

## Hackney Carriage Vehicle Licence Conditions

### Definitions

"The Council" means the Gedling Borough Council.

"Authorised Officer" means any Officer authorised in writing by the Council for the purpose of these conditions and any statutory requirements relating to taxi licensing.

"Hackney Carriages" or "vehicle" has the same meaning as in the Town Police Clauses Act 1847.

"1976 Act" means the Local Government (Miscellaneous Provisions) Act 1976.

"Proprietor" means the person or persons or body named in this licence as the Proprietor of the vehicle and includes a part Proprietor and, in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement, means the person in possession of the vehicle under that agreement.

"Technical Test" means such test as the Council may prescribe to assess the mechanical fitness and suitability of the vehicle.

"Licence Plate" means the plate issued by the Council for the purpose of identifying the vehicle as a Hackney Carriage Vehicle duly licensed by the Council.

"Vehicle Specification" means the specification document agreed by the Council. A copy of the vehicle specification be found on [www.Gedling.gov.uk](http://www.Gedling.gov.uk) under taxi licensing, or a copy can be requested from the Reception Desk at the Civic Centre offices.

The Proprietor shall observe and perform the following terms and conditions:-

### 1. Vehicle

- A The vehicle shall be maintained throughout the Licence period so as to comply at all times with the Vehicle Specification approved by the Council, and the interior and exterior of the Hackney Carriage shall be kept in a clean condition and maintained in a safe condition throughout the duration of the Licence.
- B Any damage to a Hackney Carriage shall be reported to the Council by the Proprietor within seventy-two hours of such damage in accordance with the 1976 Act and until such damage is repaired to the satisfaction of the Authorised Officer of the Council, the vehicle shall not be used for hire.
- C The Proprietor shall permit an Authorised Officer or any Constable to inspect the vehicle at all reasonable times. If the Authorised Officer or Constable is not satisfied as to the condition of the vehicle for use as a

Hackney Carriage, the Proprietor shall, after being notified in writing, present the vehicle for inspection at such place within the District of Gedling as is specified in such notice.

- D Without prejudice to the provisions of Condition 1C of these conditions, the Proprietor shall present the vehicle for inspection and testing at such time and at such place within the district of Gedling as specified in a notice served upon the Proprietor by the Council requiring the Proprietor so to do. Provided that the Council shall not, under the provisions of this paragraph, require the Proprietor to present the vehicle for inspection and testing on more than two separate occasions during any one period of twelve months.
- E If the Authorised Officer or Constable is not satisfied as to the condition of the vehicle for use as a Hackney Carriage upon completion of the inspection required by Condition 1 C or 1 D of these Conditions, he/she may immediately suspend the vehicle Licence. The Proprietor shall forthwith upon being required so to do by the Authorised Officer, cause the Licence Plate to be removed from the vehicle and handed to the Authorised Officer or Constable who shall keep it in his custody until such time as he is satisfied as to the condition of the vehicle, whereupon the Licence Plate shall be returned to the Proprietor.
- F The Hackney Carriage Vehicle Licence shall be valid for a period of six months, where the vehicle is over 3 years of age.
- G The Hackney Carriage Vehicle Licence shall be valid for a period of twelve months, where the vehicle is 3 years of age or under and has mileage of less than 36,000 miles
- H (i) If, on inspection, the vehicle fails the technical test, the vehicle must be submitted for re-inspection within fourteen days.
- (ii) If the Proprietor fails to comply with Condition 1 H (i), an additional fee as set out in the Council's Scale of Fees at the time, will be payable when the vehicle is finally inspected.
- I There shall be provided and maintained in the vehicle at all times when it is in use or available for hire, a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances such equipment to be carried in such a position in the vehicle so as to be readily available for immediate use in an emergency.
- J The vehicle is to carry a set of replacement fuses of various amp rating and replacement bulbs – to include headlight, tail light, side light, brake light, indicator light and rear number plate light as minimum.
- K The proprietor shall ensure that a Hackney Carriage that is mechanically unable to proceed shall not remain on the stand longer than is necessary to call for assistance to remove that Hackney Carriage from that stand.
- L Space saver tyres are allowed provided:
- I. the type of space saver tyre is an original part of the vehicle's

- design and manufacture.
- II. the space saver tyre is limited to use in an emergency situation only at a maximum speed of 50 mph. Distance and mileage is to comply with manufacturers instructions.

## **2. Licence Plate and Drivers Badge**

- A The licence plates issued by the Council shall at all times be kept affixed to the outside of the front and rear of the vehicle, in an upright position, either on or immediately above or below the bumper in such a position that the vehicle's registration mark is not obscured, with the particulars thereon facing outwards and in such a manner and place that the licence plates are clearly visible by daylight from the road on both the front and rear of the vehicle
- B The Licence Plate referred to in Condition 2A of these Conditions shall remain the property of the Council and shall be returned forthwith to Customer Services, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham. NG5 6LU on expiry of the Licence unless the Council has granted a further Hackney Carriage Licence in respect of the vehicle, if the Proprietor no longer holds a Hackney Carriage Licence issued by the Council which is in force in respect of the vehicle.
- C The Proprietor of a licensed Hackney Carriage, shall report the damage, loss or theft of any Plate to Customer Services, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham as soon as such damage or theft becomes known.
- D In the event of a Plate being stolen, the Proprietor shall make a report immediately to the local police station.
- E Replacement Plates will be issued for a fee determined by the Council and payable by the Proprietor.
- F The proprietor is to ensure the identity badge holder is mounted inside the vehicle in such a location that it can be seen from all seats within the vehicle. One of the two Drivers badges issued by the Council of the person driving the vehicle is to be mounted in the holder at any time while the vehicle is plying for hire or being used for hire.

## **3. Documentation**

- A At all times the Proprietor shall during the currency of this Licence, keep in force in relation to the user of the vehicle as a Hackney Carriage, a policy of insurance complying with the requirements of Part VI of the Road Traffic Act 1972 to include hire and reward.
- B On being so required by an Authorised Officer, the Proprietor of the vehicle shall produce to that Officer for examination, the Certificate of insurance issued by the Insurer in respect of the vehicle for the purposes of Part VI of the Road Traffic Act 1972 and/or proof of ownership of the vehicle and/or the full current MOT Certificate for the vehicle.
- C Provided that if the Proprietor fails to produce the said documents to that Officer, the Proprietor shall, within five days of such a request, produce

them to that Officer or to any other Authorised Officer at the Licensing Section, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham NG5 6LU.

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

#### **4. Advertisements**

- A Any advertisement on the vehicle shall be confined to a notice fixed to any of the side door panels of the vehicle containing the following information:-

- (i) Name of Operator and
- (ii) Telephone number of Operator.

The design of the notices shall be approved by the Council.

- B No other advertising material shall be exhibited on the vehicle without the prior written approval of the Council's Environment and Licensing Committee.

#### **5. Taxi Meters and Data Systems**

- A Taximeters fitted to Gedling Borough Council Hackney Carriages must be of a type previously approved for use under the Measuring Instruments (taximeters) Regulations 2006, and any vehicle presented to the Council after 1 April 2016 for a Hackney Carriage licence must be fitted with calendar controlled taximeter, locked and sealed by the manufacturer/supplier so that tariff rates change automatically and cannot be changed or tampered with manually by any person.

- B Some meters can be controlled by remote control. The use of remote controls is not permitted in vehicles licensed by Gedling Borough Council.

- C Where fitted, taximeters must be maintained in a safe condition in accordance with manufacturer's guidelines. All taximeters should be fitted in a position, approved by the Council's vehicle tester, where they are not obstructed by other fixtures or fittings within the vehicle and in a place where they are clearly visible to all passengers conveyed in the vehicle

- D The meter must comply with the Council's Hackney Carriage Fares Scale. A copy of this Scale must be displayed in your vehicle where it is visible to all passengers.

- E You must have the meter satisfactorily tested by an Authorised Officer of the Council before it is used. With effect from 1st April 2016, any meter fitted to a Hackney Carriage must be calendar controlled and sealed.

- F The meter must be accurate, be capable of showing that the vehicle is or is not hired.

- G When the meter is working, the fare must be clearly legible. This fare must be unambiguous and must not exceed the rate as given in the

## Council's Hackney Carriage Fares Scale.

- H The word "FARE" must be clearly printed on the meter so it clearly indicates the fare displayed.
- I You must report any failure of the meter to the Council by 10.00am the next working day.
- J The meter must only be brought into action and the fare or charge must only commence from the point at which the hirer starts his/her journey.
- K A GPS taxi management & dispatch system consisting of a mobile data head and a central dispatch system manufactured may be fitted in accordance with the manufacturer's instructions. The GPS system is not a taximeter. It can be used alongside the vehicle's approved taximeter but must not replace it.

## 6. Roof Signs

- A The Proprietor of the Hackney Carriage provided with a taxi meter not fitted with a flag or other device bearing the words "FOR HIRE" shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements, that is to say;
  - (i) the front of the sign shall bear the words "FOR HIRE" in plain letters at least one and a half inches in height and the back of the sign shall bear the initials "GBC" or the words "GEDLING BOROUGH COUNCIL" and the plate number
  - (ii) the sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire
  - (iii) the sign shall be capable of being lit internally so that it is illuminated when the Hackney Carriage is "FOR HIRE" but not so illuminated otherwise
  - (iv) the roof sign shall be affixed to the roof of the vehicle in a proper manner and position at all times.
  - (v) the Proprietor of the Hackney Carriage shall maintain so far as is reasonably applicable such sign in efficient working order at all times.
  - (vi) no other signs shall be displayed on the roof of the vehicle unless by prior written approval from the Councils Environment & Licensing Committee.

## 7. Fares

- A The Proprietor of the Hackney Carriage herein licensed shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council and notified to the Proprietor. Such rate or fare shall be calculated by distance and time and may be subject to variation from time to time.

- B The Proprietor of the Hackney Carriage shall cause the current table of fares, as fixed from time to time by the Council, to be exhibited inside the carriage. The Proprietor shall not cause the fares table to be concealed or rendered illegible at any time while the vehicle is plying for hire or being used for hire. (Additional copies of the fares may be obtained from Customer Services, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham NG5 6LU).
- C The fare charged shall be for the hire of the Hackney Carriage and there shall be no extra charge for luggage.

## **8 Hackney Carriage Undertaking Private Hire Work**

- A If a Hackney Carriage is to undertake private hire work via bookings received from a licensed operator, the proprietor should notify the Council of the operator's company name through which the vehicle is run. If the Hackney Carriage proprietor changes the operator through whom they run the vehicle, then the change must be notified to the Council within 48 hours of such a change.
- B Regardless of how the Proprietor operates the vehicle, once a vehicle is licensed by the Council as a Hackney Carriage, the vehicle remains a Hackney Carriage until such time the licence has either:
  - I. expired
  - II. suspended
  - III. revoked
  - IV. surrendered

The vehicle must therefore be fitted with a compliant meter, roof light, identity badge holder and licences plates, first aid kit, fire extinguisher and replacement bulbs and fuses as specified at all times.

## **9. Hackney Carriage Drivers**

- A The Proprietor shall not in the district act as a driver of a vehicle unless he has obtained a current combined Hackney Carriage/Private Hire Vehicle Drivers Licence issued by the Council.
- B The Proprietor shall not in the district;
  - (i) employ or use any person as the driver of the vehicle for the purpose of any hiring unless the person concerned is the holder of a current Hackney Carriage/Private Hire Drivers Licence issued by the Council
  - (ii) permit any other person to act as the driver of a vehicle for the purpose of any hiring unless the person concerned has a current combined Hackney Carriage/Private Hire Vehicle Drivers Licence issued by the Council.
- C The Proprietor shall maintain a list of the names and addresses of all persons employed or otherwise used by him for the purposes of driving the vehicle and shall on request inform the Council of the content of such a list.

## **10. Radios**

The Proprietor shall ensure that any radio equipment fitted to the vehicle is at all times kept in a safe and sound condition and maintained in proper working order.

## **11. Transfers**

The Proprietor shall not assign or in any way part with the benefit of the Licence. If he/she transfers his/her interest in the Hackney Carriage Vehicle to any other person he/she shall, not less than fourteen days before such transfer, give notice in writing thereof to the Council specifying the name and address to whom the vehicle is to be transferred. If, for any reason the Proprietor does not wish to retain the Hackney Carriage Vehicle Licence, he/she must immediately surrender and return the Licence and Plate if appropriate to the Planning and Environment Department, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham.

### **PENALTIES**

The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part II of the Act, shall be guilty of an offence and may be liable on summary conviction to a fine not exceeding £1,000 where no other specific penalty is expressed. In addition, such action may lead to the suspension or revocation of an existing Licence or the non-renewal of such a Licence.

Your attention is drawn to the various provisions contained in the 1976 Act which you are advised to obtain and read carefully.

N.B. These conditions are additional to the statutory requirements relating to Hackney Carriages contained in the Town Police Clauses Act 1847 (and any byelaws made thereunder) and the Local Government (Miscellaneous Provisions) Act 1976.

### **APPEALS**

Please see the attached guidance should you wish to appeal any of the licence conditions.

## GUIDANCE NOTES ON APPEALING LICENCE CONDITIONS

### **Please read these notes carefully**

If you are aggrieved by these licence conditions Section 300 of the Public Health Act 1936 governs how you should make your appeal to the Magistrates' Court.

Section 300(1) of the Act and Rule 34 of the Magistrates' Courts Rules mean that **your appeal must be made by way of Complaint for an Order**. This is a special form prescribed by the Magistrates' Courts (Forms) Rules 1981. You should contact the Magistrates' Court or your Solicitor immediately to obtain the correct documentation to ensure that your appeal is made correctly.

Unless you are exempt, **the Magistrates' Court will require you to pay a fee when you lodge your appeal**. You should contact the Magistrates' Court or your Solicitor immediately to find out how much you will have to pay.

Section 300(2) of the Act states that **you must lodge your appeal with the Court within 21 days of service of these conditions on you**. This means that the signed Complaint form and court fee should reach the Court within 21 days. The Court cannot accept appeals lodged once this appeal period has expired.

The Magistrates Court Office is at:

Nottingham Magistrates' Court  
Carrington Street  
Nottingham  
NG2 1EE  
Tel: (0115) 955 8111

**November 2018**



## **Private Hire Vehicle Licence Conditions**

### **Definitions**

"The Council" means the Gedling Borough Council.

"Authorised Officer" means any Officer authorised in writing for the purpose of these conditions and any statutory requirements relating to private hire licensing.

"Private Hire Vehicle" or "vehicle" means the private vehicle licensed by the Council under the Local Government (Miscellaneous Provisions) Act 1976.

"Proprietor" means the person or persons or body named in the licence as the Proprietor of the Private Hire Vehicle and includes a part Proprietor and, in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement, means the person in possession of the vehicle under that agreement.

"Technical Test" means such test as the Council may prescribe to access the mechanical fitness and suitability of the vehicle.

"Plate" means the Licence Plate issued by the Council for the purpose of identifying the vehicle as a private hire vehicle duly licensed by the Council.

"1976 Act" means the Local Government (Miscellaneous Provisions) Act 1976.

"Vehicle Specification" means the specification document agreed by the Council. A copy of the vehicle specification be found on [www.Gedling.gov.uk](http://www.Gedling.gov.uk) under taxi licensing, or a copy can be requested from the Reception Desk at the Civic Centre offices.

The Proprietor shall observe and perform the following terms and conditions:-

### **1. Vehicle**

- A The vehicle shall be maintained throughout the Licence period so as to comply at all times with the Vehicles Specification approved by the Council, and the interior and exterior of the private hire vehicle shall be kept in a clean condition and maintained in a safe condition throughout the duration of the Licence.
- B Any damage to a private hire vehicle shall be reported to the Council by the Proprietor within seventy-two hours of such damage in accordance with the 1976 Act and until such damage is repaired to the satisfaction of the Authorised Officer of the Council, the vehicle shall not be used for hire.
- C The Proprietor shall permit an Authorised Officer or any Constable to inspect the vehicle at all reasonable times. If the Authorised Officer or Constable is not satisfied as to the condition of the vehicle for use as a private hire vehicle, the Proprietor shall, after being notified in writing, present the vehicle for inspection at such place within the District of

Gedling as is specified in such notice.

- D Without prejudice to the provisions of Condition 1C of these conditions, the Proprietor shall present the vehicle for inspection and testing at such time and at such place within the district of Gedling as specified in a notice served upon the Proprietor by the Council requiring the Proprietor so to do. Provided that the Council shall not, under the provisions of this paragraph, require the Proprietor to present the vehicle for inspection and testing on more than two separate occasions during any one period of twelve months.
- E If the Authorised Officer or Constable is not satisfied as to the condition of the vehicle for use as a private hire vehicle upon completion of the inspection required by Condition 1C or Condition 1D of these Conditions, he/she may immediately suspend the vehicle Licence. The Proprietor shall forthwith upon being required so to do by the Authorised Officer, cause the Licence Plate to be removed from the vehicle and handed to the Authorised Officer or Constable who shall keep it in his custody until such time as he is satisfied as to the condition of the vehicle, whereupon the Licence Plate shall be returned to the Proprietor.
- F The Private Hire Vehicle Licence shall be valid for a period of six months, where the vehicle is over 3 years of age.
- G The Private Hire Vehicle Licence shall be valid for a period of twelve months, where the vehicle is 3 years of age or under and has mileage of less than 36,000 miles
- H (i) If, on inspection, the vehicle fails the technical test, the vehicle must be submitted for re-inspection within fourteen days.
- (ii) If the Proprietor fails to comply with Condition 1H (i), an additional fee as set out in the Council's Scale of Fees at the time, will be payable when the vehicle is finally inspected.
- I There shall be provided and maintained in the vehicle at all times when it is in use or available for hire, a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliances, such equipment to be carried in such a position in the vehicle so as to be readily available for immediate use in an emergency.
- J The vehicle is to carry a set of replacement fuses of various amp rating and replacement bulbs – to include headlight, tail light, side light, brake light, indicator light and rear number plate light as minimum.
- K Space saver tyres are allowed provided:
- III. the type of space saver tyre is an original part of the vehicle's design and manufacture.
- IV. the space saver tyre is limited to use in an emergency situation only at a maximum speed of 50 mph. Distance and mileage is to comply with manufacturers instructions.

## **2. Licence Plate and Identity Badge**

- A The licence plates issued by the Council shall at all times be kept affixed to the outside of the front and rear of the vehicle, in an upright position, either on or immediately above or below the bumper in such a position that the vehicle's registration mark is not obscured, with the particulars thereon facing outwards and in such a manner and place that the licence plates are clearly visible by daylight from the road on both the front and rear of the vehicle
- B The Licence Plate referred to in Condition 2A of these Conditions shall remain the property of the Council and shall be returned forthwith to Customer Services, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham. NG5 6LU on expiry of the Licence unless the Council has granted a further Private Hire Licence in respect of the vehicle, if the Proprietor no longer holds a Private Hire Licence issued by the Council which is in force in respect of the vehicle.
- C The Proprietor of a licensed Private Hire vehicle, shall report the damage, loss or theft of any Plate to Customer Services, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham. NG5 6LU as soon as such damage or theft becomes known.
- D In the event of a Plate being stolen, the Proprietor shall make a report immediately to the local police station.
- E Replacement Plates will be issued for a fee determined by the Council and payable by the Proprietor.
- F The proprietor is to ensure the identity badge holder is mounted inside the vehicle in such a location that it can be seen from all seats within the vehicle. One of the two Drivers badges issued by the Council of the person driving the vehicle is to be mounted in the holder at any time while the vehicle is plying for hire or being used for hire.

## **3. Documentation**

- A At all times the Proprietor shall during the currency of this Licence, keep in force in relation to the user of the vehicle as a private hire vehicle, a policy of insurance complying with the requirements of Part VI of the Road Traffic Act 1972 to include hire and reward.
- B On being so required by an Authorised Officer, the Proprietor of the vehicle shall produce to that Officer for examination, the Certificate of insurance issued by the Insurer in respect of the vehicle for the purpose of Part VI of the Road Traffic Act 1972 and/or proof of ownership of the vehicle and/or the full current MOT Certificate for the vehicle.
- C Provided that if the Proprietor fails to produce the said documents to that Officer, the Proprietor shall, within five days of such a request, produce them to that Officer or to any other Authorised Officer at the Licensing Section, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham NG5 6LU.
- D The Proprietor shall notify the Council in writing of any change of address

(including a change of business address) during the period of the Licence within seven days of such a change taking place.

#### **4. Advertisements**

A Any advertisement on the vehicle shall be contained in a notice fixed to any of the side door panels of the vehicle containing the following information:-

- (i) Name of operator, and
- (ii) Telephone number of operator.

The design of the notice shall be approved by the Council.

Any proprietor wishing to apply for exemption from the requirements of Condition 4A(2) shall do so in writing to the Council setting out reasons for an exemption to be considered.

B No other advertising material shall be exhibited on the vehicle without the prior written approval of the Environment and Licensing Committee.

C For the purposes of Condition 4A of these Conditions the word "taxi" or "cab" whether in singular or plural, or any word of a similar meaning or appearance to either of those words and whether alone or in combination with any other word or words shall not appear in any such advertisement.

D The foregoing provisions of Condition 4 shall not apply to a sign or notice displayed on or from the vehicle which is prescribed under any enactment.

E The Proprietor of any private hire vehicle shall not display or cause or permit to be displayed on or above the roof of such vehicle any sign, notice, mark, illumination or other similar feature.

#### **5. Private Hire Drivers**

A The Proprietor shall not in the District act as a driver of a vehicle unless he has obtained a current Hackney Carriage/Private Hire Driver's Licence issued by the Council.

B The Proprietor shall not in the District:-

- (i) Employ or use any person as the driver of the vehicle for the purpose of any hiring, unless the person concerned has a current Hackney Carriage/Private Hire Drivers Licence issued by the Council.
- (ii) Permit any other person to act as the driver of a vehicle for the purpose of any hiring, unless the person concerned has a current Hackney Carriage/Private Hire Driver's Licence issued by the Council.

C The Proprietor shall maintain a list of the names and addresses of all persons employed or otherwise used by him for the purposes of driving

the vehicle and shall on request inform the Council of the contents of such a list.

## **6. Radios**

The Proprietor shall ensure that any radio equipment fitted to the vehicle is at all times kept in a safe and sound condition and maintained in proper working order.

## **7. Transfers**

The Proprietor shall not assign or in any way part with the benefit of the Licence. If he/she transfers his/her interest in any vehicle to any other person he/she shall, not less than fourteen days before such transfer, give notice in writing thereof to the Council specifying the name and address to whom the vehicle is to be transferred. If, for any reason the Proprietor does not wish to retain the Private Hire Vehicle Licence, he/she must immediately surrender and return the Licence and Plate if appropriate to the Planning and Environment Department, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham NG5 6LU.

## **PENALTIES**

The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part II of the Act, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000 where no other specific penalty is expressed. In addition, such action may lead to the suspension or revocation of an existing Licence or the non-renewal of such a Licence.

Your attention is drawn to the various provisions contained in the 1976 Act which you are advised to obtain and read carefully.

## **APPEALS**

Please see the attached guidance should you wish to appeal any of the licence conditions.

## GUIDANCE NOTES ON APPEALING LICENCE CONDITIONS

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If you are aggrieved by these licence conditions Section 300 of the Public Health Act 1936 governs how you should make your appeal to the Magistrates' Court.

Section 300(1) of the Act and Rule 34 of the Magistrates' Courts Rules mean that **your appeal must be made by way of Complaint for an Order**. This is a special form prescribed by the Magistrates' Courts (Forms) Rules 1981. You should contact the Magistrates' Court or your Solicitor immediately to obtain the correct documentation to ensure that your appeal is made correctly.

Unless you are exempt, **the Magistrates' Court will require you to pay a fee when you lodge your appeal**. You should contact the Magistrates' Court or your Solicitor immediately to find out how much you will have to pay.

Section 300(2) of the Act states that **you must lodge your appeal with the Court within 21 days of service of these conditions on you**. This means that the signed Complaint form and court fee should reach the Court within 21 days. The Court cannot accept appeals lodged once this appeal period has expired.

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