

## SWT Licensing Committee

Monday, 21st March, 2022,  
6.15 pm

The John Meikle Room - The Deane  
House



Somerset West  
and Taunton

### [SWT MEETING WEBCAST LINK](#)

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**Members:** Mark Lithgow (Chair), Janet Lloyd (Vice-Chair), Marcus Barr, Simon Coles, Andrew Hadley, John Hassall, Marcia Hill, Sue Lees, Craig Palmer, Anthony Trollope-Bellew, Ray Tully, Brenda Weston, Keith Wheatley and Loretta Whetlor

### Agenda

**1. Apologies**

To receive any apologies for absence.

**2. Minutes of the previous meeting of the Licensing Committee**

To approve the minutes of the previous meeting of the Committee.

(Pages 5 - 6)

**3. Declarations of Interest**

To receive and note any declarations of disclosable pecuniary or prejudicial or personal interests in respect of any matters included on the agenda for consideration at this meeting.

(The personal interests of Councillors and Clerks of Somerset County Council, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes.)

**4. Public Participation**

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have submitted any questions or statements, please note, a three minute time limit applies to each speaker and you will be asked to speak

before Councillors debate the issue.

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**5. Licensing Update Report**

(Pages 7 - 16)

This report updates members of the committee on work of note, progress on any projects, changes in legislation and looks ahead to any significant events on the horizon.

**6. Proposed amendment to local Taxi Policies to allow for the licensing of motor tricycles as private hire vehicles**

(Pages 17 - 46)

Members are asked to consider a proposed amendment/addition to the existing local taxi policies, to allow for motor tricycles to be licensed as private hire vehicles.

**7. Street Trading Policy Working Group**

(Pages 47 - 54)

The Licensing Manager has begun reviewing the Council's policies on street trading and it is felt that the formation of a Working Group would enhance the review.



**ANDREW PRITCHARD  
CHIEF EXECUTIVE**

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Members of the public are welcome to attend the meeting and listen to the discussions. There is time set aside at the beginning of most meetings to allow the public to ask questions. Speaking under "Public Question Time" is limited to 3 minutes per person in an overall period of 15 minutes and you can only speak to the Committee once. If there are a group of people attending to speak about a particular item then a representative should be chosen to speak on behalf of the group. These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

If you would like to ask a question or speak at a meeting, you will need to submit your request to a member of the Governance Team in advance of the meeting. You can request to speak at a Council meeting by emailing your full name, the agenda item and your question to the Governance Team using [governance@somersetwestandtaunton.gov.uk](mailto:governance@somersetwestandtaunton.gov.uk)

Any requests need to be received by 4pm on the day that provides 1 clear working day before the meeting (excluding the day of the meeting itself). For example, if the meeting is due to take place on a Tuesday, requests need to be received by 4pm on the Friday prior to the meeting.

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**SWT Licensing Committee - 20 December 2021**

Present: Councillor Mark Lithgow (Chair)

Councillors Janet Lloyd, Simon Coles, John Hassall, Sue Lees, Ray Tully, Brenda Weston and Loretta Whetlor

Officers: Clare Rendell and John Rendell

Also Present: Councillor Andrew Hadley

(The meeting commenced at 6.15 pm)

**12. Apologies**

Apologies were received from Councillors C Palmer and A Trollope-Bellew.

**13. Minutes of the previous meetings of the Licensing Committee**

(Minutes of the meetings of the Licensing Committee held on 21 June 2021 and 29 November 2021 circulated with the agenda)

**Resolved** that the minutes of the Licensing Committee held on 21 June 2021 and 29 November 2021 be confirmed as a correct record.

**14. Declarations of Interest**

Members present at the meeting declared the following personal interests in their capacity as a Councillor or Clerk of a County, Town or Parish Council or any other Local Authority:-

Name	Minute No.	Description of Interest	Reason	Action Taken
Cllr S Coles	All Items	SCC & Taunton Charter Trustee	Personal	Spoke and Voted
Cllr S Lees	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr M Lithgow	All Items	Wellington	Personal	Spoke and Voted
Cllr J Lloyd	All Items	Wellington & Sampford Arundel	Personal	Spoke and Voted
Cllr R Tully	All Items	West Monkton	Personal	Spoke and Voted
Cllr B Weston	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr L Whetlor	All Items	Watchet	Personal	Spoke and Voted

**15. Public Participation**

No members of the public had requested to speak on any item on the agenda.

## 16. **Licensing Update Report**

During the discussion, the following points were raised:-

- Councillors requested clarification on the information given on Pavement Licenses in section 4.2 and 4.3 of the report.  
*The Licensing Specialist gave clarification and explained that the Pavement Licence Scheme was a temporary scheme and if it wasn't extended, the permissions would revert back to those issued under the Highways Act.*
- Councillors queried whether there would be a cost for those licenses issued under the Highways Act.  
*The Licensing Specialist advised that there would be a cost, which would be calculated based on the amount of work involved in issuing the license.*
- Councillors were surprised that there had been no changes made to the taxi fare limit since 2010.
- Councillors acknowledged that the proposed increase in the taxi fares had been requested by a taxi firm and that it had not been instigated by council officers.
- Councillors queried how often could the fares be revised.  
*The Licensing Specialist advised that they could be changed at any time and that there were no set time frames for any revisions.*
- Councillors highlighted that although the taxi fares were being increased, that the figures being set, were the maximum a taxi driver could charge and that they could charge less than those figures if they so wished.

**Resolved** that the Licensing Committee noted the Update Report.

(The Meeting ended at 6.30 pm)

Report Number: SWT 45/22

# Somerset West and Taunton Council

## Licensing Committee – 21 March 2022

### Licensing Update Report

This matter is the responsibility of Executive Councillor Andrew Sully

Report Author: John Rendell, Licensing Manager

#### 1 Purpose of the Report

- 1.1 Somerset West and Taunton Council is required by law to establish a Licensing Committee, to discharge various licensing functions and is referred to as the 'Licensing Authority'. These functions include the regulation of alcohol and entertainment, taxis and private hire vehicles, drivers and operators, gambling, and types of animal business, amongst many others.
- 1.2 The Licensing Authority's objectives (some of which are statutory) are to:
  - Prevent crime and disorder.
  - Prevent public nuisance.
  - Keep the public safe.
  - Protect children and other vulnerable people, from harm.
  - Ensure gambling is conducted in a fair and open way.
  - Ensure businesses provide high standards of care to animals.
- 1.3 Some of functions of the Licensing Authority, such as determining individual licence applications, are discharged by Sub-committees. The main Committee is largely responsible for setting policy.
- 1.4 This report updates members of the committee on work of note, progress on any projects, changes in legislation and looks ahead to any significant events on the horizon.

#### 2 Recommendations

- 2.1 That the report be noted.

#### 3 Risk Assessment

- 3.1 The contents of this report do not relate to any of the risks identified in the Corporate Risk Register.

## 4 Background and Full details of the Report

### Numbers of licences currently in force

- 4.1 To give an idea of the variety and number of persons, premises, vehicles and activities which are currently licensed, the numbers of licences in force as of the 22<sup>nd</sup> of February 2022 are shown at **Appendix 1**.

### Hackney carriage (taxi) fare increase

- 4.2 At its meeting on the 19<sup>th</sup> of January, the Executive resolved to increase the maximum permitted hackney carriage fares to those shown at **Appendix 2**.
- 4.3 The table of fares adopted was a modified version of the one proposed in the Licensing Manager's report to the Executive. The original proposal came from a formal request made by a local taxi business. Included in Appendix 2 are the costs of certain journeys if charged at the new maximum fares, compared with the previous fares and fares proposed in the report to Executive.

### Taxi and private hire trade forum

- 4.4 Taunton Deane Borough Council's Licensing service used to periodically meet with hackney carriage and private hire licence holders to discuss issues of shared interest, such as changes in legislation, new policy and to suggest service improvements. The taxi and private hire trade forum, more commonly referred to as the 'taxi forum', tended to be held quarterly and face to face, but stalled following the formation of Somerset West and Taunton.
- 4.5 Now that video meeting technology is readily available and accessible, and with plenty of changes ahead (predominantly the formation of the unitary authority in 2023), the forum has been brought back, with the first meeting held on the 23<sup>rd</sup> of February. The agenda for the meeting included updates from Officers on preparations for the unitary council and implementation of a new knowledge test, as well as requests from the Taunton Taxi Association to make taxi roof lights/signs mandatory and reintroduce annual taxi meter testing.
- 4.6 Discussions were positive, constructive and may lead to changes to the taxi and private hire licensing policy (the 'handbook') in the near future, possibly even prior to the formation of the unitary council.

### Pavement licensing

- 4.7 All pavement licences issued in accordance with the [Business and Planning Act 2020](#) are due to expire on the 30<sup>th</sup> of September 2022. The temporary scheme was introduced to support hospitality businesses during periods of Covid restrictions, by allowing them to apply to place tables, chairs and other furniture in the street. The Department for Levelling Up, Housing and Communities (DLUHC) has recently consulted on proposals for a permanent regime.
- 4.8 Prior to the implementation of the 2020 Act, SWT had, unlike the other district councils

in Somerset, already been authorising furniture on the street using powers under section 115E of the Highways Act 1980. That process has a consultation period of 28 days and the authority is able to charge a fee to allow for the recovery of the cost of providing permission and other reasonable expenses. The fee currently charged by SWT for the grant of section 115E permission is £373.

- 4.9 Under the 2020 Act, the consultation period for a pavement licence application is seven days, followed by a further period of seven days within which the local authority must determine the application. Furthermore, the fee has been capped at £100. Such a quick turnaround for the applications and relatively low fee has obviously been a real lifeline for businesses during the pandemic but naturally, this places pressures on the local authority and others involved in the process and means the fee does not cover all of the local authority's costs. The Licensing Manager has responded to the consultation to recommend that any permanent regime has a much longer consultation period, primarily so that interested parties are not at a disadvantage. In the response, it was also recommended that local authorities be able to levy a discretionary fee based on full cost recovery.

#### Appeal against revocation of premises licence

- 4.10 In the coming months, North Somerset Magistrates' Court will hear an appeal against the decision to revoke the premises licence for 7 Days, 23 East Reach, Taunton.
- 4.11 The decision to revoke was made by the Licensing Sub-Committee at a hearing, following an application to review the licence made by Heart of the Southwest Trading Standards Services.
- 4.12 A preliminary hearing is scheduled for the 25<sup>th</sup> of February, at which the court will give directions for a full hearing.

### **5 Links to Corporate Strategy**

- 5.1 The Council has a statutory duty to issues licences for various activities, as outlined in **Appendix 1**. By providing advice to the public, helping them to understand and meet regulatory requirements and responding proportionately where breaches of legislation occur, the service can support the following corporate aims:
- Support the town centres throughout the district to meet the challenge of changing shopping habits.
  - Support the enhancement of arts and culture provision within the district.

### **6 Finance / Resource Implications**

- 6.1 There are no financial implications.

### **7 Legal Implications**

- 7.1 No legal implications identified.

## **8 Climate and Sustainability Implications**

8.1 There are no climate and sustainability implications.

## **9 Safeguarding and/or Community Safety Implications**

9.1 The four licensing objectives under the Licensing Act 2003 are:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

9.2 The continued work of the service to achieve and promote these aims, further supports the role of the Council in ensuring community safety.

## **10 Equality and Diversity Implications**

10.1 There are several protected characteristics identified in the Equality Act 2010, which are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation and members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision-making process. The three aims the authority must have due regard for are:

- The eliminate of discrimination, harassment, victimisation.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share them.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share them.

10.2 No equality and diversity implications were identified.

## **11 Social Value Implications**

11.1 As this report does not relate to the procurement of any services or products, no social value implications were identified.

## **12 Partnership Implications**

12.1 No partnership implications were identified.

## **13 Health and Wellbeing Implications**

13.1 Through effective regulation, confidence in licensed premises and activities can be maintained, helping communities to thrive.

## **14 Asset Management Implications**

14.1 No asset management implications were identified.

## 15 Data Protection Implications

15.1 No data protection implications were identified.

## 16 Consultation Implications

16.1 As this is an update report, consultation has not been necessary.

## 17 Scrutiny Comments / Recommendation(s)

17.1 As this is an update report for the Licensing Committee, there are no scrutiny comments or recommendations.

### Democratic Path:

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Cabinet/Executive – No**
- **Full Council – No**

Reporting Frequency:  Once only  Ad-hoc  Quarterly

Twice-yearly  Annually

### List of Appendices

Appendix 1	Licences in force.
Appendix 2	Hackney carriage maximum fares

### Contact Officers

Name	John Rendell
Direct Dial	01823 219491
Email	<a href="mailto:j.rendell@somersetwestandtaunton.gov.uk">j.rendell@somersetwestandtaunton.gov.uk</a>



**Licences Issued and Notices Given**

These figures show the number of licences in force at the 22nd February 2022 and the number of notices given since commencement of relevant legislation

	<b>Total</b>	<b>Difference Since December</b>
Licensing Act 2003 Premises Licences	740	1%
Licensing Act 2003 Club Premises Certificates	50	0%
Licensing Act 2003 Personal Licences	2104	1%
Gambling Act 2005 Club Machine Permit	17	18%
Gambling Act 2005 Licensed Premises Gaming Machine Permits	17	-6%
Gambling Act 2005 Premises Licences	24	8%
Gambling Act 2005 Prize Gaming Permits	2	0%
Gambling Act 2005 Society Lotteries	169	3%
Gambling Act 2005 Unlicensed Family Entertainment Centres	11	0%
Hackney Carriages	195	-1%
Private Hire Vehicles	49	18%
Hackney Carriage & Private Hire Drivers	253	0%
Private Hire Operators	31	0%
Street Trading Consents	38	-3%
Section 115E (Pavement Café) Permits	2	0%
Pavement licences	10	10%
Animal Boarding Licence	38	-3%
Dog Breeding Licence	14	0%
Dangerous Wild Animal Licences	0	0%
Pet Shop Licences	5	20%
Hiring of Horses Licences	13	0%
Zoo Licences	1	0%
Keeping or Training of Animals for Exhibition Licences	4	0%
Caravan Site Licences	69	-13%
Scrap Metal Dealer licence	10	-10%
Sex Establishment Licences	1	0%
Skin Piercing Registrations	383	2%



## Appendix 2

### Somerset West and Taunton Council

#### Maximum Permitted Taxi Fares – Valid from 6th February 2022

**Standard Fare** if the distance does not exceed 425 yards.....£2.40

**If the distance does exceed 425 yards:**

For the first 425 yards.....£2.40

For each completed 145 yards or part thereof.....20p

**Waiting Time** for each completed period of 35 seconds.....20p

**Other charges**

For hiring's commencing between 10pm and 7am.....+ 50% of the Standard Fare

For Saturday & Sunday.....+ 50% of the Standard Fare

For all Public and Bank Holidays .....+ 100% of the Standard Fare

Christmas Eve and New Years Eve from 6pm.....+50% of the Standard Fare

More than 4 Passengers at any point during the hire.....+50% of the Standard Fare

More than 4 Passengers between 10pm and 7am.....+ 100% of the Standard Fare

More than 4 Passengers Saturdays, Sundays,  
Bank/Public holidays.....+ 100% of The Standard Fare

**Soiling Charge** (caused by vomiting, urinating, defecating or excessive spilled food or drink).....£100.00

*All charges are inclusive of V.A.T. (if applicable)*

<b>Journey</b>	<b>Cost under previous 'Taunton Deane' fares</b>	<b>Cost under previous 'West Somerset' fares</b>	<b>Cost under increase originally proposed</b>	<b>Cost under maximum fares effective 6/2/22</b>
A two-mile journey on a Monday afternoon	£6.20	£5.80	£7.20	£6.80
A two-mile journey in the early hours of Sunday morning e.g. 4am	£9.30	£8.70	£10.80	£10.20
A two-mile journey on a Bank Holiday (at midday)	£12.40	£11.60	£14.40	£13.60
A five-mile journey on a Monday afternoon	£12.80	£11.60	£14.60	£14.00
A five-mile journey in the early hours of Sunday morning e.g. 4am	£19.20	£17.40	£21.90	£21.00
A five-mile journey on a Bank Holiday (at midday)	£25.60	£23.20	£29.20	£28.00



# Somerset West and Taunton Council

## Licensing Committee – 21 March 2022

### Proposed amendment to local taxi policies to allow for the licensing of motor tricycles as private hire vehicles.

This matter is the responsibility of Cllr Andrew Sully

Report Author: Brad Fear – Licensing Officer

#### 1 Purpose of the Report

- 1.1 Members are asked to consider a proposed amendment/addition to the existing local taxi policies, to allow for motor tricycles to be licensed as private hire vehicles.
- 1.2 This report aims to set out proposals for appropriate conditions upon the grant of a Private Hire vehicle licence, to assist Members in reaching an informed decision.

#### 2 Recommendations

- 2.1 Members consider the observations of officers and the appropriateness of proposed additions to policy, as well as proposed conditions, measured against the legal requirements of Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 and determine if the proposed amendments should be applied, thereby allowing motor tricycles to be licensed as private hire vehicles in our area.
- 2.2 Members consider and approve the addition of the proposed wording attached as **Appendix 5** to existing local taxi policies, both for the former West Somerset area and the former Taunton Deane area.

#### 3 Risk Assessment

- 3.1 The contents of this report do not relate to any of the risks identified in the Corporate Risk Register.

#### 4 Background and Full details of the Report

- 4.1 The licensing team of Somerset West and Taunton Council are responsible for issuing licences for vehicles in the local area being utilised as either hackney carriages (taxis) or private hire vehicles, in accordance with Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.2 The Local Government (Miscellaneous Provisions) Act 1976 defines a private hire vehicle as being 'a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle or a London cab or tramcar, which is provided for hire with the services of a driver for the purpose of carrying passengers'.

- 4.3 Local policies/regulations were created and implemented by both the former Taunton Deane Borough Council and West Somerset Council, imposing additional requirements, pre-requisites and conditions upon the licensing of vehicles as either hackney carriages or private hire vehicles. Following the creation of Somerset West and Taunton Council, these two separate policies for the former Taunton Deane and West Somerset areas remain in force. As such, vehicles in the district remain licensed to one of these two areas (i.e. either licensed to operate from the former Taunton Deane area or from the former West Somerset area).
- 4.4 The above-mentioned local policies stipulate a number of general vehicle specifications which are expected to be met by any vehicle being proposed to operate as a licensed vehicle. In the case of the former West Somerset area, this falls under Appendix C of the local policy/regulations (which I have attached to this report as **Appendix 1**). Likewise, in the case of the former Taunton Deane area, general vehicle specifications for private hire vehicles can be found under the fourth appendix of that area's local policy/regulations (this has also been added to this report under **Appendix 2**).
- 4.5 An application has been received relating to the licensing of a three-seater motor tricycle as a private hire vehicle; intended to take up to two passengers at a time on sight-seeing tours of Exmoor. Tours will include visiting small manufacturers of hand-crafted products, scenic beauty spots and areas of historic importance and history (an example leaflet of the proposed activities can be found as **Appendix 3**). The vehicle in question is a Rewaco (2018 model) purpose built three-seater motor tricycle, 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.
- 4.6 A motor tricycle does not conform to all of Somerset West and Taunton Council's conditions for licensing Private Hire vehicles (as per both the West Somerset area and Taunton Deane area hackney carriage and private hire policies, the relevant sections of which is attached to this report under **Appendix 1** and **Appendix 2**).
- 4.7 These existing approved standard conditions for a private hire vehicle were intended for the use of standard road vehicles (i.e. cars) and the vehicle in question is so different that special safety conditions would have to be considered. Unless amendments are made to the policy for the proposed vehicle—which would include new conditions to be directly applied to this sort of vehicle—a motor tricycle would be precluded from licensing approval.
- 4.8 Consideration should be given to imposing appropriate safety conditions which are proportionate to accommodating motor tricycles within a licensed, but controlled framework.
- 4.9 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 of the operator of the business outlined above, and these are dealt with as supplementary information questions under **Appendix 4**.

5.1 Regarding the licensing of Private Hire vehicles, section 48 of the Local Government (Miscellaneous Provisions) Act 1976 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 observations:** Motor tricycles are a well-known and popular alternative mode of transport worldwide. They are produced and manufactured to recognised European standards.

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, including safety belts.

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

**Officer observations:** Given the type of vehicle proposed, we would consider such confusion to be unlikely in this instance.

- (iii) in a suitable mechanical condition;*

**Officer observations:** Motor tricycles, as with other road motor vehicles, are registered in the UK, in compliance with Road Vehicles Construction and Use Regulations for this type of vehicle.

As with a car, the vehicle is required to pass an MOT at an approved MOT testing station to account for the roadworthiness of the vehicle.

Private hire vehicle licences last for a period of one year and an MOT must be passed each time upon renewal of the licence under the current policy requirements. As such, we would likewise expect evidence of a passed MOT to be provided annually by any applicant seeking to licence a motor tricycle as a private hire vehicle—a pre-requisite which has been added to the proposed policy wording attached as **Appendix 5**.

- (iv) safe;*

**Officer observations:** The driver and passengers are exposed to external elements which you would normally associate with this mode of transport. Protections that you would usually associate with saloon vehicles (e.g. air bags, side impact bars, crumple zones, etc) are not in place on a motor tricycle. However, motor tricycles are able to support additional safety features such as seatbelts and passenger head restraints and often come with these fitted as standard. We would consider these safety features essential for any vehicle looking to be licensed as a private hire vehicle. With this in mind, we propose the addition of pre-requisites to any policy wording, expressly requiring that passenger head restraints and seatbelts are fitted to any motor tricycle before it will be considered for a private hire vehicle licence. These pre-requisites have been added to the recommended policy wording under **Appendix 5**.

Under the existing standard conditions for a private hire vehicle (under Appendix 4 of the former Taunton Deane Borough Council area taxi policy or 'Taxi Handbook'), licence holders are required to *ensure that there are*

*no apparent defects to the vehicle and that the vehicle is fit to be used for gain.'* As such, we would expect the motor tricycle to be routinely maintained and checked to ensure it remains safe to transport passengers.

It has been observed that neither drivers nor passengers of this type of vehicle are legally required to wear a crash helmet. However, the Licensing team would consider this as a necessary and proportionate requirement in the case of a private hire business, to ensure the safeguarding of passengers. We would therefore propose the addition of a standard condition to any licensed motor tricycle private hire vehicle licence, expressly requiring that *'The vehicle operator must ensure that all passengers are wearing suitable protective clothing at all times'*.

Should a passenger not be able to reach the restraint bar when seated, or if their feet do not touch the vehicle foot bar, then their safety may be at risk. Manufacturer guidance for popular motor tricycle models such as Rewaco advise that anyone below the height of 165cms would not be allowed to travel on the vehicle. We would therefore also propose the addition of a condition to any motor tricycle private hire vehicle licence, requiring a minimum passenger height of no less than 165cm.

A firm understanding of safety instructions and personal responsibility are key for safely riding the proposed type of vehicle and whilst there are no strict definitions of an appropriate passenger age, we would consider it proportionate, with regard to safety, to place a condition on any motor tricycle private hire licence outlining a minimum acceptable age for any passenger. The operator of the Exmoor Trike Tours business (as outlined above, under section 4) has proposed a minimum age of 14 years for any passenger travelling on a motor tricycle. The Licensing team would also consider this a safety issue important enough to warrant the addition of a standard condition to any motor tricycle private hire vehicle requiring this minimum age. The condition proposed currently outlines a minimum age of 14 years, however Members may wish to consider an alternative minimum age.

The conditions proposed above have all been added to the proposed policy wording under **Appendix 5**.

(v) *comfortable;*

**Officer observations:** The type of vehicle in question is not classed as a 'motorcycle' and therefore passengers would not be required to take into account the usual level of interaction and understanding associated with motorcycles in order to comfortably/safely ride. For example, passengers wouldn't be required to consider the impact their position on the vehicle would have on road handling and cornering, leaving control of the vehicle more fully in the hands of the driver.

The vehicle comes equipped with appropriate passenger seating with back and head restraint and safety belts, ensuring both passenger safety and a level of comfort which Members might consider as being proportionate to the applicant's proposed usage/business plan (as shown under **Appendix 3**).

*(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 observations:** Existing private hire vehicle applications (both for the granting of a new vehicle licence and each time upon renewal) are required to be submitted with evidence of relevant insurance and we would expect the same to be in place for a motor tricycle. This has therefore also been added to the Appendix 5 policy wording, as a required application pre-condition.

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

**Officer observations:** Every application will be considered on its own merits.

*(2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary...*

**Officer observations:** Some safety considerations have been addressed in the preceding paragraphs and proposals made in relation to the wording of pre-requisites and conditions in relation to the licensing of motor tricycles as private hire vehicles. Members may wish to consider if, in the interest of public safety, it is reasonable and proportionate to amend the wording of these proposed conditions, or to propose additional conditions considered reasonably necessary.

## **6 Links to Corporate Strategy**

- 6.1 The Council has a statutory duty to determine applications for private hire vehicle licences and to make all reasonable considerations regarding public safety in doing so.

## **7 Finance / Resource Implications**

- 7.1 There are no financial implications.

## **8 Legal Implications**

- 8.1 No legal implications have been identified.

## **9 Climate and Sustainability Implications**

- 9.1 There are no climate and sustainability implications.

## **10 Safeguarding and/or Community Safety Implications**

- 10.1 There are no safeguarding or community safety implications.

## **11 Equality and Diversity Implications**

- 11.1 There are several protected characteristics identified in the Equality Act 2010, which are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation and members need to demonstrate that they have consciously thought about the three aims of the Public

Sector Equality Duty as part of the decision-making process. The three aims the authority must have due regard for are:

- The eliminate of discrimination, harassment, victimisation.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share them.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share them.

11.2 No equality and diversity implications were identified.

## **12 Social Value Implications**

12.1 No social value implications were identified.

## **13 Partnership Implications**

13.1 No partnership implications were identified.

## **14 Health and Wellbeing Implications**

14.1 Through effective regulation, confidence in private hire businesses can be maintained and public safety insured.

## **15 Asset Management Implications**

15.1 No asset management implications have been identified

## **16 Data Protection Implications**

16.1 No data protection implications were identified.

## **17 Consultation Implications**

17.1 The proposed change to policy has, in this instance, not been consulted on. The Licensing team usually consults with licence holders regarding relevant changes to the taxi policy—specifically, those amendments which would directly affect/apply to all existing licence holders. As the changes proposed in this report have no impact on existing licence holders, however—other than potentially providing them with alternative business opportunities—the Licensing team did not feel a formal consultation period was necessary in this instance.

## **18 Scrutiny Comments / Recommendation(s)**

18.1 There are no scrutiny comments or recommendations as this is a Licensing Committee report only.

### **Democratic Path:**

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Cabinet/Executive – No**
- **Full Council – No**

**Reporting Frequency : X Once only**

**List of Appendices**

Appendix 1	West Somerset area hackney carriage and private hire policy – Private Hire Vehicles
Appendix 2	Vehicle specifications (hackney carriage and private hire vehicles) under existing Taunton Deane area policy
Appendix 3	Example leaflet of proposed business
Appendix 4	General Interest Q&A
Appendix 5	Proposed wording of new conditions/amendment to be added to both West Somerset and Taunton Deane area taxi policies

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**VEHICLE SPECIFICATIONS UNDER EXISTING 'WEST SOMERSET' TAXI AREA POLICY:**

**APPENDIX 'C**

**6.0 VEHICLES – REGULATIONS AND CONDITIONS**

**Unless otherwise stated, these regulations/conditions apply to both Hackney Carriage and Private Hire Vehicle licensing.**

**General Vehicle Specification:**

- 6.1 All new Hackney Carriage licence plates issued after the 10<sup>th</sup> May 2006 shall only be issued to disabled complaint vehicles, to the following specification:
- a) London style cab, or similar with full wheelchair access facilities (without the requirement to remove seats to obtain wheelchair compliance) such vehicles to be defined as a purpose built hackney carriage with side loading wheelchair access and which has either:
    - i) achieved National Low Volume Type Approval in its final format; or
    - ii) been fully tested to M.1. category, such testing having been witnessed by the Vehicle Certification Agency.
  - b) Vehicles which have been confirmed to comply with these specifications, and have as a result become licensed, shall remain compliant with these standards throughout the duration of the licence.
  - c) Any transfer of Hackney Carriage Vehicle plate in respect of wheelchair accessible vehicles received after the 15<sup>th</sup> May 2006 shall only be transferred to wheelchair accessible vehicles conforming to the above regulation.
- 6.2 In view of the potential confusion to the public by virtue of the fact that such vehicles may lead people to believe that the vehicle is a Hackney Carriage, London Taxis/vehicles of a similar design are prohibited from being granted a Private Hire Vehicle Licence in West Somerset.
- 6.3 Any vehicle presented for licensing for the first time should not be more than 3 years old from the date registered as new in the vehicle registration document for a saloon type vehicle, or 4 years old for a purpose built wheelchair accessible vehicle (but see 6.4 below) and must not require or have required the removal of seats to comply with the Regulations. Any application to dispense with the requirement of this Regulation in relation to the removal of seats (whether in the past, present or future) will be made to and considered by the Licensing Panel of the Council and will be determined on a case by case basis and according to the particular circumstances of that case.
- 6.4 Vehicles up to 5 years of age may be considered by the Licensing Officer where the following criteria can be met:
- No more than average mileage (calculated at 12,000 miles per year)
  - Good bodywork (no dents, scratches or evidence of accidents)
  - Evidence of complete full service history
  - Compliance in all other respects with the regulations.
- 6.5 A vehicle will not generally be licensed as a Hackney Carriage/Private Hire vehicle once it has passed the age of 10 years old from the date registered as new in the vehicle registration document.

NOTE: If a vehicle proprietor wishes to licence a vehicle outside of the requirements of 6.2 (other than where 6.4 applies) or 6.5, application must be made to the Council's Licensing Panel detailing their reasons for dispensation from the requirements.

## APPENDIX 1

- 6.6 All vehicles shall have an engine size not less than 1250cc.
- 6.7 All vehicles, including Multi Purpose Vehicles, must have sufficient safe and suitable access and egress from the vehicle for the driver and passengers, excluding the rear exit. Access to and egress from the vehicle must at all times be available in respect of each seat without the need to move or adjust any seating.
- 6.8 The licensed vehicle shall be so designed that it shall:
- a) have a minimum of 4 doors
  - b) provide seatbelts for all passengers
  - c) provide a minimum of 16 inches/406mm of clear space width per passenger seat measured along the narrowest part of the seat per passenger.
  - d) provide a minimum of 9 inches/229mm of clear knee room per passenger, measured from the front portion of the passenger seat to the rear of the seat in front.
  - e) provide adequate means of heating and ventilation for all passengers
  - f) provide drivers mirrors on the near and offside
  - g) not be a convertible/cabriolet type vehicle
  - h) be right hand drive only

### **Licence Plates**

- 6.9 At all times when plying for hire, or when hired, the Hackney Carriage/Private Hire Plates issued by the Council shall be securely fixed and displayed as follows:
- a) the small licence plate to be clearly displayed inside the vehicle on the left hand side of the vehicle windscreen, and;
  - b) the large licence plate shall be displayed on the outside rear of the vehicle where it is clearly visible to members of the public.
- 6.10 The Hackney Carriage/Private Hire licence plates shall be, at all times, clearly visible and maintained in a clean, tidy and legible condition.
- 6.11 In the event of loss of a plate, the proprietor shall report the loss to the Police and Local Authority. A replacement plate may be issued on payment of the relevant fee.
- 6.12 Trailers must also display a current licence plate when being used.
- 6.13 The licence plates remain the property of the Council at all times and shall be returned to the Council on expiry, or within 7 days of a notice of suspension, revocation or refusal to renew the licence having been served. The Council reserves the right to require additional/alternative licence plates to be displayed at their discretion.

### **Signage**

- 6.14 No markings, (excluding original signage provided as part of the fabric of the vehicle by the manufacturer), shall be displayed on or from the vehicle (including the rear and front windows) other than markings authorised by the Council as follows:
- a) front driver and front passenger doors; and
  - b) rear (boot) of vehicle.

## APPENDIX 1

Please give details of the sign(s) you wish to display. These should be submitted with the licence application or within 14 days of proposed use to ensure full approval

- 6.15 On Private Hire Vehicles, the display of the word 'TAXI' or 'CAB', whether in the singular or plural and whether alone or as part of another word or the words 'FOR HIRE' or any form of wording which in any way suggests that the vehicle on which it is displayed is presently available to take up any passengers wishing to hire it, or would be so available if not already hired, is prohibited.
- 6.16 Roof signs may be displayed on Private Hire Vehicles, provided that:
- a) the wording of the roof sign states only "Advanced Bookings Only" on the front of the sign with the telephone number of the operating company on the reverse; and
  - b) the sign is white to the front and red to the rear, with any wording in black lettering; and
  - c) the sign complies at all times with any necessary legislation including any vehicle lighting regulation requirements, if and when illuminated; and
  - d) the sign has been approved in writing by the Council prior to its first display.

### **Taximeters**

Private Hire Vehicles do not need to be fitted with a taximeter, but if one is fitted, the regulations below apply:

- 6.17 At all times when the vehicle is in use as a hackney carriage/private hire vehicle, it shall be provided with a taximeter, so constructed, attached and maintained as to comply with the following requirements:
- a) When the taximeter is turned on, the fare on the taximeter shall be clearly visible to passengers.
  - b) the taximeter and all the fittings thereof shall be so affixed to the vehicle with seals or other appliances that it shall not be practical for any person to tamper with them.
  - c) The proprietor shall not permit any person to tamper with any of the seals on the taximeter.
- 6.18 On each occasion that the vehicle is hired, the driver/proprietor shall ensure that the meter is turned on at the commencement of the journey. The driver/proprietor may charge less than the fare shown on the meter but not more.

### **Fare Card**

- 6.19 At all times when the vehicle is in use as a licensed vehicle, a current fare card showing the fare which may be lawfully charged shall be displayed by fixing it to the interior of the vehicle, in such a position and manner that the letters and figures shall be plainly visible and legible at all times to persons being carried therein.

### **Drivers**

- 6.20 No person is authorised to drive the vehicle other than a person currently licensed with the Council as a Hackney Carriage/Private Hire vehicle driver and wearing the official badge (subject to any specific exemption granted by the Council).

## APPENDIX 1

### **Renewal**

- 6.21 No licence will be eligible for renewal unless:
- a) during the licensing period for which it is granted the licence plate is affixed to an approved vehicle in the proprietorship of the original applicant; and
  - b) all appropriate application forms and fees and any necessary inspection forms are received at least 7 days prior to the renewal date.

The vehicle can only be re-licensed by the current/former holder of the licence.

- 6.22 If there will be a delay in renewing the licence, the Council must be notified in writing at least 7 days before the expiry of the existing licence, such notification to include a written undertaking not to operate the vehicle until a new licence has been issued.
- 6.23 If the above condition is not met and a letter issued by the Council confirming the arrangement, any late application to renew the licence may be treated as a new application and will not automatically be renewed; a formal written warning will be issued to the proprietor in this respect. Offenders run the risk of their licence not being renewed.
- 6.24 The licence plate must be returned to the Council within 7 days if the vehicle licence expires. Failure to do so will render the Licensee liable prosecution and a fee may be charged.
- 6.25 Any applications for the renewal of a Hackney Carriage/Private Hire Vehicle Licence submitted after the deadline for renewals will be referred to the next available Licensing Panel for consideration and will not be licensed to operate in the meantime.
- 6.26 In the event of a vehicle being found to be operating after the existing licence has expired, any subsequent application for the renewal of the licence may be refused.
- 6.27 In the event of the death of an owner of a Hackney Carriage/Private Hire Vehicle Licence during the period of the licence, the right to renew the licence will automatically be transferred to the owner's personal representative.

### **Transfer Of Ownership**

- 6.28 Any transfer in the ownership or part-ownership of the licensed vehicle must be notified to the Council, by the person named on the application form as owner of the vehicle, in writing, within 14 days of such transfer taking place, specifying the name and address of the person to whom the vehicle has been transferred.
- 6.29 The vehicle licence will then be transferred if the new owner requests the transfer in writing, on the appropriate form, and pays the appropriate fee.

### **Transfer Of Vehicle Licence**

- 6.30 Licenses cannot be transferred between vehicles. Every vehicle must have its own licence application approved before it can be used as a Hackney Carriage/Private Hire vehicle.

### **Damage**

- 6.31 The proprietor must notify the Council of any accident to the vehicle materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers within 72 hours (3 days) of the accident occurring.

### **Use Of Temporary Replacement Vehicle**

- 6.32 In the event of a licensed vehicle being unavailable for a few days, i.e. due to an accident, repairs being carried out etc, if the licensee wishes to use an unlicensed vehicle as a temporary replacement s/he must first obtain permission from the Council, such permission not to be unreasonably withheld, subject to the following conditions being met:
- a) that the replacement vehicle is in a safe mechanical condition – current MOT certificate to be provided;
  - b) that the replacement vehicle is inspected, at the applicants expense, by the Councils nominated inspecting garage and the appropriate Certificate of Compliance submitted to the Council;
  - c) that the insurance company agree to provide cover for the replacement vehicle – insurance document confirming this must be provided;
  - d) that it is only for a maximum of 14 days;
  - e) that any appropriate information relating to the replacement vehicle, such as registration number, type of vehicle etc is supplied, together with the length of time it is to be used;
  - f) a temporary licence/plate will be issued, to be collected from the Council and displayed in the back window of the temporary vehicle. The licence/plate to be returned to the Council at the end of the temporary period. A charge of £25.00 will be levied if the plate is not returned.
- 6.33 If the arrangement is to last longer than a maximum of 14 days, the applicant must notify the Council, in writing.

### **Inspections/Stop Notices**

- 6.34 Any vehicle which is the subject of an application for a Licence will be examined (including mechanically) by a duly authorised Officer of the Council prior to the issue or renewal of a Vehicle Licence and on such other occasions as necessary and the applicant must take the vehicle in a clean condition, together with the Certificate of Compliance for the vehicle to the place appointed for such examination.
- 6.35 In cases of applications for renewal of a Licence, the vehicle must be presented for compliancy testing not less than 7 days and not more than 28 days prior to the date of renewal of the Licence in order for licences to be reissued at the commencement of the new licensing period unless the vehicle has been satisfactorily inspected within the last 6 months in which case the Council will notify the applicant of the date the next inspection is due.
- 6.36 The Licensee shall, if requested by an authorised Officer of the Council or Police Officer, produce for inspection the Vehicle Licence, Certificate of Insurance and Certificate of Compliance.
- 6.37 An authorised Officer of the Council or any Constable may at all reasonable times inspect and test the vehicle and taximeter to ascertain their fitness. In the event of serious defects being found, the Hackney Carriage/Private Hire licence plate will be removed and a Stop Notice issued to the Driver/Proprietor of the vehicle; such Notice to remain in force until the necessary remedial works have been carried out.
- 6.38 The offences for which the Stop Notice would apply are as follows:
- a) Contraventions of the Road Vehicle (Construction and Use) Regulations 1986.

## APPENDIX 1

- b) Serious bodywork defects.
- c) The interior condition of the vehicle failing to meet the appropriate standards as regards cleanliness
- d) Missing and/or faulty vehicle equipment, i.e. spare wheel, jack, brace, fire extinguisher.
- e) Hackney Carriage/Private Hire vehicle plate insecurely fitted.
- f) Defects with the taximeter.

### **Inspections During Course Of Licence**

- 6.39 In the event of an allegation being received during the period of the licence that a vehicle/taximeter is not of a satisfactory standard/operating correctly, the licensee may be required by the Council to undertake a further inspection at the Councils nominated inspecting garage.
- 6.40 If the vehicle fails to pass an inspection test, the costs of the test will be borne by the licensee.
- 6.41 Any vehicle failing to pass an inspection at the garage must not be operated until such time as the vehicle has been reinspected and a Certificate of Compliance issued, unless prior permission has been obtained from the Council.

NOTE: The vehicle must be presented for inspection within seven days if the licensee is requested to do so by the Council; failure to arrange/pass an inspection within the seven day period may mean that the matter would have to be reported to the next available Licensing Panel.

### **Trailers**

- 6.42 Trailers may only be used with the prior approval of the Council and subject to the following requirements:
  - a) Trailers shall be purpose built luggage trailers of commercial manufacture.
  - b) Trailers must be presented at the Councils inspecting garage for inspection at the time the vehicle undergoes its plating test. An additional charge will be made by the inspecting garage
  - c) Trailers may only be issued in connection with private hire bookings and cannot be used for plying for hire on a rank.
  - d) Trailers must at all times comply with the requirements of Road Traffic legislation in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.
  - e) The vehicle insurance must include cover for towing a trailer.
  - f) Trailers must not be left unattended anywhere on the highway.
  - g) The speed restrictions applicable to trailers must be observed at all times.
  - h) A suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.

## APPENDIX 1

- i) Trailers must display a valid trailer plate issued by the authority, which must be fixed to the rear of the trailer, due to the vehicle plate being obscured from view by the trailer when in use.

### **Change Of Address**

- 6.43 Any change in the address at which the vehicle is usually kept must be notified to the Council, in writing, within 7 days of the change of address.

### **Proprietor Responsibilities:**

- 6.44 At all times, the proprietor shall:
- a) provide sufficient means by which any person in the carriage may communicate with the driver;
  - b) cause the roof or covering to be kept watertight;
  - c) provide any necessary windows and a means of opening and closing not less than one window on each side;
  - d) cause the seats to be properly cushioned or covered, clean and free from any tears, damage grease or any other contaminants’;
  - e) ensure the floor is provided with a proper carpet, mat or other suitable covering;
  - f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - g) provide proper and sufficient accommodation for luggage and a means of securing such luggage;
  - h) provide a fire extinguisher that meets the following specification:
    - of an approved type, manufactured to BS-EN3
    - minimum of 1k powder
    - securely mounted within a retaining bracket
    - serviced annually to BS-5306-3
    - the extinguisher to be accompanied with a Certificate of Conformity valid for 12 months from the date of the annual service
    - carry a service record and be fitted with an anti-tamper tag
    - marked in permanent marker with the registration number of the vehicle in which it is fitted.

A label giving the location of the extinguisher to be displayed if the extinguisher is not immediately visible to driver and passengers

The certificate should be provided at each renewal.

- i) ensure that the vehicle is in a clean and tidy condition at all times;
- j) carry a suitable First Aid kit; (Guidance is provided at appendix ‘F’)
- k) ensure the body shell, including doors, panels, wings, bumpers and interior floor area are maintained in good condition, free from rust, holes, broken metal or any other visible damage.

## APPENDIX 1

- l) ensure the paintwork is maintained in a uniform colour as recorded on the registration document.
- m) ensure floor coverings are kept in good condition, clean and free from any contamination.
- n) ensure the interior trim is kept in good condition, clean and free from any tears, damage, grease or any other contamination.
- o) ensure door hinges are kept in good order, all working and doors 'seat' correctly when closed.
- p) ensure windscreen and windows are kept in good clean condition and free from damage.
- q) ensure side windows and winders are kept in good order and all working correctly.
- r) ensure spare wheel, brace and jack are kept in good condition and are carried in an easily accessible position on all vehicles at all times.
- s) ensure the boot or luggage compartment is kept clean and free for the accommodation of passenger's luggage.
- t) ensure the engine is kept free from oil leaks

### **Stretch Limousines**

6.45 Stretch limousines may be licensed as a Private Hire Vehicle for up to 8 passengers only, subject to the following additional conditions:

- a) No passengers to be carried in the front of the vehicle.
- b) All seats to be fitted with seat belts conforming to the current UK standard specification and be appropriate to the seating position.
- c) All vehicles must either meet the European Whole Vehicle Approval standard, the M.1. passenger vehicle requirements, or have a Single Vehicle Approval Test Certificate issued by the Vehicle Inspectorate Executive Agency, and QVM or MVM certification must be provided.
- d) Vehicle must be fitted with clear glass in the drivers compartment and may have tinted glass in the side and rear windows, subject to the rear window allowing a minimum of 70% light transmission.
- e) All limousines to be tested at the Councils nominated testing garage for limousines.

Stretch Limousines with 9 or more passengers are licensed by the Traffic Commissioners.

### **Legal Requirements**

6.46 Apart from the specific conditions set out above, the grant of a Hackney Carriage/Private Hire Vehicle Licence is subject to the provisions of the Town Police Clauses Act 1847 and of Part II of the Local Government (Miscellaneous Provisions) Act 1976, any other relevant statutory enactment and to such other terms and conditions from time to time specified by the Council. Attention is also drawn to any conditions, which must be attached to the grant of a Licence.

## APPENDIX 1

- 6.47 Vehicles must comply with Sections 32 and 37 of the Disability Awareness Act 1995 and the Regulations made under the Act, where they apply. (The relevant extracts from the Act and Regulations can be obtained from the Council, on request).

NOTE: It is an offence to operate a vehicle without a current Licence for Hackney Carriage/Private Hire vehicle hire purposes. It is also an offence for an unlicensed driver to drive a licensed vehicle. Offenders may be liable to prosecution and/or the revocation of their licence. Insurance cover may be invalidated in the event of an accident.

If you are in any doubt, contact the Council.

ANY PERSON WHO:

- a) wilfully obstructs an authorised Officer or Police Officer acting in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or the Town Police Clauses Act 1847;
- b) without reasonable excuse fails to comply with any of the requirements properly made to him by such Officer or Police Officer under Part II of the Local Government (Miscellaneous Provisions) Act, 1976 or the Town Police Clauses Act, 1847;
- c) without reasonable cause, fails to give such an Officer or Police Officer any other assistance or information which he may require for the performance of his functions under Part II of the Local Government (Miscellaneous Provisions) Act, 1976 or the Town Police Clauses Act, 1847, shall be guilty of an offence.

These conditions shall apply to Hackney Carriage/Private Hire vehicles licensed by West Somerset Council.

### **Revocation or Modification of Conditions**

The Council reserves the right to waive any requirements of these conditions at its absolute discretion.

The Council reserves the right to amend or add to any of the foregoing conditions, and notice thereof will be served on all licensees.



**VEHICLE SPECIFICATIONS UNDER EXISTING 'TAUNTON DEANE' TAXI AREA POLICY (AS OUTLINED UNDER THE POLICY'S APPENDIX 4 – STANDARD CONDITIONS FOR A PRIVATE HIRE VEHICLE LICENCE):**

## **Appendix 4**

### **Standard Conditions for a Private Hire Vehicle Licence**

1.
  - (a) a licensed vehicle may not be a London type taxi (TX1 and Metrocab)
  - (b) or of such a design an appearance as to lead any person to believe that the vehicle is a Hackney Carriage.
2. If the licensed vehicle is hatchback or estate or minibus it must be fitted with a boot cover or guard rail to separate the rear luggage area from the passengers to the approval of the Council.
3. If during the period of this licence the appearance or design of the licensed vehicle is to be altered then prior written consent of the Council to such an alteration must be obtained.
4. The Proprietor of the licensed vehicle shall:
  - (a) keep the interior and the exterior of the vehicle clean and free from damage in line with the Two Part Test criteria.
  - (b) ensure that the vehicle is fitted with windows that open or has appropriate ventilation in good working order.
  - (c) provide and maintain an efficient fire extinguisher in the licensed vehicle which should be readily available for use at all times.
  - (d) permanently mark the fire extinguisher with the registration number of the vehicle.
  - (e) provide and maintain in the licensed vehicle a first aid kit that which complies with the guidance in the Vehicle Licensing Criteria.
5. If the licensed vehicle is provided with a taximeter the Proprietor of the vehicle shall ensure that it constructed, attached and maintained as to comply with the following requirements:
  - (a) the taximeter shall be fitted with such device which will start the taximeter and will cause the word "hired" to be displayed to passengers.
  - (b) when the taximeter is turned on the fare on the taximeter should be clearly visible to passengers.
  - (c) the taximeter and all the fittings thereof shall be so affixed to the vehicle with seals or other appliances so that it shall not be practical for any person to tamper with them.
  - (d) the proprietor shall not permit any person to tamper with any of the seals on the taximeter unless authorised to do so by the Licensing Manager.
  - (e) the proprietor shall notify the Council immediately if the seals on the taximeter are broken.
6. If the licensed vehicle is provided with a taximeter the proprietor of the vehicle shall:

## APPENDIX 2

- (a) produce a statement, in a form approved by the Council, of the fare rate on which the fare recorded on the face of the taximeter is based.
  - (b) display the statement referred to in 6a above on the inside of the vehicle so that it is clearly visible and legible to passengers, to the approval of the Council.
7. The external plate issued by the Council shall state the Private Hire Vehicle licence number, the maximum number of passengers which the Council has licensed the vehicle to carry and must be fixed on the rear of the vehicle. All newly issued Taunton Deane Borough Council vehicle plates must be fixed on the rear of the vehicle. Where practicable the plate must be visible when the boot is in an upright position, and preferably low down on the extreme right or left hand side of the vehicle. The plate must not protrude below the bottom edge of the bumper of the vehicle and not be placed in the rear window of the vehicle. An internal plate issued by the Council, stating the plate number of the vehicle and the vehicle registration, shall be fixed to the interior of the vehicle so as to be clearly seen by passengers to the satisfaction of the Council.
8. The proprietor of a Private Hire vehicle shall display the Private Hire vehicle plates issued by the Council at all times unless the vehicle has the benefit of an exemption to display the external plate.
9. Notwithstanding section 58 of the Local Government (Miscellaneous Provisions) Act 1976 the Proprietor of the vehicle shall remove the plates referred to in 7 above and return to the Council within two working days, except where written permission has been given by the Licensing Manager to extend this time:
  - (a) when the vehicle ceases to be a licensed vehicle.
  - (b) when the licence is revoked or suspended by the Council including suspension and revocation under section 60 and 68 of the above Act.
10. If the plates referred to in paragraph 7 above are not returned in accordance with paragraph 9 then they may be removed by an Authorised Officer of the Council or a Constable.
11. In the event that the plate is damaged lost or stolen the proprietor shall notify the Council immediately and pay the Council the relevant fee for a replacement.
12. If the vehicle is suspended or the licence is revoked and the plates are subsequently damaged on removal by an Authorised Officer or Constable the proprietor shall then pay the requisite fee for the replacement of the plates, if necessary.
13. No commercial advertising is allowed on Private Hire Vehicles, the only advertising allowed on Private Hire Vehicles shall comply with the following requirements:

## APPENDIX 2

- (a) signs must not be magnetic, the lettering must be of the same size and font for all wording and
  - (b) they are a maximum size of 450mm by 450mm and a minimum of 300mm by 300mm, the signs must contain the words "Private Hire vehicle" and "Advance Bookings Only". The sign may include the firms' telephone number and the firms' name, the firms' name may not include the words "Taxi" and/or "Cab". No other words are to be allowed; and
  - (c) they are to the approval of the Licensing Manager.
14. Subject to condition 13 no advertisement sign or light may be placed inside or outside the licensed vehicle that is not required by law or by these conditions. Exceptions to this condition will only be by prior written approval of the Licensing Manager.
15. The proprietor of the licensed vehicle shall ensure that the vehicle is insured for the carriage of passengers for hire and reward at all times.
16. The proprietor and or the driver of the vehicle shall not permit cause or suffer a greater number of passengers to be conveyed in the vehicle than specified in the licence.
17. The proprietor of the licensed vehicle which has sustained \*damage in any accident (or by any other means) shall without prejudice to the provisions an obligations of the Road Traffic Act and section 50(3) Local Government (Miscellaneous Provisions) Act 1976:
- (a) notify the council in writing of such damage as soon as reasonably practicable and in any case within 72 hours of the occurrence.
  - (b) submit the licensed vehicle to the Council's Licensing Manager within 72 hours.
  - (c) not permit any passenger or member of the public to be conveyed in the vehicle unless and until the Council's Licensing Manager is satisfied that it may be so used.
- \*damage is any damage to the vehicle that would cause the vehicle to fail the Two Part Test
18. The proprietor of the licensed vehicle shall ensure that the vehicle is at all times:-
- (a) operated by a person who holds a valid Private Hire Operators Licence issued by the Council.
  - (b) driven by a person who holds a valid Private Hire Drivers Licence issued by the Council.

## APPENDIX 2

19. If the vehicle is to be used for the conveyance of passengers in wheelchairs then the securing mechanism in the vehicle for the wheelchairs must be used so as to ensure the safety of the passenger at all times. Wheelchairs must only be carried forward or rearward facing.
20. The licensed vehicle shall be so designed that it shall:-
  - (a) provide at least two doors for the use of persons conveyed in such vehicle and a separate means of ingress and egress for the driver.
  - (b) provide seatbelts for all passengers.
  - (c) provide at least 16inches/406mm of clear space per passenger seat (cushion width or bottom space) this measurement should be taken for the widest part of the seat per passenger .
  - (d) provide at least 9inches/229mm of clear knee room per passenger, measured from the front portion of the passenger seat to the rear of the seat in front.
  - (e) provide adequate means of heating and ventilation for all passengers.
  - (f) shall be capable of carrying a reasonable quantity of luggage which must be to the satisfaction of the Council.
  - (g) provide drivers mirrors on the near and offside.
  - (h) not be a convertible/cabriolet type vehicle.
  - (i) be right hand drive only.
21. The vehicle licence holder shall keep the vehicle, as is reasonably practicable, in a clean and tidy condition at all times.
22. The licence holder shall ensure that there are no apparent defects to the vehicle and that the vehicle is fit to be used for gain.
23. The vehicle licence holder shall ensure that the vehicle is not equipped with any scanning equipment.
24. If a vehicle is to be a licensed Private Hire vehicle for the first time it must be no older than seven years from the date of first registration.
25. If a licensed Private Hire vehicle is to be replaced, it must be replaced with a vehicle no older than seven years from the date of first registration.
26. Specialist and novelty vehicles or vehicles that have been subject to extensive modification for Disabled Access purposes, will not need to comply with the above conditions. Each vehicle will be considered on individual application to the Licensing Manager.
27. All vehicles must comply with Taunton Deane Borough Council Vehicle Licensing Criteria at all times during the period of the vehicle licence.

**Terms used in these conditions are as follows:-**

“the Council” -	Taunton Deane Borough Council
“Driver” -	Any Hackney Carriage or Private Hire driver licensed with the Council
“Authorised Officer”-	Any Officer of the Council authorised for the purposes of these conditions
“Constable”-	Any Police Officer authorised for the purposes of these conditions
“Vehicle”-	A licensed Private Hire vehicle with this Council (vehicle includes interior, exterior and engine bay)
“Proprietor” -	The owner or, in relation to a vehicle which is the subject of a hiring agreement or hire purchase or purchase agreement, the person in possession of the vehicle under that agreement
“Plates”-	Means the plates issued by the Council for the purposes of identifying the vehicle as a vehicle licensed with the Council





# **EXMOOR TRIKE TOURS**

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[exmoortriketours.co.uk](http://exmoortriketours.co.uk)

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# EXMOOR TRIKE TOURS

## History tour 3.5 hours



Wonderful 3.5 hour tour starting in Dunster. We will take you to the most important historic sites, explain the history and bring Exmoor to life. Includes stopping at the highest point on Exmoor for a hamper of tea/coffee with home made cakes.

£299 for two people

## Coastal tour 2.5 hours



Exmoor consists of 267 square miles of wonderful landscape including miles of coast line which need to be explored. We start in Watchet before moving on to Minehead, Porlock and Lynmouth and the Valley of the Rocks. This is a two hour tour that you will not forget!

£199 for two people

## Exmoor Safari tour 2.5 hours



A great way to get close to the wildlife of Exmoor on our trike. We will go in search of the Exmoor pony and the red deer. We will visit a number of beautiful scenic areas on Exmoor, stopping for a hamper of hot drinks and goodies.

£199 for two people

## Handmade on Exmoor tour 4 hours



We will take you to a number of talented craftsmen who are making a range of beautiful products in their workshops throughout Exmoor. Includes tea/coffee stop with goodies.

£399 for two people

## CONTACT US

mark@exmoortriketours.co.uk  
Mobile 07444 207023  
exmoortriketours.co.uk

## BOOKING

**07444 207023** to book.  
See website for full  
range of tours.  
Bespoke tours also  
available.



**GENERAL INTEREST AND SAFETY QUESTIONS AND ANSWERS**

- 1) For what purpose/type of business is Mr Stoddart applying for a private hire vehicle licence?
- a. *Exmoor Trike Tours will provide a series of tours around Exmoor using a road legal Trike aimed at residents of Somerset and visitors to the area. Trike Tours are already established and have been licenced by the relevant local authorities in Scotland, Yorkshire, Buckinghamshire, and the Midlands.*
- The tours will last between 2 and 6 hours. Customers will be collected from their accommodation, or Mr Stoddart will arrange a convenient place to meet to start the tour. Tours will include visiting small manufacturers of hand-crafted products, scenic beauty spots and areas of historic importance and history.*

- 2) What sort of vehicle is being applied for?
- a. *A motorised tricycle, made by Rewaco in Germany. It will be a 2018 model, very similar to the trike pictured below. It will carry two passengers plus the driver and have safety belts fitted.*



- 3) Will Exmoor Trike Tours provide helmets to passengers?
- a. *Exmoor Trike Tours will provide motorcycle helmets for all passengers.*
- 4) Will protective clothing be provided? Or will passengers be required to bring suitable clothing?
- a. *Exmoor Trike Tours will provide wet weather protective clothing for all passengers.*
- 5) Will passengers be briefed regarding vehicle safety before a journey?
- a. *A full safety briefing will take place before every tour. Helmets, jackets and gloves are all compulsory and will be fitted, with safety belts adjusted for each passenger.*
- 6) Will Mr Stoddart have sufficient means to be able to communicate with his passengers during travel?
- a. *The driver and passengers will be able to communicate at all times via a two way wireless intercom system fitted to each helmet.*

#### APPENDIX 4

- 7) Will the vehicle be able to carry a fire extinguisher and/or a first aid kit?
  - a. *Yes, tricycles can and will carry both a first aid kit and a fire extinguisher.*
  
- 8) What would happen in the event of a vehicle breakdown?
  - a. *In the event of the trike having a puncture, guests will be returned to their accommodation in a taxi and the AA will recover and repair the trike.*
  
- 9) Is there any luggage space on the vehicle in question?
  - a. *There is a small boot in which each passenger may store one small to medium bag.*

PROPOSED WORDING OF NEW CONDITIONS

(To be added to both the existing local taxi policy for the former West Somerset area and the existing local taxi policy for the former Taunton Deane area):

**Licensing of motor tricycles as private hire vehicles:**

Applications for the licensing of motor tricycle vehicles as private hire vehicles may be considered by the Licensing Officer where the following criteria can be met.

The vehicle must:

- (a) comply with Road Vehicles Construction and Use regulations for this type of vehicle and must have passed an MOT at an approved MOT testing station. The proprietor of the motor tricycle must present the vehicle every 12 months thereafter.
- (b) be equipped with passenger head restraints as part of its standard design and construction.
- (c) be fitted with suitable safety belts which meet approved BSI standards to provide an additional level of safety.
- (d) be insured and a certificate or cover note which is current must be provided upon application and renewal of the licence. Certificates will only be accepted if Hire and Reward or Private Hire is stated.

The following additional conditions must be adhered to at all times that a licensed motor tricycle is in operation as a private hire vehicle:

- (a) The vehicle operator must ensure that all passengers are wearing suitable protective clothing at all times.
- (b) No passenger must be below the height of 165cm.
- (c) No passenger must be below the age of 14 years.
- (d) The private hire motor tricycle vehicle shall carry no more than 2 passengers at any one time.
- (e) All vehicles will be required to have a licence plate affixed to the bodywork and displayed in accordance with the standard private hire vehicle requirements of the Council.
- (f) The vehicle must 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.
- (g) A fire extinguisher shall be carried at all times on the vehicle and maintained.
- (h) A first aid kit which complies with the guidance in the Vehicle Licensing Criteria shall be carried at all times and maintained.



# Somerset West and Taunton Council

## Licensing Committee – 21 March 2022

### Street Trading Policy Working Group

This matter is the responsibility of Executive Councillor Andrew Sully

Report Author: John Rendell, Licensing Manager

#### 1 Purpose of the Report

- 1.1 The Council issues consents to permit street trading across the district on public and private land.
- 1.2 The Licensing Manager has begun reviewing the Council's policies on street trading and it is felt that the formation of a Working Group would enhance the review.

#### 2 Recommendations

- 2.1 Resolve to form a Working Group, in accordance with Council protocols, to assist with the revising of the Council's policy on street trading.
- 2.2 Consider expanding the membership of the Working Group to include the Portfolio Holder for Asset Management and Economic Development, on account of the impact of street trading in town centres and how this links to the Corporate Strategy.

#### 3 Risk Assessment

- 3.1 The contents of this report do not relate to any of the risks identified in the Corporate Risk Register.

#### 4 Background and Full details of the Report

- 4.1 Somerset West and Taunton's predecessor councils both adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, permitting street trading where consent is given by the Council.
- 4.2 The 1982 Act defines street trading as being 'the selling or exposing or offering for sale of any article (including a living thing) in a street'. It also defines 'street' as being 'any road, footway, beach or other area to which the public have access without payment' or 'a service area as defined in section 329 of the Highways Act 1980'. There are certain exemptions, which includes news vendors, pedlars and roundsmen.
- 4.3 The Council is not obliged, by law, to adopt a street trading policy as it must with the

licensing regimes for gambling and alcohol, entertainment and late night refreshment. Be that as it may, adopting a policy allows the Council to be clear about its approach to determining applications for consents, attaching conditions to consents and enforcement, amongst other things. It demonstrates good governance and supports the making of robust decisions.

4.4 The street trading policies have not been comprehensively reviewed for many years, long before the formation of Somerset West and Taunton even. A review is long overdue.

4.5 The Licensing Manager has begun drafting a new policy, combining the best elements of the existing policies and incorporating examples of best practice elsewhere in Somerset and further afield. It is felt that a Working Group would add value to the review and drafting of, a new policy, as well as deciding on the scope of a consultation and considering any responses that arise from that consultation.

4.6 The Council's ['Member Working Group Protocol' document](#) has guidance on the Licensing Committee forming working groups:

- A Working Group arising from the Licensing Committee will be formed from Members from that Committee only – unless they resolve to expand the membership.
- The Committee will determine who is on the Working Group.
- The Working Group does not have to be politically balanced and the Licensing Committee shall determine the membership.
- The first item of business is to nominate a Chair but it should be a Member from the Licensing Committee.'

4.7 In accordance with the protocol, terms of reference have been drafted for the proposed working group, as part of draft 'scoping document'; see **Appendix A**. Completing the scoping document would be one of the first matters of business of the working group.

## **5 Links to Corporate Strategy**

5.1 The Council has a statutory duty to control street trading within its administrative boundaries.

5.2 15 of the 39 consents currently in effect relate to traders and markets in Taunton town centre and a further one, Wellington town centre. Together, they represent 41% of all consents issued.

5.3 Allowing traders and markets to operate in town centre streets and spaces, backed by effective policies, processes and procedures, can support the following objective:

- Our Environment and Economy: support the town centres throughout the district to meet the challenge of changing shopping habits.

## **6 Finance / Resource Implications**

6.1 There are no financial implications.

## **7 Legal Implications**

7.1 No legal implications identified.

## **8 Climate and Sustainability Implications**

8.1 There are no climate and sustainability implications.

## **9 Safeguarding and/or Community Safety Implications**

9.1 There are no safeguarding or community safety implications.

## **10 Equality and Diversity Implications**

10.1 There are several protected characteristics identified in the Equality Act 2010, which are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation and members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision-making process. The three aims the authority must have due regard for are:

- The eliminate of discrimination, harassment, victimisation.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share them.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share them.

10.2 No equality and diversity implications were identified.

## **11 Social Value Implications**

11.1 As this report does not relate to the procurement of any services or products, no social value implications were identified.

## **12 Partnership Implications**

12.1 No partnership implications were identified.

## **13 Health and Wellbeing Implications**

13.1 Through effective regulation, confidence in licensed premises and activities can be maintained, helping communities to thrive.

## **14 Asset Management Implications**

14.1 No asset management implications were identified.

## **15 Data Protection Implications**

15.1 No data protection implications were identified.

## 16 Consultation Implications

16.1 The review will involve a consultation but there are no direct consultation implications with this report.

## 17 Scrutiny Comments / Recommendation(s)

17.1 There are no scrutiny comments or recommendations as this is a Licensing Committee report only.

### Democratic Path:

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Cabinet/Executive – No**
- **Full Council – No**

Reporting Frequency:  Once only

### List of Appendices

Appendix A	Draft scoping document (with terms of reference)
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### Contact Officers

Name	John Rendell
Direct Dial	01823 219491
Email	<a href="mailto:j.rendell@somersetwestandtaunton.gov.uk">j.rendell@somersetwestandtaunton.gov.uk</a>

**Appendix A - SWT MEMBER WORKING GROUP  
SCOPING DOCUMENT**

<b>NAME OF WORKING GROUP:</b>	Street trading policy review
<b>CHAIR:</b>	TBC
<b>MEMBERS:</b>	TBC
<b>LEAD OFFICERS:</b>	<ul style="list-style-type: none"> <li>• John Rendell, Licensing Manager</li> <li>• Craig Stone, Senior Economic Development Officer - Town Centre Resilience and Transformation Lead</li> </ul>
<b>SUBJECT TO BE REVIEWED:</b>	Street Trading policy
<b>REASON(S) FOR THE REVIEW:</b>	To introduce a single policy for the licensing of street trading in SWT and clarify the Council's approach.
<b>IDENTIFY APPROPRIATE CORPORATE AIMS:</b>	<p>The regulation of street trading is a statutory duty but this work also supports the following aim:</p> <p>Our Environment and Economy - Support the town centres throughout the District to meet the challenge of changing shopping habits</p>
<b>TERMS OF REFERENCE:</b>	<p>This Working Group will:</p> <ul style="list-style-type: none"> <li>• Consider, discuss and prepare a street trading policy for consultation.</li> <li>• Carry out a consultation.</li> <li>• Make recommendations to the Licensing Committee in relation to the adoption of the policy</li> </ul>
<b>SCOPE, AIMS AND OBJECTIVES OF REVIEW: (Remember to consider what is NOT to be included in the review):</b>	<ul style="list-style-type: none"> <li>• Review existing procedures and processes for street trading and anything new which it is proposed be adopted.</li> <li>• Ensure street trading licensing arrangements are robust and fit for purpose.</li> <li>• Work with the Licensing Manager to finalise a draft street trading policy.</li> <li>• Agree the scope of the consultation on the draft policy.</li> </ul>

	<ul style="list-style-type: none"> <li>• Consider any responses to the consultation and make any necessary amendments.</li> <li>• Agree a policy which can then be taken to the Licensing Committee with a view to being adopted.</li> </ul>
<b>METHOD(S) OF REVIEW (HOW WILL THE REVIEW BE CONDUCTED?):</b>	<ul style="list-style-type: none"> <li>• A recap of how the licensing of street trading works and the importance of striking the right balance.</li> <li>• To review lessons learnt from recent cases and service complaints.</li> <li>• Discuss examples of good practice.</li> <li>• Introduction to proposed street trading policy.</li> <li>• Agree details of consultation</li> <li>• Consider the responses to the consultation.</li> <li>• To discuss and agree amendments (if any) to the proposed policy.</li> <li>• Agree draft of policy.</li> <li>• Agree recommendations to Licensing Committee.</li> </ul>
<b>BENEFITS TO THE COUNCIL AND LOCAL COMMUNITY: KEY ISSUES AND RISKS:</b>	<ul style="list-style-type: none"> <li>• Clarity over Council's policy, processes and procedures.</li> <li>• Strengthen decision making.</li> <li>• A document which will support and guide customers, officers and members.</li> <li>• Lead the way on the formation of street trading policy for the new unitary authority.</li> </ul>
<b>IMPLICATIONS: (Financial and Legal implications particularly will need to be considered and signed off by the relevant officer)</b>	The final report taken to the Licensing Committee to have the policy adopted will be subject to the usual sign-off from Legal.
<b>DOCUMENTARY RESEARCH AND EVIDENCE: E.g. Is there any National or local guidance or research into this subject? Is there any best practice guidance available?)</b>	<p>There is no national, statutory or non-statutory guidance in relation to the control of street trading.</p> <p>Policies adopted by Mendip, South Somerset, Bristol and Birmingham Councils were used as points of reference when drafting this policy.</p>
<b>RESOURCE IMPLICATIONS OF REVIEW: E.g. implications on officer</b>	This piece of work is being delivered by the Licensing Manager. There are no direct budget implications.

<b>resource or impact on the Council's budget.</b>	
<b>EXTERNAL ADVISORS: Does the Working Group wish to invite any involvement from external advisors?</b>	TBC

Timescales	Estimated	Revised (include reasons)	Actual
First meeting of Working Group			
Milestone 1:			
Milestone 2:			
Milestone 3:			
Draft Report:			
Report:			

**PROJECT OUTCOMES CONCLUSIONS:**

**RECOMMENDATIONS:**

**EXECUTIVE CONSIDERED:**

**OUTCOME : FOLLOW UP:**

**REVIEW OF PROCESS/COMMENTS:**

**SIGNED OFF BY CHAIR:**

**DATE:**

