

Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 25 July 2013

Subject: Application for a motor tricycle to be included on the Approved list of vehicles licensed as 'Novelty' Private Hire vehicles.

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

1. An application has been received to approve a 'motor tricycle' as a licensed Private Hire vehicle on the approved list of Licensed Private Hire vehicles under the licensing classification of 'novelty vehicles'. This is the first application within that classification and should receive full consideration by Elected Members.
2. A key consideration is how the vehicle satisfies those elements of the Local Government (Miscellaneous Provisions) Act 1976, particularly in terms of safety, suitability and comfort which must be demonstrated both by the vehicle and its proposed usage. This report addresses those issues.
3. Members can impose pre-conditions to the grant of such a vehicle licence (in the same way as a driver application) and these pre-conditions enable officers to carry out any future approvals in a consistent way and with information being readily available to applicants. Proposals are contained within the body of the report.
4. Members can also place conditions upon the Operator and Private Hire driver licence which are also proportionate to maintaining safety considerations and compliance to the Act. Proposals are contained in the body of the report.
5. A significant part of the decision process in this application is how the Operator, vehicle and driver safety conditions are specifically aimed at a defined business plan which is very distinct from the standard Private Hire conditions for licensed vehicles which carry out everyday, run of the mill private hire work around the city. Members

would need to ensure that any licensing approval would be applicable only to the terms of the business plan and not transferable to standard Private Hire work, particularly activities within the context of the city centre or the night-time economy.

6. Licensing Committee can approve the grant of the vehicle, Operator and driver licences with conditions but a generic new policy for 'Novelty Vehicles' is an Executive function and would require Officers to prepare a further report for the final approval of such policies.
7. At the point of presenting this report full consultation has taken place and all of the proposals for policy and conditions included in this report take account of that and the observations of Officers.

Recommendations

8. Members consider all the elements of the vehicle application, the observations of Officers and the appropriateness of the proposed policy, pre-conditions and conditions measured against the legal requirements of Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 and determine whether to approve the application to issue a Private Hire motor tricycle licence.
9. Members determine that the legislative test of '*suitable in type, size and design for use as a Private Hire vehicle and safe*' within the Act is only met in respect of its proposed usage presented to the Council in this application. The vehicle and Operator licence approval would not extend to the use of the vehicle in the context of standard Private Hire bookings or in the city centre or the night time economy.
10. If the application is approved Members consider and approve the pre-conditions to licensing such a vehicle and the Private Hire vehicle conditions placed upon that licence.
11. Members consider and approve the proposed pre-conditions attached to the grant of an Operator licence and approve the Private Hire Operator conditions placed upon that licence.
12. Members consider and approve the Private Hire driver conditions.
13. If the pre-conditions and conditions to licensing such a vehicle, Operator and driver are approved that policy is returned to Licensing Committee in 5 years time for review.
14. That Members approve in principle the proposed generic policy in respect of 'Novelty Vehicle' (which would apply to this application) and direct Officers to prepare a report for the consideration of Executive Board to approve these policies. **Appendix J.**

1 Purpose of this report

- 1.1 To inform Members of the legislative need to formally consider and determine such applications within the terms of the relevant licensing legislation which is set out in this report.
- 1.2 To set out proposals for appropriate pre-conditions and conditions upon the grant of a Private Hire vehicle, Private Hire Operator and Private Hire driver licences to assist Members in reaching an informed decision.

2 Background information

- 2.1 In 1978 Leeds City Council adopted Part II of Local Government (Miscellaneous Provisions) Act, 1976 and took responsibility for all aspects of licensing the taxi and Private Hire trade. The Authority sets pre-conditions to personal Operator and vehicle licences and also places conditions upon those licences to create a safely controlled environment for public transport.
- 2.2 The application relates to the operation of a three seater motor tricycle on which it is intended to take up to two passengers at a time, on sight-seeing tours of the Yorkshire Dales. The vehicle in question is a 'Boom Mustang Family' purpose built three seat motor tricycle with a 1.6 Ford Focus Zetech engine with similar controls to that of a car (clutch, brake, accelerator, gear change) but the steering is by handlebars. The vehicle is classified as a motor car and can be driven by anyone with a Full UK driving licence, providing they passed their driving test prior to 19 January 2013, following which the DSA issued new driving rules for mopeds, motorcycles and tricycles.
- 2.3 A motor tricycle does not conform to any of Leeds City Council's pre-conditions for standard Private Hire vehicles. Nor are the conditions attached to standard Private Hire Operator, vehicle or driver licences appropriate for this vehicle.
- 2.4 The existing approved standard conditions for Private Hire vehicle, Operator and driver were intended for the use of standard saloon vehicles and the vehicle in question is so different that special safety conditions would have to be considered. In fact, unless the conditions were changed this vehicle would be precluded from licensing approval.
- 2.5 Members are advised that consideration must be given to the application but it is for the applicant to satisfy the Council with the information that is supplied in support of this application. However, consideration can be given to imposing appropriate safety conditions which are proportionate to accommodating the application within a licensed but controlled operating framework.
- 2.6 To help in identifying and supplying the most relevant information to enable a considered decision the 'main issues' section deals with those thoughts and issues that might be at the forefront of Members minds in ensuring that safety is identified as the key issue. A range of general interest questions have also been asked and these are dealt with as supplementary information questions at **Appendix A.**

3 Main issues

3.1 In particular the Act states:-

“A district Council shall not grant such a licence unless they are satisfied –

(a) that the vehicle is –

- (i) suitable in type, size and design for use as a private hire vehicle;

Officer Response:- The type of vehicle is accepted internationally as an alternative mode of transport. It may be more widely recognised as it featured in the popular TV series, Billy Connolly’s World Tour.

The vehicle is produced and manufactured to recognised European standards and has been issued with certification of European Whole Vehicle Type Approval, a copy of which can be found at **Appendix B**.

The vehicle is designed to carry more than one passenger in addition to the driver, with appropriate features to accommodate the needs of two rear seat passengers.

The safety features designed into this vehicle include leg protection built in to the shape of the framework, a safety restraint bar for passengers fitted as standard and additional seatbelts to the frame of the vehicle to provide additional support for passengers when being transported.

A photograph of a similar vehicle, taken from the manufacturer’s brochure on pages 29 -31, attached at **Appendix C**.

- (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;

Officer Response: Considered to be unlikely in this case

- (iii) in a suitable mechanical condition;

Officer Response: The vehicle is registered in the UK and complies with Road Vehicles Construction and Use Regulations for this type of vehicle.

The vehicle is required to pass a Class 4 MOT (the same as a car) at an approved MOT testing station to account for the roadworthiness of the vehicle.

The Taxi & Private Hire Licensing Section Vehicle Inspectors are able to carry out routine inspections on the vehicle to check compliance to conditions and general roadworthiness but are unable to carry out a full MOT inspection of this type of vehicle as the Taxi & Private Hire Licensing testing facility is not an approved MOT testing station.

It is proposed a condition is attached to the vehicle licence which requires such an MOT inspection every 6 months at an authorised MOT testing station approved by VOSA to test this type of vehicle. A condition could

require that certificate to be produced to the licensing office as specified by them.

(iv) **safe;**

Officer Response: Conditions might include an annual inspection by Authorised Officers of the Council to ensure roadworthiness and conformity to conditions.

The driver and passengers are exposed to external elements which you would associate with this mode of transport. The levels of protection you may normally associate with a car, such as airbags, side impact bars, crumple zones etc. are not an option with this type of vehicle. However, the vehicle is able to support additional 'safety' features which the Council may consider reasonable and necessary to apply by condition to provide additional protection and safety for passengers:-

A preliminary safety risk assessment to be carried out by the Operator prior to any booking taking place and finally by the driver prior to the commencement of a journey and retained for 12 months for inspection purposes. **Appendix D;**

Neither the driver or the passengers of this type of vehicle are legally required to wear a crash helmet. However, Members may consider that this is an appropriate safety requirement and should be a condition for the driver and passengers of the vehicle to wear such at all times;

Suitable protective clothing to be provided by the Licensed Operator to passengers who have hired the vehicle;

Passenger safety is at risk where the passenger cannot reach the restraint bar when seated, or their feet do not touch the vehicle's foot bar and so body height is the form of measurement used to assess this safety issue. The advice from the manufacturer is that anyone below the height of 165 cms would not be allowed to travel on the vehicle;

Personal responsibility and an understanding of safety instructions are a vital part of this form of transport and whilst there are no strict definitions of an appropriate age the Operator's choice is that children under the age of 11 years should not travel on the vehicle;

The manufacturer's factory fitted restraint bar must be used by passengers at all times;

The vehicle must be fitted with footplates to prevent feet/ankles passing through the tubular frame of the vehicle when mounting or dismounting the vehicle and which also provides a firm footing in adverse weather conditions;

The vehicle will be fitted with additional approved seat/lap belts for both passengers;

The DSA has no provision to test drivers of this type of vehicle for Private Hire purposes. The DSA has suggested that the applicant should take the assessment in a standard motor car which would be in line with the condition applicable to current Private Hire and Hackney carriage drivers;

Due to external wind and traffic noise interference it is proposed to impose a condition on the Operators licence which requires them to provide means of communication between the driver and passengers throughout the duration of the journey by way of hardwired, radio wave or blue tooth technology.

(v) comfortable;

Officer Response: The vehicle is not classed as a 'motorbike' and does not require the same level of interaction or understanding from passengers which would be normally associated with riding on a motorbike as a pillion passenger. There is no requirement for the passengers to take account of their position for road handling and cornering purposes and they can leave the driving and control of the vehicle in the hands of the driver.

The vehicle has been designed and manufactured to a high standard and tested to European standards. It comes equipped with appropriate seating, back, head and side restraints, arm rests and passenger restraint bar. Members might consider that the distinct style of vehicle and the business plan for this vehicle's usage makes it pretty clear what level of comfort is offered and is an obvious known quantity to the customer prior to undertaking a booking and 'comfort' should be assessed by Members in that context.

(b) that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988,

Officer Response: This is an administrative process to be confirmed at the time of licensing.

and shall not refuse a licence for the purpose of limiting the number of vehicles in respect of which such licences are granted by the council.

Officer Response: This application must be considered on its own merits.

3.2 A district Council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary

Officer Response: The preceding paragraphs describe some of the safety considerations Members may want to consider. It is felt important and for total clarity, that the granting of such a licence is strictly in accordance with the business statement submitted by the proposed licensed Operator of the vehicle. Members may consider that to undertake bookings in any way other than as described in the applicants business statement could introduce factors which start to adversely impact upon safety. The business statement is reproduced below, and if approved this business statement would be attached to and form a part of the Operators licence conditions.

"To supply & deliver chauffeur driven trike tours of the Yorkshire Dales. All tours are pre designed and all tours are to be pre paid on pre booked dates.

All of our tours have been carefully created with your sheer pleasure and enjoyment in mind. There will be plenty of stops with loads of photo opportunities along the way so just sit back and enjoy the views. We look forward to meeting you and enjoying your company onboard our Boom 3 Seater trike and take great pleasure in chauffeuring you through our breathtaking Yorkshire Dales; we do so love showing them off.

All YTT tours are base on 2 people sharing the tour. If you are a single passenger, that's not a problem as we provide a travelling buddy

On all tours over 1 hour we carry refreshment and snacks on board"

The proposed pre-conditions to the licensing of such a vehicle and the proposed conditions attached to the vehicle licence are attached at **Appendix E**.

The proposed pre-conditions attached to the Operator licence and the proposed conditions attached to the Operator licence are attached at **Appendix F**.

Proposed conditions attached to the driver licence are attached at **Appendix H**.

Proposed generic polices relating to Private Hire Novelty Vehicle Operator and vehicles are attached at **Appendix J**.

- 3.3 The current standard Private Hire Operator pre-conditions to obtaining a licence and conditions upon that licence are not entirely appropriate to the responsibilities of Operating this vehicle. For example, the administrative and operating practices of a motor tricycle vehicle must at all times, in every way, be distinct from the business conducted by a licensed Operator of standard Private Hire vehicles including advertising, separate telephone lines, how bookings are taken, recorded and attended. Proposed changes are set out in **Appendix E**.
- 3.4 An addition to the standard Private Hire driver pre-conditions for this type of licences, and the conditions attached in respect of the type of driving licence required can be accommodated within the existing requirements of the Local Government (Miscellaneous Provisions) Act, 1976 and does not need a change to policy.
- 3.5 The existing Private Hire driver conditions upon such a licence now have included appropriate proposed safeguards in relation to driver responsibilities towards the passenger (**Appendix G**).

4 Corporate Considerations

4.6 Consultation and Engagement

- 4.6.1 The summary of consultation appears at **Appendix I** along with appropriate Officer responses. The proposals from Officers already addressed many of the concerns raised in the consultation process

4.7 Equality and Diversity / Cohesion and Integration

4.7.1 There are no adverse issues raised by the proposals which has been the subject of an Equality, Diversity, Cohesion and Integration Screening.

4.8 Council policies and City Priorities

4.8.1 The Taxi & Private Hire Licensing policies create the principles the Council will use to exercise its functions, mainly under the Local Government (Miscellaneous Provisions) Act 1976, but also under other associated Acts of Parliament. Applicants for licences are expected to read the policy before making their application and the Council will refer to the policy when making its decisions.

4.8.2 The Taxi & Private Hire Licensing policies contribute to the following aims:

Best Council Plan 2013 -17

Towards being an Enterprising Council

Our Ambition and Approach

Our Ambition is for Leeds to be the best city and Leeds City Council to be the best council in the UK – fair, open and welcoming with an economy that is both prosperous and sustainable so all our communities are successful.

Our Approach is to adopt a new leadership style of civic enterprise, where the council becomes more enterprising, business and partners become more civic, and citizens become more actively engaged in the work of the city.

Our Best Council Outcomes

Make it easier for people to do business with us

Our Best Council Objectives

Ensuring High Quality Public Services

Promoting sustainable and inclusive economic growth – Improving the economic wellbeing of local people and businesses.

With a focus on:

- Helping people into jobs,
- Boosting the local economy
- Generating income for the council

4.8.3 The Taxi & Private Hire Licensing policies contribute to priorities:

- Reduce crime levels and their impact across Leeds
- Effectively tackle and reduce anti-social behaviour in communities

4.9 Resources and value for money

4.9.4 There are no adverse financial, administration or resource impacts on the Section or the Council with this application or recommendations.

4.10 Legal Implications, Access to Information and Call In

4.10.1 Having considered the vehicle application under Section 48 of the Act, the authority to impose appropriate conditions upon the licence of the Operator and driver of such a vehicle follow naturally to Sections 55 and 51 of the Act, respectively. The consideration for Members is proportionality of those conditions it might seek to set in order to achieve an acceptable level of safety and compliance to the Act itself.

4.10.2 Members are advised that new policy proposals are an Executive function. Licensing Committee can consider the policy proposals within the report but the final approval is that of the Executive Board. Members can contribute to informing the Executive Board in the report but they can approve of the policy, in principle, presented to them having had the benefit of the comprehensive report from Officers, full public and trade consultation and legal advice.

4.11 Risk Management

4.11.1 The legal issues are fully addressed within the report and it is felt that if the Act and safety considerations are demonstrated to have been fully considered by Members prior to a decision being taken that there is minimum risk to the Council.

5 Conclusions

5.1 The main consideration is whether or not the vehicle is considered to be safe within its intended area of usage which is very clearly not standard Private Hire work. If Members determine that the vehicle can be licensed to an acceptable degree of safety under the defined business statement of the Operator, then a clear statement to that effect within the final decision could be imposed as the main condition upon the Operator's licence.

5.2 There is no standard definition for the night-time economy. For the purposes of this report (which focuses on public safety in the context of the operation of this vehicle) the night-time economy is taken to be that area of the licensing district where there is significant activity involving the sale and consumption of alcohol. This is particularly by pubs, clubs, bars and restaurants between the hours of 6:00 pm and 6:00 am where there is an associated link to volumes of younger people and the patterns of behaviour normally associated with alcohol consumption.

5.3 Geographically and broadly defined that would include those areas bounded by the following points; to the west of Quarry Hill; to the east of the gyratory; to the south of Far Headingley; to the north of Crown Point bridge. The boundaries would be defined by a map placed as a condition upon the Operator licence.

5.4 Together with the proposed conditions attached to the vehicle, Operator and driver licences these would then act as strong control measures to contribute to continued safety.

6 Recommendations

- 6.1 Members consider all the elements of the application, the observations of Officers and the appropriateness of the policy, pre-conditions and conditions measured against the legal requirements of Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 and determine whether to approve the application to issue a Private Hire 'novelty vehicle' licence.
- 6.2 Members determine that the legislative test of '*suitable in type, size and design for use as a Private Hire vehicle and safe*' within the Act is only met in respect of its proposed usage presented to the Council in this application. The vehicle and Operator licence approval would not extend to the use of the vehicle in the context of standard Private Hire bookings or in the city centre or the night time economy.
- 6.3 If the application is approved Members consider and approve the pre-conditions to licensing such a vehicle and the Private Hire vehicle conditions placed upon that licence.
- 6.4 Members consider and approve the proposed pre-conditions attached to the grant of an Operator licence and approve the Private Hire Operator conditions placed upon that licence.
- 6.5 Members consider and approve the Private Hire driver conditions.
- 6.6 If the pre-conditions and conditions to licensing such a vehicle, Operator and driver are approved that policy is returned to Licensing Committee in 5 years time for review.
- 6.7 That Members approve in principle the proposed generic policy in respect of 'Novelty Vehicle' (which would apply to this application) and direct officers to prepare a report for the consideration of Executive Board to approve these policies. **Appendix J.**

7 Background documents

- 7.1 Equality, Diversity, Cohesion and Integration Screening – Author: Kate Coldwell, Service Development Officer – dated 17.5.2013.

Question & Answer document

Is it noisy?	The vehicle meets European standards so we don't anticipate any issues with noise.
Is it like a motor bike?	In some respects, yes, in that you are sat on the vehicle not inside it. It is a three wheeled motor tricycle and so has improved road holding. It has a car engine, gear box with a traditional clutch and pedals. It is also meets international standards of approval in vehicle designs of this sort. The driver sits behind the front wheel and up to two passengers behind him, held in by lap belts and a safety bar in front of them. The passengers have less impact upon the stability of the vehicle on the road than is the case with a pillion passenger on a motor bike.
Can it carry children?	It is proposed that the vehicle will not carry children under 11 years old or under 165 cm in height. This height is set to ensure the passenger's feet can touch the frame of the vehicle and they can reach the passenger restraint bar.
How fast will it go?	The manufacturer's information shows a top speed of 93 mph which is less than the majority of Private Hire vehicles currently licensed.
How safe is it for passengers?	The vehicle is designed and manufactured to European standards to carry two pillion passengers and it incorporates a passenger restraint bar in front. For additional safety it is proposed that passenger restraints will be added in the way of lap belts.
Can disabled people use it?	Yes, depending on their level of mobility. A risk assessment would be undertaken by the Operator.
What licence does the driver have?	The driver needs a full UK driving licence, needs to have passed his test prior to 19 January 2013. New rules were applied by Department for Transport after that date which will be reflected in the driver conditions attached to the grant of a PH licence.
Is it safe in bad weather?	This vehicle will have better road holding capabilities than a two wheeled motor bike but less road holding capabilities than a four wheeled car. It has been issued with European whole type approval.

Appendix A

What about bad weather for the passenger?	It is proposed to attached conditions that all passengers must be provided with suitable clothing in adverse weather conditions.
How do you inspect the vehicle?	The vehicle can be inspected in the same way as any other car given the right facilities and can be MOT tested at an approved Class 4 MOT testing station. It can also be given an annual inspection by Council Officers to ensure roadworthiness and compliance to conditions.
What safety equipment do passengers have?	They will be provided with a helmet and visor/goggles along with suitable adverse weather clothing. Lap belts and front restraint bar.
Can passengers talk to the driver?	It is proposed to apply a condition that would provide communication between the passengers and the driver throughout the duration of the journey by way of hard wired radio wave or blue tooth technology.
How many people can it carry?	It is proposed that the vehicle will be licensed to carry two passengers and one driver.

European Whole Vehicle Type Approval Document

Please note that the document is a pdf and will be included at the point of printing the Committee papers

Vehicle photograph

Please note that the document is a pdf and will be included at the point of printing the Committee papers

Risk Assessment**Appendix D**

<i>Potential Hazard</i>	<i>Who could be affected and how?</i>	<i>Precautions to be taken</i>
Injury getting on or off the trike.	Passengers slipping off the footrest or sustaining a back injury.	Before the commencement of the tour a short induction to be given and included will be a demonstration on how to get on or off the trike.
Passenger moving about etc in the course of a journey.	Passenger/s, driver and other road users by causing the instability of vehicle.	Driver to monitor and correct, if necessary. Passengers to be instructed to remain seated whilst the trike is in motion. Journey to be terminated if behaviour is not corrected or becomes worse.
Danger from loose clothing or inappropriate footwear.	Passengers.	Passengers to be advised to wear clothing appropriate for the weather and with no flowing edges, and securely fastened shoes or boots
Falling out of the trike.	Passengers.	Safety bar to be deployed at all times during the tour. Passengers to be required to use seat belts at all times.
Legs not fitting onto the footrest.	Passengers.	Height restriction of 165 cms and the ability to reach the footrest to be checked at pre-booking and at the induction,
Danger from passengers under the influence of drink or drugs.	Passengers and chauffeur. Erratic behaviour could cause an accident.	Access to the trike will be denied if the chauffeur suspects any guest of being under the influence of alcohol or drugs before or during a tour.
Injury caused by lifting or aiding a disabled guest on or off the trike.	Employee of Yorkshire Trike Tours or a passenger.	Any employee of Yorkshire Trike Tours to be offered a course on safe handling a

Risk Assessment**Appendix D**

		sensitive assessment conducted and advice offered prior to booking.
Exposure to adverse weather conditions or other injury whilst travelling.	Passenger.	Helmets, goggles/visors, appropriate jacket, to be provided as standard. Gloves and waterproof over trousers to be provided as necessary.

Pre-Conditions attached to the grant of a Motor Tricycle Vehicle Licence

1. Type of Vehicle

- (a) Only those vehicles which are on the Council's 'Approved List of Novelty private hire Vehicles – Motor Tricycle' will be accepted for licensing.
- (b) The vehicle must hold 'European Whole Vehicle Type Approval' and must be maintained in its standard manufactured form. Any modification or adaptation must be made by the manufacturer who must attain 'European Whole Vehicle Type Approval' in the vehicles modified or adapted form.
- (c) A vehicle licence will not normally be granted if it has sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, has been disposed of under an insurance salvage agreement (categories A, B, C, and D)¹
- (d) Once a vehicle has been inspected and a licence granted, it shall be maintained in that form and condition including continued compliance with Condition 1(a) relative to accident damage. No change in the specification, design or appearance of the vehicle or addition of any body work accessories shall be made within the duration of the licence without the prior written approval of the Council.
- (e) The vehicle must have a minimum nominal engines capacity of 1300cc or more. The engine must be the manufacturers standard type and design and must not be modified or adapted in any way to exceed standard power, emission or noise output.
- (f) The vehicle will be equipped with passenger head restraints as part of its standard design and construction and the component parts must be provided as standard equipment factory fitted by the vehicle manufacturer.
- (g) The vehicle must be equipped with side restraints as part of its standard design and construction and the component parts must be provided as standard equipment factory fitted by the vehicle manufacturer
- (h) The vehicle must be equipped with a passenger forward restraint bar as part of its standard design and construction which locks in place across the front of passengers while being transported and the component parts must be provided as standard equipment factory fitted by the vehicle manufacturer.
- (i) The applicant should produce relevant documentation to support all the of the pre-conditions upon demand and to the satisfaction of an Authorised Officer of the Council.

2. Age Criteria

- (a) The age of a vehicle, for licensing purposes, shall be determined by the date of first registration on the V5 registration document (Log Book). A vehicle will only be accepted for licensing if the date of first registration is less than 1 year from the date of application. The vehicle must be licensed for use within one month from the date of application.
- (b) Where a currently licensed vehicle does not meet the requirements of part 2a that vehicle will continue to be re-licensed for up to 7 years from the date of first registration, providing that all other licensing requirements relating to that vehicle have been complied with and that the licence is renewed before the Taxi and Private Hire Licensing Section's last working day of the month of expiry of the licence. Any break in the licence will result in part (a) of this Condition coming into effect.

The proposed changes to the standards conditions will appear in highlighted in grey.

Conditions attached to a Private Hire Motor Tricycle Vehicle Licence

Local Government (Miscellaneous Provisions) Act, 1976 Part 2

All licences issued by the Council in connection with the driving and operation of a Private Hire Motor Tricycle vehicle are in accordance with the provisions of the 1976 Act. Drivers, Operators and Proprietors should be familiar with this Act, the provisions of the Town Police Clauses Act and the Equality Act effecting Private Hire Motor Tricycle vehicle licences.

The following Conditions apply to all vehicles, licensed or seeking to be licensed and in whole to the vehicle Proprietor and in whole or part to licensed Operators and drivers. In certain circumstances, additional appropriate Conditions may be attached to an individual licence which could be set out as an addendum to Section 1 or by way of a formal notice served upon the licensed Operator and drivers or Proprietor

The Council informs of changes to its Conditions by publicising them in a variety of ways. It is the responsibility of the licence holder to be familiar with those changes and seek appropriate advice and guidance if in doubt.

Additional copies of these Conditions can be obtained, free of charge, by visiting the Taxi and Private Hire Licensing office, downloading from the Council's website or requesting a copy be sent by post. It is also a Condition of the Operators licence that a copy is available for viewing.

Councillors have considered carefully the following Conditions and emphasise that they are essential requirements. Failure to observe may lead to immediate suspension of the vehicle licence and consideration of licence revocation and prosecution¹ (there are explanatory notes at the end of these Conditions).

No change proposed

1. Type of Vehicle

- (a) Only those vehicles which are on the Council's approved list of Motor Tricycle vehicles will be accepted for licensing.

No change proposed

- (b) The vehicle must hold 'European Whole Vehicle Type Approval' and must be maintained in its standard manufactured form. Any modification or adaptation must be made by the manufacturer who must attain 'European Whole Vehicle Type Approval' in the vehicles modified or adapted form.

No change proposed

- (c) A vehicle licence will not normally be granted if it has sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, has been disposed of under an insurance salvage agreement (categories A, B, C, and D).

No change proposed

- (d) Once a vehicle has been inspected and a licence granted, it shall be maintained in that form and condition including continued compliance with Condition 1(b) relative to accident damage. No change in the specification, design or appearance of the vehicle or addition of any body work accessories shall be made within the duration of the licence without the prior written approval of the Council.

No change proposed

- (e) The engine must be the manufacturers standard type and design and must not be modified or adapted in any way to exceed standard power, emission or noise output in line with condition 1 (c) above.

Additional condition

- (f) Suitable 'foot plates' are to be fitted to the frame work of the Motor Tricycle where passengers are expected to tread or rest their feet while mounting, dis-mounting or being transported on the vehicle. The foot plates must prevent the feet & ankles of passengers passing through the vehicle framework. They should provide a 'non-slip' surface and should not introduce any trip hazard or sharp edges. The foot plates must be fabricated and fitted to acceptable engineering industry standards and approved by Authorised Officers of the Council.

Additional condition

- (g) The vehicle shall be fitted with suitable seatbelts/lap belts which meet approved BSI standards to provide additional level of safety and to prevent 'submarining'. The anchorage points must be mounted on the main framework of the vehicle and fitted in line with product specification to acceptable engineering industry standards and approved by Authorised Officer of the Council.

Additional condition

- (h) Once licensed a vehicle must continue to comply with all of those pre-conditions to the grant of the licence contained in the policy statement.

No change proposed

- (i) Fire Extinguisher – Motor Tricycle

A fire extinguisher shall be carried at all times in the vehicle. This fire extinguisher shall be a 1kg dry powder giving a minimum 5A/21B rating as defined in BSEN 3-4 British Standard for portable fire extinguishers. It must be mounted in its correct transport bracket within the boot area of the vehicle in a position that is easily accessible to potential users. All fire extinguishers should conform to British Standard EN3³.

No change proposed

- (J) The vehicle shall carry at all times a fully equipped first aid kit which will contain:

- Guidance on First Aid Leaflet
- 10 x Non Alcoholic Wipes (Single)
- Conforming Bandage 7.5cm x 4.5m stretched
- 2 x Non Woven Triangular Bandage 96 x 96
- Safety Pins x 12
- Medium Blunt/Blunt Stainless Steel Scissors 5"
- 2 x No. 16 Eye Pad Dressing
- 3 x Large Dressing 180 x 180 mm
- 30 Assorted Transparent Plasters

All stored in a suitably labelled container complete with transport bracket and fitted in a suitable prominent position within the boot area of the vehicle for ease of use by the driver or passengers.

No change proposed

2. Age Criteria

- (a) The age of a vehicle, for licensing purposes, shall be determined by the date of first registration on the V5 registration document (Log Book). A vehicle will only be accepted for licensing if the date of first registration is less than 1 year from the date of application. The vehicle must be licensed for use within one month from the date of application.

Change proposed

- (b) Where a currently licensed vehicle does not meet the requirements of part 2a that vehicle will continue to be re-licensed for up to 7 years from the date of first registration, providing that all other licensing requirements relating to that vehicle have been complied with and that the licence is renewed before the Taxi and Private Hire Licensing Section's last working day of the month of expiry of the licence. Any break in the licence will result in part (a) of this Condition coming into effect.

No change proposed

3. Number of passengers

The private hire Motor Tricycle vehicle shall carry no more than 2 passengers at any one time regardless of designed passenger carrying capacity. This will allow for no more than one driver and two passengers being transported on the vehicle for the purpose of a private hire service.

Additional condition

4. Inspection and testing

- (a) The Proprietor of a motor tricycle must present the vehicle for an MOT inspection at an authorised MOT testing station no later than 12 months from the date of first registration and every 6 months thereafter.

Change proposed

Appendix E

- (b) The vehicle Proprietor will be responsible for producing the MOT pass certificate to the Licensing Office within 72 hours of such a test.

Change proposed

- (c) The licensed vehicle will be subject to inspection and testing by Authorised Officers of the Council as may be required and in line with the provisions of the Local Government (Miscellaneous Provisions) Act, 1976.

No change proposed

5. Signs and Markings

- (a) All vehicles will be required to have a licence plate affixed to the bodywork and displayed in accordance with the requirements of the Council. Each licensed Motor Tricycle shall have no signs or markings on it except those identified below.

No change proposed

- (b) A licence identification disc will be issued by Leeds City Council, which must be fixed to the front, nearside of the vehicle in such a manner as to be capable of being easily read from the roadside.

- (1) The proprietor must provide a suitable weather proof licence holder to ensure the licence disc is protected, maintained and legible at all times. All those relevant preceding Conditions concerning approval and fixing in the 'signs and markings' sub section also apply.

- (a) Rear Licence Plate

Leeds City Council will issue to each licensed vehicle a 'licence plate' to be fitted by the Council and wherever possible to the rear lower offside of the vehicle. It will display the licence number, vehicle registration number and the number of passengers it is licensed to carry. It will be displayed at all times and maintained in good condition.

- (c) Advertising

Only the name and contact telephone number of the company may be displayed on the rear of the vehicle in a form and design approved by an Authorised Officer of the Council.

Advertising of any other form is not permitted in or upon the vehicle.

Change proposed

6. Communication Equipment

- (a) Radio or other data communication equipment for use in the communication of bookings from the Private Hire Operators base station cannot be fitted.

Change proposed

- (b) All bookings are for exceptional events and must take place in a formal manner including the exchange of a written contract and acceptance prior to the commencement of a journey

No change proposed

- (c) The carrying or use of scanning equipment is not permitted within a licensed vehicle.

No change proposed

- (d) The vehicle will be equipped with two way radio communication equipment (with headsets) which allows constant means of communicating between the driver and passengers throughout the duration of a journey.

Additional condition

7. Liquefied Petroleum Gas

Appendix E

Vehicles with Dual Fuel or 'after market' Liquid Petroleum Gas (LPG) systems must be tested and certified by a recognised Liquid Petroleum Gas Association (LPGA) accredited installer.

For Private Hire Motor Tricycle licence applications, this certification must be produced at the time of application. For vehicles that have a LPG system fitted during the currency of a vehicle licence, they must inform the Taxi and Private Licensing office in writing and produce the above certification within 7 days.

No change proposed

8. Fare Meter (Optional)

- (a) A licensed private hire Motor Tricycle vehicle may be equipped with an approved fare meter. If so, the calibration must be tested, and the meter sealed by the Council or an accredited technician authorised, in writing, by the Council.
- (b) Where fitted, a tariff meter must be maintained in working order and must be used for all journeys within the district.
- (c) The type of seal used must be approved prior to fitting, by the Council.
- (d) Where an Operator uses 'fare cards' to assist customers and drivers in determining the cost of a journey, then such a 'fare card' will be carried in the licensed vehicle and made available to a customer at any time

No change proposed

9. General Condition Cleanliness and Appearance of Vehicle

- (a) Every vehicle shall be maintained in a safe and pristine condition at all times and be subject to such examinations as are required by the Council.
 - (b) Seats must be maintained to a standard commensurate with passengers reasonable expectations and should remain comfortable, free of stains, tears, cigarette burns or repair, and not threadbare.
 - (c) Luggage and storage areas must be kept as free space for passenger's luggage.
 - (d) The driver of a licensed Motor Tricycle shall, at the request of an Authorised Officer of the Council or a Police Constable, stop the vehicle, whether or not passengers are being carried, to enable it to be checked for compliance with all the Conditions of the vehicle, driver and Operator licences granted by the Council and relevant legislation and shall not proceed until the Authorised Officer or Constable has given approval.
 - (e) Accident damage must be reported to the Council, in writing, within 72 hours, by the Proprietor and must be repaired without undue delay. Bodywork should be maintained to a good condition, paintwork should be sound and well maintained and free of corrosion, inferior re-spray paintwork and 'cover up' temporary repairs.
3. Replacement parts whether mechanical, body or trim, fittings or furnishings, will be supplied by the vehicle manufacturer.

Change proposals only in respect of terminology

10. Insurance Documentation

- (a) At all times during the duration of this licence there shall be in force in relation to the use of the vehicle as a Motor Tricycle, a Policy of Insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988.
- (b) The Proprietor or the driver of the licensed vehicle shall produce a current Certificate of Insurance or Cover Note showing:
 - (i) That there is in force in relation to the use of the Private Hire vehicle to which the application relates a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988, and have a current vehicle excise licence. The Certificate of Insurance or Cover Note must clearly state the driver(s) and the vehicle;
 - (ii) In the case of a vehicle covered by a block insurance policy, the Certificate or Cover Note must be produced showing that there is in force in relation to the use of the Private Hire Vehicle to which the application for the grant of licence relates, a policy of insurance of such security as complies with the requirements of Part VI of the Road Traffic Act 1988. The Certificate of Insurance or Cover Note must clearly state the driver(s) and vehicle or;
 - (iii) When the driver and vehicle is not so stated then a V5 registration document will be required which relates to the vehicle owner/keeper being the same as the Proposer of the insurance and the Proprietor of the licence.
- (c) The Proposer of the insurance produced must be the Proprietor of the licensed vehicle.

Appendix E

- (d) The original insurance documentation will be produced to the Council. The Council will not accept production of insurance documentation by facsimile or which are a photocopy. When requested the Proprietor must also produce separate correspondence from the insurer to enable the Council to reduce the risk of fraudulent documents being produced.
- (e) At all times during the currency of the vehicle licence, the Proprietor of the vehicle must hold in the vehicle the original Certificate of Insurance or Cover Note relating to that vehicle and which shows those persons entitled to drive the vehicle or a Certificate which complies with 2(c) as above. The documentation must be available for inspection by any Authorised Officer of the Council or Police Officer at all reasonable times. Failure to hold or produce this documentation will, except in exceptional circumstances, lead to the consideration of the suspension or revocation of the licence.

No change proposed

11. Change of Address

The Proprietor shall notify the Council in writing on the prescribed form of any change of his address during the period of the licence within 72 hours of such change taking place.

No change proposed

12. Transfer of Motor Tricycle Vehicle Licences

If the Proprietor of a licensed Private Hire Motor Tricycle transfers his interest or part interest in the vehicle to any other person, he shall be required to notify the Council in writing, on the prescribed form, and within fourteen days of such transfer, specifying the name and address of the person to whom such interest has been transferred along with the other necessary detail to enable the Council to monitor the licence. Failure to notify the Council may result in prosecution and immediate suspension of the vehicle licence.

No change proposed

13. Requirements to Produce a New MOT Certificate

A licensed vehicle which attracts a vehicle suspension notice (VOR) for serious defects may be required at the discretion of an Authorised Officer of Leeds City Council, to obtain a new MOT certificate to demonstrate that the vehicle is roadworthy before the suspension will be lifted. The cost of obtaining such a certificate is to be borne by the licence holder.

No change proposed

14. Private Hire Motor Tricycle Vehicle Licence Surrender

If the Proprietor surrenders a Private Hire Motor Tricycle vehicle licence then that licence shall be treated as if it had expired on the date of surrender and cannot thereafter be re-instated.

No change proposed

15. Return of the Licence Plates and Discs After Expiry of Licence

- (a) The plates and disc issued to a licensed Private Hire Motor Tricycle vehicle remain the property of Leeds City Council and must be returned to the council on expiry of the Vehicle Licence.
- (b) Failure to return plates and disc within seven days of being instructed to do so in writing will render the Proprietor liable to prosecution.

No change proposed

Explanatory Notes

1. Health and Safety of Passengers (Duty of Care)

Most people will be aware that employers have a duty of care to their employees, but the Health and Safety at Work Act, 1974, goes further. Part 1, Section 3 (2) states "it shall be the duty of every self-employed person to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that he and other persons (not being his employees) who may be affected thereby are not exposed to risks to their health and safety". Operators, drivers and Proprietors are advised that a failure to safeguard passengers could have serious implications for the licence holder, and the licence.

2. **Cautionary Advice**

You are strongly advised not to purchase a vehicle or any equipment or fittings without first reading the Council's policy and preconditions to the grant of a licence and also these Conditions. If in doubt about any aspect of them, you should make an appointment with a Vehicle Examiner at the Taxi and Private Hire Licensing Section. Licensing Officers and administration staff are not qualified to make technical assessments and are under instruction not to offer such advice.

If a vehicle does not meet the Conditions it is unlikely that a licence will be granted.

Drivers considering buying a vehicle, whether previously licensed or not, are strongly advised to conduct a HPI check prior to purchase. The Council offers a 'Hire Purchase information' service to enable licensed drivers who are considering purchasing a vehicle to ascertain a vehicle's HPI status. The Taxi and Private Hire Licensing Section can conduct such 'HPI' checks for the fee set at that time. There are also other businesses offering this service. It is recommended you seek advice from a Vehicle Examiner prior to purchase.

3. **Fire Safety Code of Practice**

The relevant fire safety code of practice recommends that fire extinguishers should be examined annually by a suitably qualified person in accordance with that standard.

No change proposed

Pre-Conditions Attached to the Grant of a Private Hire Motor Tricycle Operator Licence

1. Any person wishing to acquire a licence to operate a private hire Novelty vehicle shall be a fit and proper person and make the application to the Council solely in their name on the prescribed form and pay such fee as prescribed by the Council. Such fee shall not be returnable under any circumstance, save at the sole discretion of the Council.
2. Every applicant for an Operators licence shall be required to undertake: -
 - (i) Complete the appropriate application form and a DBS Disclosure form
 - (ii) Undertake English language, literacy and numeracy testing
 - (iii) Attend a private hire Motor ricycle Operator Seminar

Policy change proposed

3. Every applicant shall in addition to the information specified in the application process provide the name, date of birth and address of any person the applicant proposes to operate the business in partnership with at any time. If it is intended to provide a travelling partner on behalf of the Company with a passenger that person must be the subject of a DBS Disclosure.
4. Each Operator licence issued by the Licensing Authority shall be issued only in the name of the applicant and that person shall be deemed solely responsible as the Operator upon the licence being granted and the licence is not transferable from the first mentioned person to another person.
5. Each Operator licence issued by the Licensing Authority shall be valid for such a period as the Licensing Authority may decide.
6. Every applicant for an Operators licence shall demonstrate compliance with the policy.

The proposed changes to the standards conditions will appear in highlighted in grey.

Conditions attached to a Licence to Operate a Private Hire Motor Tricycle

Local Government (Miscellaneous Provisions) Act, 1976 Part 2

All licences issued by the Council in connection with the driving and operation of private hire Novelty vehicles are in accordance with the provisions of the 1976 Act. Drivers, Operators and Proprietors should be familiar with this Act, the provisions of the Town Police Clauses Act and the Equality Act effecting private hire licences.

The following Conditions apply to all Operators of Motor Tricycle vehicles, licensed or seeking to be licensed, and in whole to the vehicle Proprietor and in whole or part to licensed Operators and drivers. In certain circumstances additional appropriate Conditions may be attached to an individual licence which could be set out as an addendum to Section 1, by way of a formal notice served upon the licensed Operator.

The Council informs of changes to its Conditions by publicising them in a variety of ways. It is the responsibility of the licence holder to be familiar with those changes and seek appropriate advice and guidance if in doubt.

Additional copies of these Conditions can be obtained, free of charge, by visiting the Taxi and Private Hire Licensing office, downloading from the Council's website or requesting a copy be sent by post. It is also a Condition of the Operators licence that a copy is available for viewing.

Councillors have considered carefully the following Conditions and emphasise that they are essential requirements. Failure to observe may lead to immediate suspension of the vehicle licence and consideration of licence revocation and prosecution² (there are explanatory notes at the end of these Conditions).

1. Operator Licence

Every applicant shall in addition to the information specified in the application process provide the name, date of birth and address of any person the applicant proposes to operate the business in partnership with at any time, who shall also be the subject of DBS vetting.

Each Operator licence issued by the Licensing Authority is issued only in the name of the applicant and that person shall be deemed solely responsible as the Operator upon the licence being granted and the licence is not transferable from the first mentioned person to another person.

Each Operator licence issued by the Licensing Authority shall be valid for such a period as the Licensing Authority may decide.

The current Operator licence must be displayed at the business premises to which the licence relates in a prominent position at all times in view of the general public with the exception of such times as the licence is presented to the Licensing Authority for amendment or it is required to be produced for inspection by an Authorised Officer of the Licensing Authority or a Police Constable.

Each Operator, when disposing of any business interest, shall within 14 days give notice, in writing, to the Licensing Authority that the business registered in his / her name has terminated.

The Operator shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

The Operator will, if there is public access, have on display a copy of the Operators, drivers and vehicle Conditions to be viewed by any person.

The Operator will supply, free of charge, a copy of those Conditions to any person requiring them.

When operating a Motor Tricycle under the licence category of Novelty vehicle. The Operator licence precludes the acceptance of bookings of that vehicle for standard private hire journeys or working within the city centre or the night-time economy.

Additional condition

2. Place of Business

A licensed Operator will only conduct the business from the booking office address specified on the licence, each booking office address requires a separate licence.

NB: Any licensed Operator wishing to conduct a business from any address other than that specified on the Operator licence shall make application to the Licensing Authority on the prescribed forms which will be regarded by the Licensing Authority as a new application for an Operator licence and the applicant shall satisfy the requirements of the Licensing Authority accordingly.

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An application on or within the grounds of liquor licensed premises will not be accepted.

Where there is public access the licensed Operator shall provide, at the address from which the business is conducted as specified on the Operator licence, an enclosed area to which the public have right of access for the purposes of making a booking for the services of a licensed vehicle or awaiting the arrival of a licensed vehicle subsequent to any booking. No Operator shall cause or permit any such area to be used by them or other persons for any other purpose than that outlined above.

The premises shall be kept clean, adequately illuminated, heated and ventilated and shall conform to any other relevant legal requirements.

All licensed Operators shall have in force a Public Liability Insurance policy providing a minimum of £5,000,000 indemnity in respect of any one incident.

All licensed Operators shall have in force an Employers Liability Insurance policy complying with the Employers Liability (Compulsory Insurance) Act 1969 covering death or personal injury arising out of any incident during the course of a person's employment.

3. Requirements to report convictions & associated incidents⁴

- (a) Any of the following events must be reported in writing to the Taxi & Private Licensing office within 72 hours during the currency of a licence giving full details:-
- (a) any conviction or finding of guilt (criminal or driving matter);
 - (b) any caution (issued by the Police or any other agency);
 - (c) issue of any Magistrate's Court summons against them;
 - (d) issue of any fixed penalty notice for any matter;
 - (e) any harassment or other form of warning or order within the criminal law including Anti-Social Behaviour Orders or similar;
 - (f) their arrest for any offence (whether or not charged)
- (b) When required a licensed driver will undertake enhanced Criminal Records Bureau (CRB) vetting at his/her own expense and within a timescale set by the Council. Such a requirement may be on the basis of the Council's responsibility to ensure continued public safety and monitor licensed drivers.⁴

4. Training to expected standards of service and safety

- (a) During the lifetime of a drivers licence, an Authorised Officer of the Council may require a licence holder to undertake reasonable and appropriate training to meet these expectations and requirements. Such a requirement would be in writing. A reasonable time scale of up to 3 months will be set for the training to be successfully undertaken at a place designated by the Council. If there is a refusal or failure to attend, or the licensed driver does not meaningfully participate in the training or attain the training accreditation the licence may be suspended and consideration given to its revocation. The cost of such training will be borne by the licence holder.
- (b) The driver of any wheelchair accessible vehicle must undertake appropriate training set by the Council to ensure that passengers are handled and conveyed safely.

5. Advertising

Due to the mode of transport offered by the licensed operator of a Motor Tricycle private hire vehicle, all advertising media for this service must ensure that members of the public are fully aware of the type of vehicle they are to be transported on and the open exposure to the elements and associated effect they will be exposed to should they wish to make a booking for this service.

Additional condition

No Operator may use the word **TAXI** or **CAB** or **HACKNEY CARRIAGE** or any combination or derivation thereof in any advertising manner in any media, and any such advertising shall include the words Licensed Private Hire Novelty Vehicle (Motor Tricycle) – Advance Bookings Only.

Where any Operator in the course of business uses the trading name or business address specified on the Operator licence to offer the services of a Hackney Carriage to the general public, the Operator shall not use the words **TAXI** or **CAB** or **HACKNEY CARRIAGE** or any combination or derivation thereof in any advertising manner unless the number of Hackney Carriages that the Operator can offer (without engaging the services of any other company or trading concern) is not less than 51% of the number of licensed private hire vehicles specified on the form OPVS.

6. Acceptance of Bookings

Every contract for the hire of a private hire Motor Tricycle vehicle shall be deemed to be made with the licensed Operator who accepted the booking, whether or not that licensed Operator subsequently provides the vehicle(s).

No change proposed

The booking is exclusive to a Motor Tricycle vehicle and may not be transferred to a standard private hire vehicle or other category of licence.

Additional condition

A booking with a licensed Operator may not be transferred to any Operator not licensed by this Authority.

No change proposed

7. Record of Bookings

Each licensed Operator shall keep a full and accurate record of every booking of a private hire Novelty vehicle in a register, details to include:-

- (i) Time and date of booking
- (ii) Time required
- (iii) Customer's name
- (iv) Particulars of the journey (from and to)
- (v) The nature of the 'special event' and the vehicle used

These records must be maintained in a bound book with consecutively numbered pages. Operators must be able to identify from their records which private hire Motor Tricycle vehicle has undertaken any particular job, e.g. call sign, plate number.

All bookings are for exceptional events and must take place in a formal manner including the exchange of a written contract and acceptance prior to the commencement of a journey

The register must be maintained up to date at all times, and shall be retained at the address from which the business is conducted as specified in the Operator licence for a period of not less than 12 months from the date of the last entry in the register.

The register(s) shall be available at any time without notice by an Authorised Officer of the Licensing Authority of a Police Constable who shall be empowered to take away the register(s) from the premises if required.

Licensed Operators who wish to operate a computer booking record system **must** have the approval in writing of the Licensing Authority, and must adhere to all other relevant conditions.

No change proposed

8. Specified Vehicles

No licensed Operator shall operate any private hire Motor Tricycle vehicle other than those which have been listed by an Authorised Officer of the Licensing Authority on the Operator Vehicle Schedule (form OPVS). Any alteration to the form OPVS shall only be made by an Authorised Officer of the Licensing Authority.

When a licensed Operator ceases to operate any vehicle specified on the OPVS, the Operator shall forthwith, and in any event not later than 72 hours, notify the Licensing Authority, in writing, for amendment by an Authorised Officer.

No change proposed

9. Off Street Parking

During the currency of the licence, the Operator shall ensure designated off-street parking provision at all times for the number of vehicles being operated.

No licensed Operator shall use any land or premises for the said purpose where that Operator does not have lawful right of use of that land or premises. The Operator, if required to do so by an Authorised Officer of the Licensing Authority or Police Constable, shall produce such documentary evidence as may be reasonably required to establish the Operator's lawful right to use such land or premises for the purposes of providing off-street parking provision for Private Hire Novelty vehicles.

No change proposed

10. Specified Drivers

The Operator shall notify the Licensing Authority of each and every private hire Motor Tricycle driver employed or used by the Operator in his Operator Driver Schedule (Form OPDS). Where an Operator ceases to employ or use any licensed Private Hire Novelty driver, the Operator shall forthwith, and in any event within 72 hours, notify the Licensing Authority in writing and

Appendix F

present the form OPDS to the Licensing Authority for amendment by an Authorised Officer. The Private Hire Novelty driver licence must be returned to the driver.

Each Operator will retain at the address from which the business is conducted, the Private Hire Novelty driver licence of every licensed Private Hire Novelty driver employed or used by that Operator.

Where the Operator provides a 'travelling partner' (buddy) with a lone travelling passenger that 'partner' must have been the subject of a DBS disclosure and provided to the Council for approval prior to any journeys being undertaken.

The private hire Novelty driver licences shall be available at all times for inspection by any Authorised Officer of the Licensing Authority or Police Constable who may take the licence(s) away from the premises if so required.

Every private hire Novelty driver licence retained by the Operator must display the trade name and Operator licence number relating to his licence.

Once licensed as a private hire Novelty vehicle a vehicle can only be driven by a driver who has a private hire Novelty driver licence for this type of vehicle and the Operator may only use such a driver.

No change proposed

11. Standard of Service

The Operator shall provide a prompt, efficient and reliable service to members of the public which at all times complies with all the Conditions associated to Private Hire Novelty Operators, drivers and vehicles and shall ensure that when a Private Hire Novelty vehicle has been hired to be in attendance at an appropriate time and place, that vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that time and place.

No change proposed

1. Due to the passengers exposure to the elements when being carried on this mode of transport, the Operator of the (Motor Tricycle) private hire vehicle must specify to any prospective passenger at the time of booking what suitable and safe clothing must be worn by passengers in order for a journey to take place. The clothing must not be loose fitting or liable to become detached or entangled during a journey and take account of sudden changes in weather conditions.

Additional condition

2. The operator of a Motor Tricycle private hire vehicle must produce for the approval of an Authorised Officer of the Council, a set of documented safety instructions that will be issued to any prospective passenger prior to the commencement of any journey.

Additional condition

12. Safety of Passengers/Risk Assessment.

All risk assessments must be documented and retained by the licensed operator for inspection by Authorised Officer of the Council.

At the time of booking, the Operator of a Motor Tricycle must specify and advise any prospective customer;

- a) Maximum/ minimum height and weight of individual passenger in line with vehicle manufacturer guidance and recommendations
- b) Suitable clothing which must be worn for journey to take place
- c) Conditions that may be experienced throughout the duration of the journey
- d) Exposure to varying weather conditions

In addition to personal clothing which may be worn by a passenger, the operator of a Motor Tricycle private hire vehicle must provide for each passenger suitable protective jacket, gloves, eye protection and helmet. The helmet must meet the current BSI approved standards and the hirer and passenger must be instructed that the helmet must be worn for the duration of the journey.

Additional condition

13. Disability Discrimination³

Every licensed Operator must conform to the requirements of the Equality Act 2010, and associated legislation.

No change proposed

14. Complaints

Operators, on receiving any complaint of a serious nature, particularly including dishonesty, indecency, violence, disability discrimination or drugs, regarding any person licensed by the Authority, must immediately inform the Taxi and Private Hire Licensing Section as to the identity of the person involved and the nature of the complaint. All accompanying information, documentation and records must be supplied. This should be done immediately but no later than 72 hours.

No change proposed

15. Lost Property

Any property or articles of any description left in a Motor Tricycle private hire vehicle by a passenger shall forthwith, and in any event not later than 72 hours, be delivered to the Police Station for the area which the licensed Operator is based. Appropriate enquiries should be made by the driver to return the property to the owner but nevertheless must be lodged with the Police, in line with the stated time scales in this Condition. A record of the property receipt should be retained for a period of 6 months by the driver whose responsibility it was to take care of the property when found.

No change proposed

16. Radio Equipment

Radio or other data communication equipment for use in the communication of bookings from the private hire (Motor Tricycle) Operators base station cannot be fitted.

No change proposed

The Operator of a Motor Tricycle private hire vehicle must provide means of clear communication between the licensed driver and the passengers throughout the duration of the journey. (This may be by way of hardwired headsets or Radio wave/Bluetooth device).

Additional condition

Explanatory Notes

1. Licences granted to Operator's are personal licences and are not transferable. Any new Operator must satisfy all the Council's pre-conditions to the grant of a licence. Operating businesses cannot be operated by an unlicensed Operator. Prior to the transfer of any business the proposed purchaser should have satisfied the Council that he is a 'fit and proper' person and obtained the appropriate Operator licence

2. Health and Safety of Passengers (Duty of Care)

Most people will be aware that employers have a duty of care to their employees, but the Health and Safety at Work Act, 1974, goes further. Part 1, Section 3 (2) states "it shall be the duty of every self-employed person to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that he and other persons (not being his employees) who may be affected thereby are not exposed to risks to their health and safety". Operators, drivers and Proprietors are advised that a failure to safeguard passengers could have serious implications for the licence holder, and the licence.

3. Legislation effecting the provision of public transport has undergone significant change, (for example, Disability Discrimination, Health & Safety, road safety bills) and there are increased expectations within society that a service will be delivered professionally and fairly to all. Many of these issues do in fact have serious consequences for drivers within the criminal law, but it is also important to the Council that its values and principles are displayed by licensed drivers. They should conduct themselves in a way that reflects positively on the licensing policy of the Council and benefits those passengers using private hire transport.

4. Meaning of Convictions

How criminal allegations are finalised by law enforcement agencies has significantly changed since the Act setting out the legislation and Conditions for Private Hire licensing was introduced. There are now a variety of disposal methods for sentencing which have been introduced in recent years. Many of these do not necessitate the alleged offender appearing before the courts to be sentenced. Formal 'Cautions' within Home Office guide lines are more frequently used in appropriate cases and 'Fixed Penalty Fines' can be issued for a range of criminal offences. There are also a variety of constraining orders issued by the Courts (Criminal and Civil) intended to control the behaviour of individuals. All these disposal methods have a common thread to actual convictions and are indicative of an individual's behaviour. These may be considered by the Council to consider the suitability of a licensed driver to continue to hold a licence. Similarly, the issue of summonses or the arrest and release on bail, with or without charge, can indicate there has been an event which may cause the Council to review the suitability of a licensed driver to continue to hold a licence. Each case will be considered on its own merits.

Appendix F

Because of the public safety issues involved in Private Hire work the Council has been exempted from the provisions of the Rehabilitation of Offenders Act, 1976.

No change proposed

The proposed changes to the standards conditions will appear in highlighted in grey.

SECTION 1

STANDARD CONDITIONS ATTACHED TO A PRIVATE HIRE DRIVERS LICENCE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT, 1976 PART 2

All licences in connection with the driving and operation of Private Hire vehicles are issued by the Council in accordance with the provisions of the 1976 Act. Drivers and Operators should be familiar with this Act, the provisions of the Town Police Clauses Act and the Equality Act 2010 affecting Private Hire licences. The Health and Safety at Work Act has particular meaning Private Hire Drivers. ¹(There are explanatory notes at the end of these Conditions.)

The following Conditions apply to all licensed Private Hire drivers. In certain circumstances additional appropriate Conditions may be attached to an individual licence which could be set out as an addendum to Section 1 or by way of a formal notice served upon the licence holder concerned.

The Council informs of changes to its Conditions and policy by publicising the changes in a variety of ways. It is the responsibility of the licence holder to be familiar with those changes and seek appropriate advice and guidance if in doubt. Additional copies can be obtained, free of charge, by visiting the Taxi and Private Hire Licensing office or downloading from the website. It is also a Condition of a Private Hire Operators licence that a copy is available for viewing.

Councillors have considered carefully the following Conditions and emphasise that they are essential requirements of the role. Failure to observe may lead to immediate suspension of the driver and vehicle licences and consideration of licence revocation and prosecution

Beyond actual regulatory acts, the Council is alert to public expectations of passenger care and comfort and it is not unreasonable to insist that all fare paying passengers are treated with respect and courtesy.

1. DRIVER LICENCES

Each driver shall deliver to his employing operator the licence to drive a Private Hire vehicle. The employing Operator shall be responsible for the safe custody of the driving licence during the period of employment and shall return it to the City Council at the request of an Authorised Officer.

No change proposed.

2. CHANGE OF OPERATOR

A licensed driver must inform the Section immediately in writing and in any case not more than 72 hours after the event if he / she changes Operator. It is essential to the enforcement ability of the Council and public safety issues that there is strict adherence to this Condition.

No change proposed.

3. CHANGE OF ADDRESS

The driver shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

No change proposed.

4. MEDICAL CIRCUMSTANCES

- (a) A licensed driver must notify the Council in writing, within 72 hours, of any changes to his / her medical circumstances. These circumstances are defined as those where it is the duty of the licence holder to notify DVLA of any medical condition which may affect safe driving or where their General Practitioner has advised them not to drive (Reference Direct.gov website, Health conditions that could affect your driving).

No change proposed.

- (b) A licensed driver must comply with the request of an Authorised Officer of the Council to undertake a medical examination with their General Practitioner or consultant or the Council's authorised Occupation Health representative to satisfy the Council that they are fit to safely undertake public transport duties. The driver must supply an original copy of that medical opinion to the Council. The Authorised Officer may suspend the licence if not satisfied that the Condition set out here is not being complied with within a reasonable timescale, or that the medical condition of the licensed driver is such that the licence should be suspended in any case, or that the medical condition appears to be such that it is in the interest of safety to suspend the licence

No change proposed.

(c) **DISABILITY DISCRIMINATION**

Every licensed driver must conform to the requirements of the Equality Act 2010, and associated legislation. If a licensed driver requires exemption from the equality requirements they should apply to the licensing office for the Council policy and follow its approved procedure. This is the case even where a temporary exemption is required.²

No change proposed.

5. REQUIREMENTS TO REPORT CONVICTIONS & ASSOCIATED INCIDENTS³

(a) Any of the following events must be reported in writing to the Taxi & Private Licensing office within 72 hours during the currency of a licence giving full details:-

- (a) any conviction or finding of guilt (criminal or driving matter);
- (b) any caution (issued by the Police or any other agency);
- (c) issue of any Magistrate's Court summons against them;
- (d) issue of any fixed penalty notice for any matter;
- (e) any harassment or other form of warning or order within the criminal law including Anti-Social Behaviour Orders or similar;
- (f) their arrest for any offence (whether or not charged)

(b) When required a licensed driver will undertake enhanced Criminal Records Bureau (CRB) vetting at his/her own expense and within a timescale set by the Council. Such a requirement may be on the basis of the Council's responsibility to ensure continued public safety and monitor licensed drivers.⁴

No change proposed.

6. ENGLISH LANGUAGE, LITERACY & NUMERACY TESTING⁵

REQUIREMENT TO UNDERTAKE ENGLISH LANGUAGE LITERACY AND NUMERACY TESTING

Where there is a reasonable cause to believe that there is a need to assess a licence holders English language literacy and numeracy skills because of a substantiated complaint, or an expressed concern from an identified person, an Authorised Officer may require, in writing, a licensed driver to undertake such testing at his/her own expense. A reasonable time scale up to 3 months will be set for the test to be successfully undertaken at a place designated by the Council. If unsuccessful, or if there is a failure to attend, the licence of the driver may be suspended and consideration given to its revocation

No change proposed.

7. TRAINING TO EXPECTED STANDARDS OF SERVICE AND SAFETY⁶

(a) During the lifetime of a drivers licence, an Authorised Officer of the Council may require a licence holder to undertake reasonable and appropriate training to meet these expectations and requirements. Such a requirement would be in writing. A reasonable time scale of up to 3 months will be set for the training to be successfully undertaken at a place designated by the Council. If there is a refusal or failure to attend, or the licensed driver does not meaningfully participate in the training or attain the training accreditation the licence may be suspended and consideration given to its revocation. The cost of such training will be borne by the licence holder.

(b) The driver of any wheelchair accessible vehicle must undertake appropriate training set by the Council to ensure that passengers are handled and conveyed safely.

No change proposed.

8. DRIVER BADGES

Each driver shall at all times, when driving a licensed private hire vehicle display the driver's badge issued by the Council, in a prominent place on the outer clothing at the front of the upper body. A replacement badge may be issued on application in return for the prescribed fee. The badges issued by the Council shall remain the property of the Council and must be returned to the Council immediately the licence is suspended, revoked or becomes invalid for any reason.

No change proposed.

9. CONDUCT OF DRIVER

The driver shall:-

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- (a) Alight from the vehicle and provide reasonable assistance with passengers' luggage and ensure its safe storage within the vehicle

No change proposed.

- (b) Where a passenger has an obvious or apparent disability, the driver shall alight from the vehicle, offer assistance and ensure the passenger is seated safely in the vehicle before commencing the journey.

In all instances shall alight from the vehicle, offer assistance and ensure the passenger is seated safely on the vehicle before commencing the journey.

- (c) Ensure that any disabled aid, wheelchair or assistance dog is appropriately and safely stored or accommodated within the vehicle⁷

Ensure that any disabled aid is appropriately and safely stored or accommodated on or within the vehicle.

- (d) On arrival at the pick up point of a booked journey, use the Operators 'ring back' system or radio the Operator base to enable the customer to be informed of the booked vehicles arrival⁸

No change proposed

- (e) At the conclusion of a journey the driver shall similarly offer all reasonable assistance to passengers leaving the vehicle and assist them with luggage or any disability aids or wheelchair.

No change proposed.

- (f) Particular care must be taken with unaccompanied children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination. In respect of passengers with significant visual impairment who are taken to hospitals or other medical establishments, personal guidance and assistance should be given to ensure that they arrive at an appropriate place of contact i.e. a reception desk.

Particular care must be taken with unaccompanied children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination. In respect of passengers with significant visual impairment, personal guidance and assistance should be given to ensure that they arrive at an appropriate place of contact i.e. a reception desk.

Change proposed

- (g) At all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner.⁹

No change proposed.

- (h) Take all reasonable steps to ensure safety of passengers conveyed in, entering or alighting from the vehicle driven by him / her.

Take all reasonable steps to ensure safety of passengers entering, conveyed in, or alighting from the vehicle driven by him / her. Without exception must conduct a full Health and Safety Risk Assessment for each passenger prior to the commencement of a journey.

Change proposed

- (i) Not without the express consent of the hirer drink or eat in the vehicle.

No food or drink is allowed to be consumed whilst the vehicle is being driven.

Change proposed

- (j) Not smoke at any time within the licensed vehicle, or allow any other person to do so, or adjacent to it, which results in smoke entering the vehicle.

Not smoke at any time on the licensed vehicle, or allow any other person to do so, or adjacent to it.

Change proposed

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- (k) Not without the express consent of the hirer, play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle which may only be by way of the Operators radio or data head linked to the Operators dispatch system.

Not play or allow to be played any radio or sound reproducing instrument or equipment on the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle which may only be by way of the Operators radio or data head linked to the Operators dispatch system.

Change proposed

- (l) At no time cause or permit the noise emitted by any radio or other previously mentioned equipment. In the vehicle which he / she is driving, to be a source of nuisance to any person, whether inside or outside the vehicle.

No change proposed

- (m) Not use a mobile telephone unless in emergency circumstances e.g. a '999' call. It must not be used for social calls or for the purpose of recording a booking which the Operator has not despatched.

No change proposed.

- (n) Not record, or cause to be recorded in the Operators booking system any hiring they have undertaken, are undertaking, or considering undertaking which was not despatched by the Operator. Any such attempt to circumvent the relevant legislation in order to give the appearance that a journey was lawfully pre-booked will be considered as a serious breach of primary legislation and Conditions and may result in the suspension and revocation of the drivers licence.

No change proposed.

- (o) Other than satellite navigation information not display any moving images and not have any other form of visual display screen fitted to the licensed vehicle.

No change proposed.

10. PASSENGERS

- (a) **Safety of Passengers/Risk Assessment.**

Prior to the commencement of a journey the driver will conduct a full risk assessment and comprehensive safety briefing with the passengers. This safety assessment must continue throughout the course of the journey and the driver is responsible for ensuring there is no adverse behaviour by the passengers which places either themselves or other road users at risk.

The driver shall repeat the pre-booking requirement carried out by the Operator and check:-

- a) The maximum/ minimum height and weight of individual passenger in line with vehicle manufacturer guidance and recommendations
- b) That suitable clothing is available for wearing throughout the journey
- c) Advise of the conditions that may be experienced throughout the duration of the journey and the exposure to varying weather conditions
- d) Advise of the conditions that may be experienced throughout the duration of the journey and the exposure to varying weather conditions
- e) Exposure to varying weather conditions

In addition to personal clothing which may be worn by a passenger, the driver must ensure that each passenger wears the helmet provided by the Operator for the journey. Passengers may elect to wear their own helmet and safety clothing but these must have the same conformity as the condition applied to the Operator helmet. The passengers shall be instructed that the helmet must be worn for the duration of the journey.¹⁰

Changed proposed

- (b) The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.

No change proposed.

- (c) The driver shall not allow there to be conveyed in the front of a private hire vehicles any child below the age of ten years:

Change proposal to follow.

- (d) The driver shall not without the consent of the hirer of the vehicle convey or permit to be conveyed any other person in that vehicle.

No change proposed.

11. PROMPT ATTENDANCE

- (a) The driver of the Private Hire vehicle shall, if he is aware that the vehicle has been hired to be in attendance at an appointed time and place, or he has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.

No change proposed.

- (b) The driver shall immediately report to the Operator such delay.¹¹

No change proposed.

12. FARE TO BE DEMANDED & ISSUING OF RECEIPTS

- (a) The driver shall not demand from any hirer of a Private Hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator, or the hirer and the driver. If the vehicle is fitted with a tariff meter and there has been no previous agreement as to the fare, the driver shall not demand from any hirer a fare in excess of that shown on the face of the meter.

No change proposed.

- (b) The driver will supply the hirer, or one of the party accompanying the hirer, upon request and free of charge, a formal receipt for the cost of the journey. The information to be included on the receipt is: - The name of the Operator, the date & time of the hiring, the drivers licence badge number, the cost of the journey and signature and printed name of the driver.

No change proposed.

13. LOST PROPERTY

- (a) Any property or articles of any description left in a Private Hire vehicle by a passenger shall forthwith, and in any event not later than 72 hours, be delivered to the Police Station for the area which the Licensed Operator is based. Appropriate enquiries should be made by the driver to return the property to the owner, but nevertheless must be lodged with the Police, in line with the stated time scales in this Condition. A record of the property receipt should be retained for a period of 6 months by the driver whose responsibility it was to take care of the property when found.

No change proposed.

14. ANIMALS

The driver shall not convey in the Private Hire vehicle any animal belonging to or in the custody of himself or the Proprietor or Operator of the vehicle.

The driver shall not convey on the Private Hire vehicle any animal.

EXPLANATORY NOTES

1. HEALTH AND SAFETY OF PASSENGERS (DUTY OF CARE) – EXPLANATORY NOTE

Most people will be aware that employers have a duty of care to their employees, but the Health and Safety at Work Act, 1974, goes further. Part 1, Section 3 (2) states "it shall be the duty of every self-employed person to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that he and other persons (not being his employees) who may be affected thereby are not exposed to risks to their health and safety". Operators, drivers and Proprietors are advised that a failure to safeguard passengers could have serious implications for the licence holder, and the licence.

2. A serious view will be taken of any discriminatory behaviour. This may lead to the prosecution of the driver and suspension or revocation of the licence.

3. MEANING OF CONVICTIONS – EXPLANATORY NOTE

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How criminal allegations are finalised by law enforcement agencies has significantly changed since the Act setting out the legislation and Conditions for Private Hire licensing was introduced. There are now a variety of disposal methods for sentencing which have been introduced in recent years. Many of these do not necessitate the alleged offender appearing before the courts to be sentenced. Formal 'Cautions', either a simple caution, a conditional caution or a street caution, within Home Office guide lines and relevant Acts of Parliament are more frequently used in appropriate cases and 'Fixed Penalty Fines' can be issued for a range of criminal offences. There are also a variety of constraining orders issued by the Courts (Criminal and Civil) intended to control the behaviour of individuals. All these disposal methods have a common thread to actual convictions and are indicative of an individual's behaviour. These may be considered by the Council to consider the suitability of a licensed driver to continue to hold a licence. Similarly, the issue of summonses or the arrest and release on bail, with or without charge, can indicate there has been an event which may cause the Council to review the suitability of a licensed driver to continue to hold a licence. Each case will be considered on its own merits. Because of the public safety issues involved in private hire work the Council has been exempted from the provisions of the Rehabilitation of Offenders Act, 1976.

4. This may be by way of random CRB vetting, where the Council has received intelligence or information or as part of an approved policy.
5. Concern has been expressed by Elected Members, the public, Private Hire Licence holders and Officers about the ability of some licensed drivers to speak and understand English to a desirable standard, as well as possessing basic literacy and numeracy skills. The Council has resolved that there should be a minimum standard of English comprehension and which is set at UK Citizenship standard (Entry level3). Appropriate assessments were designed, overseen and evaluated by Thomas Danby Leeds College, Trade representatives and the Councils Equality Team and are now carried out on behalf of the Council by an approved provider.

There was no previous testing undertaken by the Council and Members have determined that the new testing procedure will apply to all new applicants, but only to existing licensed drivers in the circumstances where there is a reasonable cause (A new applicant is a person who has not held a licence previously with this Council or whose previous licence expired, was revoked or where the Council refused to renew.)

6. Legislation effecting the provision of public transport has undergone significant change, (for example, the Equality Act 2010, Health & Safety, road safety bills) and there are increased expectations within society that a service will be delivered professionally and fairly to all. Many of these issues do in fact have serious consequences for drivers within the criminal law, but it is also important to the Council that its values and principles are displayed by licensed drivers. They should conduct themselves in a way that reflects positively on the licensing policy of the Council and benefits those passengers using private hire transport.
7. Assistance dogs must be carried with the passenger at all times. Drivers must follow the advice of the passenger as to the exact position to best suit their needs.
8. Do not use the horn to alert a customer on arrival. Besides being an offence it causes significant residential and environmental nuisance. Offenders will be required to undertake appropriate training and a knowledge test at their own expense.
9. Drivers need to be conscious of concerns that women or children might have about being alone with someone they do not know or only have limited knowledge of. It is very important when involved in conversations with passengers that drivers do not ask personal questions. It is wholly inappropriate and unacceptable that questions are asked about a passengers private life or personal relationships, especially women or children.
10. The instruction to passengers to wear a safety helmet is subject to the provisions The Motor Cycle Crash Helmet (religious exemptions) Act – 1976.
11. Having entered in a private hire contract there is an obligation on the Operator & driver to fulfil that contract. Late attendance could result in the hirer missing an important event or travel link and might result in significant compensation being awarded against you. It may also create an unacceptable risk to vulnerable people.

SHOULD YOU FEEL AGGRIEVED BY ANY OF THE CONDITIONS IN THIS LICENCE THEN YOU HAVE THE RIGHT OF APPEAL TO THE MAGISTRATES COURT WITHIN 21 DAYS FROM THE DATE WHEN THIS LICENCE WAS SERVED UPON YOU.

Trike Conditions Consultation: Email Responses

Response From:	Response Details:	Officer Response:	Change to policy:
<p>Tim Draper Principal Transport Planner - Influencing Travel Behaviour Leeds City Council Highways & Transportation Middleton Ring Road Leeds LS10 4AX</p>	<p>I have no additional comments or concerns regarding this application.</p>	<p>Noted.</p>	<p>N/a</p>
<p>Member of the public</p>	<p>I think we should definitely have a trike for hire in Leeds. I grew up with trikes and they are fun, safe and good-looking. In fact I wouldn't call it a "novelty" vehicle as it is very seriously awesome. It will add character to Leeds and give me something else to do on sunny weekends, and will also attract tourism as not every city has a trike for hire.</p>	<p>Noted.</p>	<p>For the Licensing Committee to make a decision.</p>
<p>Member of the public</p>	<p>I am a mother of three children and I used to live in Leeds. I now live 10 miles out in allerton Bywater. I used to like living in leeds but now preffer to stay out and do my shopping on line or local to me despite having limited local shops and things to go to or get involved in. I think that having bike</p>	<p>Noted.</p>	<p>For the Licensing Committee to make a decision.</p>

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	<p>taxis in Leeds would be a wonderful step in the right direction for the people of Leeds and surrounding areas both environmentally and economically. When I do have to go to Leeds I hold my breath and quickly get through the things I need to do to get home. This would be a great time for making that first step also because of the Tour de France starting off here this year too. We need to make our city people friendly again. Look at Copenhagen. The whole world is looking to places like these.</p>		
Member of the public	<p>I think this is a fantastic idea, particularly with the increasing number of tourists to Leeds. Seeing cycles in any form in the city centre may also encourage others to use their bikes and help ease congestion.</p>	Noted.	For the Licensing Committee to make a decision.
Member of the public	<p>Great idea, it will give a whole new dimension to the Dales, FANTASTIC.</p>	Noted.	For the Licensing Committee to make a decision.
Member of the public	<p>I would like to offer my support to this application and think it is a unique and exciting proposal. The Dales is an ideal setting for these tours and I would be interested in booking one myself. I hope LCC will look on this application favourably and allow the</p>	Noted.	For the Licensing Committee to make a decision.

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	applicants their innovative idea to make a living.		
Eurocabs Committee Member	Vehicle Conditions: 1) Passengers Safety – No roof cover. This places the passengers safety at risk if the Trike’s involved in an accident and rolls over 2) Passenger Safety – limited protection if the vehicle is involved in Road Traffic Accident with side impact 3) Design allows member of public to jump or climb onto the Trike hence driver, Passengers and other members of public safety at risk (see general points below). 4) Places passengers and driver at risk if an object is thrown at the vehicles direction. The risk will be far greater if the missile or object hits the driver hence losing control of the vehicle (see general points below). 5) No protection for driver and passengers in adverse weather conditions.	Addressed in the proposed conditions. Addressed in the proposed conditions.	For the Licensing Committee to make a decision.

	<p>Operator Conditions:</p> <ol style="list-style-type: none"> 1) Licensing Council will not be able to set operational boundary's, the above mentioned points concerning vehicle conditions will be greatly increased if vehicle is operated in or around areas that are densely populated especially town and city centres. 2) There must be direct radio-communication available between the driver and the base operator to fulfil their "Duty of care" of care responsibility in the event of an accident or emergency. <p>Personal Observations or experience: A couple of years ago I observed about 12/15 people trying to board a "Rickshaw" outside Skyrack Public House in Headingly, Some had boarded the vehicle and some were trying to rock the vehicle. This was a very frightening experience for me and I cannot speak for the driver but I</p>	<p>Addressed as a key Operator licence condition.</p> <p>Addressed in the proposed conditions.</p> <p>Addressed in the recommendations and body of the report.</p>	
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	<p>guess that he must have feared for his life as I have not seen any rickshaws in or around Leeds since that day.</p> <p>The points I have made about missiles being thrown at vehicles are from my personal experience or experiences of other Private Hire and Hackney Carriage drivers. Items such as eggs, ball bearings, stones, bricks and lumps of wood have been thrown at vehicles not on one occasion but on many occasions. Drivers have feared for their lives and on most occasions have driven away from the location of the incident before stopping to inspect the damage. Damage to the vehicles has varied from Panel damage to smashed windows or windscreens.</p> <p>On some occasions items such as breeze blocks, large pieces of timber, boulders and even large snowballs have been rolled in front of vehicles, depending on the size of the object a four wheel vehicle would have a chance of driving over the object or on medium low frontal impact the vehicle could be controlled. If the obstructing object was large and did cause a standard vehicle to turn over at least the enclosed casing of vehicle will provide some level of protection.</p>	<p>The proposed operating environment might avoid some of the issues raised.</p> <p>It should not be overlooked that this vehicle has European approval and the safety of drivers & passengers were proportionately examined in that process.</p> <p>Not all risk can be</p>	
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	<p>Whereas a Trike could not drive over any such object, would be difficult to control and could quite easily turn over if even on low to medium impact with any object.</p> <p>Conclusion: Passenger safety has got to be paramount at all times and having any open top vehicle, or any vehicle that does not have four sided enclosed area to protect the passengers should not be licenced to transport passengers for hire or reward. By allowing these types of Novelty Vehicles to be licenced the doors will be opened for further applications of different types of Novelty Vehicles. The level of risks to public safety, are very high on this type of vehicle or any other open top type of vehicle therefore this vehicle should not be Licenced.</p>	<p>eliminated.</p> <p>Highlighted in the Officer report presented to the Licensing Committee.</p>	
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POLICY IN RESPECT OF PRIVATE HIRE NOVELTY VEHICLE LICENCES (NOVELTY VEHICLE LICENCE CATEGORY)

Background note

The Local Government (Miscellaneous Provisions) Act, 1976 (LGMP), was created to enable Conditions of safety to be placed upon drivers, vehicles and Operators making private hire contracts for a vehicle with driver to carry passengers. Private Hire at that time was concentrated on saloon vehicles offering, in the main, local journeys.

The Private Hire sector has grown and extended significantly and there are now a much wider range of vehicles and services.

The Road Safety Act, 2006, along with best practice guidance issued by the Department for Transport (DfT) has caused Leeds City Council to consider licensing a wide range of vehicles and services.

Policy Statement

The issues around the operating of a Private Hire business involving 'Novelty Vehicles' has the same business, legal and public safety principles as other areas of transport licensed by the Local Authority.

Public safety is paramount. It is very important to Leeds City Council that Operators also fit comfortably into their environment and are not the cause of residential nuisance.

Private Hire Operators are a major factor in contributing to public safety by ensuring that they and their drivers adhere to this policy and the Conditions upon the various licences.

The Council recognises the very distinct role of 'Novelty vehicles' in the arena of public transport and may accommodate some variations to its existing standard Private Hire Conditions.

The distinction between an Operator of standard Private Hire vehicles and the Operator of a 'Novelty Vehicle' is significant in terms of the type of occasion catered for, the type of service offered and raises very different passenger safety issues. The aim of the Council's policies and Conditions is to ensure that they are distinct to the type of service offered and the standards of safety are specific to the individual licence.

The administrative and operating practices and procedures of a 'Novelty Vehicle' must at all times, in every way, be distinct from the business conducted by a licensed Operator of standard private hire vehicles, including advertising, separate telephone lines, how bookings are taken, recorded and attended.

The Council will set out the pre-conditions to the consideration of the grant of a Private Hire 'Novelty Vehicle' licence and the conditions upon that licence.

Additionally, once licensed, a Private Hire 'Novelty Vehicle' must continue to meet these standard pre-conditions. It is vitally important that risk assessments are continually applied and refreshed, not just in the Operator base, but also from the commencement and throughout a journey with passengers.

A significant part of the considerations in approving the licensing of such a vehicle within the Private Hire sector is that it is only considered to be comfortable, safe and suitable in type, size and design as a Private Hire vehicle when operated within a distinct business plan presented to the Council which is removed from standard Private Hire bookings. It is not considered that would be the case for standard Private Hire bookings or Private Hire usage within the city centre or the 'night-time economy'.

POLICY IN RESPECT OF PRIVATE HIRE NOVELTY VEHICLE OPERATOR LICENCES (NOVELTY VEHICLE LICENCE CATEGORY)

Background

The Local Government (Miscellaneous Provisions) Act, 1976 (LGMP), was created to enable Conditions of safety to be placed upon drivers, vehicles and Operators making private contracts for vehicle with driver hire services. Private Hire at that time was concentrated on saloon vehicles offering, in the main, local journeys.

The private hire sector has grown and extended significantly and there are now a much wider range of vehicles and services.

The Road Safety Act, 2006, along with best practice guidance issued by the Department for Transport (DfT) has caused Leeds City Council to consider licensing a wide range of vehicles and services.

Policy Statement

Appendix J

The issues around the operating of a business involving Novelty vehicles has the same business, legal and public safety principles as other areas of transport licensed by the Local Authority.

Public safety is paramount. It is very important to Leeds City Council that Operators also fit comfortably into their environment and are not the cause of residential nuisance.

Operators are a major factor in contributing to public safety by ensuring that they and their drivers adhere to this policy and the Conditions upon the various licences.

The Council recognises the very distinct role of Novelty vehicles in the 'special event' arena of public transport and can accommodate some variations to its existing standard Private Hire Conditions.

The distinction between an Operator of standard private hire vehicles and the Operator of Novelty Vehicle is significant in terms of the type of client catered for and the type of service offered. The aim of the Council's policies and Conditions is to ensure that there are no overlaps in policy and Conditions with the standards of safety already existing in the licensed private hire sector.

The administrative and operating practices and procedures of a Novelty Vehicles must at all times, in every way, be distinct from the business conducted by a licensed Operator of standard private hire vehicles including advertising and call handling. Enquiries or bookings should be handled within a different business environment to any other business conducted by that Operator on those premises. This includes a dedicated telephone line and stand alone internet site and email address. Any advertising, stationery or correspondence should refer only to the licensed business of the private hire Operator of Novelty Vehicles stating the type of vehicle, it's usage and safety considerations.

Set out in this booklet are the pre-conditions to the consideration of the grant of a private hire Novelty Vehicle Operator licence. Additionally, once licensed, a private hire Novelty Vehicle Operator must continue to meet these standard pre-conditions.