRIVATE HIRE VEHICLES

From ?????????

4. Only Private Hire vehicles SEVEN (7) years of age and under from the date of first DVLA registration will be considered for first licensing or as a replacement vehicle.
5. Private Hire vehicles over the age of TWELVE (12) years from the date of first DVLA registration (or FOURTEEN (14) years if they are fully electric vehicles) will ordinarily be REFUSED a licence
6. Private Hire vehicles :-
  - over the age of THREE (3) years from the date of first DVLA registration will be subject to an annual Enhanced MOT<sup>1</sup> inspection.
  - All licensed vehicles will have an enhanced MOT on initial application
  - over the age of SEVEN (7) years from the date of first DVLA registration (or TEN (10) years if they are fully electric vehicles) will be subject to SIX (6) monthly Enhanced MOT inspections.

All Enhanced MOT inspections shall be carried out by Nottingham City Council testers

## **WHEELCHAIR ACCESSIBLE HACKNEY CARRIAGE VEHICLES**

### **From ??????**

7. Only Hackney Carriage vehicles SEVEN (7) years of age and under from the date of first DVLA registration will be considered for first licensing or as a replacement vehicle
8. Hackney Carriage vehicles over the age of FOURTEEN (14) years from the date of first DVLA registration (or FIFTEEN (15 ) years if they are fully electric vehicles) will ordinarily be REFUSED a licence UNLESS the vehicle is in exceptionally good road-worthy condition and approved for use following an Exceptional Condition Vehicle Check carried out by an authorised officer.
9. Hackney Carriage vehicles:-
  - a. over the age of THREE (3) years from the date of first DVLA registration will be subject to an annual Enhanced MOT inspection.
  - b. All licensed vehicles will have an enhanced MOT on initial application
  - c. over the age of SEVEN (7) years from the date of first DVLA registration (or TEN (10) years if they are fully electric vehicles) will be subject to SIX (6) monthly Enhanced MOT inspections.

All Enhanced MOT inspections shall be carried out by Nottingham City Council testers

### **From ??????**

---

<sup>1</sup> An Enhanced MOT inspection is one where the vehicle is tested to both MOT requirements and the requirements of the Council's Supplementary Testers Manual

1. No ZEC ULEV vehicle will ordinarily be licensed as a hackney carriage if it over the age of TWELVE (12) years

\* Euro 6 diesel relates to the engine AND vehicle both being manufactured after September 2015.

\*\* ZEC ULEV definition – emit up to 50g/km CO2 with a minimum of 30 mile emission range. A ZEC Hackney Carriage **MUST** be petrol if an internal combustion engine is used

CONSULTATION DRAFT

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## AGE AND SPECIFICATION POLICIES RELATING TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

### GENERAL

1. This policy will have effect from 1 January 2018
2. No Hackney Carriage or Private Hire vehicle shall be granted a licence unless it meets the City Council's approved vehicle specification and in accordance with the Council's earlier Policy it will still be the case that no licence will be granted for a Hackney Carriage Vehicle Licence unless that Vehicle is wheelchair accessible.
3. Nottingham City Council will refuse to renew a licence for a vehicle for use as a Hackney Carriage or Private Hire vehicle once the respective upper age limit has been reached.
4. **From 01/01/2020 additional vehicle specifications will be required for all vehicles.** Vehicle owners are encouraged to contact the Licensing Office for advice at least 2 years before the vehicle is due to reach the upper age limit or purchasing a new vehicle.
5. **From 01/01/2025**, any vehicle being licensed for the first time as a Hackney Carriage or Private Hire vehicle will be required to be ZEC ULEV
6. **From 01/01/2030**, no vehicle shall be licensed as a Hackney Carriage or Private Hire vehicle unless it is a Zero Emissions Capable Ultra Low Emission Vehicle

### PRIVATE HIRE VEHICLES

#### **From 01/01/2020**

1. Only Private Hire vehicles FOUR (4) years of age and under from the date of first DVLA registration will be considered for first licensing or as a replacement vehicle.
2. Private Hire vehicles over the age of TEN (10) years from the date of first DVLA registration will ordinarily be REFUSED a licence
3. Private Hire vehicles over the age of THREE (3) years from the date of first DVLA registration will be subject to SIX (6) monthly MOT inspections carried out by Nottingham City Council testers

## **WHEELCHAIR ACCESSIBLE HACKNEY CARRIAGE VEHICLES**

### **From 01/01/18**

1. All applications for replacement Hackney Carriage vehicles will be ordinarily REFUSED unless the vehicle to be licenced is newer than the existing vehicle and is no more than SIX (6) years of age from the date of first DVLA registration
2. All Hackney Carriage vehicles over the age of THREE (3) years from the date of first DVLA registration will be subject to SIX (6) monthly MOT inspections carried out by Nottingham City Council testers.
3. Hackney Carriage vehicles over the age of TEN (10) years from the date of first DVLA registration will ordinarily be REFUSED a licence UNLESS the vehicle is in exceptionally good road-worthy condition and approved for use following an Exceptional Condition Vehicle Check carried out by an authorised officer.

### **From 01/01/2020**

1. All Hackney Carriage vehicles will be required to be a minimum of Euro 6 Diesel or ZEC ULEV.
2. No Euro 6 Diesel vehicle will ordinarily be licensed as a hackney carriage if it over the age of TEN (10) years.
3. No ZEC ULEV vehicle will ordinarily be licensed as a hackney carriage if it over the age of FOURTEEN (14) years

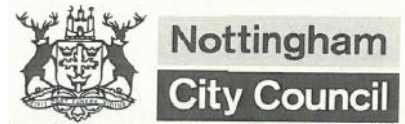
### **From 01/01/2025**

1. No ZEC ULEV vehicle will ordinarily be licensed as a hackney carriage if it over the age of TWELVE (12) years

\* Euro 6 diesel relates to the engine AND vehicle both being manufactured after September 2015.

\*\* ZEC ULEV definition – emit up to 50g/km CO2 with a minimum of 30 mile emission range. A ZEC Hackney Carriage MUST be petrol if an internal combustion engine is used

## General Specifications



### APPENDIX 3

- (1) Front Engine                      Petrol or Diesel  
   Front or Rear Wheel Drive

Minimum Engine Capacity of 1600cc for conventional 4 passenger vehicles.

- (2) Seating should be for at least 4, but no more than 8 passengers in addition to the driver.
- Rearward facing seats over or rearward of the rear wheels and axle(s) having normal access only through a rear door will not be accepted.
- Folding or moving seats which are so constructed to provide access to other seats to which there is no direct access will not be accepted.
- Front seats shall be equipped with safety belts in accordance with current legislation and any vehicle having a gangway between the bodyside and nearside passenger seat must be equipped with a lap and shoulder belt which does not obstruct the gangway.
- (3) A separate lockable luggage compartment is preferred. In vehicles where the luggage is not in a separate compartment passengers must be protected by a screen from items of luggage being propelled into the passenger compartment area by the vehicle movement.
- (4) At least 4 road wheels.
- (5) Manufacturers gross vehicle weight for tyres and suspension actually fitted to the vehicle submitted for a licence must be sufficient for a minimum payload equal to the driver, full fuel tank, the number of passengers for which a licence is requested (at 70 kg per person) and luggage (at 20 kgs per person).
- Where Propane or L.P.G is used as the vehicle fuel the weight of extra equipment must be within the gross weight.
- Where the vehicle type has a marginal payload rating and it has many nonstandard fittings and equipment, a weighbridge certificate of kerb weight may be required.
- (6) All vehicles will be of an approved type, being properly constructed in accordance with all appropriate Act of Parliament and E.E.C Legislation applicable to the U.K. Approved vehicles will be right hand drive, with the exception of chauffeur driven limousine type vehicles used for executive hire which may be left-hand drive, fitted with at least 4 road wheels, with at least two passenger doors in the bodysides and separate means of access for the driver.

Passengers will be provided with sufficient means of communication with the driver and have facilities to carry luggage in a safe and secure condition. The passenger accommodation will have properly upholstered and covered seats, with floors also properly covered. There will be direct access to all doors without the need to fold or move any seats to provide a gangway. There will be means of opening and closing at least one window each side of the vehicle.

## GENERAL EQUIPMENT

Where a vehicle has more than 4 passenger seats and arranged on more than 2 rows of seats, the headroom for the intermediate seats will be as for the front seat.

- (1) Spare Wheel and Tyre - properly stowed to protect passengers luggage.
- (2) Jack and Wheel Brace.
- (3) 1.36kg B.C.F or Dry Powder Fire Extinguisher and First Aid Kit in the passenger compartment of
- (4) Nearside and Offside rear view mirrors
- (5) If a fare meter is fitted it must be visible to all passengers and not be a safety hazard to passengers

In addition to the general requirements, Private Hire Vehicles will not display any advertising or lettering other than the permitted 127mm x 76mm label in the windscreen displaying the City of Nottingham Private Hire Licence number or other approved legend **Page 243** and figures no more than 25mm high.

London type Hackney Carriages are not allowed to be licensed as Private Hire Vehicles.



Length =

Width =

Height =

Divide (L) X (W) X (H) by 1728 to obtain cubic capacity =



## General Specifications

### APPENDIX 2

- (1) Front Engine Petrol Diesel or Hybrid - Front or Rear Wheel Drive  
Minimum Engine Capacity of 1600cc for conventional 4 passenger vehicles (Petrol or Diesel)  
  
Minimum Engine Capacity of 1400cc for conventional 4 passenger vehicles (Hybrid)
- (2) Seating should be for at least 4, but no more than 8 passengers in addition to the driver.  
Rearward facing seats over or rearward of the rear wheels and axle(s) having normal access only through a rear door will not be accepted.  
  
Folding or moving seats which are so constructed to provide access to other seats to which there is no direct access will not be accepted.  
  
Front seats shall be equipped with safety belts in accordance with current legislation and any vehicle having a gangway between the bodyside and nearside passenger seat must be equipped with a lap and shoulder belt which does not obstruct the gangway.
- (3) A separate lockable luggage compartment is preferred. In vehicles where the luggage is not in a separate compartment passengers must be protected by a screen from items of luggage being propelled into the passenger compartment area by the vehicle movement.
- (4) At least 4 road wheels.
- (5) Manufacturers gross vehicle weight for tyres and suspension actually fitted to the vehicle submitted for a licence must be sufficient for a minimum payload equal to the driver, full fuel tank, the number of passengers for which a licence is requested (at 70 kg per person) and luggage (at 20 kgs per person).  
  
Where Propane or L.P.G is used as the vehicle fuel the weight of extra equipment must be within the gross weight.  
  
Where the vehicle type has a marginal payload rating and it has many nonstandard fittings and equipment, a weighbridge certificate of kerb weight may be required.
- (6) All vehicles will be of an approved type, being properly constructed in accordance with all appropriate Act of Parliament and E.E.C Legislation applicable to the U.K. Approved vehicles will be right hand drive, with the exception of chauffeur driven limousine type vehicles used for executive hire which may be left-hand drive, fitted with at least 4 road wheels, with at least two passenger doors in the bodysides and separate means of access for the driver.  
  
Passengers will be provided with sufficient means of communication with the driver and have facilities to carry luggage in a safe and secure condition. The passenger accommodation will have properly upholstered and covered seats, with floors also properly covered. There will be direct access to all doors without the need to fold or move any seats to provide a gangway. There will be means of opening and closing at least one window each side of the vehicle.

## GENERAL EQUIPMENT

Where a vehicle has more than 4 passenger seats and arranged on more than 2 rows of seats, the headroom for the intermediate seats will be as for the front seat.

- (1) Spare Wheel and Tyre - properly stowed to protect passengers luggage.
- (2) Jack and Wheel Brace.
- (3) 1.36kg B.C.F or Dry Powder Fire Extinguisher and First Aid Kit in the passenger compartment of
- (4) Nearside and Offside rear view mirrors
- (5) If a faremeter is fitted it must be visible to all passengers and not be a safety hazard to passengers

In addition to the general requirements, Private Hire Vehicles will not display any advertising or lettering other than the permitted 127mm x 76mm label in the windscreen displaying the City of Nottingham Private Hire Licence number or other approved legend in letters and figures no more than 25mm high.

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