



## AYLESBURY VALE DISTRICT COUNCIL

### Democratic Services

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10 January 2019

### LICENSING COMMITTEE

A meeting of the **Licensing Committee** will be held at **10.00 am** on **Monday 21 January 2019** in **The Olympic Room - Aylesbury Vale District Council**, when your attendance is requested.

Contact Officer for meeting arrangements: Chris Ward; cward@aylesburyvaledc.gov.uk;

**Membership:** Councillors: J Brandis (Chairman), T Mills (Vice-Chairman), M Hawkett, A Huxley, S Lambert, L Monger, S Morgan, G Powell, S Renshell, B Russel and Sir Beville Stanier Bt (ex-Officio)

### AGENDA

#### 1. APOLOGIES

#### 2. TEMPORARY CHANGES TO MEMBERSHIP

Any changes will be reported at the meeting.

#### 3. MINUTES (Pages 3 - 6)

To approve as a correct record the Minutes of the meeting held on 11 December 2018.

#### 4. DECLARATIONS OF INTEREST

Members to declare any interests.

#### 5. COUNCIL'S LIMITATION POLICY IN RESPECT TO AYLESBURY TOWN (Pages 7 - 42)

For Members to consider the attached report.

Contact officer: Simon Gallacher 01296 585083

#### 6. MEETINGS FOR 2019

Members are asked to note the Licensing meetings are scheduled for 2019 as follows:

Monday 18 March

Tuesday 28 May

Monday 8 July

Monday 9 September

Monday 4 November

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## Licensing Committee

11 DECEMBER 2018

**PRESENT:** Councillor J Brandis (Chairman); Councillors T Mills (Vice-Chairman), M Hawkett, A Huxley, L Monger, S Morgan, G Powell, S Renshell and Sir Beville Stanier Bt (ex-Officio)

**IN ATTENDANCE:** Sakie Awan (Aylesbury Hackney Carriage Association)

**APOLOGIES:** Councillors S Lambert and B Russel

### 1. MINUTES

RESOLVED –

That the Minutes of the meeting held on 10 September 2018 be approved as a correct record.

### 2. REVISED HACKNEY CARRIAGE FARE PROPOSAL

The current tariff for hackney carriage fares operating in Aylesbury Town had last been reviewed in April 2010. Rural hackney carriage fares had been reviewed in November 2016. The Aylesbury Carriage Taxi Association, the organisation that represented taxi drivers operating in Aylesbury Town, had proposed a new tariff. Saki Awan from the Aylesbury Hackney Carriage Association was also in attendance to provide further information and answer questions on the proposed tariff. The rationale behind the increase was based on annual increases in fuel and insurance costs to off-set some losses. The Association felt the increases were reasonable and were mindful of not overcharging customers. Research had also been carried out to compare the proposals with nearby local authorities; they were still cheaper than Oxford, Milton Keynes and High Wycombe. Aside from Tariff 4, the rest were beneath RPI. The Committee report outlined the details of the proposed new fare structure including journey distance, waiting time and passenger numbers. Further tariffs were proposed based on the time of year e.g. Christmas Day, Bank Holidays etc. Members were advised that Tariff 4 only applied to Christmas Day and that passing trade in the town centre was limited.

Local authorities had the power to set fares for hackney carriages under section 65 of the Local Government (Miscellaneous Provisions) Act 1976. When making changes to the fares, the Council must publish in at least one local newspaper the proposed tariff for a period of 14 days minimum and invite objections. A copy of the notice would also be available for inspection at the council offices. Any objections received and not withdrawn during this period would be reported to the Committee for consideration. The ultimate decision was made by the Cabinet Member, however historically the Licensing Committee were consulted on this.

Officers advised that an increase in fares in the town centre would still mean Aylesbury Vale had one of the cheapest fares for an average two mile journey compared to other authorities nationally.

Members sought clarity on the issue of rural boundaries and whether or not these were defined. The advice was that rural boundaries were unofficial however they were commonly understood by the driving trade and the licensing service. On balance, the Committee saw merit in these boundaries being firmly defined and so an undertaking was made that this would be picked up in the next policy review. Regarding the fare

proposal, the Committee felt that further information was required and agreed that this come back to Committee in January 2019 for consideration.

RESOLVED –

That the revised hackney carriage fare proposal come back to Committee with further information.

### **3. ENGLISH LANGUAGE AND KNOWLEDGE ASSESSMENT FOR TAXI DRIVERS**

In September 2017, the Committee had resolved that a functional English language test and knowledge test for all new and existing hackney carriage and private hire drivers be introduced, and that the Principal Licensing Officer be authorised to agree and confirm the content of the test and bring back to Committee. The English language and topographical test had also been a recommendation from the All-Party Parliamentary Group on Taxis in March 2017. Members had been advised that the test would be carried out online and hosted by a trusted third party organisation at their premises. Once the examination was passed and completed, a certificate would be provided which would then need to be submitted by the applicant along with their Application for a License for to AVDC. This was in keeping with current taxi drivers providing their proof of driving standards training.

Since then there had been significant restructuring and staff changes within the Licensing Service which meant the testing arrangements resolved by the Committee had not been implemented. The Service had concerns regarding the practicalities and implications of requiring roughly 3,000 drivers and new applicants to take the test. Moreover, there were serious concerns over a driver failing the test as the service would need to decide whether to suspend, refuse to renew or revoke the driver's licence. Such a decision could be appealed against in a Magistrates Court and potential case numbers would be extremely resource intensive in terms of officer workload and resource.

To maintain the principle of the English language testing, it was proposed that testing be an imposed requirement on all new applicants and existing drivers where there were reasonable grounds to request it. Reasonable grounds included examples where authorised officers identified a training need through enforcement activity or substantiated complaint. It was felt that this approach would ensure standards were raised and that efforts were targeted to where it was needed, while avoiding the risk of using resources in protracted legal action. In terms of numbers, it was expected 80-100 tests would be carried out per month. The telephone test was automated and facilitated by officers in The Gateway building. The Committee report contained the various options to be explored in the delivery of the testing and an audio demonstration of the Versant telephone test was played to the Committee. For this test, each applicant was given a unique test identification number and followed instructions on various questions from Part A – E. Officers advised that drivers with relevant qualifications or certificates in English Language would be exempt from the test and that these documents were checked by officers during the application process. Officers would reserve the right to ask an applicant to carry out the test.

Members also heard more about an alternative approach to implementing the additional knowledge assessments for hackney carriage and private hire drivers. Greenpenny, currently the sole company approved by the Council to carry out driver assessments, had already agreed in principle to incorporate these new arrangements within their existing procedures. Another recognised driver assessment company, Mann Fleet Services, had also agreed to incorporate these new assessment measures. It was proposed that both companies be considered approved, with the advantage of providing drivers greater choice, faster testing times and potential savings through increased competition.

Members sought more information on the English language test and knowledge test and were advised that:-

- i. English language was gauged to some extent currently through the face-to-face element of the application process officers undertook for new licenses and renewals. The proposal would keep this in place as officers facilitated the telephone-based test at the office. The test itself would be an objective way of measuring language competency and the Committee agreed with the need for standardisation particularly in light of deregulation.
- ii. Feedback from other local authorities that use the Versant language test was positive. The Committees of these local authorities had also been complimentary of the service.
- iii. The service would be mindful of borderline test failures and give the benefit of the doubt where appropriate. Members appreciated this given some of the accents and lexical choice heard during the audio demonstration.
- iv. Those that fail either the language or knowledge test would likely be subject to re-taking both tests at the prescribed costs. Advice could potentially be provided to re-sitting applicants upon request.
- v. Both test providers would have assessors available outside Aylesbury Vale to accommodate private hire applicants operating or living outside the area. For private hire vehicle drivers, it was important that they had the skills to navigate around the area where they work, which may not necessarily be Aylesbury Vale. However, the hackney carriage driver's test would be based on knowledge of Aylesbury Vale because of the local nature of their work.
- vi. The Association felt that the removal of the knowledge test previously had led to an increase in drivers and thereby devalued them. By reinstating the knowledge test, driver quality would be expected to increase.

RESOLVED –

That the Committee agree the recommended arrangements for the introduction of an English Language test and the additional knowledge tests for licensed taxi and private hire vehicles.

#### **4. SAFEGUARD TRAINING FOR TAXI DRIVERS**

The Licensing service was now in a position to move forward with implementing safeguarding awareness training for licensed drivers. The Committee received a report which outlined three options that were available from three organisations and also information of the activities of other authorities. Of all the options considered, it was felt that the Cyp First child exploitation training programme presented the message in a clear, memorable and empathic way. The trainers had first-hand experience of working with both the victims of abuse and the driving trade. The Chairman and officers in attendance endorsed the recommendation as they had attended one of the sessions and found that it was relatable, particularly to parents, and that it empowered drivers with a sense of safeguarding responsibility.

Members were asked to consider what their preferred option was out of those presented in the report. During the discussion, the Committee noted that Cyp did offer the best value for money. Members sought additional information and were advised that the certificate obtained through participating in the course would be a mandatory requirement for new applicants and license renewals.

RESOLVED –

That arrangements are put in place to ensure all licensed taxi and PHV drivers undergo CSE safeguarding training.

## **5. REVISED TAXI POLICY PROPOSAL**

An extensive review on AVDC's licensing policy on taxi and private vehicle hire had taken place in 2016 which resulted in important areas being identified and updated. Following the review, several key policy decisions had been made. The Committee received a report which detailed how the Taxi Policy landscape had changed since 2016 and asked Members to consider whether it was necessary to conduct a complete review of the current policy arrangements in respect of taxi and private hire vehicle licensing. Officers felt that the current policy was not reflective of the reality of the trade.

Reviewing the policy now would lead to the creation of a new policy that set the latest and highest standards to safeguard the travelling public. If Members were minded to this option then consideration needed to be given on whether to produce a unilateral policy or whether to work collaboratively on a policy review with the other District authorities in Buckinghamshire. The Principal License Officers at each authority were in favour of collaborative work and, with this route, a draft policy would be ready mid-2019.

Alternatively, officers advised the Committee that they may wish to take no action regarding the current policy and allow for unitary in Buckinghamshire to come into effect or await further publication of Government guidance.

Members considered the options and agreed that a policy review was needed and saw strong merit in collaborative work with the other District authorities.

RESOLVED –

That a full and complete review of the current Taxi and Private Hire Policy be undertaken in conjunction with the other District authorities in Buckinghamshire.

## REPORT ON THE COUNCIL'S LIMITATION POLICY IN RESPECT TO AYLESBURY TOWN

Tracey Aldworth

### 1 Purpose

- 1.1 For Members to consider a proposal to licence a motorised tricycle as a private hire vehicle and the associated operator and driver licences. To consider for approval the modified conditions to be attached to each of these licences.

### 2 Recommendations/for decision

- 2.1 For Members to allow the licensing of a motorised tricycle as a private hire vehicle and the associated operator and driver licences.
- 2.2 Subject to approval of 2.1, to agree the conditions to be attached to each of these licences.

### 3 Supporting information

- 3.1 In November 2018 the Licensing Service received a request from a local resident to consider licensing a motorised tricycle for private hire work. The interested party has provided a detailed report to support their proposal, see Appendix 1. The attached report sets out specific details relating to the proposed vehicle, its intended use, the business plan and safety considerations. It is important to emphasise that the proposal is to use the vehicle for special events and tours only, not routine private hire style operations.
- 3.2 The proposal 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 and to celebrate special occasions. 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 are over the age of 21 years.
- 3.3 The Council's current policy envisages the licensing of novelty style vehicles, specifically Appendix 3, paragraph 3.7 states:
- "In general terms private hire vehicles must have four passenger doors, must not appear in design to be a hackney carriage, including the use of a roof sign and have forward facing seats. Non-standard road vehicles such as tuk tuks or novelty means of transport such as a horse and carriage will be considered on their own merits but because they raise special safety concerns they will be subject to additional scrutiny."**
- 3.4 With regards to other aspects of the Council's policy, while there are no policies that would absolutely prevent the licensing of this style of operation, there are several areas that require consideration:
- Licence and badge display**
- 3.5 The policy generally requires licensed private hire vehicles to display:
- A licence plate attached to the rear of the vehicle showing the licence number, registration number, vehicle make and model, licence expiry and maximum number of passengers.

- Council issued door signs to be attached to the sides of the vehicle showing the licence number, maximum passenger numbers, and the words “be booked be insured” and “advance bookings only”.
- A window sticker displayed in the windscreen.

While it may be possible to display the rear licence plate in compliance with the first of these requirements, the lack of doors and a windscreen make it impossible to comply with the other requirements. The Council can grant exemptions for vehicles engaged in ‘executive style’ work, so they are only required to display a window sticker on the front wind shield, which contains the same information as the licence plate. Once again, as the vehicle has no windshield, it would not be possible to comply with this requirement. The legislation, Section 75 of the Local Government (Miscellaneous Provisions) Act 1976, provides that the Council may exempt the displaying of licence plates if the Council has issued an exemption notice for defined types of work and the notice is kept on the vehicle; under this exemption drivers are also relieved from the requirement to wear on display their licence badge.

### **Age requirements and MOTs**

- 3.6 The current policy allows any vehicle to be licensed up to the age of 10 years old and requires one annual MOT and an enhanced vehicle conditions check. The only other local authority known to licence this style of vehicle for private hire work is Leeds City Council. Under their requirements, vehicles must be less than one year and no older than seven years, and must undergo six monthly MOT testing. This requirement appears to reflect their general licensing arrangements rather than any specific reason related to the style of vehicle.
- 3.7 A key consideration is how the proposed 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. These elements are considered in detail as follows:
- 3.8 Section 48 of the Act provides that the Council must be satisfied that a vehicle is:
- (i) suitable in type, size and design for use as a private hire vehicle;
  - (ii) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
  - (iii) in a suitable mechanical condition;
  - (iv) safe;
  - (v) comfortable; and

There is in force in relation to the use of the vehicle a policy of insurance.

### **Suitable in type, size and design for use as a private hire vehicle**

- 3.9 This type of vehicle is accepted internationally as a suitable mode of transport. A similar style vehicle has been licensed by Leeds City Council for private hire work since 2013 without any reported concerns or complaints. The Council can impose conditions upon the vehicle to ensure its suitability for use as private hire style work. A significant number of new conditions have been drafted specific to this style of vehicle, as shown in Appendix 2. These conditions have been drafted following consultation with Leeds City Council and incorporate Aylesbury Vale’s existing licence conditions.

- 3.10 The vehicle is designed to comfortably accommodate two passengers and their needs, including a 240 litre luggage compartment. The safety features designed in to 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.
- 3.11 In respect of the Equalities Act 2010, the vehicle would not be listed as a Wheel Accessible Vehicle (WAV) and as such the driver would not be required to accommodate a passenger travelling with a wheelchair. However, operators and drivers of licensed PHV are not permitted to refuse a booking by a disabled passenger who is accompanied by an assistance dog. Given the nature of the vehicle, it is questionable whether it would be safe to accommodate an assistance dog. The views of the Guide Dogs for the Blind Association were sought on this issue and they responded that safety should be the paramount consideration. The Highway Code does not prohibit dogs and other animals from travelling in vehicles, however they are required to be suitably restrained. The relevant code provides some advice about various restraint methods in respect of cars, however it is not conclusive whether any of these would be suitable for a motorised tricycle:

*“When in a vehicle make sure dogs or other animals are suitably restrained so they cannot distract you while you are driving or injure you, or themselves, if you stop quickly. A seat belt harness, pet carrier, dog cage or dog guard are ways of restraining animals in cars.”*

The Equalities Act, Section 171 , provides that:

- “(1) A licensing authority must issue a driver with a certificate exempting the driver from the offence under section 170(3) (an “exemption certificate”) if satisfied that it is appropriate to do so on medical grounds.
- (2) In deciding whether to issue an exemption certificate the authority must have regard, in particular, to the physical characteristics of the private hire vehicle which the person drives or those of any kind of private hire vehicle in relation to which the person requires the certificate.
- (3) An exemption certificate is valid—
- (a) in respect of a specified private hire vehicle or a specified kind of private hire vehicle;
- (b) for such period as is specified in the certificate.”

The wording is in some respects ambiguous and it is not clear whether medical grounds are the only reason for granting an exemption, or an exemption can be granted on a discretionary basis having regard to the physical characteristics of the vehicle. Further clarification may be needed on this point but in general terms it is proposed in the conditions that animals not be permitted to travel in the vehicle.

**Not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;**

- 3.12 Given the nature of the vehicle and proposed style of operation this element will not be problematic.

**In a suitable mechanical condition;**

- 3.13 New conditions have been drafted, as shown in Appendix 2, to ensure the vehicle would be maintained in a suitable mechanical condition. A number of the key new proposed conditions are highlighted as follows:

- The requirement of the vehicle to meet European Whole Vehicle Type Approval provides assurance that relevant environmental, safety and security standards are met.
- The vehicle must be less than one year from date of first registration in order to be first licensed and insurance disposed vehicles will not be considered for licensing. This ensures that the vehicle will essentially be in a new or near new condition when first licensed.
- The vehicle must be serviced every 6000 miles and presented for 6 monthly MOT testing. 6000 mile servicing is in line with the manufacturers recommended service interval. 6 monthly MOTs has been proposed to ensure the ongoing roadworthiness of this vehicle, the shortened interval from the usual 12 months is to reflect the fact the vehicle does not have all the standard safety features of a regular licensed PHV.
- No material alterations may be made to the vehicle without Council approval.

### **Safe**

- 3.14 The driver and passengers are exposed to external elements associated with this mode of transport. The levels of protection normally associated with a car, such as airbags, side impact bars, and crumple zones are not an option with this type of vehicle. However, the vehicle is able to support additional 'safety' features which the Council may impose as reasonable and necessary conditions.
- 3.15 The proposed new conditions, shown in Appendix 2, contain a number of additional safety requirements that could be applied to the vehicle including: passenger head restraints; side restraints; passenger forward restraint bar; suitable foot plates; BSI standards approved seatbelts/lap belts; fire extinguisher; first aid kit; inter passenger driver communication.
- 3.16 Appendix 3 shows proposed conditions that could be applied to the licensed driver of this vehicle. These conditions contain a number of new additional conditions that address safety matters, such as: pre-journey risk assessments and safety briefings; ensuring passengers are appropriately dressed and wearing helmets; ensuring passengers meet height, weight and age requirements; not playing music.
- 3.17 Appendix 4 shows proposed conditions that could be applied to the licensed operator driver of this vehicle. These conditions contain a number of new additional conditions that address safety matters, such as: briefing prospective passengers about appropriate attire; providing documented safety instructions to passengers; providing protective jackets, gloves, eye protection and helmets; maintaining risk assessments; ensure the vehicle has adequate communication between driver and passenger; prohibition on routine private hire work.

### **Comfortable**

- 3.18 The vehicle 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. The distinct style of vehicle and the business plan for this vehicle's usage should make it clear to prospective passengers what level of comfort is being offered. In addition, the proposed operator conditions include a requirement that any advertising must ensure that members of the public are fully aware of the type of vehicle and the associated effects of being exposed to the elements prior to booking.

#### **Insurance**

- 3.19 Valid insurance documentation will be checked at the time of application; applications without valid insurance will not be accepted.

#### **4 Options considered**

- 4.1 None.

#### **5 Reasons for Recommendation**

- 5.1 The main consideration is whether or not this vehicle can be operated safely. Leeds City Council have licensed the same style of operation and vehicle since 2013 without any reported concerns or complaint. New additional conditions have been drafted, specific to this style of operation, to help best ensure the safety and comfort of the travelling public, while providing them the opportunity to experience the local landscape in a novel way.

#### **6 Resource implications**

- 6.1 The cost of licensing the vehicle, driver and operator will be recovered from the relevant licence application fees.

Contact Officer

Simon Gallacher Ext 5083

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## Executive Summary

This application to the license committee is for an addition to the current license arrangements for Private Hire vehicles. The changes will create procedures that will allow for the licensing of the vehicles used by a new tour business - specifically a three person trike vehicle - a novelty vehicle. The business will provide a chauffeur service with either set or custom routes which customers (where a customer is anyone who is able to board the vehicle) will purchase on an hourly rate. The concept is similar to that of balloon flights but uses a novel executive car concept which (as far as the business owners are aware) has not been provided in the Vale or surrounding area before. The aim of the business is to provide a unique service open to all which has the potential to bring together some of the other tourist attractions (by visiting those locations on the tour), to win awards because of the service we pride and ultimately to make a reasonable living. The document below gives more details of the concept and the details that the licensing committee require to make a decision on the approval of the new processes and rules.

## Who am I?

My name is [REDACTED]. I have lived in the Vale for more than 20 years and Buckinghamshire for about 25 years. I live in Aylesbury with my wife and three children and currently commute to an IT job in London each day via Chiltern Railways. I am looking for a change in career and my work life balance. I enjoy working with the public and working outside.

## The Idea for Chiltern Trikes

My Dad was involved in the motor trade for over 40 years so I have always had an interest in cars and motorsport. I first became interested in trikes when I saw Billy Connolly driving across America on Route 66 and a trike build by Mark Evans. This year my wife bought me (as a birthday present) a trip on a trike in Scotland. I enjoyed it so much that I looked to repeat the experience a little closer to home and discovered that there are no such companies operating. The only similar businesses I can find are operating in Yorkshire and Midlands (south of Birmingham). This is how the idea for a Chiltern Trike business came about. The business will be based on the model established by Yorkshire Trikes (who are licensed by Leeds City Council).

We live in an Area of Outstanding Natural Beauty situated just outside London which the local and county councils encourage people to visit for tourism. Most of the businesses that cater for tourism are static but Chiltern Trikes can help move tourists between them by incorporating visits to these businesses as part of the tours. These other businesses could be those that supply B+B (picking up at the B+B to tour the Vale as part of a package offered by the BB), Distilleries, Brewers, cafes offering afternoon tea + cake or pubs offering lunch etc.

The plan initially is for the (fully licensed business, operator and vehicle) to operate tours at weekends with the frequency and days increasing with the demand. We will cover Buckinghamshire, Oxfordshire, Berkshire and Hertfordshire. Customers will be offered a variety of tours (differing by the routes and length of time) of the Vale and surrounding area - initially centred on Aylesbury but including locations from Ivinghoe to Marlow. Later we will look at longer runs (of half and full days and potentially overnight) further afield such as the Cotswolds or maybe tours through London. The routes will predominantly use the lanes and minor roads rather than the main roads and motorways that run through the area. On each of the local tours we will have lists of possible refreshment and toilet facility stops. There will be plenty of opportunities to stop for pictures too.

We envisage that the tours will run from April to the end of October (other times by special request).

## The Trike

Historically trikes were built from other three wheeled vehicles such as Reliant Robins and old motorcycles often by amateur mechanics in sheds. The quality of these early trikes varied a lot often because the skills or lack of skills of the amateur mechanics. Today there are two major European manufacturers of trikes Rewaco and Boom both based in Germany. Boom trikes (who also supply the trikes used by Yorkshire Trikes) were founded in 1990 and now operate from a purpose built factory, building a number of different models including the Mustang Family trike which carries a driver and two passengers.

The reaction of most people seeing a Boom trike for the first time is that it is a three wheeled motorcycle. However a trike is classified by the DVLA as a car. (there is a long history of three wheeled cars particularly in the UK including Morgan, Messerschmitt, Harley Davidson, and the Bond Bug (we will gloss over the three wheeled van from the TV series "Only Fools and Horses" based on a Robin Reliant)).

The road taxation and rules for Congestion Charging for a Boom trike are exactly the same as a car. There is no requirement for any rider to wear a motorcycle helmet (although some type of eye protection is required because there is no windscreen) and the trike can be driven on a full car license. The top top speed of the trike is 160 kph (100mph) but in reality anything over 55 mph makes it very difficult to hear anything if there is no intercom. Boom trikes have European Whole Vehicle Type Approval.

The plan is to purchase a new Boom trike (from the official dealer based at Chorley near Manchester). It will have a new petrol 1.5 Mitsubishi engine and an automatic or manual gearbox. According to the Boom website the emissions of the engine are 97/24/EG Kap.5, i.d.F. 2009/108/EG. The intention is to fit GoPro devices to the trike frame and helmets to allow customers to capture the experience.

Boom supply three different trim levels for the Mustang Family and we have selected the mid trim level (which has lots of chrome) in red to appeal in particular to the Chinese and Japanese tourists. The intention is that the registration plate will contain as many 8s as possible - again to appeal to far east tourists. The visual impact and novelty appeal of the vehicle is a very important part of the business. There are less Mustang Family trikes in the UK than super cars such as Aston Martin, Lamborghini or Ferrari. According to the trike dealer a few of the well known celebrities that live in and around the Vale own trikes, but he would not give any names.

## What about Safety?

Customer safety is paramount. The trike (which is approved using the same system as other cars) will be modified in a similar way to the ones that are used by Yorkshire Trikes. In Germany the T-Bar behind the drivers head and in front of the two passengers is deemed enough, however we propose to add airline style seat belts (the dealer in Chorley has experience of doing this). Three point harnesses are not possible because of the way the vehicle is constructed. We will also insist that customers use a helmet (even though they are not required under UK law because the trike is classified as a car not a motorcycle)

Customers who use the helmets supplied by Chiltern Trikes will be connected to the vehicle intercom system (again fitted by the UK dealer) so they can talk to the chauffeur and other passenger. Customers will receive a safety briefing and instructions on how to board and alight from the trike. Passengers will be strongly advised to wear long trousers, warm clothing and enclosed shoes. As part of the tour package the trike will carry jackets, gloves and wet weather

gear for all the passengers. Customers will be advised at time of booking about the open aspect of the trike.

The picture below is taken from a document created by Yorkshire Trikes to show the safety features of the Mustang Family Trike.



1. Side arm rests and comfort bar
2. Roll protection (trikes are very stable and almost impossible to roll because of their low stance and wide track)
3. Lap Restraint - The centre belt is used if there is only one passenger - when there is only a single passenger they sit directly behind the chauffeur.
4. Lap Straps - used when two passengers are being carried.
5. Foot plates. These are an addition (again supplied by the Chorley dealer) requested by the Leeds Licensing committee. In reality they do not help and spoil the looks of the trike. We could use a removable wooden insert instead - only used if a particular passenger required it.
6. Foot rests and comfort bar

Note the 'T' bar behind the drivers head restraint is all that is required in Germany. The drivers head restraint and the 'T' bar can be moved out of the way to allow for easier access to the passenger seats.

In the boot (a Mustang Family trike has a boot of over 200 litres) will be a 1kg dry powder fire extinguisher and a first aid kit.

The engine torque and setup of the Boom trikes (including the solid headstock - where the handlebars attach) means that a wheelie is impossible. In any case, we are proposing a relaxed tour, not hammering down the motorway.

## How will the Businesses Operate?

Chiltern Trikes will be a tour business which will operate along similar lines to the companies that offer balloon rides in the Vale. Unlike the balloon companies the trike tour will not require dry almost still conditions - it can operate in wet weather (the trike will carry wet weather gear for the passengers).

The population demographic (found on the council website) suggests that there is an economic case for the service although we also want to appeal to tourists (both from the UK and abroad).

Customers will (initially) book services via the telephone and be advised about what the trike is like to ride. We will emphasise that the trike is a tour (it is not something you book to go to the station or get back from the shops). Payment will be by cheque or via Paypal a minimum of two weeks before the tour takes place.

It is our expectation that that the tours will appeal to ex-motorcyclists who miss the open aspect that a motorcycle provides but are maybe unable to use a motorcycle themselves. We will emphasise that a trike tour is open (access) for all (there will be some restrictions on height and weight - see below) but essentially anyone who can board the trike (if necessary with assistance) can take a tour. The chauffeur will assist with boarding customers but is not currently qualified in lifting (although if required will attend a specialist course). Customers with physical disability are welcome as long as they can board the trike (with assistance of the chauffeur or second passenger if necessary). Once seated the belt and T bar will keep the passenger in place.

We are currently preparing a website which will introduce the service to the public. The website will carry information about the trike, an FAQ (see below), prices and details of how to book a tour. We will also advise on the website (and at time of booking) what the trike is - and the comfort that customers can expect. In addition we will have a presence on social media (Facebook, Instagram, Twitter etc), Tripadvisor, local car shows and perhaps a pitch in some of the local council run markets (with the proper permissions). At launch we plan to involve local newspapers and radio - including Mix 96. We have been in touch with VisitChilterns.co.uk and

started to find out how we can meet with other local businesses serving the tourist industry although we have not told anyone the specific idea of the trike or how it can potentially benefit other businesses by bringing people to them as part of the tour.

## Types of Journey / Jobs undertaken

The sorts of trips we envisage the trike making are:

- 1) Tours of the Vale (2,3,4 hours in duration). We are working on these routes (and timings at the moment). With enough time we will take in Oxfordshire, Bedfordshire, Berkshire (Windsor for example) and Hertfordshire. The standard routes will have plenty of stops for tea / coffee (we may use a local cafe or take cups and thermos) and stops for pictures.
- 2) Trips to see National Trust houses or specific locations as requested by the customer.
- 3) Wedding Anniversary / Birthday treats - this could be during the day with coffee, lunch and tea or potentially an evening out - with a run through the lanes to a recommended pub (again involving local businesses is important) for a meal and a run back. We will not operate such runs to the large centres such as High Wycombe and Aylesbury or for clubbing etc.
- 4) Customer requests for longer tours - half or full days - for example the Vale of White Horse, other parts of the Cotswolds or the Norfolk coast.
- 5) School Leaving Days and Proms.
- 6) Engagement runs - people get engaged on the Thames on a boat so why not a trike (it is certainly memorable)? We will not be serving alcohol on these runs - although customers may bring their own small bottle to toast the occasion.
- 7) Weddings. For example of groom and best man.
- 8) TV Filming work. We know that Yorkshire Trikes have appeared in and supported filming in their local area.

We would expect the bulk of the work to be the tours of various durations but we include the others as possibilities - based in part on the work that Yorkshire Trikes carries out.

## Effect on Existing Businesses

Chiltern Trikes is a tour business whose vehicles are licensed under the private hire rules. It is not any competition to any existing taxi, private hire, Uber or airport executive car service businesses based in and around the Vale. There are limousine and four by four businesses operating in the Vale but the type of vehicles Chiltern Trikes propose to operate are very different. It appeals to a different marketplace. Therefore I submit that Chiltern Trikes is not a competition to any existing business because it is operating in a new sector.

The tours undertaken by Chiltern Trikes will seek to include as many small businesses as possible (dependent on customer choices - customers may not want to spend hire time

shopping). The advantage here is that we will potentially be joining up the small businesses (customers may decide to return to them later - at least they know where they are).

## FAQ

This FAQ will make up part of the website but is reproduced here because the website is not yet online.

### Are there any restrictions on who can ride the trike?

There are some restrictions. A child must be either over 12 or at least 135 cms tall (these rules are laid out by statute). Children must be able to reach the foot rests and all under 16 must be accompanied by an adult (18 or over). No passenger can be over 17.5 stone (so about 45 inches round the middle). The maximum weight for two passengers is 34 stone. You need to have the mobility to board the trike (with assistance if necessary). These restrictions are dictated by our insurance and licensing conditions or by the structure of the trikes. We believe that the experience we can offer will give a fantastic sense of freedom to anyone but especially someone living with a long term physical or mental illness, or who has a mobility, visual, hearing or intellectual impairment.

### Where will the tour start?

The trike will either pick you up from home or from a pre-agreed location such as a car park or a station (subject to a suitable safe area being available - it takes a new minutes to run through the safety briefing and suit up). If the pickup location is outside of 10 mile radius of Aylesbury town centre there may be an additional charge.

### Can I bring my luggage?

The trike has a small boot (trunk) but we use it to store helmets, wet weather equipment etc. You may bring a small bag if necessary but we can't guarantee it will fit.

### Can we speak to the chauffeur while the trike is in motion?

Absolutely! The trike is fitted with an intercom which the chauffeur will use to explain what you are seeing and through which you can talk to him directly. We use a wired system which is said to be more reliable than bluetooth (Note: if you bring your own helmet we cannot transfer the equipment for the intercom however even without the intercom normal conversation is normally possible up to about 50mph).

### Are there any rules that we need to observe for this tour?

Not many. You must listen to the safety briefing which the chauffeur will give before the tour commences. You must keep your hands within the trike and feet on the bar at all times the trike is moving. Only board or leave the trike once it is stopped and the chauffeur says it is safe to do

so. The chauffeur has the right to refuse a tour if any of the passengers are under the influence of drink or drugs. Any damage by passengers to the trike will be charged. You must not throw anything (including abuse) from the trike - if you do the chauffeur may stop the tour - no refund will be given.

What about breakdowns?

The trike is maintained to a much higher standard than an ordinary car but breakdowns can occur (it is a machine after all). If the tour needs to be abandoned or does not take place then monies will be refunded.

Can I hire the trike for a special occasions?

Yes - please get in touch with us so we can sort out a tour or run that fits your exacting requirements. For example if you have a birthday treat involving collection and transport to a restaurant we can arrange it. Note: If you want the trike to wait while you are eat and then have it transport you back again we will charge for the wait time.

Is the tour open to those with a disability?

Yes - we have a policy of access for all. If you can (with if necessary some assistance from a friend and / or the chauffeur) sit in the seat you can ride the trike. Our chauffeur will give assistance but is not trained in lifting so there is a limit to the help they can give. If you have any doubt please get in contact to discuss and we will do our very best to accommodate you. If you are local to Aylesbury we may be able to meet up before you book to test that boarding and alighting is possible. The trike is not registered on the AVDC list of licensed Wheelchair Accessible Vehicles because we do not have the space to store a wheelchair in the boot. The AVDC conditions of license state that we cannot carry animals, so regrettably we cannot carry an assistance dog either (getting a helmet on a dog would be very hard too). We will try to find refreshment stops with full access but we cannot guarantee this.

We are based very close the the world famous Stoke Mandeville Hospital so if you are a patient please get written permission from the hospital if you want to plan a few hours away! We will not be held responsible if you make a tour without this permission.

Can I record my journey?

Yes - as long as you keep your hands inside the trike. We will try to provide some GoPro that you can attach to the helmet or your clothing. If we use a GoPro on the trike we will tell you we are recording. Let us know if that is an issue and we will stop the recording. As part of the tour we will try to stop the trike in a photogenic spot so you can take your own photos. We will (with your permission) take some photos on our own equipment and then email them to you after the tour. The photos will be deleted afterwards unless we get your express permission to use them in our publicity (website).

What's it like on the trike? Will I be cold?

Pictures of the trike are on our website (and in this document) so you already know what type of transport the trike is. There are no doors, windows or fairings. We will supply helmets, jackets, gloves and wet weather gear where required. The seats on the trike are not heated. One of the attractions of trike is the feeling of the wind and the freedom. You should wear appropriate clothing (long trousers, a jumper and stout shoes are a good idea).

What happens if it rains?

Unlike hot air balloons the trike can operate in all weathers. We carry wet weather gear (a waterproof overall or cape). If the weather is particularly bad you (or the chauffeur) may decide to defer the tour to a later date but generally the tour will go ahead. Once the service commences, the customer is committed, whatever weather conditions prevail during the hire.

Will there be time for refreshments and pictures?

Yes - we will try to stop once or twice during the tour so you can grab some photos of the scenery and the trike. We will, with permission, take pictures of you on the trike and email them afterwards.

Do I need to wear a helmet?

Yes. Under UK law trike riders do not need to wear a helmet, however the terms of our license and insurance require all passengers to do so. A good reason to use a helmet is that it keeps insects and road grit out of your eyes. We will supply a helmet for each passenger (with intercom) or you can bring your own. We supply a balaclava to wear under the helmet to help keep the inside of the helmets clean. Some of the helmets are fitted with GoPro so you can record the journey.

Toilet facilities?

The chauffeur carries an app on their mobile telephone which allows us to locate the nearest facilities, however we cannot guarantee they will be open or the standard of those facilities.

Do you run the tours all year round?

We generally run tours through Spring, Summer and early Autumn. Winter is by prior arrangement. Each season has its own very special qualities, further enhancing your tour experience. You need to be very well wrapped up in the winter.

What do I need to wear?

We recommend long trousers and a warm jumper. We also request you wear stout footwear like trainers or boot (please don't turn up in flip flops - they are not appropriate for the trike).

What about Safety?

Although the trike is classified as a car it has no windscreen, doors or airbags. The trike has a roll over bar, however the wide stance means it is nigh on impossible to roll (the rear track is nearly 2m). Unlike a motorbike, there is no requirement for the passengers to lean into the

corners. The trike is fitted with a T bar in front of the passengers (all that is required in Germany where the trike is manufactured) and airline seat belts which have been added as part of license requirement. We also carry a fire extinguisher and a first aid kit in the back of the trike. Passengers do need to follow the safety advice in the briefing (especially about keeping everything inside the trike) given by the chauffeur before the tour commences.

#### What is included in the tour?

Tours will be a fixed length and a minimum of 2 hours. Note: The time will include time to suit up, receive the safety briefing, time on the trike, refreshment breaks, photo opportunities and the time to remove the equipment. We will supply helmets, balaclavas, gloves and jackets. We will also supply wet weather gear as necessary. On some routes we will supply refreshments (either in a cafe or from the trike itself).

#### What is not included in the tour?

We do not include gratuities, entrance to any of the National Trust properties or any refreshments at commercial premises unless explicitly stated at the beginning of the tour. On some tours we may supply coffee, tea or hot chocolate with biscuits (let us know if there are any dietary requirements and we will attempt to accommodate). We do not supply any alcohol (for a tour that includes a celebration customers may bring a small bottle of champagne or similar. Let us know and we will try and find a way of keeping it cold). Sundries purchased (gifts and snacks) and travel insurance are not included.

#### Can I ride as a single passenger?

Yes - this is not a problem but please remember our prices are based on two people - there is no reduction for a single passenger because we operate the trike on a hourly rate (with a minimum of 2 hours for a single hire). When we are carrying two passengers they sit side by side with the chauffeur between and below them. Single passengers ride directly behind the chauffeur with his head below and directly in front of them.

#### What about Insurance?

The trike is insured as a Private Hire Chauffeur driven vehicle. Under UK law we also have to have public liability insurance. The private hire requires us to have three licenses (for the company, the chauffeur and the trike itself) which are issued by Aylesbury Vale District Council (AVDC). We are one of only a handful of companies in the UK to have a license for a trike which is classified as a "novelty" vehicle.

#### Can I book the Trike for my Wedding?

Yes - please call us for your exact requirements but remember that trike is completely open (we carry wet weather gear but potentially that doesn't make a great wedding picture) and you will need to wear a helmet (not great on your hair?) on the way to the venue. Once the trike is parked you can remove the helmets and take as many pictures as you want - we will try to dress the chauffeur appropriately (do you want biker or some kind of suit?). All our chauffeurs are

always smartly dressed anyway. If you decide to book but then do not to use the service because of bad weather on the day there is a 30% cancellation fee.

### Is the Trike available for TV Work?

Yes - please get in contact with us if you want to use the trike either on screen or as part of the filming setup.

### Smoking

Smoking is not allowed on or around the trike or while wearing the equipment (we need to keep it smoke free for others to enjoy their experience).

### Food and Drink

Eating and drinking are not allowed on the trike (the helmet makes this very difficult anyway!)

## Example of a Tour

This section is an example of how a tour could be booked and would then take place. We will assume that the customer is visiting London (rather than being a member of the local community) and would like to see the site of the Great Train Robbery at Bridego bridge and follow one of the potential routes to Leatherslade Farm. (It needs to be stressed it is only an example. There will be several other routes laid out for different lengths of tour).

### The Booking

The customer sees the Chiltern trikes website and decides to book the tour. They contact us via telephone / email. During the call we will discuss the following

- 1) The tour that they would like to book.
- 2) Contact details (to be retained until the tour is complete to comply with GDPR rules).
- 3) Any special requirements (for example help to board the trike).
- 4) The open aspect of the trike (and therefore the comfort levels to expect).
- 5) The restrictions on height / age and weight.
- 6) What to wear and the requirements for a helmet during the tour.
- 7) Ascertain the approx size of the passengers (for the jacket, helmet sizes + weight)
- 8) Confirm the time and pickup point (in this case we will assume the customer is coming from London Euston and arrange the pickup at Tring Station at the agreed time)
- 9) Check payment will be made two weeks before the tour commences.

### The Tour Day

On arrival at the pickup point the chauffeur will check that the customer has supplied the correct information (as to age / height and weight) and that the none of the passengers are under the

influence of alcohol / drugs or are unsuitable to undertake the tour. They will also assess the passengers for any issues that means they will require help to board the trike.

The chauffeur will take the passengers through the safety briefing explaining all aspects of the trike (including how to board and alight from it). He will also reiterate that customers must keep their hands inside the trike and their feet on the foot bar. Finally the chauffeur will remind the passengers that any breaking of the rules (which are there for the passengers safety) could result in the tour being terminated early.

Each passenger will be issued with a bandana / balaclava that they will wear under the helmet. This makes it easier to keep the inside of the helmets clean because the bandanas can be easily washed. The passengers will be issued with jackets, gloves and helmets and the shown how to open/close and adjust the helmet. The passengers will then board the trike and be instructed on how close (and open) the seat belt. Finally we will plug in and test the intercom feature. Ready to go.

For this particular route we will drive through Aldbury and then up to Ivinghoe beacon (where there will be time to take in the view and take some pictures). From there we will drive through Ivinghoe and take the road for Horton and Leighton Buzzard. The bridge itself is off this road. The chauffeur will give a commentary on sites along the way as well as some of the details of the Great Train Robbery itself (which took place on the 8 August 1963). After time for pictures at the bridge we will take some of the backroads (one of the possible routes) to work our way around to the location of the farm (Wingrave, Weedon, Waddesdon, Chersley and Long Crendon). We will return via a different route to Tring station. At some point the tour may call in at a tea room such as the Mead and Sons farm shop where we can also take in the Puddingstone Distillery.

The chauffeur will be carrying information on the nearest public toilets - should the customer require it.

At the end of the tour the chauffeur will take the helmets, jackets, gloves and balaclavas and store them back in the rear of the trike.

## Boom Trike (Mustang Family)

Boom company website can be found [here](#)

The specification of a trike (according to the website) is

- 1) Engine 4-cylinder in-line engine with controlled catalytic converter.
- 2) Power from 110 HP (81 kW) to 140 HP (103 kW).

- 3) Gears (forward/reverse) 5/1 manual transmission / 4 gears automatic transmission Max. speed from 160 km/h to 180 km/h (depending on motorization).
- 4) Fuel consumption / Range approx. 5 - 10 l / 100 km / 350-600 km (depending on motorization).
- 5) Type of fuel Super unleaded 95 ROZ or E10.
- 6) Fuel capacity 38 l.
- 7) Frame 2-parted tubular frame, bolted Body Wear-resistant GRP.
- 8) Dry weight approx 653 kg to 745 kg (depending on equipment).
- 9) Gross vehicle weight 1000 kg to 1.100 kg (depending on motorization).
- 10) Seats 3 (1 driver and up to 2 passengers).
- 11) Vehicle load capacity approx. 280 kg (depending on equipment).
- 12) Towing capacity 312 kg to 362 kg (depending on motorization).
- 13) Dimensions (depending on equipment).
  - a) Length 3.675 - 3.875 mm.
  - b) Width 1.680 - 1.945 mm (depending on tyres).
  - c) Height 1.350 mm Seats 3.
- 14) Service interval 10.000 km (6000 miles).

We will have a dealer modify the trike (as above in safety) as per the Yorkshire Trike business and any other conditions from AVDC.

The Dealer (the official dealer is [here](#)). Through this website you can see other trike tour sites (the last menu item in the top bar). The dealer is experienced in preparing trikes for public tours as the ones we are proposing. The FAQ tells you about the requirements for licensing / helmets etc.



## **Appendix 4 (A) – Private Hire Vehicle Conditions – Motor Tricycle**

### **Local Government (Miscellaneous Provisions) Act 1976**

#### **General**

The Licensee shall ensure that he/she complies in all respects with the requirements of any Act or Regulations affecting the operation of private hire vehicles and motor vehicles.

#### **1. Type of Vehicle**

- 1.1. Only those vehicles which are on the Council's 'Approved List of Novelty Private Hire Vehicles – Motor Tricycle' will be accepted for licensing.
- 1.2. 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.
- 1.3. 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).
- 1.4. Once a vehicle has been inspected and a licence granted, it shall be maintained in that form and condition including continued compliance with Condition 1.3 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's Licensing Service.
- 1.5. 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.
- 1.6. The vehicle must 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.
- 1.7. 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
- 1.8. 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.
- 1.9. 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.
- 1.10. The vehicle must 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.

## **2. Age of Vehicle**

- 2.1. 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.
- 2.2. Where a currently licensed vehicle does not meet the requirements of part 2a that vehicle will continue to be re-licensed for up to 10 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 expiry of the licence. Any break in the licence will result in part (a) of this Condition coming into effect.

## **3. Number of Passengers**

- 3.1. 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.

## **4. Maintenance of Vehicle**

- 4.1. The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition to the satisfaction of an authorised officer and all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations) shall be fully complied with.
- 4.2. 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.
- 4.3. Luggage and storage areas must be kept as free space for passenger's luggage, except for a spare wheel, essential tools, safety equipment and a first aid kit. The compartment shall be kept clean and any covering free from major cuts, tears or other damage or staining.
- 4.4. Accident damage 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.
- 4.5. Replacement parts whether mechanical, body or trim, fittings or furnishings, will be supplied by the vehicle manufacturer.
- 4.6. Taking into consideration the excessive mileage covered by a private hire vehicle it should be regularly serviced and maintained (at least every 6000 miles or interval recommended by the vehicle manufacturer) and records shall be kept and made

available to an Authorised Officer or a Police Officer on request. Service and maintenance records from owner drivers shall be provided at regular intervals to the licensed operator.

## **5. Inspection and testing**

- 5.1. The Proprietor of a motor tricycle must present the vehicle for an MOT inspection at a MOT testing station approved by the Licensing Service no later than 12 months from the date of first registration and every 6 months thereafter.
- 5.2. The vehicle Proprietor will be responsible for producing the MOT pass certificate to the Licensing Service within 72 hours of such a test.
- 5.3. 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.

## **6. Alteration of the Vehicle**

- 6.1. No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the licensing authority at any time while the licence is in force.

## **7. Identification Signs**

- 7.1. Unless 7.5 applies, all vehicles are 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 display:
- 7.2. A licence identification disc or windshield card issued by Aylesbury Vale District 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. The proprietor must provide a suitable weather proof licence holder to ensure the licence disc is protected, maintained and legible at all times.
- 7.3. A rear licence plate. Aylesbury Vale District 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.
- 7.4. The Licensee shall affix and maintain in a conspicuous position, on the off-side and near-side of the vehicle the prescribed 'door sign', issued by the licensing authority. Any such sign affixed onto the vehicle shall be adhesive and not magnetic. The sign must be maintained such that it remains legible. If it becomes damaged or illegible the Licensee must contact the licensing authority for a replacement immediately.
- 7.5. Provided a notice in writing in respect of the vehicle, given under section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 by the licensing authority to the Licensee, is in force and the conditions mentioned in that notice are being complied with, 7.1-7.4 shall not apply. A copy of the notice shall be carried in the vehicle and be available on request by an authorised officer of the Council or Police Officer.

## **8. Advertising**

- 8.1. Only the name and contact telephone number of the company or operator may be displayed on the vehicle in a form and design approved by an authorised officer of the Council.
- 8.2. No other sign, notice, advertisement, plate, mark or anything similar shall be displayed on, in or from the vehicle without the prior written consent of the Council which, if granted, shall at all times be kept with the vehicle and shown to an authorised officer of the Council or police officer on request.

## **9. Safety Equipment**

- 9.1. 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 EN3.
- 9.2. A first aid kit complying with the Health and Safety (First Aid) Regulations 1981 shall be carried at all times. The contents shall be 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. The items contained within the first aid kit must not be expired.

## **10. Communication Equipment**

- 10.1. 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.

## **11. Change of Address**

- 11.1. The licensee shall notify the licensing authority in writing of any change of his address during the period of the licence within seven days of such change taking place.

## **12. Criminal conduct**

- 12.1. The licensee shall within seven days disclose to the licensing authority in writing details of any conviction, caution, warning, fixed penalty notice or any other out of court disposal imposed on him (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence.

## **13. Return of Licence/Identification Plates**

- 13.1. The licensee shall upon the expiry (without immediate renewal), revocation or suspension of this licence immediately return to the licensing authority the licence/identification plates issued to him by the licensing authority when granting this licence and any related signage shall be removed.

#### **14. Accident/Damage**

- 14.1. Within 72 hours of an accident or damage to the vehicle, which affects the safety, performance or appearance of the vehicle, the licensee shall inform the licensing authority.

#### **15. Transfer of Vehicle**

- 15.1. Upon transfer of interest in any licensed vehicle to another person, the licensee shall immediately after such transfer give notice in writing, to the licensing authority specifying the name and address of the person to whom the licence has been transferred.

#### **16. CCTV in vehicles**

- 16.1. The licensee shall ensure that the vehicle does not contain any facilities to record images or sound without obtaining prior written authorisation from the licensing authority.

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## **Appendix 6 (A) – Private Hire Driver Conditions – Motor Tricycle**

### **Local Government (Miscellaneous Provisions) Act 1976**

#### **1. General**

The Licensee shall ensure that he/she complies in all respects with the requirements of any Act or Regulations affecting the operation of private hire drivers and these conditions.

#### **2. Maintenance of the Vehicle**

The licensee shall:

- 2.1. Ensure that the vehicle driven by him/her is in a roadworthy condition, thoroughly cleansed; all equipment, fittings and fixtures are present and serviceable and complies with conditions attached to the licence relating to the vehicle before commencement of any journey.
- 2.2. Report any defect discovered by the Licensee to the proprietor of the vehicle.

#### **3. Conduct of Licensee**

The licensee shall:

- 3.1. At all times be clean and respectable in his/her dress, behave in a civil and orderly manner, and not use foul or abusive language;
- 3.2. Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle;
- 3.3. Assist any passenger in gaining access to or from the vehicle;
- 3.4. Assist any passenger with the loading and unloading of luggage into and out of the vehicle;
- 3.5. Afford reasonable assistance in removing a passenger's luggage to or from the entrance of any house, station or place at which he/she may collect or set down a person;
- 3.6. Unless otherwise directed by the hirer shall proceed to the destination requested by the hirer by the agreed route;
- 3.7. Not drive the vehicle without the consent of the proprietor of the vehicle;
- 3.8. Not consume food or drink while the vehicle is being driven;
- 3.9. Not smoke at any time on the licensed vehicle, or allow other persons to do so, or adjacent to it;
- 3.10. 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;
- 3.11. Shall ensure that no annoyance or disturbance is caused to residents or other road users whilst driving the vehicle;
- 3.12. Not use the horn or lights of the vehicle or shout in order to signify to the Hirer or passengers that the licensee is waiting for the hirer or passengers;

- 3.13. Not drive a licensed vehicle in a manner that may intimidate or have the potential to intimidate another road user;
- 3.14. Take all reasonable steps to ensure the safety of luggage conveyed in, being loaded in or removed from the vehicle;
- 3.15. Not cause the vehicle to stand in such a manner as to suggest that it is standing or otherwise plying for hire or that it is a hackney carriage;
- 3.16. Not tout or solicit any person to hire or be carried in any private hire vehicle and not cause or procure any other person to tout or solicit any person to hire or be carried for hire in any private hire vehicle;
- 3.17. Not initiate or encourage any dialogue of a sexual nature with a hirer or passenger. The licensee is not permitted to become involved sexually or have sexual contact, even with consent whilst in a vehicle with the hirer or passenger.

#### **4. Bookings**

- 4.1. The driver shall only fulfil bookings for special events or tours only, which involve the exchange of a written formal contract and acceptance of booking prior to the commencement of a journey. The driver shall not engage in routine private hire style journeys.

#### **5. Fare to be demanded and the taximeter**

- 5.1. 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, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.
- 5.2. If a vehicle being driven by the licensee is fitted with a taximeter, the Licensee shall not cause the fare recorded to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it.
- 5.3. The licensee shall not tamper with or permit any person to tamper with any taximeter with which the vehicle is fitted, with the fittings thereof or with the seals affixed thereto. The Licensee shall ensure that when the vehicle is not in use the taximeter is switched off.
- 5.4. Taximeters must be calendar controlled.

#### **6. Written Receipts**

- 6.1. The driver shall if requested by the hirer of a private hire vehicle provide him/her with a written receipt for the fare paid.

#### **7. Prompt Attendance**

- 7.1. The licensee when it is agreed that the vehicle has been hired, shall be in attendance with the vehicle at the appointed time and place and shall, unless delayed or prevented by some sufficient cause, punctually attend with the vehicle at such

appointed time and place. Prior to collecting the hirer the licensee shall ensure that he/she is aware of the destination and how to reach the destination.

## **8. Driver's Identity Badge**

- 8.1. Unless 7.2 applies, the licensee shall wear the driver's licence badge issued by the Council in a position where it may be seen at all times. The licensee shall return the licence badge immediately upon termination of the licence, whether such termination is through surrender, suspension, revocation or normal expiry.
- 8.2. Provided a notice in writing in respect of the vehicle, given under section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 by the licensing authority to the Licensee, is in force and the conditions mentioned in that notice are being complied with, the requirement to wear the licence badge in 7.1 shall not apply. A copy of the notice shall be carried in the vehicle and be available on request by an authorised officer of the Council or Police Officer.

## **9. Passengers**

- 9.1. 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.
- 9.2. 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.

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.

- 9.3. The licensee shall not:
  - a) convey, or permit to be conveyed, in a private hire vehicle a greater number of persons than that prescribed in the licence;
  - b) without the consent of the hirer, convey, or permit to be conveyed, any other person in that vehicle;
  - c) allow any child below the age of 12 years, unless at least 135cms tall, to be conveyed in the vehicle. Children must be able to reach the foot rests.

## **10. Carriage of Animals**

10.1. The licensee shall not convey on the vehicle any animals.

## **11. Private hire vehicle operator**

11.1. The licensee shall not use the vehicle for private hire unless the bookings are invited and accepted by the operator. The licensee shall ensure the operator has a current private hire operator's licence issued by the Council.

## **12. Insurance**

12.1. The licensee shall ensure that he/she is covered by a valid insurance for private hire before commencing to drive the vehicle and shall ensure that they do not act in any way which might invalidate the insurance. The licensee shall on being requested to do so produce the insurance certificate to a police officer or Authorised Officer.

## **13. Lost property**

13.1. The licensee shall immediately after the termination of any hiring of a private hire vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there. If any property accidentally left in a private hire vehicle by any person who may have been conveyed therein is found by or handed to the licensee, it must be handed into a Police Station within Aylesbury Vale within 48 hours, if not claimed during that time and a receipt must be obtained.

## **14. Inspections**

14.1. The licensee shall not obstruct an Authorised Officer or any police officer from carrying out any inspection or test of the vehicle.

## **15. Medical Fitness**

15.1. A Group 2 medical check is required for all new and renewal private hire and hackney carriage driver applicants. The medical checks are applied to all applicants irrespective of age. The Group 2 medical checks must be carried out by a General Practitioner (GP) who is on the "List of Registered Medical Practitioners". The requirement for Group 2 medical checks may be waived for drivers who, within 6 months of the date of application, have already obtained a Group 2 medical certificate.

## **16. Notification of convictions, cautions, warnings, fixed penalty notices and arrests**

16.1. The licensee shall within seven days of conviction of any offence or having received a caution, warning, fixed penalty notice or having been arrested or if subject to any criminal investigation during the period of the licence, disclose to an Authorised Officer in writing details of the incident.

## **17. Change of Personal Details**

- 17.1. The licensee shall immediately notify an Authorised Officer in writing of any change in his/her personal details. Changes shall include changes in address, name status, phone number and mobile number.

## **18. Applications for renewal of the licence**

- 18.1. An application will only be considered after receipt of a full application. That is to say the completed application form and all specified accompanying documentation and the fee. All applications for the renewal of a licence must be made at least four weeks prior to the expiry of the existing current licence. The Council cannot guarantee that a renewal application will be processed if not made in time. The responsibility for making a timely application rests entirely with the licence holder.

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## **Appendix 9 (A) – Private Hire Operator Conditions – Motor Tricycle**

### **Local Government (Miscellaneous Provisions) Act 1976**

#### **General**

The Licensee shall ensure that he/she complies in all respects with the requirements of any Act or Regulations affecting the operation of private hire operators and these conditions.

#### **1. Fit and Proper**

- 1.1. The Licensee shall within seven days of conviction of any offence or having received a caution, warning, fixed penalty notice or having been arrested or if subject to any criminal investigation during the period of the licence, disclose to an authorised officer of the Council in writing details.

#### **2. Records**

- 2.1. The record required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept either in the example form provided by the licensing authority or similar or on a nationally recognised piece of computer software. This software must be capable of providing the information listed below. The entries must be numbered consecutively and no pages shall be removed. The operator shall enter the required information for each booking invited or accepted by him, before the commencement of each journey.
  - (a) The name of the hirer
  - (b) The location of the pick-up point
  - (c) The location of the destination
  - (d) The time the private hire vehicle is required
  - (e) The time that the booking was made
  - (f) Whether the booking was made by telephone or in person
  - (g) The fare quoted for the journey.
  - (h) The nature of booking/tour and the vehicle used.
- 2.2. The operator shall also keep records of the following particulars of all private hire vehicles and drivers operated by him:
  - (a) The registration mark of each vehicle and licence number
  - (b) The make of the vehicle
  - (c) The name and address of the owner if different from the operator
  - (d) The names, addresses and licence numbers of all licensed drivers
  - (e) Details of any radio call sign used
- 2.3. The operator shall maintain a service and maintenance history of all vehicles, irrespective if they are owned by the operator, including the following:
  - (a) All maintenance details from the change of light bulbs and tyres to full mechanical services
  - (b) Records of mileage.
  - (c) A history of regular full services of vehicles – it is expected that these occur at around every 6000 miles or frequency recommended by the vehicle manufacturer.
  - (d) A maintenance system demonstrating the operator's ability to ensure vehicles are regularly serviced and maintained.

- 2.4. If the records detailed in condition 2.3 are not up to date or cannot be accounted for then the operator shall not use the vehicle until he or she is satisfied that it is in a roadworthy condition.
- 2.5. The operator shall in addition to relying on written maintenance records carry out routine physical checks of all vehicles.
- 2.6. All records mentioned in this condition shall be kept by the operator for a period of not less than one year following the date of the last entry.
- 2.7. In the case of computer records the entries must be capable of being printed on demand at the request of an authorised officer or police officer.

### **3. Standards of Service**

- 3.1. The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:
  - (a) Ensure that when a private hire vehicle has been hired to be in attendance at an appropriate time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.
  - (b) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
  - (c) Ensure that any waiting area provided by the operator has adequate seating facilities.
  - (d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
  - (e) Ensure that the operator's licence is displayed at any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
  - (f) Due to the passenger's 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.
  - (g) 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.

### **4. Complaints**

- 4.1. The operator shall immediately upon receipt record in writing any complaints concerning a contract for hire or purported contract for hire relating to or arising from his business and of the action (if any) which the operator has taken or proposes to take in respect thereof.

### **5. Conduct**

- 5.1. The operator of a private hire vehicle shall not by calling out or otherwise solicit or tout any person to hire such vehicle and shall not make use of the services of any other person for that purpose.

## **6. Change of Address**

- 6.1. The operator shall notify the licensing authority in writing of any change of his address (including any address from which he operates or otherwise conducts his business as an operator) during the period of the licence within seven days of such change taking place.

## **7. Acceptance of Bookings**

- 7.1. The booking is exclusive to a Motor Tricycle licensed private hire vehicle and may not be transferred to another standard or category of vehicle.
- 7.2. All bookings shall be for special events or tours only, which involve the exchange of a written formal contract and acceptance of booking prior to the commencement of a journey. Bookings shall not be accepted for routine private hire style journeys.

## **8. Advertising**

- 8.1. 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.

## **9. Specified Vehicles**

- 9.1. No licensed Operator shall operate any private hire Motor Tricycle vehicle other than those which have been approved by the Licensing Service.

## **10. Safety of Passengers/Risk Assessment**

- 10.1. All risk assessments must be documented and retained by the licensed operator for inspection by an authorised officer of the Council.
- 10.2. 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
- 10.3. 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.

## **11. Communication Equipment**

- 11.1. The Operator of a Motor Tricycle private hire vehicle must ensure there are 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).