

AGENDA

Regulatory Committee

Date: **Tuesday 6 October 2009**

Time: **2.00 pm**

Place: **The Council Chamber, Brockington, 35 Hafod Road,
Hereford**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

Pete Martens, Committee Manager Planning & Regulatory

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Agenda for the Meeting of the Regulatory Committee

Membership

Chairman	Councillor Brig P Jones CBE
Vice-Chairman	Councillor JW Hope MBE
	Councillor CM Bartrum
	Councillor DJ Benjamin
	Councillor PGH Cutter
	Councillor SPA Daniels
	Councillor JHR Goodwin
	Councillor RC Hunt
	Councillor PJ McCaull
	Councillor A Seldon
	Councillor JD Woodward

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

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AGENDA

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY) To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4. MINUTES To approve and sign the Minutes of the meeting held on 9th September 2009.	1 - 4
5. FOOTPATH BM 13 IN THE PARISH OF BODENHAM To seek the views of the Regulatory Committee about an application to divert or extinguish all or part of Public Footpath 13 in Bodenham; or whether obstructions upon it should be removed.	5 - 10
6. PROPOSED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 AND TOWN POLICE CLAUSES ACT 1847 To consider revised licence conditions for private hire and hackney carriage vehicles.	11 - 68
7. REVIEW OF HACKNEY CARRIAGE FARES FOR 2009/2010 To undertake an annual review of the fares structure.	69 - 76
8. PROCEDURAL ARRANGEMENTS To note the procedural arrangements for the meeting.	77 - 78

EXCLUSION OF THE PUBLIC AND PRESS

In the opinion of the Proper Officer, the following item will not be, or is likely not to be, open to the public and press at the time it is considered.

RECOMMENDATION: that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below

- | | |
|--|----------------|
| <p>9. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE – TO DETERMINE WHETHER A DRIVER CONTINUES TO BE A FIT AND PROPER PERSON TO HOLD A DUAL DRIVER'S LICENCE. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</p> <p>To consider an incident regarding a licensed driver.</p> | <p>79 - 84</p> |
| <p>10. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE – TO DETERMINE AN APPLICATION - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</p> <p>To determine an application for a drivers licence.</p> | <p>85 - 92</p> |

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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Regulatory Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 9 September 2009 at 2.00 pm

Present: Councillor Brig P Jones CBE (Chairman)
Councillor JW Hope MBE (Vice Chairman)

Councillors: CM Bartrum, DJ Benjamin, SPA Daniels, DW Greenow, RC Hunt, PJ McCaull, A Seldon and JD Woodward

In attendance: Councillors

27. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor PGH Cutter.

28. NAMED SUBSTITUTES (IF ANY)

Councillor DW Greenow was appointed named substitute for Councillor PGH Cutter.

29. DECLARATIONS OF INTEREST

Councillor JD Woodward declared a prejudicial interest in Agenda item 8 (Minute No. 33 and left the meeting for the duration of this item.

Councillor A Seldon declared a personal interest in Agenda item 9 (Minute No. 34)

30. MINUTES

RESOLVED: That the Minutes of the meeting held on 11th August, 2009 be approved as a correct record and signed by the Chairman.

31. PROPOSED CHARITABLE COLLECTION POLICY

The Acting Regulatory Services Manager presented his report about a proposed Charitable Collection Policy for Herefordshire. He said that The Charities Act 2006 had come into effect on 1 April 2009 and had replaced a variety of legislation which dealt with the regulation of charitable collections in public places. Although the Act did not require a Licensing Authority to have a policy for collections, in order to demonstrate fairness and consistency it was considered to be good practice and appropriate to have a policy in place. Advice from the Local Government Ombudsman following his investigation of a complaint about a refused application was also that there should be a policy in place. He presented details about the proposed policy and informed the Committee about the responses which had been received from those who had been consulted internally and externally.

The Committee discussed the policy and some Members questioned if it may be too prescriptive. The Licensing assistant said that the Policy would provide considerable guidance and information for charitable organisations and also help to regulate and control collections that were held each week so that the public was not faced with an unacceptable

number. The Committee agreed with the proposals as set out in the report.

RESOLVED THAT

the Charitable Collection Policy for Herefordshire set out in the report of the Assistant Director Environmental and Culture be approved.

32. PROCEDURAL ARRANGEMENTS

The Committee noted the procedural arrangements for the following items to ensure that Officers and applicants received a fair hearing.

33. APPLICATIONS TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 9.5

The Licensing Assistant introduced a report about an application from Mr PR Davies to renew a hackney carriage vehicle licence outside the Councils standard condition 9.5. which stipulated that an application for the renewal of a vehicle license after it had expired would be treated as a new application. She said that Mr Davies's licence had expired on 1st August 2009 and that he had applied to renew it on 4th August. Mr Davies had been granted a temporary renewal until midnight on the day of the Regulatory Committee meeting. Mr Davies said that he had started the process for renewal in advance of the expiry date but that arranging for his vehicle to be inspected at the Council's testing centre and then submitting the paperwork to the Licensing Section had led to a small delay.

Having considered the matter, the Committee decided that in view of the short time that had elapsed between expiry of the licence and the application made by Mr Davies, the licence could be renewed. He was however reminded to be more timely with his applications in future to allow sufficient time for the vehicle to be tested and the paperwork to be processed.

RESOLVED THAT:

an application from Mr Davies to deviate from the standard condition number 9.5, for the renewal of Hackney Carriage Licence No. H017 in respect of Citroen C5 registration number HA02 XKD, be approved.

34. APPLICATIONS TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 3.3B

The Acting Regulatory Services Manager introduced a report about an application from Mr BM Kaye to renew a hackney carriage hire vehicle licence and transfer it to another vehicle outside the Councils standard condition 3.3b. The condition stipulated that a replacement vehicle should be no more than 2 years older than the outgoing vehicle, and have at least 30,000 less miles on the clock. Mr Kaye's outgoing vehicle had a last recorded mileage of 100,431 but the proposed replacement had a mileage of 149,450 and therefore did not therefore meet the licensing criteria.

Mr J Jones the Chairman of Herefordshire Hackney Carriage and Private Hire Association further explained the details of Mr Kaye's application. Having considered the matter, the Committee decided that in view of the particular circumstances involved, Mr Kaye's application could be approved but that he needed to be more mindful of the Council's licensing conditions in the future. The Committee refused a request to reimburse the fee charged for the application to be brought before it.

RESOLVED THAT:

an application from Mr BM Kaye to vary from standard condition no. 3.3b regarding the transfer of Hackney Carriage Licence No. H334 to Ford Mondeo FE 53 HNL, be approved.

35. APPLICATION TO CONVERT TWO HACKNEY CARRIAGE LICENCES TO PRIVATE HIRE LICENCES AND THEREFORE DEVIATE FROM CONDITION 3.3

The Licensing Assistant introduced a report about an application from Mr DJ Hufton to convert two hackney carriage vehicle licences to private hire vehicle licences. A letter from Mr Hufton in support of his application was also circulated to the Committee at the meeting. There were issues regarding wheelchair accessibility and age of vehicles if the licences were transferred, which needed to be considered by the Committee.

Mr Hufton explained that he now only needed the licence for his Volkswagen Caravelle minibus to be changed from hackney carriage to private hire. The vehicle had provision for wheelchair access when required but the nature of his business had changed more towards pre-arranged bookings, mainly for corporate and wedding functions. On such events the clients did not want to have vehicles with hackney carriage signs in the background of photographs, and changing the vehicle to private hire would overcome this.

Having considered all the implications of the application, the Committee felt that there was some flexibility within the licensing conditions to allow for the licence to be changed in respect of the one vehicle. The Committee refused a request to reimburse the fee charged for the application to be brought before it.

RESOLVED THAT:

an application from Mr DJ Hufton to convert hackney carriage vehicle licence No. H129 in respect of Volkswagen Caravelle H4 FTY, be approved.

In the opinion of the Proper Officer, the following items will not be, or are likely not to be, open to the public and press at the time they are considered.

RESOLVED: that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act.

36. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE – TO DETERMINE WHETHER A DRIVER CONTINUES TO BE A FIT AND PROPER PERSON TO HOLD A LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976[8] COMMITTEE REPORT HERBERT 8.9.09

The Acting Regulatory Services Manager referred to agenda item No. 10 and provided the Committee with the circumstances which had given rise to a dual Hackney Carriage/Private Hire driver's licence holder receiving a conviction. The licence holder had informed the Council about the matter and had voluntarily surrendered his driver licence and badge. The driver gave a full explanation to the Committee about the events which had led to him receiving a conviction.

Having considered all of the facts put forward about the matter, the Committee was satisfied that the driver was a fit and proper person under the meaning of the Local

Government (Miscellaneous Provisions) Act 1976 and that his licence should be reinstated.

37. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE – TO DETERMINE WHETHER A DRIVER CONTINUES TO BE A FIT AND PROPER PERSON TO HOLD A DUAL DRIVER'S LICENCE. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Assistant referred to agenda item No. 11 and provided the Committee with details of the circumstances which had given rise to an applicant for a dual Hackney Carriage/Private Hire driver's licence holder receiving a caution. The applicant provided the Committee with an account of the incident from his perspective and said that he had not appreciated the legal standing of a caution and had therefore not declared it on his application form.

Having considered all of the facts put forward by the applicant and the officers about the matter, the Committee was satisfied that the applicant was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that his application for a drivers licence should be granted.

The meeting ended at 4.12 pm

CHAIRMAN

MEETING:	REGULATORY COMMITTEE
DATE:	6TH OCTOBER 2009
TITLE OF REPORT:	FOOTPATH BM13 IN THE PARISH BODENHAM
PORTFOLIO AREA:	ENVIRONMENT & CULTURE

CLASSIFICATION: Open

Wards Affected

Hampton Court

Purpose

To seek the views of the Regulatory Committee as to whether they would consider an application to either divert or extinguish all or part of Public Footpath 13 in Bodenham or seek the removal of the obstructions.

Key Decision

This is not a Key Decision.

Recommendation

THAT Committee express their views on the options set out and in particular comment on whether they would consider a diversion application as set out in option b

Key Points Summary

- Footpath in question is currently blocked by a building
- Asking the Committee to consider a number of options to open the footpath
- Part of councils ongoing duty is to ensure Public Rights of Way are open and usable

Alternative Options

All options are set out below

Further information on the subject of this report is available from
Rob Hemblade, Interim Parks Countryside and Leisure Development Manager on (01432) 261981

Reasons for Recommendations

The Council does not usually use their powers to divert a footpath onto landowner' property if the landowner in question objects. Therefore the view of the Committee in this particular case is required.

The Regulatory Committee made a decision not to support a similar application in March 2004 in regards to footpaths in Eardisland. However, in that particular case, the Council would have been responsible for all associated costs.

Introduction and Background

1. The report is on the agenda because the Councils Standing Orders state that decisions relating to S.119 of the Highways Act 1980 should be referred to the Regulatory Committee for a decision.
2. A section of footpath 13 in the parish of Bodenham is currently blocked between points A –B as shown of the attached plan by a workshop and a residential dwelling. The owners of the property did not realise the path was blocked until 2003 when, following the receipt of a complaint, officers started looking into the matter and brought it to their attention. The owners of the property disputed the fact that the path ran through their property and referred to a property search that had been carried in 2001 when they purchased the house. The search was subsequently found to be inaccurate and the owners are pursuing compensation from the search company.
3. A number of approaches have been made to the adjoining landowners to divert the footpath out from 44 Brockington Drive onto the adjoining property which is a private retirement estate. To date the trustees of the estate have refused to accept the proposal to divert the footpath despite a substantial compensation offer from the solicitors acting for the search company. There is currently an impasse

Key Considerations

A number of options are available to resolve the issue

- a. The obstructions are removed from the legal line. This would involve removing a brick work shop and garden wall. This option will be opposed by the elderly landowners as it will cause considerable stress and considerably depreciate the value of the house.
- b. Herefordshire Council use their powers under S.119 of the Highways Act 1980 to divert the footpath onto the adjoining land against the wishes of the trustees. This would result in paying compensation to the trustees who would oppose such a proposal and may seek to resolve the matter through a public inquiry or the courts. Solicitors acting for the interested parties have agreed this would be done at no cost to the council either for the diversion or the compensation. This option is likely to have the support of statutory consultees such as the Ramblers Association
- c. Extinguish the full length of footpath 13 between points C – D. The council are likely to receive objections if an extinguishment order was made which may be upheld by the Secretary of State. This option would have the added advantage of taking the footpath out of the gardens of two other properties

Community Impact

Herefordshire Council have received a number of complaints about the path being obstructed and there is a legal duty on the Council to ensure all public rights of way are unobstructed and available for use. If the Committee support either option b or c, consultation will be carried out with the local community.

Financial Implications

None noted.

Legal Implications

The S.119 and S.26 of the Highways Act 1980 provides appropriate powers for the Council to divert a Public Right of Way onto another landowner's property. S.28 allows a landowner to claim compensation for a footpath created on their land.

Legal Services have been consulted and support the recommendation.

Risk Management

There is no risk at this stage

Consultees

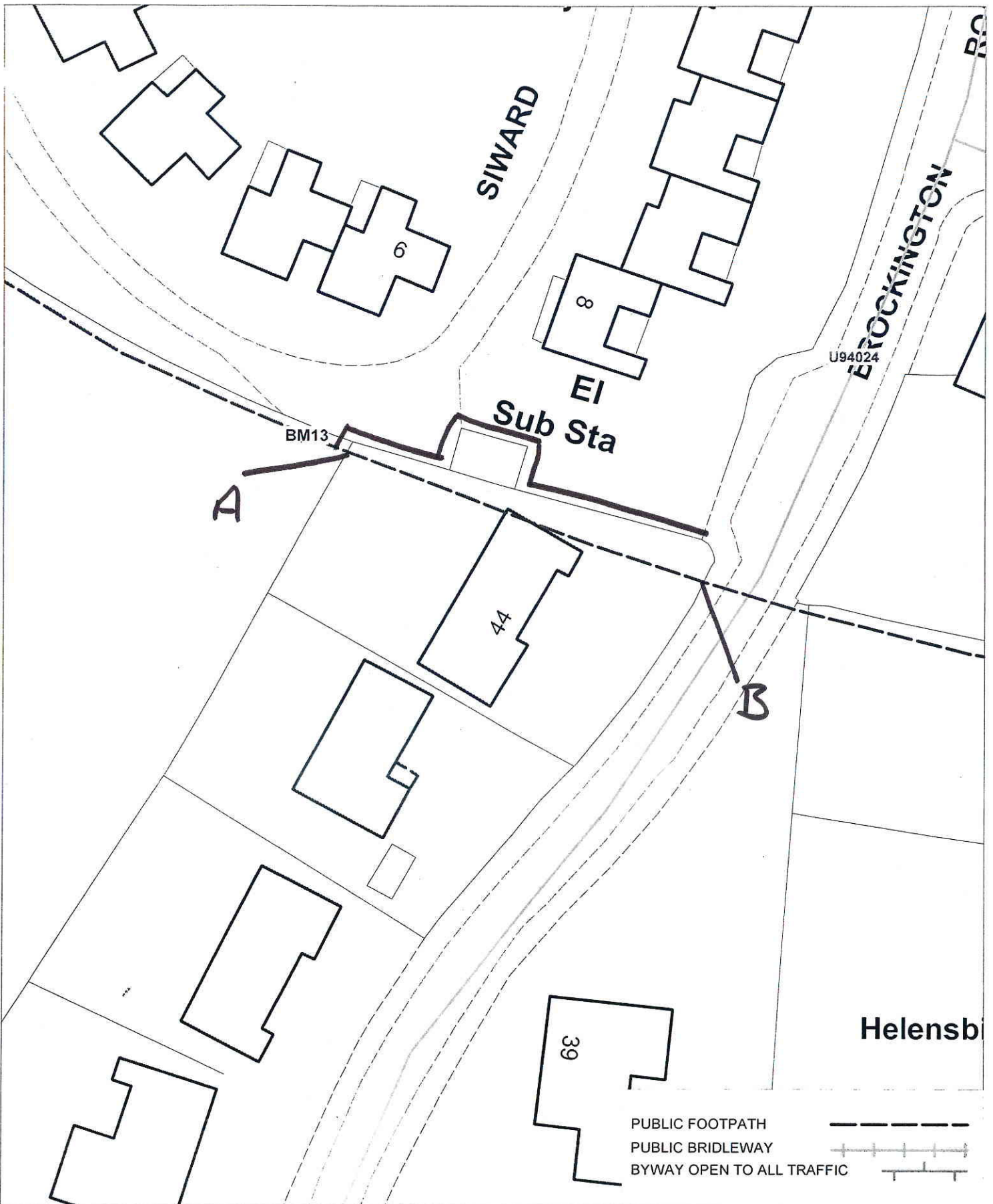
- Local Member – Councillor Keith Grumbley
- Mike Jones – Legal Services

Appendices

- Plan showing footpath BM13

Background Papers

None identified.



NORTH

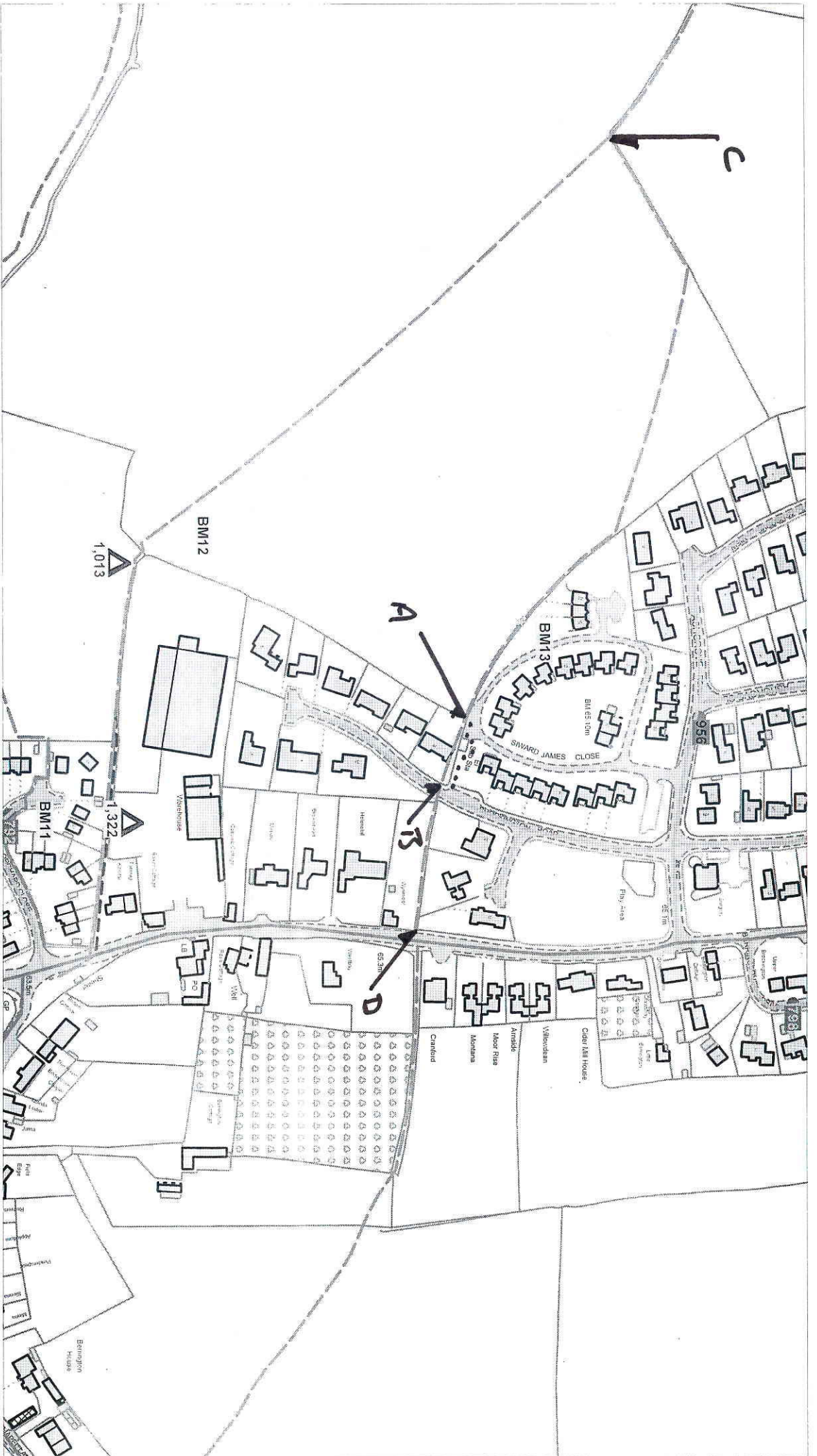


LOCATION PLAN -
PUBLIC FOOTPATH BM13 (PART)
PARISH OF BODENHAM

Proposed Diversion
SCALE 1:500

Herefordshire Council
Public Rights of Way
Adult & Community Services
PO Box 4
Hereford
HR4 0XH
Tel.: (01432) 260000
Fax.: (01432) 383031

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LOCATION PLAN - *Footpath 15 - Boonwink*

SCALE 1: 125

Proposed Diversion

Herefordshire Council
 Public Rights of Way
 PO Box 41
 Leominster
 HR6 0ZA
 Tel.: (01432) 260000
 Fax.: (01432) 260579



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MEETING:	REGULATORY COMMITTEE
DATE:	6 OCTOBER 2009
TITLE OF REPORT:	PROPOSED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 AND TOWN POLICE CLAUSES ACT 1847.
PORTFOLIO AREA:	HEAD OF ENVIRONMENTAL HEALTH & TRADING STANDARDS ENVIRONMENT & CULTURE

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To consider implementing revised licence conditions for private hire and hackney carriage vehicles.

Key Decision

This is not a key decision

Legal Implications

Licensing of Private Hire Vehicles

Licensing of private hire vehicles is covered under the Local Government (Miscellaneous Provisions) Act 1976, as follows:

Section 48

- (1) Subject to the provisions of this Part of this Act, a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence: Provided that a district council shall not grant such a licence unless they are satisfied –
- (a) that the vehicle is -
 - (i) suitable in type, size and design for use as a private hire vehicle;
 - (ii) not of such design and appearance as to lead any person to

Further information on the subject of this report is available from
Marc Willimont – Acting Regulatory Servicing Manager on (01432) 261986

- believe that the vehicle is a hackney carriage;
 - (iii) in a suitable mechanical condition;
 - (iv) safe; and
 - (v) comfortable;
 - (b) that there is in force in relation to the use of the vehicle, a policy of insurance or such security as complies with the requirements of (Part VI of the Road Traffic Act 1988), and shall not refuse such a licence for the purpose of limiting the number of vehicles in respect of which such licences are granted by the council.
- (2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.
- (3) In every vehicle licence granted under this section there shall be specified -
- (a) the name and address of -
 - (i) the applicant; and
 - (ii) every other person who is a proprietor of the private hire vehicle in respect of which the licence is granted, or who is concerned, either solely or in partnership with any other person, in the keeping, employing or letting on hire of the private hire vehicle;
 - (b) the number of the licence which shall correspond with the number to be painted or marked on the plate or disc to be exhibited on the private hire vehicle in accordance with subsection (6) of this section;
 - (c) the conditions attached to the grant of the licence; and
 - (d) such other particulars as the district council consider reasonably necessary.

Licensing of Hackney Carriages

Licensing of hackney carriage vehicles is covered under the Local Government (Miscellaneous Provisions) Act 1976, as follows:

Section 47

- (1) A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary.
- (2) Without prejudice to the generality of the foregoing subsection, a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.
- (3) Any person aggrieved by any conditions attached to such a licence may appeal to a magistrates court.

Key Points Summary

- Last full review of conditions took place 5 years ago.
- Some alterations to the conditions have been made in the interim to accommodate the changes

required to take account of converted (N1) vans, as well as several other matters.

- At a meeting with the Licensing Team on 16th September 2008, the Taxi Association submitted to the Council several sheets of proposed changes and criticisms of the December 2007 version of the conditions. These papers are summarised in Appendix 1. The purpose of this meeting was to discuss the adequacy of the conditions so that their comments could be considered for a first re-draft. This was therefore a relevant pre consultation exercise with the foremost stakeholder group.
- On 9th April 2009 a further meeting was held between the Licensing Team and the Taxi Association regarding the Council's first draft of the conditions. Comments from the Association were received and can again be taken as a second pre consultation exercise. (summarised in Appendix 2).
- A letter sent out on 16th July 2009 with draft conditions for formal consultation with all licence holders. (See item 2 of letter presented in Appendix 3). This was also emailed to the Chairman of Herefordshire Taxi Association by the Acting Regulatory Services Manager of the Council on 16th July 2009. This included a personal request for a (third) consultation response on the final draft version.
- Proposed conditions descending from several draft versions are given at Appendix 4.
- Summary of trade comments following the formal consultation (Appendix 5).
- For cross reference purposes, the existing conditions (December 2007) are given at Appendix 6.

Introduction and Background

1. A full review of the licence conditions took place in December 2004. As part of a rolling programme for licence condition reviews and following a request by the taxi trade, the licensing section have carried out a further review of the conditions.
2. In early September 2008, the Taxi Association contacted the Acting Regulatory Services Manager and requested that the conditions be reviewed. Following this, the Association submitted their recommendations at a meeting on the 16th September 2008. A summary of these comments can be viewed at (Appendix 1). Of the 22 comments made, 15 were accepted and included in the Council's first draft.
3. The first draft was then compiled and internally consulted upon. A further meeting was then arranged for the 9th April 2009 by the Acting Regulatory Services Manager. The purpose of this was to discuss the first draft of the conditions with the Taxi Association and listen to their comments. Comments and criticisms arising from this second pre consultation exercise were submitted by the Association on the 9th April 2009 and were taken into account for the final version of the draft presented in Appendix 4 to the committee today. A summary of the comments arising from the 9th April 2009 can be viewed at Appendix 2. Of the 9 comments made, 4 were agreed and adopted in the final version.
4. Following these two pre consultation exercises, all persons or companies holding a licence issued by the Council in relation to Hackney Carriage and Private Hire Vehicles were formally consulted. A letter was sent to all the trade (see Appendix 3) and it was advertised on the Council's web site from 16th July to 11th September 2009. Advice was taken from the independent Herefordshire Partnership Support Team to ensure that consultation was fair and appropriate. The Team confirmed that consultation followed best practice and noted that there had already been two informal pre-consultation exercises with the Association to scope and

formulate a meaningful draft. They considered that this was better than normal practice. To ensure fair play, and as a precautionary measure, the proposed formal consultation period was even extended beyond that suggested by the Herefordshire Partnership Support Team. Some responses to the formal consultation were received and all comments were considered. A summary of these comments can be viewed at Appendix 5. Where appropriate, amendments were made. Of the 9 comments made, 4 were agreed and adopted.

5. Other consultees included the Council's Legal Team, the Diversity and Equality Team and the West Mercia Police.
6. The draft conditions with amendments made following consultation with the Taxi Association can be viewed in Appendix 4. The new draft licence conditions are a combination of the previous conditions which have:
 - (i). been benchmarked against other local authorities' conditions,
 - (ii). taken into account the "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance" document, and
 - (iii). taken into account the numerous comments from the Taxi Association.

The conditions are presented in Appendix 4.

7. The consultation comments received following the formal consultation period from members of the trade can be seen at Appendix 5 with the Licensing Team's responses.
8. The original conditions from December 2007 can be seen at Appendix 6.

Key Considerations

Whether or not to accept all or only some of the amendments to the draft standard private hire and hackney carriage licence conditions, or consider the inclusion of other conditions not currently within the draft.

Recommendation(s)

THAT Committee:

- (a) **Adopt the proposed conditions as they are presented in this report, in accordance with the Council's powers under the legislative provisions mentioned in this report.**

Reasons for Recommendations

The licensing authority believes it has considered amendments to the vehicle licence conditions carefully and in accordance with the relevant legislation and previous committee hearings and that this fulfils the Council's main aim of protecting public safety.

Alternative Options

- a) **The conditions not to be adopted by the Regulatory Committee as presented in this report.**
Advantages: It allows the views of the trade to be taken into a fuller account, if considered appropriate and legal.

Disadvantages: Not all the proposals put forward by the Association and some independent trade members can be legally accepted or are fair to all. The current draft follows a substantive consultation exercise.

b) To defer the decision in order to get more information

The Committee could make a decision to defer the decision. This will allow further information to be considered and enable additional advice to be received, whether legal or technical.

Advantages: Gives the opportunity for further information to be sought.

Disadvantages: This would delay the decision process and will incur further costs.

c) To reach some other decision

Advantages: This leaves other options open to the Committee to resolve the matter.

Disadvantages: There are no clear directions from the Head of Environmental Health & Trading Standards in respect to alternatives.

Community Impact

It is felt that any decision will have only a minor impact on the community as a whole, as it relates specifically to the taxi trade.

Financial Implications

Not applicable

Appendices

- 8 Appendix 1 – Taxi Association comments and request to review existing conditions - 16/9/08
- Appendix 2 – Summary of consultation meeting with Taxi Association regarding review of conditions – 9/4/09
- Appendix 3 – Letter to trade regarding consultation – 16/7/09
- Appendix 4 – Proposed conditions with amendments
- Appendix 5 - Summary of individual responses from members of the trade
- Appendix 6 - Existing conditions ratified Dec 2007.

Background Papers

Background papers are available for inspection in the Council Chamber, Brockington, 35 Hafod Road, Hereford 30 minutes before the start of the hearing.

APPENDIX 1

Summary of Taxi Association's request for review of conditions / pre-consultation – received 16.9.2008				
Topic	Comment	From whom	Condition number in draft shown in Appendix	Response
Re-using vehicle to get a new licence	No need for this condition and 1.1 will remain on the licence for each subsequent renewal or transfer	John Jones, Chairman High Town Taxis and Taxi Association	1.2 & 2.3	Agreed - this has been removed
Written authorisation needed before new vehicle is purchased	Remove this condition because the compliance test should approve any vehicle that complies and refuse any that doesn't	As above	3.2	Agreed – this has been removed
Wheelchair access	a) A licence issued initially for a wheelchair accessible vehicle cannot at any time be transferred to a non wheelchair accessible vehicle. b) A spare vehicle can be any vehicle that complies with condition 22 including a saloon car	As above	3.3 a	a) Agreed - now in as 4.2. b) The spare vehicle condition has been removed as no legislative power exists to licence a spare vehicle
Replacement vehicle	Remove this condition to take out the first sentence and then the second sentence is already covered by previous conditions	As above	3.3 b	This is now 4.2c and has been amended. The 8 year and 15 year age restrictions have also been removed.

APPENDIX 1

Vehicle testing	Would like to see this removed for various reasons	As above	3.4	This is now 4.3 and follows advice in government best practice guidance
Vehicle signage	Remove - the sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the vehicle is for hire	As above	8 a	Agreed. The wording is now in 11.1.a. - sign shall be so operated that at night it indicates clearly whether or not the vehicle is for hire
Size of sign	Size of sign is wrong and check size of lettering	As above	8 c & d	Agreed - The corrected size is now at 11.1 c & f
Licence plate	Possibly take out obligation to fix to bumper or under the number plate but keep securely fixed to the rear of the vehicle	As above	9.1	Amended. Now at 12.1
Late applications	Add: if any application and payment is received before the renewal date it will be accepted that the application is in process. In such cases the vehicle can only be used if it has a current plate that is in date.	As above	9.5	Amended. Now at 12.5 -12.6 and 12.7
Stated fees	Does this mean that firms that are advertising cuts should have a tariff sheet that tallies?	As above	11.5	Now at 14.5. Yes - if discounts are being offered we would expect to be notified if prices differ.

APPENDIX 1

Vehicle testing	Would like to discuss the practical need for two tests. If required would like to see it linked to mileage and include disabled access vehicles from age 5.	As above		Agreed. Now at 21.2. Two tests advised by Government
Failure of test	Would like to discuss the practicality of suspension for minor faults. Obviously if a stop notice is given that would be a different matter.	As above	17.3	Now at 21.3.
Ramps	Ramps are not carried by vehicles with tail lifts and many vehicles don't load wheelchairs from the nearside passenger door. This condition could be done away with because it is covered by condition 20.11.	As above	20.9	Agreed. Now at 7.7
Wheelchair access	Remove this condition because it is covered by condition 20.11	As above	20.12	Agreed. Now at 7.10
Spare Vehicle	The spare vehicle must comply with all standard conditions for licensed vehicles other than magnetic door signs which will be allowed. A wheelchair accessible licensed vehicle will be allowed a saloon car as a spare vehicle	As above	22.0	There is no legislative power to licence spare vehicles
Notification	Replication of 22.3	As above	22.6	As above - spare vehicle condition(s) removed
Vehicle damage	Replication of 12.1	As above	23.1	Agreed. Now at 15.1

APPENDIX 1

CCTV	Take out the last sentence because that is only necessary for the evidence to be admissible in court	As above	24.1	This has now been changed and is re-worded at 24.1
First aid kit	Too big and wasteful	As above		Public Service vehicle standard is deemed appropriate for a licensed vehicle and is therefore adopted by Council.
Internal plate sticker	Possibly remove these internal stickers altogether because they do not serve any practical purpose	As above	7.0	This is for the passengers to look at if required whilst within the vehicle
Testing	Take out mileage restriction or at least reduce waiting time for re-tests	As above	7.0	Testing is arranged by our partner contractors Amey Wye Valley Ltd. It is out of licensing control.

APPENDIX 2

Summary of Taxi Association's pre-consultation meeting of 9th April 2009 – concerning a first draft				
Topic	Comment	From whom	Condition in first draft version.	Response
Charge for Committee	We would like to see this charge removed as it is seen as a deliberate obstacle to prevent genuine queries plus the cost is prohibitive. It must be taken into account that we already pay for council services through other means such as tax and rates etc	John Jones, Chairman High Town Taxis and Taxi Association		Licensing staff have delegated powers which do not include late applications. Licensing have to pay for this service and it would be unfair to the rest of the trade to bear this cost.
Wording of conditions regarding manufacturers N1 category	Contradiction of 1.5 & 2.3	As above	1.3	Agreed – this has been re-worded
Colour of vehicle	Need clarification on the purpose and use of N1 Objects to single colour	As above As above	3.1 4 b	This was discussed during the meeting and Matthew Lane provided clarification for the group. This requirement ensures that when a vehicle is repaired, all its panels are of one colour.
Wheelchair seat	Needs further discussion regarding wheelchair access being counted as a seat	As above	6.11	There is no discretion regarding this. We can only licence vehicle up to 8 passenger seats

APPENDIX 2

Vehicle signage	Signs for private hires. This constitutes a policy change that we would object to plus the wording stipulates two signs on each front door which we don't believe was intended	As above	10 e	Signs on private hire vehicles help clarify to the public that they are not for hailing and can only be pre-booked .
Vehicle signage	Need to discuss present sizes of lettering already agreed by the Council.	As above	10 g	Discussed and not contested
Smoking	Wants only two no smoking signs	As above	10.2	Agreed - The new condition is 11.2 and says two or more signs
Inspection of vehicle	Objects to more than one test	As above		Now in condition 21.2. This is felt necessary for safety reasons due to the removal of the age restrictions. It is in line with best practice guidance.
Limousines	Wants an age restriction on limos	As above	24.1	Now in condition 25.1. As required by the Regulatory Committee, this was removed due to the cost of the specialist vehicle.

APPENDIX 3

Environment & Culture Directorate

Director: Michael Hainge

Sent to entire trade, i.e.
approx 600 drivers,
37 operators and the
Herefordshire Taxi Association

Your Ref:

Our Ref:

Please ask for: Marc Willimont

Telephone: 01432 260105

Fax: 01432 383142

E-mail: taxi-licensing@herefordshire.gov.uk

16th July, 2009

Dear ,

UPDATE FROM LICENSING TEAM AT THE COUNCIL

Since our last letter to the taxi trade I would like to update you all on the following:

1. New Email Address

We have a new email address for correspondence. It is now taxi-licensing@herefordshire.gov.uk
This is a specific email address for taxi licensing queries which will allow all correspondence to be addressed by members of the taxi licensing team in a more efficient manner.

2. Draft Taxi Licence Conditions

A new draft version of the "Private Hire / Hackney Carriage Vehicle Licence Conditions" has been drafted for your comment. Copies can be downloaded from the internet at www.herefordshire.gov or can be emailed to you if you email us at taxi-licensing@herefordshire.gov.uk. Alternatively, we can post out a paper copy with a self addressed envelope if you so wish. We welcome your comments on this document within eight weeks from the date of this letter, i.e. by 11th September 2009. It is my intention to take your comments to the October Regulatory Committee for their consideration.

3. Taxi Ranks

Commercial Road in Hereford: Further to our last letter to you, I am informed by our Highways Department that improvements to the Commercial Road taxi ranks are well underway, with the road traffic order currently awaiting approval by our cabinet Member for Highways & Transportation, Councillor Wilcox. Once approval has been given I have been told that the work is earmarked for the end of August. It is hoped that the relining and designation of new ranks will significantly increase rank space at night time, yet also allow the public to park for short periods of time near to some of the takeaways. When these ranks are designated I will also be requesting the Police and our Civilian Parking Enforcement Officers to check on the situation at night time to ensure that the public do not park on taxi ranks in the evening and at night.



Certificate No. 4392

Working in partnership for the people of Herefordshire

Bath Street Offices, Bath Street, Hereford. HR1 2ZF

Herefordshire Council Main Switchboard (01432) 260000, www.herefordshire.gov.uk

NHS Herefordshire Main Switchboard (01432) 344344, www.herefordshire.nhs.uk

Bewell Street in Hereford / Tesco's: Tesco's have been approached by the Council to release part of a redundant wide pavement at the junction of Bewell Street / Victoria Street to allow for a new feeder rank to relieve pressure on the congested Bewell Street. To date we have been unable to gain Tesco's agreement to do this, although we are still pursuing the matter. In the meantime I understand that the police and the Council's Civilian Parking Enforcement Officers have been jointly patrolling the road and have reminded both private and licensed vehicles of the parking and waiting restrictions that exist along this road. I understand that both the Police and Council's Parking Team have been generally pleased with the co-operation shown by taxi drivers who appear to be complying with the parking regulation orders here. As such there has so far been no need to issue any penalty charge notices and I am informed that the general feedback from the Police is that the situation has improved. I acknowledge only too well the difficulties historically associated with Bewell Street and hope that these can eventually be resolved if the Council are permitted by Tesco to improve the rank space here.

4. Wheelchair Access Training

If you read the draft conditions you will see that condition 7.11 proposes that all drivers of wheelchair accessible vehicles must obtain approved training by a set date. This is to ensure the correct handling and safety of wheelchair bound and disabled passengers which I am sure you will agree is of great importance to our community. All drivers who participate in this course will be issued with a new dual driver's badge that will have a wheelchair logo to allow members of the public to be sure that that the driver is competent to do so, thus instilling confidence.

The Licensing Team are therefore liaising with Social Services and, presuming this requirement remains in the final version of the conditions, we hope in the future to offer a Council run and approved half day training course in Hereford at cost price. This is likely to be a two hour course at the Castle Green Training centre falling in the region of £10, to be run by Nick O'Sullivan who is the Health and Safety officer for social transport. Some of you may already know Nick as he provides the training for the employees who drive the Council vehicles.

Please could you let us know if you would like to participate as soon as possible either in writing, via the telephone or by email to our new email address, taxi-licensing@herefordshire.gov.uk In the meantime we will keep you posted on any further development of this course.

5. Renewals

Within the current and draft conditions it states that all applications received by the Council after their expiry date must be treated as though they are new applications. In many cases an existing vehicle will not meet the high standards required for new licences and therefore the Licensing Team will need to refer late renewals to the Council's Regulatory Committee for consideration. It currently costs a driver £150 to go to committee. To overcome this burden and avoid additional expense you should therefore submit your application form *prior* to expiry, even if you are still awaiting other documentation, e.g. a test certificate, CRB or medical. In such a case however, I should remind you that the licence cannot of course be issued until all documentation has been seen and approved by Licensing staff.

6. Access to Licensing Staff

I am also aware that a number of drivers are booking surgery time at Garrick House to simply collect or submit taxi forms. Can I remind you that the staff at the Council's various 'Info Centres' are trained to assist the public in the majority of cases, in particular for taxi applications and renewals. It will save you time to use these info centre staff, as you do not have to arrange an appointment and you do not have to drive to the surgeries held at Garrick House.

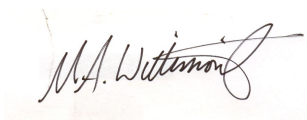
Herefordshire's Info Centres are based at:

- The Hereford Centre in Garrick House in Hereford,
- Corn Square in Leominster,
- Swan House in Ross on Wye,
- St Katherines in Ledbury,
- The Bromyard Centre in Bromyard and
- The Kington Centre in Kington.

Finally, some of you might be aware that I am currently reviewing the accessibility of the Licensing staff to the taxi trade, following complaints from the trade. I am hopeful that there be improvements in this area and I should be able to report back to you on the outcome of this review in the near future.

I hope that the above letter keeps you informed and ask that any comments on the draft conditions are received before 11th September.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M.A. Willimont', is written over a light-colored rectangular background.

**M. A. WILLIMONT
ACTING REGULATORY SERVICES MANAGER
ENVIRONMENTAL HEALTH & TRADING STANDARDS**

APPENDIX 4



THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**CONDITIONS ATTACHED TO
PRIVATE HIRE/HACKNEY CARRIAGE VEHICLE LICENCE**

Index

- 1.0 Licensing of vehicles general**
- 2.0 New hackney vehicle licence**
- 3.0 New private hire vehicle licence**
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- 6.0 Mini buses and MPVs**
- 7.0 Wheelchair access vehicles**
- 8.0 LPG**
- 9.0 Seat belts**
- 10.0 Alterations**
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- 13.0 Advertising**
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- 15.0 Vehicle damage**
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- 24.0 CCTV**
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Appendix 1: TESTING STANDARD – MECHANICAL AND STRUCTURAL

Appendix 2: TESTING STANDARD – APPEARANCE / SAFETY / COMFORT / COMPLIANCE WITH LICENCE CONDITIONS



CONDITIONS ATTACHED TO PRIVATE HIRE/HACKNEY CARRIAGE VEHICLE LICENCE

Herefordshire Council licenses both Hackney Carriage and Private Hire Vehicles under the provisions of Part 11 of the Local Government Miscellaneous Provisions Act 1976 and the Town and Police Clauses Act 1847.

These conditions were approved by the Herefordshire Council's Regulatory Committee **XXXXXXXX** these conditions will replace all previous conditions and will remain in place until such time as the regulatory committee approve any amendments or review the conditions.

All applications received which fall outside the Licensing Authority's Conditions or Policy will be referred to Regulatory Committee for determination and will incur additional costs to be paid by the applicant.

(Herefordshire Council will use Government Guidance and Herefordshire Council's Hackney Carriage and Private Hire Licensing Policy to base its decisions)

Section 1: LICENSING OF VEHICLES - GENERAL

- 1.1 The conditions shown below apply to all applications for new hackney/private hire plates and for all renewal applications.
- 1.2 Any vehicle to be licensed must have Category M1 shown on the registration document unless meeting Condition 1.3.
- 1.3 A vehicle of Category M2 (as shown on the registration document) may be licensed providing that the vehicle has passed an enhanced VOSA Single Vehicle Approval (SVA) test and the applicant has provided a written self-declaration that no changes have taken place to that vehicle since the SVA test was passed.
- 1.4 In respect of wheelchair accessible vehicles; only those vehicles which have been manufactured or adapted by an approved Herefordshire Council manufacturer or installer will be licensed and then only providing supporting documentation is supplied to prove this, together with a self-declaration that the vehicle has not been altered since initial manufacture or adaptation.
- 1.5 Where a wheelchair accessible vehicle is NOT manufactured or adapted by an approved manufacturer or installer, a standard VOSA single Vehicle Approval Pass Certificate shall be required together with a self-declaration that the vehicle has not been altered since initial manufacture.
- 1.6 All vehicles must meet the criteria as laid out in Section 5.

Section 2 - NEW HACKNEY VEHICLE LICENCE

- 2.1 The vehicle to be licensed shall be a wheelchair accessible vehicle and shall be so constructed or adapted to carry disabled persons whilst remaining in their wheelchair.
- 2.2 Other than category M1 (or M2 if in accordance with condition 1.3 above), no other vehicle categories (e.g. category N1) shall be licensed for new vehicles.
- 2.3 The vehicle, when initially submitted for licensing, shall not be more than five years old. The age of the vehicle will be determined by the date of first registration as shown on the registration document. The condition at section 2.1 will remain attached to the licence for each subsequent renewal or transfer.
- 2.4 The licence cannot be transferred to another vehicle until the plate reaches two years of age and then only to another wheelchair accessible vehicle.

Section 3 - NEW PRIVATE HIRE VEHICLE LICENCE

- 3.1 For a new application for a Private Hire Licence, the vehicle to be licensed shall not be more than two years old; the age of the vehicle will be determined by the date of first registration on the registration document. The vehicle can be a saloon, estate car, Mini Bus, MPV or a purpose built vehicle, or constructed or adapted in accordance with conditions in section 1 above.
- 3.2 If the vehicle is a wheelchair accessible vehicle then it shall not be more than five years old when first licensed.
- 3.3 Other than category M1 (or M2 if in accordance with condition 1.3 above), no other vehicle categories (e.g. category N1) shall be licensed for new vehicles.
- 3.4 The licence cannot be transferred to another vehicle until the plate reaches two years of age.

Section 4 - EXISTING VEHICLE LICENCES

- 4.1 The licence cannot be transferred to another vehicle until the plate reaches two years of age. It can however be transferred if the vehicle is written off, in which case it shall be replaced in accordance with condition 4.2 (d) below.
- 4.2 The proposed new vehicle must meet the following criteria:-
 - a) A wheelchair access vehicle cannot at any time be replaced with a non-wheelchair access vehicle.
 - b) A saloon or estate may be replaced with a saloon or estate;
 - i) an MPV may be replaced with an MPV or be upgraded to a saloon / estate;
 - ii) a mini-bus may be replaced with a mini bus or upgraded to a saloon / estate.

Insert Date here when agreed by committee

- c) Any vehicle may be upgraded to a wheel chair access vehicle, but cannot then be replaced later on with a non wheelchair access vehicle. The replacement vehicle shall be no more than 2 years older than the outgoing vehicle.
 - d) Where a vehicle has not reached two years old, the replacement vehicle shall be the same year of manufacture. Any replacement vehicle must comply with the criteria in condition 5.0 (vehicle specification) for non-wheelchair access, 6.0 for mini buses and MPVs, and 7.0 for wheelchair access vehicles.
- 4.3 All vehicles over five years of age will be subject to additional tests in accordance with the provisions set out at section 21.2.
- 4.4 Licensed vehicles already possessing an existing valid enhanced VOSA certificate (i.e. VOSA tested and approved N1 vehicles) shall continue to be permitted for the life of that vehicle.

Section 5 - VEHICLE SPECIFICATION

- 5.1 The vehicle to be licensed shall have or be, according to the manufacture's specification: -
- a) Right hand drive,
 - b) All body panels to be of the same colour
 - c) A capacity for a minimum of four seated passengers and a maximum of eight.
 - d) A minimum of four doors
 - e) Have either a separate luggage compartment or a fixed screen (of sufficiently sturdy construction to protect passengers from injury from items in the luggage compartment) between the rear seat and the luggage compartment, which shall be kept in position at all times. People carriers and multi purpose vehicles (MPVs) shall have means of securing luggage whilst transported on the vehicle.
 - f) A serviceable spare tyre, or run flat type tyre, jacking equipment and wheel brace must be provided.
 - g) For road wheels, the tyre load ratings must be to the manufacturer's recommendations. The use of remoulds will not be permitted.
 - h) A permanent roof, which is watertight, must be provided. Sunroofs are only allowed if fitted as new by the vehicle manufacturer.
 - i) Be equipped with fully functional nearside and offside exterior rear view mirrors.
 - j) Have all windows/doors opening in accordance with the original vehicle specification or for legal conversions in accordance with a suitable compliance test.
 - k) Rear seat to have 41 cm per passenger seating space.
 - l) A suitable boot must be available to carry passenger luggage. This must be capable of carrying three suitcases of size 70 x 46 x 32 cm.
 - m) Must not be 4 wheel drive
 - n) Must not have bull bars or similar attached.
 - o) The clear height for the top of the doorway must not be less than 1.2 metres.
 - p) There must be unobstructed access to all emergency doors or exits. (Seats must be located to facilitate this).

Section 6 - MINI BUSES & MPVs

- 6.1 These are in addition to all other conditions and apply to mini buses and MPVs that are licensed as private hire vehicles and taxis.
- 6.2 All doors must be capable of being opened from the inside when locked from the outside.
- i. The vehicle must have at least two doors to the rear of the driver for the exclusive use of passengers.
 - ii. All doors must show the method of operation of door lock operating levers i.e. Pull or Push with directional arrows in 5cm letters.
 - iii. All emergency doors must be clearly identifiable as such to passengers and shall be clearly marked "Emergency Exit" in 5cm letters.
- 6.3 All sliding windows in the passengers' compartment shall be restricted to open 15cm only to protect persons from head injury.
- 6.4 All steps at entrances and exits must be illuminated or have clearly visible markings at floor level.

Section 7 - WHEELCHAIR ACCESSIBLE VEHICLES

- 7.1 These are in addition to all other conditions and apply to wheelchair accessible vehicles.
- 7.2 Restraints for the wheel chair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
- 7.3 The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75cm. The minimum angle of the door for wheelchair access when opened must be 90 degrees.
- 7.4 Grab handles must be placed at door entrances to assist the elderly and disabled.
- 7.5 The top of the tread for any entrance must be at floor level of the passenger compartment and must not exceed 38cm above ground level when the vehicle is unladen. The outer edge of the floor at each entrance must be fitted with non-slip treads.
- 7.6 The vertical distance between the highest part of the floor and roof in the passenger compartment must not be less than 1.3m.
- 7.7 A ramp or ramps for the loading of a wheelchair and occupant must be available at all times (other than where there is a mechanical tail lift fitted). An adequate locking device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use.

Insert Date here when agreed by committee

- 7.8 All vehicles fitted with a mechanical tail lift must supply a tail lift safety certificate annually. This must be supplied upon renewal of the vehicle licence.
- 7.9 Wheelchair accessible hackney carriages must be capable of being used as such immediately and without modification.
- 7.10 When tested, any wheelchair provision will be counted as a permanent passenger seat and this will be marked on the licence plate.
- 7.11 By 31st December 2010 no wheelchair accessible vehicle shall be operated for hire unless that driver has passed a Herefordshire Council approved training scheme covering disability awareness and the competent use of wheelchair facilities in licensed vehicles.
- 7.12 In the case of a Private Hire Vehicle fitted with wheelchair facilities, the vehicle can be adapted, and the wheelchair provision not counted as a permanent seat.

Note: Herefordshire Council is looking to deliver training for this at cost price and will advertise to the trade accordingly.

Section 8 - LPG SAFETY CHECK

- 8.1 LPG installations must comply with the LPG Gas Association code of practice 2. A valid certificate confirming the compliance shall be given to the Licensing Section for copying when the installation is new.
- 8.2 No licence will be renewed until a valid certificate is produced to the Council confirming that a safety check has taken place and that the vehicle is safe. This must be provided annually.

Section 9 - SEAT BELTS

- 9.1 Seat belts shall be fitted to all seats in all licensed vehicles. They shall be readily accessible for use by all passengers and shall be maintained in good condition and in a useable state of repair at all times.

Section 10 - ALTERATIONS

- 10.1 No alterations to any equipment, dimensions or other specifications shall be undertaken without the prior consent of an Authorised Officer of the Licensing Authority.
- 10.2 For the avoidance of doubt, alterations include both additions to and the removal of any existing equipment in, or on, the Licensed Vehicles.

Section 11 - SIGNS

- 11.1 The Licensed Vehicle shall be of such a design or appearance or bare such distinguishing marks as the Council may require, clearly identifying it as a Licensed Vehicle. The under-mentioned signs shall be applicable in respect of this condition.

Insert Date here when agreed by committee

- a) All licensed vehicles (except purpose built Hackney Carriage and Private Hire Vehicles) are to have roof signs with "Herefordshire Council" above and "Licensed Hackney Carriage" below the word "Taxi" on both the front and rear. The sign to be green in colour as specified by the Council and to be a minimum of 60cm in width. The rear of the sign will be red in colour and may show a fleet number, not more than 7.5cm in diameter, in the top right hand of the sign. No other markings will be permitted on the roof signs. The licence holder and driver of the taxi shall maintain the sign in efficient working order at all times. The sign shall be capable of being so operated that at night it indicates clearly and conveniently to persons outside the carriage whether or not the vehicle is for hire.
 - b) The roof sign shall be displayed on the front part of the metallic roof.
 - c) Both front doors of all Licensed Hackney Carriages must display a sign incorporating Herefordshire Council's corporate logo together with the Vehicle Licence number, in the following dimensions: the sign must be a minimum of 60cm x 19cm wide with lettering measuring at least 6cm in height. The sign must be the adhesive type and not magnetic. However Magnetic signs may be permitted on a short term temporary basis and then only with the written authority of the Licensing Unit. The sign shall be located on the top half of the door where it is clearly visible to the public.
 - d) No other sign shall be permitted on either front door.
 - e) Private Hire Vehicles will be required to display two adhesive signs one on each front door of the vehicle which states 'Advanced Booking Only'. The lettering measuring at least 6cm in height.
 - f) In addition to the Council's official plate, private hire vehicles may fix on any rear door of the vehicle a non-illuminated sign of a size not exceeding 60cm x 19cm, the lettering to be not more than 7.5 cm in height, and may be reflective. The sign may contain the following information:-
 - i. Name of operator
 - ii. Telephone number of operator
 - g) In addition to the Council's official plate, Hackney Carriages may fix on the outside of the rear doors of the vehicle a non-illuminated sign of a size not exceeding 60 cm x 19cm, the lettering to be not more than 7.5 cm in height, and may be reflective. The sign may contain the following information:-
 - i. Hackney carriage or taxi
 - ii. Telephone number
 - iii. Name of the taxi company
- 11.2 Two or more notices shall be displayed within the vehicle, in a conspicuous location, indicating "NO SMOKING". Such notice(s) must be clearly visible to passengers and the lettering must be white on a red background. Alternatively the international "NO SMOKING" symbolic sign may be used.

Section 12 - LICENCE PLATES AND BADGES

- 12.1 For all licensed vehicles the council licence plate must be securely fixed to the rear of the vehicle by directly fixing it to the bodywork of the vehicle. It must be clearly visible when looking at the rear of the vehicle. The council licence plate must not obscure the number plate nor any obligatory lights on the vehicle. No council licence plate shall be fitted on any other area, including the rear window.
- 12.2 The licence plate shall remain the property of the Council and shall be returned forthwith to the Herefordshire Council's Taxi Licensing Section upon expiry, suspension or revocation. All licence plates must be returned before a new plate is issued.
- 12.3 The loss of, damage to or illegibility of a plate or badge shall be reported to the Council as soon as the loss, damage, or illegibility becomes known and a duplicate will be issued at the expense of the Licence Holder. The vehicle shall not be used for hire until the Plate or Badge has been replaced.
- 12.4 The holder of the licence is strictly prohibited from transferring or purporting to transfer any interest in the licensed vehicle (hiring or leasing the vehicle). If at any time during the period of the vehicle licence the proprietor for any reason does not wish to retain the vehicle licence they must immediately surrender and return the vehicle licence and the licence plates to the Council. This condition shall not preclude the transfer of any interest in the licensed vehicle as part of the transfer/sale of the business to a new owner.
- 12.5 All applications received after the date of expiry will be treated as grants and not renewals and the appropriate conditions and fees will apply.
- 12.6 However, the Licensing Officer has the authority to renew the plate in the 7 day period following expiry. The plate will only be renewed until the sitting of the next Regulatory Committee who will consider whether to continue to allow the plate renewal. In addition to the Committee Fee of £150, the proprietor will be required to pay the daily rate fee of $1/365^{\text{th}}$ of the current annual licence fee for each day up to and including the day of the committee.
- 12.7 Any application received prior to the expiry date of the existing licence will be treated as a renewal. However no plate or badge will be issued until such time as all the required documents have been received and accepted by the Herefordshire Council Taxi Licensing Section.

Section 13 - ADVERTISING

- 13.1 No advertisement shall be placed on any vehicle unless the content of the advertisement and the proposed location on the vehicle has been agreed by the Licensing Unit and written authorisation given.
- 13.2 The advertisements will be assessed against the following criteria:
 - Non sexual
 - Non discriminatory
 - Not to cause public offence
 - Not misleading

Location does not distract from council vehicle signs
Not to obscure vision of the driver

Section 14 - TAXIMETER/FARES

- 14.1 Licensed vehicles equipped with a taximeter of approved design (compulsory for a hackney carriage but optional for private hire vehicle) must be submitted for testing before operating within Herefordshire Council's area and will be subject to further tests as and when required by the Licensing Authority.
- 14.2 A proprietor of a licensed vehicle shall not tamper with or permit any person, other than a properly authorised person or approved technician, to alter or adjust any taximeter with which the vehicle is provided, with the fittings thereof, or with the seals affixed thereto.
- 14.3 The proprietor of a Hackney Carriage shall cause a statement of fares fixed by the Council to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- 14.4 The proprietor of a Hackney Carriage shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.
- 14.5 The proprietor of a licensed vehicle shall deposit with the Licensing Section a copy of the statement of fares referred to above if the prices differ in any way from those that are in force at the time for Hackney Carriage vehicles licensed by the Authority.

Section 15 - VEHICLE DAMAGE

- 15.1 Any damage affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein shall be reported to the Licensing Section within 24 hours or, when the office is closed, within 24 hours of it re-opening. Where considered necessary, arrangement will be made for the Licensing Section to inspect the vehicle. Until the damage is repaired to the satisfaction of the Licensing Authority or inspected by them, and written consent is received to continue to use the vehicle, the vehicle must not be used other than for the purpose of taking it for repair or inspection.

Section 16 - ACCIDENTS

- 16.1 Without prejudice to the provisions of Section 25 of the Road Traffic Act 1972, the owner of the vehicle shall report to the Licensing Section within 24 hours or, when the office is closed, within 24 hours of it re-opening any accident to the vehicle causing damage affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. Until the damage is repaired to the satisfaction of the Licensing Authority or inspected by them, and written consent is received to continue to use the vehicle, the vehicle must not be used other than for the purpose of taking it for repair or inspection.

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- 16.2 Accidents involving personal injury to passengers must be notified to the Police. The Licensing Unit must also be notified as soon as possible but in any case within 24 hours or, when the office is closed, within 24 hours of it re-opening.
- 16.3 Vehicles that have sustained major accident damage will be required to provide a satisfactory steering geometry and alignment report. This will be in the form of a written or printed document from an approved VBRA vehicle repairer. In addition the vehicle will be required to undergo a further compliance test.

Section 17 - INSURANCE

- 17.1 Before the licensed vehicle is used, such insurance or securities as are required under Part V1 of the Road Traffic Act 1972 shall be obtained in respect of the vehicle. The certificate in respect of the policy of insurance shall also be produced to the Licensing Section for inspection. The policy must show that the vehicles are suitably insured for 'hire and reward' purposes.
- 17.2 On the expiry of the insurance, a cover note or 'Certificate of Insurance' renewing cover must be produced to the Licensing Section prior to or on the day of expiry of the previous certificate. Photocopies of the original can only be made by Council staff and faxed copies will only be accepted if received from the Insurance Company/Broker direct.
- 17.3 The proprietor must ensure that a copy of the Certificate of Insurance is kept in the vehicle at all times including details of drivers authorised under the policy to drive the vehicle.
- 17.4 The licence holder shall notify the Council of any change of insurer or any change to the insurance particulars and shall provide full details thereof within two working days of such change.

Section 18 - NOTIFICATIONS

- 18.1 The proprietor of a licence shall produce details of the drivers permitted to drive by him to the Licensing Authority.
- 18.2 The proprietor shall notify the Council of any change in the list of drivers within seven days of the change.
- 18.3 The licence holder shall, within seven days, notify the Council in writing of any change of address and produce the vehicle licence to the Licensing Section so that the new address may be endorsed there.

Section 19 - SAFETY EQUIPMENT

- 19.1 The vehicle shall be equipped with and carry at all times a British Safety Approved fire extinguisher, which is serviceable. It shall be suitable for use on vehicle fires and be located in a position for use by the driver. This must be permanently marked with the vehicle's Hackney Carriage or Private Hire licence number.
- 19.2 The vehicle shall be fitted with first aid equipment. The first aid kit must be carried in the vehicle in such a position as to be readily available for use and bear the

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plate number of the vehicle indelibly marked. It must contain as a minimum the following items in the table 19.3 as prescribed in the Public Service Vehicles (Condition of Fitness, Equipment, Use and Certification) (Amendment No.2) Regulations 1986. This must be permanently marked with the vehicle's Hackney Carriage or Private Hire licence number.

19.3

	Item	Quantity
19.3.1	Suitable container in which to carry first aid items. Permanently marked with the vehicle plate number	1
19.3.2	Basic instruction card covering expired air respiration, external cardiac compression, treatment of shock, recovery position and treatment for bleeding control	1
19.3.3	Triangular bandages	2
19.3.4	Large sterile unmedicated dressing (not less than 15.0 cm x 20.0 cm)	3
19.3.5	Individually wrapped sterile adhesive dressings	24
19.3.6	Safety pins	12
1.3.7	Disposable gloves	1 pair
19.3.8	Antiseptic wipes	10
19.3.9	Disposable bandage (not less than 7.5 cm)	1
19.3.10	Sterile eye pads with attachments	2
19.3.11	Tuff-Kut scissors	1 pair

Section 20 - TRAILERS

20.1 Written permission shall be obtained from the Licensing Authority to use trailers

20.2 Trailers can only be used in connection with Private Hire Bookings and cannot be used for plying for hire on the rank. Trailers must comply with the following standards:

- ❖ Unbraked trailers shall be less than 750 KGs gross weight,
- ❖ Trailers over 750kgs gross weight shall be braked, acting on at least two road wheels,
- ❖ The towing vehicle must have a kerb weight at least twice the gross weight of the trailer,

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- ❖ A suitable lid or other approved means of enclosure shall be fitted to secure the contents within the trailer whenever in use,
- ❖ The maximum permissible length of the trailer shall be 7 metres including the drawbar and coupling,
- ❖ The width of the trailer shall not be greater than the towing vehicle subject to no trailer being wider than 2.3m,
- ❖ The maximum length for braked twin axle trailers is 5.54m,
- ❖ The trailer must at all times comply with all Road Traffic legislation requirements, and in particular those laid down in the Road Vehicles (Construction and Use) Regulations 1986,
- ❖ The vehicle insurance must reflect cover for towing a trailer,
- ❖ Trailers must not be left unattended anywhere on the highway,
- ❖ The speed restrictions applicable to trailers must be observed at all times,
- ❖ The registration number plate and the Vehicle Plate of the Private Hire Vehicle shall be attached to the rear of the trailer and
- ❖ The trailer shall be inspected annually and shall be considered to be satisfactory by the Council.

Section 21 - VEHICLE INSPECTION see appendices 1 & 2

21.1 Prior to issue or renewal of a licence, all vehicles and trailers must be mechanically inspected at the Council's Testing Depot, as per appendices 1 and 2 attached. Frequency of testing will generally be dependent on the age of the vehicle, see table in condition 21.2 below. However when the VOSA tester identifies that additional testing may be required due to the condition of the vehicle, then following consultation with the Licensing Officer, the frequency of these tests can be increased to three per year.

21.2 All vehicles must pass the Council's compliance test before each renewal.

AGE OF VEHICLE	TYPE OF VEHICLE	FREQUENCY OF TEST PER YEAR
1-5	Car, minibus, people carriers (MPV), disabled access	X1
Over 5	Car, minibus, people carriers (MPV), disabled access	X2

21.3 Should a vehicle fail to pass an inspection, the vehicle inspector or authorised officer of the Council will notify the licensee that the licence has been suspended. The vehicle shall be required to be resubmitted within seven calendar days and a re-test fee shall be applicable. This seven-day limit shall also apply to any instruction issued for a vehicle to be presented for inspection. When the vehicle tester identifies the driver that the vehicle has failed for public or road safety reasons, then it shall not be used for hire or reward until the suspension is lifted.

21.4 An authorised officer, an officer nominated by the Council or any police constable shall have the power at all reasonable times to inspect and test any vehicle licensed by the Council for the purpose of ascertaining its fitness.

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- 21.5 The second test may be an MOT test and these tests must be carried out 6 months apart. In the case where 3 tests are required per year these must be carried out 4 months apart and the 2nd and 3rd test may be an MOT test.

Section 22 - RADIOS

- 22.1 All telephone facilities and radio equipment provided shall be maintained in a safe condition and any defects must be repaired promptly. The licensed operator will ensure that the licence issued by the Department of Trade and Industry for all radio equipment used is current and valid. All equipment must only be used on the frequencies stipulated in the D.T.I licence and the licensed operator must allow the Council access to inspect all equipment and D.T.I licenses.
- 22.2 All telephone facilities and radio equipment provided shall not interfere with any other radio or telecommunication equipment.
- 22.3 Where apparatus for the operation of a two-way radio system is fitted, no part of the apparatus may be situated to cause accident or injury to the passenger, nor shall it be placed in the rear boot compartment where LPG tanks etc are situated in them.

Section 23 - GENERAL CONDITIONS

- 23.1 The proprietor of a licensed vehicle shall not convey or permit to be conveyed in such a vehicle any greater number of persons than the number specified in the licence issued to that particular vehicle.
- 23.2 All vehicle proprietors must maintain a reasonable standard of behaviour in their dealings with the general public, other licensed operators, proprietors, and drivers of licensed vehicles and authorised officers of the Council.
- 23.3 The proprietor or driver of a licensed vehicle licensed by the Council shall furnish the authorised officers with such information relating to either the drivers or vehicles as is necessary to enable them to undertake their duties.
- 23.4 The proprietor or driver of a licensed vehicle licensed by the Council shall provide any reasonable assistance necessary for carrying out the functions of the appropriate legislation to an Authorised Officer and any person accompanying the Authorised Officer.
- 23.5 The authorised officer shall show their authorisation if required.

Section 24 - CCTV

- 24.1 No recording CCTV equipment shall be fitted without the written consent of the Council. Where CCTV equipment is fitted an approved sign must be displayed in the vehicle warning customers that camera surveillance equipment may be in operation. Any image captured by the camera shall only be viewed by, the dedicated System Operator, Council or Police.

Section 25 - STRETCHED LIMOUSINES

- 25.1 For stretched Limousines, conditions 25.1 to 25.7 inclusive override conditions 2.1, 3.1, 4.2(a), 4.2(c) and 4.2(d).
- 25.2 On being presented for licensing for the first time the vehicle must have one of the following:
- (i) A UK Single Vehicle Approval Certificate
 - (ii) A European Whole Vehicle Approval Certificate
 - (iii) A UK Low Volume Type Approval Certificate
 - (iv) Limousine Declaration of Condition of Use
- 25.3 Stretched limousines are permitted to be left hand drive.
- 25.4 All operators will be required to sign a declaration that the vehicle will not carry more than 8 passengers (even if there are more than 8 passenger seats within) and that at the time of booking the vehicle, the restriction of carrying no more than 8 passengers shall be explained to the hirer.
- 25.5 Alcoholic drinks provided in the vehicle shall be under the terms of an appropriate licence relating to the sale or supply of alcohol.
- 25.6 Stretched limousine vehicles will comply with the existing Conditions of Licence applicable to all licensed private hire vehicles with the exception of those listed at paragraph 25.1 above.
- 25.7 The fee shall be the same as for private hire.

APPENDIX 1 HEREFORDSHIRE COUNCIL

LICENSED VEHICLE TESTING STANDARD – MECHANICAL AND STRUCTURAL

Items for test in addition to MOT test.

The item numbers refer to the item codes on the test sheet.

29	Spare Tyre	Correct size for vehicle and conforms to legal requirements.
32	Seat Belts	All seat belts must conform to legal requirements and be operational
33	Wiring	Ensure that correct load fuses are being used. Ensure that visible wiring is not so corroded or chafed that in the opinion of the tester a short circuit is likely to occur. That all junctions and installations are electrically sound.
34	Battery	Ensure that the battery mounting is not so corroded that the battery may break loose. Ensure that the battery is anchored securely. Ensure that the casing of the battery is sound and is not likely to allow acid to escape.
35	Starter Motor	Ensure starter motor is mounted securely
36	Engine Mountings	Mountings must be secure and not so corroded that they may be likely to fail.
37	Oil Leaks	Oil leaks must not create any type of hazard for the vehicle, pedestrians or other road users.
39	Drive Shaft	Universal joints must be serviceable and mountings secure. There must not be any undue 'play'.
40	Gearbox	Mountings must be secure and not so corroded as to be likely to fail. Gear selection must not be noisy.
41	Rear Axle	No oil leaks
43	Clutch Operation	Must operate satisfactorily and not 'judder', 'grab' or 'slip' outside normal limits.
44	Clutch Linkage	No signs of undue wear and are not likely to fail.
45	Clutch Hydraulics	System, if fitted, must not be leaking or the pipes and fittings so corroded that they may fail.
46	Fuel System	Inspected for security, corrosion and leaks.
50	Windscreen	Screen must be clear and there are no scratches, damage or obstructions, which will impede the view of the driver.
51	Windows	All windows must be clear of any obstructions or damage, which will in any way impede the view of the driver. No curtains must be placed over the windows and any blinds if installed must not be of a type, which will restrict all round vision. All windows must be capable of being operated in a satisfactory manner. All windows must be fitted with glass, which complies with the British Standard.
54	Vehicle Structure	The structure must be in a sound condition with no signs of corrosion or damage.
55	Speedometer	The speedometer shall work in a normal manner.
56	Odometer	The odometer shall work in a normal manner
57	Mirrors	All mirrors must be securely mounted and not cracked, broken or corroded so as to distort any view to the rear. Where a mirror is intended to be adjustable it must be capable of being adjusted.
58 59	Doors / Handles / Locks	All doors, including boot, must open and close easily from both inside and outside. Any door locking mechanism shall be easily operated by passengers. All doors and boots shall be secure when shut. All lock fittings shall be secure and complete. Grab handles where fitted must be secure and fit for the purpose.
60	Fascia / Interior Lights	The speedometer shall be correctly illuminated. All interior and passengers lights where fitted shall be secure and operate. All switches and fittings shall be secure and operate correctly. There shall be no exposed wires or large holes in the fascia.

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61	Bumper	Front and rear bumpers must be fitted and securely mounted. They must not be damaged or corroded.
62	Road Test	The vehicle must be capable of manoeuvring safely and must handle correctly without any undue drift or pull etc
63	Registration Plates	Checked for condition, correct location and that they conform to legal requirements.
65	Other	Any item, defect or fault which in the opinion of the Licensing Officer or the mechanical tester which renders the vehicle in their opinion, to be unfit for use as a hackney carriage or private hire vehicle will be noted as a fail.
66	First Aid Kit	The kit must comply with conditions 19.2 & 19.3
67	Fire extinguisher	Must comply with condition 19.1

APPENDIX 2

HACKNEY CARRIAGES **TESTING STANDARD – APPEARANCE / SAFETY / COMFORT / COMPLIANCE WITH** **LICENCE CONDITIONS**

Items considered in test: -

1.0 External Bodywork

The body work shall have no damage which materially affects the safety or appearance of the vehicle, shall not have signs of corrosion or have any sharp edges which may cause injury to passengers. The paintwork shall be clean, consistent and uniform over the whole vehicle. The paintwork shall be of a professional standard. All fitments shall be intact and free from any damage, stains or corrosion of any kind.

2.0 Seats and Upholstery

All seats, upholstery, trim and carpets must be clean and free from stains, holes, tears and damage of any form. There must be no sharp edges which would be likely to cause injury or damage. Seat coverings must be sound, intact, fitted snugly to seats and be clean. The interior seat springs shall be sound and not penetrating the fabric of the seat. There shall be no loose rugs, blankets, cushions or other articles on the passenger seats.

3.0 Floor

The floor must be sound and covered by fitted vehicle carpets. If furnished with rubber mats they must be in a clean and undamaged condition. Carpet off cuts are not acceptable as mats in the vehicle. Only one mat per seat is acceptable. The floor coverings must not be so worn as to cause danger to passengers.

4.0 Doors

All fittings shall be secure, undamaged and capable of being operated at all times by the passenger. The door linings shall be intact, clean and free from holes, tears, stains or any other damage.

5.0 Head Lining

The head lining shall be intact, clean and free from holes, tears, stains or any other damage.

6.0 Boot

The boot shall be kept clean and free of any stains, spills etc. Matting if fitted must be in one piece and be capable of being cleaned. The boot must be kept clear for the use of passenger's luggage apart from the spare wheel and jack (and excepting specialised fitments for first aid or other equipment etc).

7.0 Fire Extinguishers

A fire extinguisher (of the specified type) must be located in an accessible position and a notice displayed in the vehicle to identify its location. The fire extinguisher must be so secured and unobstructed that it will not create any danger or hazard for the driver or passengers. The extinguisher shall be clearly marked with the number of the licence when granted, in a manner acceptable to Officers of the Licensing Unit.

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8.0 First Aid Kits

First Aid kits shall be available to PSV standard. The kit shall be marked with the number of the licence when granted, in a manner acceptable to Officers of the Licensing Unit.

9.0 Taximeter

The taximeter shall be checked and tested to ensure that the current tariffs set by Herefordshire Council are not exceeded. The taximeter may be sealed by the Inspecting Officer, as he/she considers necessary.

10.0 Fare Card

The fare card must be clearly displayed in such a position as to be easily seen by passengers.

11.0 Internal Plate Sticker

The internal plate sticker shall be displayed in such a position as to be easily seen by the passengers.

12.0 Exterior Plate

The external identification plate issued by the Council shall be securely fixed to the vehicle in such a position as to be clearly visible from the rear of the vehicle, or, centrally on the rear of the vehicle, where a bracket behind the registration number plate is used.

13.0 Top Light

The top light where fitted must be capable of being illuminated. The light must be securely mounted and installed so as not to cause any danger or hazard to the driver, passengers, the public or other road users.

Where in the opinion of the Inspecting Officer the vehicle fails to reach the standard required by the Council for the issue of a hackney carriage licence, the applicant(s) or nominee will be informed of the defects or grounds on which the vehicle has failed to reach that standard. The applicant(s) or nominee will then be given the choice of: -

Removing the vehicle from the test garage for the defects to be rectified and returning the vehicle within 7 days and/or 200 miles (where the vehicle is normally kept within 10 miles of the testing station), or within 7 days and/or 300 miles (where the vehicle is normally kept more than 10 miles from the testing station). The applicant or nominee shall also pay the appropriate re-test fee if required.

If the vehicle is not returned for re-test within 7 days the applicant or his/her nominee shall inform the Licensing Unit of the reasons why and any proposed further actions to be taken in respect of the vehicle. Re-tests after 7 days may incur full application fees.

Please note: - This list is not exhaustive and additional items may be included as deemed appropriate by Officers of the Licensing Unit.

Insert Date here when agreed by committee

Data Protection Act 1998

This policy covers the treatment of personal data that Herefordshire Council may collect when you e-mail us, complete an application form, or when you complete and submit an online form on our web site.

When completing forms you may be asked for personal information such as name, address, postcode etc. It is only when you supply this type of information that you can be personally identified.

Herefordshire Council is registered with the Data Protection Act 1998 for the purpose of processing personal data in the performance of its legitimate business. Any information held by the Council will be processed in compliance with the principles set out in the Act.

Further information relating to the Data Protection Act 1998 can be sent to you on request.

If you have concerns about the processing of your personal data by the Council you may contact the Council's Data Protection Officer:

Data Protection Officer,
County Secretary and Solicitor
Herefordshire Council
Brockington
35 Hafod Road
Hereford HR1 1SH

APPENDIX 5

Individual Trade Member response to consultation 2009				
Topic	Comment	From whom	Condition number in draft shown in Appendix	Council's Response
Confusion over approved manufacturer	Makes no sense as wheelchair accessible vehicles are only permitted by approved manufactures	Richard Corfield – Taxi proprietor	1.4 – 1.5	Agreed - this has been re-worded as is found in 1.1 – 1.5
Wording	Why is a change from minibus to saloon an upgrade?	As above	4.2 ii	Agreed – this has been re-worded
Spelling error	bare	As above	11.1	Agreed – spelling corrected
Metallic roof	Why metallic roof? Not all taxis have metal roofs	As above	11.1 b	Agreed – the word metallic has been removed
No smoking signs	This overlaps with other legislation. Taxis can comply with this requirement but still fail the statutory standard, if you are including it, why not be consistent and specify the size of the sign (70mm) as many taxis do have signs that are too small	As above	11.2	Agreed – size put in
Language	Use of word “him” is sexist language	As above	18.1	Agreed. The wording is now “him/her”

APPENDIX 5

Fire extinguisher	“British Safety Approved” this is not defined, would it be more appropriate to use the European wide standard BS EN3	As above	19.1	Agreed. Wording changed
Spare vehicle	Concerned about the removal of the spare vehicle	Roger Jones – Taxi proprietor		There is no provision within the legislation to licence a spare vehicle.
Spare vehicle	Concerned about the removal of the spare vehicle	Andrew Smith		As above
CCTV	Wants to be able to have un-encrypted systems	John Jones and Harry Went – Taxi association	24.1	Agreed - Following research conditions amended to allow this
Fee for late application	This should be free	Mr and Mrs D Hufton – Taxi proprietors	Para 3	Licensing staff have delegated powers which do not include late applications. Licensing have to pay for this service and it would be unfair to the rest of the trade to bear this cost.
Objection to wheelchair access vehicles	Does not feel there are enough wheelchair users to justify the need for more access vehicles	As above	1.2 – 1.5	Council are following government guidance.
N1 vehicles	Should allow N1 vehicles if they have been converted correctly	As above	2.2	Extensive research and advice has been sought and discussed previously. New N1 applications should not be accepted.
Age of vehicle	Wants to be able to have new private hire vehicle as under five and not two	As above	3.1	This condition ensures that the fleet of vehicles remains of a high standard and is consistent with the old conditions.
Age of vehicle	Both licences should have the same age restriction	As above	3.2	Wheelchair access vehicle have a longer life span than cars, and are more costly, therefore the age is proportionate. Consistent with the old conditions.

APPENDIX 5

Colour of vehicle	Some firms may want different coloured panels	As above	5.1 b	This conditions ensures that when repairs are carried out we do not have multi coloured panelled vehicles
Number of doors	Stupid rule. 'Smart' cars only have two doors	As above	5.1 c	These are standard conditions. Applications can be made which deviate from these, but Licensing Team cannot accommodate all possible variances to vehicles in standard conditions.
Wheelchair ramps	Stupid rule. Why should on site modification be a problem	As above	7.9	Wheelchair access vehicles must remain accessible at all times in line with legislation and guidance
Wheelchair seat	Does not want wheelchair facility to be counted as a seat	As above	7.10	Council have to count it as a seat, as we can only licence vehicles up to 8 passenger seats
Roof sign	Wants roof sign on the front or rear as the magnets may cause headaches and dizziness	As above	11.1. b	The sign must be in the most visible position to be seen by passengers. Consistent with the old conditions.
Door signs	Wants magnetic door signs	As above	11.1. c	This was historically abused and necessitated a change to permanent stickers.
Late applications	Criticism about late applications not being dealt with by the officers directly and that committee attendance is penalised by £150 fee.	As above	12.5 – 12.7	Licensing staff have delegated powers which do not include late applications. Licensing have to pay for this service and it would be unfair to the rest of the trade to bear this cost.



THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**CONDITIONS ATTACHED TO PRIVATE HIRE/HACKNEY CARRIAGE
VEHICLE LICENCE**

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Appendix 1 - licensed vehicle Testing standard – mechanical and structural

Appendix 2 - Hackney carriages Testing standard – appearance / safety / comfort / compliance with licence conditions



CONDITIONS ATTACHED TO PRIVATE HIRE/HACKNEY CARRIAGE VEHICLE LICENCE

Herefordshire Council licenses both Hackney Carriage and Private Hire Vehicles under the provisions of Part 11 of the Local Government Miscellaneous Provisions Act 1976 and the Town and Police Clauses Act 1847.

These conditions were approved by the Herefordshire Council's Regulatory Committee on 18 December 2007 these conditions will replace all previous conditions and will remain in place until such time the regulatory committee approve any amendments or review the conditions.

All applications received which fall outside the Licensing Authorities Conditions or Policy will be referred to Regulatory Committee for determination and will incur additional costs to be paid by the applicant.

(Herefordshire Council will use Government Guidance and Herefordshire Councils Hackney Carriage and Private Hire Licensing Policy to base its decisions)

1.0 NEW HACKNEY VEHICLE LICENCE

- 1.1 For a new application for a Hackney Carriage Licence, the vehicle to be licensed shall be a purpose built Hackney Carriage, or constructed or adapted to carry disabled persons whilst remaining in their wheelchairs, in accordance with the provisions set out in section 20 of these conditions. The vehicle will be 5 years of age or younger, the age of the vehicle will be determined by the date of first registration on the registration document. The licensed vehicle shall be replaced upon or before reaching fifteen years of age. This condition (1.1) will remain attached to the licence for each subsequent renewal or transfer.
- 1.2 Once a vehicle has been issued with a hackney carriage licence the vehicle cannot be re-used to get a new licence plate within Herefordshire.

2.0 NEW PRIVATE HIRE VEHICLE LICENCE

- 2.1 For a new application for a Private Hire Licence, the vehicle to be licensed shall not be more than two years old, the age of the vehicle will be determined by the date of first registration on the registration document. The vehicle can be a saloon, estate car, MPV or a purpose built vehicle, or constructed or adapted in accordance with conditions 1.1 above. The licensed vehicle shall be replaced upon or before reaching eight years of age.
- 2.2 If the vehicle is constructed or adapted in accordance with conditions 1.1 above, then that vehicle shall not be more than five years old and shall be replaced upon or before reaching fifteen years of age or earlier.
- 2.3 Once a vehicle has been issued with a private hire licence the vehicle cannot be re-used to get another licence plate within Herefordshire.

3.0 EXISTING VEHICLE LICENCES

- 3.1 For existing Hackney Carriages and Private Hire Vehicle licences, the vehicle shall be replaced upon reaching eight years of age or fifteen for disabled access vehicles.
- 3.2 Written authorisation must be obtained before any new/replacement new vehicle is purchased and tested. The test will not be carried out until this is handed to the test centre.
- 3.3 The proposed new vehicle must comply with the following:-
 - a) A wheel chair access vehicle cannot at any time be replaced with a non wheel chair access vehicle. A saloon may be replaced with a saloon or upgraded to a wheel chair access vehicle.
 - b) The replacement vehicle shall be no more than 2 years older than the outgoing vehicle, and have at least 30,000 less miles on the clock. All vehicles must be replaced at 8 years for non wheel chair and 15 years for wheel chair access vehicles.
 - c) Meet the criteria in condition 4.0 (vehicle specification) for non wheel chair access, 19.0 for wheel chair access vehicles, and 18.0 for mini buses.
- 3.4 All vehicles over 5 years will be subject to additional tests in accordance with the provisions set out at section 17.2

4.0 VEHICLE SPECIFICATION

- 4.1 The Vehicle to be licensed shall be a right hand saloon motor car, hatchback or an estate car or a purpose built licensed vehicle, of any colour, which according to the manufacturers specifications has: -
 - a) A capacity for a minimum of 4 seated passengers and a maximum of 8
 - b) A minimum of four doors
 - c) An engine rating of not less than 1600cc unless written authorisation is received from the Licensing Authority.
 - d) Have either a separate luggage compartment or a fixed screen (of sufficiently sturdy construction to protect passengers from injury from items in the luggage compartment) between the rear seat and the luggage compartment, which shall be kept, in position at all times. This condition shall not apply to people carriers and multi purpose vehicles.
 - e) A serviceable spare tyre, or run flat type tyres, jacking equipment and wheel brace must be provided.
 - f) Four road wheels, the tyre load ratings must be to the manufacturer's recommendations. The use of remoulds will not be permitted.
 - g) A permanent roof, which is watertight, must be provided. Sunroofs are only allowed if fitted as new by the vehicle manufacturer.
 - h) Be equipped with fully functional nearside and offside exterior rear view mirrors.
 - i) Have all windows/doors opening in accordance with the original vehicle specification or for legal conversions in accordance with compliance test.
 - j) Rear seat to have 16 inches per passenger as per national average.
 - k) A suitable boot must be available to carry passenger luggage, this must a minimum of 400 litres. (For existing vehicles that do not have a boot capacity of

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400 litres, the vehicle can remain on the plate until it reaches 8 years age or is replaced. Upon replacement the new vehicle must comply with all specifications).

5.0 LPG SAFETY CHECK

- 5.1 LPG installations must comply with the LPG Gas Association code of practice 2. A valid certificate confirming the compliance shall be given to the Licensing Section for copying when the installation is new.
- 5.2 No licence will be renewed until a valid certificate is produced to the Council confirming that a safety check has taken place and that the vehicle is safe. This must be provided annually.

6.0 SEAT BELTS

- 6.1 Seat belts shall be fitted to all seats in all Licensed Vehicles. They shall be readily accessible for use by all passengers and shall be maintained in good condition and a useable state of repair at all times.

7.0 ALTERATIONS

- 7.1 No alterations to any equipment, dimensions or other specifications shall be undertaken without the prior consent of any Authorised Officer of the Licensing Authority.
- 7.2 For the avoidance of doubt alterations includes both additions to and the removal of any existing equipment in, or on, Licensed Vehicles.

8.0 SIGNS

- 8.1 The Licensed Vehicle shall be of such design or appearance or bare such distinguishing marks, as the Council shall require, clearly identifying it as a Licensed Vehicle. The under-mentioned signs shall be applicable in respect of this condition
 - a) All licensed vehicles except purpose built Hackney Carriage and Private Hire Vehicles are to have roof signs with "Herefordshire Council" above and "Licensed Hackney Carriage" below the word "Taxi" on both the front and rear. The sign to be green in colour as specified by the Council and to be a minimum of 600 millimetres in width. The rear of the sign will be red in colour and may show a fleet number, not more than 75 millimetres in diameter, in the top right hand of the sign. No other markings will be permitted on the roof signs. The Licence holder and Driver of the Taxi shall maintain the sign in efficient working order at all times, to allow inspection of the sign. The sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the vehicle is for hire. The sign shall be capable of being so operated that at night it indicates clearly and conveniently if it is for hire.
 - b) Both front doors of all Licensed Hackney Carriages must display the sign Herefordshire Council Corporate logo together with the Vehicle Licence number, in the following dimensions:- the total area of the sign must be a minimum of 60cm x 19cm wide with lettering measuring at least 6cm in height. The sign must be the adhesive type and not magnetic.

- c) In addition to the Council's official plate, private hire vehicles may fix on any door of the vehicle a non-illuminated, sign having a maximum total area of 5cm x 23cm, the lettering to be at least 6cm in height, and may be reflective. The sign may contain the following information:-

Name of operator
Telephone number of operator
The words "Advance booking only"

- d) In addition to the Council's official plate, Hackney Carriages may fix on the outside of the rear doors of the vehicle a non-illuminated, sign having a maximum total area of 2' x 9', the lettering to be 2.5' in height, and may be reflective. The sign may contain the following information:-

Hackney Carriage or Taxi
Telephone number
Name of the taxi company

- 8.2 One or more notices shall be displayed within the vehicle, in a conspicuous location, indicating "NO SMOKING". Such notice(s) must be clearly visible to passengers and the lettering must be white on a red background. Alternatively the international "NO SMOKING" symbolic sign may be used.

9.0 LICENCE PLATES AND BADGES

- 9.1 For all licensed vehicles the licence plate must be securely fixed to the rear of the vehicle either by directly fixing it to the bumper or on a secure bracket under the number plate. If a square plate is used the licensed council plate and the number plate shall be displayed side by side in the area designated by the manufacturer for the number plate. The vehicle licence plate must not obscure the number plate.
- 9.2 The licence plate shall remain the property of the Council and shall be returned forthwith to the Herefordshire Council Environmental Health and Trading Standards Licensing Section, if the proprietor no longer holds a licence issued by the Council, which is in force in respect of the vehicle (whether by reason of expiry or revocation). After the expiry date on any hackney carriage or private hire licence, that licence is no longer valid and any badge or vehicle plate must be returned to the Council immediately. All licence plates must be returned before a new plate is issued.
- 9.3 The loss of, damage to or illegibility of a plate or badge shall be reported to the Council as soon as the loss, damage, or illegibility becomes known and a duplicate will be issued at the expense of the Licence Holder. The vehicle shall not be used for hire until the Plate or Badge has been replaced.
- 9.4 The holder of this licence is strictly prohibited from transferring or purporting to transfer any interest in the licensed vehicle (hiring or leasing the vehicle), if at any time during the period of the vehicle licence the proprietor for any reason does not wish to retain the vehicle licence they must immediately surrender and return the vehicle licence and the licence plates to the Council. This condition shall not

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preclude the transfer of any interest in the licensed vehicle as part of the transfer/sale of the business to a new owner.

- 9.5 All applications received after the date of expiry will be treated as Grants and not renewals and the appropriate conditions and fees will apply.

10.0 ADVERTISING

- 10.1 Position and content of advertising must be inspected and written authorisation received from the Licensing Unit before any advertising is placed on the vehicle.
- 10.2 The advertisements will be assessed against the following criteria:
- Non sexual
 - Non discriminatory
 - Not to cause public offence
 - Not misleading
 - Location does not distract from council vehicle signs
 - Not to obscure vision of the driver

11.0 TAXIMETER/FARES

- 11.1 Licensed vehicles equipped with a taximeter of approved design (compulsory for a hackney carriage but optional for private hire vehicle) must be submitted for testing before operating within Herefordshire Council and is subject to further tests as and when required by the Licensing Authority.
- 11.2 A proprietor of a licensed vehicle shall not tamper with or permit any person, other than a proper authorised person or approved technician, to alter or adjust any taximeter with which the vehicle is provided, with the fittings thereof, or with the seals affixed thereto.
- 11.3 The proprietor of a Hackney Carriage shall cause a statement of fares fixed by the Council to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- 11.4 The proprietor of a Hackney Carriage shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.
- 11.5 The proprietor of a licensed vehicle shall deposit with the Licensing Section a copy of the statement of fares referred to above if the prices differ in any way from those that are in force at the time for Hackney Carriage vehicles licensed by the Authority.

12.0 VEHICLE DAMAGE

- 12.1 Without prejudice to the provisions of Section 25 of the Road Traffic Act 1972, the proprietor of the vehicle shall report to the Licensing Section as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence thereof, any accident to the vehicle causing damage affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. Until the damage is repaired to the satisfaction of the

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Licensing Authority or inspected by them, and written consent is received to continue to use the vehicle, the vehicle must not be used.

- 12.2 Vehicles that have sustained major accident damage will not be accepted for plating until a satisfactory steering geometry and alignment report is provided. This will be in the form of a written or printed document from an approved VBRA vehicle repairer.

13.0 INSURANCE

- 13.1 Before the licensed vehicle is used such insurance or securities as are required under Part V1 of the Road Traffic Act 1972 shall be obtained in respect of the vehicle and the certificate in respect of the policy of insurance shall be produced to the Licensing Section for inspection. The policy must show that the vehicles are suitably insured for 'hire and reward' purposes.
- 13.2 On the expiry of the insurance a cover note or Certificate of Insurance renewing cover must be produced to the Licensing Section prior to or on the day of expiry of the previous certificate. Photocopies of the original can only be made by Licensing Section staff and faxed copies will only be accepted if received from the Insurance Company/Broker direct.
- 13.3 The proprietor must ensure that a copy of the Certificate of Insurance is kept in the vehicle at all times including details of drivers authorised under the policy to drive the vehicle.
- 13.4 The licence holder shall notify the Council of any change of insurer or any change to the insurance particulars and shall provide full details thereof within two working days of such change.

14.0 NOTIFICATIONS

- 14.1 The proprietor of a licence shall produce details of the drivers permitted to drive by him to the Licensing Authority.
- 14.2 The proprietor shall notify the Council of any change in the list of drivers within seven days of the change.
- 14.3 The licence holder shall, within seven days notify the Council in writing of any change of address and produce the vehicle licence to the Licensing Section so that the new address may be endorsed there.

15.0 SAFETY EQUIPMENT

- 15.1 The vehicle will be equipped with and carry at all times a British Safety Approved fire extinguisher, which is serviceable, suitable for use on vehicle fires and is located in a position for use by the driver. This must be permanently marked with the vehicle's Hackney Carriage or Private Hire licence number.
- 15.2 The vehicle shall be fitted with first aid equipment. The first aid kit must be carried in the vehicle in such a position as to be readily available for use and bear the plate number of the vehicle indelibly marked. It must contain as a minimum the following items as prescribed in the Public Service Vehicles (Condition of Fitness,

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Equipment, Use and Certification) (Amendment No.2) Regulations 1986. This must be permanently marked with the vehicle's Hackney Carriage or Private Hire licence number.

	Item	Quantity
15.2.1	Suitable container in which to carry first aid items. Permanently marked with the vehicle plate number	1
15.2.2	Basic instruction card covering expired air respiration, external cardiac compression, treatment of shock, recovery position and treatment for bleeding control	1
15.2.3	Triangular bandages	2
15.2.4	Large sterile unmedicated dressing (not less than 15.0 cm x 20.0 cm)	3
15.2.5	Individually wrapped sterile adhesive dressings	24
15.2.6	Safety pins	12
15.2.7	Disposable gloves	1 pair
15.2.8	Antiseptic wipes	10
15.2.9	Disposable bandage (not less than 7.5 cm wide)	1
15.2.10	Sterile eye pads with attachments	2
15.2.11	Tuff-Kut scissors	1 pair

16.0 TRAILERS

16.1 Written permission shall be obtained from the Licensing Authority to use Trailers

16.2 Trailers can only be used in connection with Private Hire Bookings and cannot be used for plying for hire on the rank. Trailers must comply with the following standards:

- ❖ Unbraked trailers shall be less than 750 KGs gross weight
- ❖ Trailers over 750 KGs gross weight shall be braked acting on at least two road wheels
- ❖ The towing vehicle must have a kerb weight at least twice the gross weight of the trailer
- ❖ A suitable lid or other approved means of enclosure shall be fitted to secure the contents within the trailer whenever in use
- ❖ The maximum permissible length of the trailer shall be 7 metres including the drawbar and coupling
- ❖ The width of the trailer shall not be greater than the towing vehicle subject to no trailer being wider than 2.3m

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- ❖ The maximum length for braked twin axle trailers is 5.540 metres.
- ❖ The trailer must at all times comply with all Road Traffic legislation requirements in particular those laid down in the Road Vehicles (Construction and Use) Regulations 1986.
- ❖ The vehicle insurance must reflect cover for towing a trailer.
- ❖ Trailers must not be left unattended anywhere on the highway.
- ❖ The speed restrictions applicable to trailers must be observed at all times.

- ❖ The registration number plate and the Vehicle Plate of the Private Hire Vehicle are attached to the rear of the trailer.
- ❖ The trailer be inspected annually, and is considered to be satisfactory by the Council.

17.0 VEHICLE INSPECTION see appendix A & B

17.1 Prior to issue or renewal of a licence, all vehicles and trailers must be mechanically inspected at the Council's Testing Depot. Frequency of testing is dependent on the age of the vehicle, see table below

17.2 All vehicles must pass the Council's compliance test before each renewal.

AGE OF VEHICLE	TYPE OF VEHICLE	FREQUENCY OF TEST PER YEAR
1-5	CAR, MINIBUS, PEOPLE CARRIER, DISABLED ACCESS	X1
5-8	CAR, MINIBUS, PEOPLE CARRIER	X2
10-15	DISABLED ACCESS	X2

17.3 Should a vehicle fail to pass an inspection, the vehicle inspector or authorised Officer of the Council will notify the licensee that the licence has been suspended. The vehicle shall be required to be resubmitted within seven calendar days and a re-test fee is applicable. This seven-day limit shall also apply to any instruction issued for a vehicle to be presented for inspection.

17.4 An authorised Officer, an Officer nominated by the Council or any police constable shall have the power at all reasonable times to inspect and test any vehicle licensed by the Council for the purpose of ascertaining its fitness.

17.5 The second test may be a MOT test and the tests must be carried out 6 months apart.

17.6 For vehicles that have been modified

- a) In order to accept an application to licence the vehicle any modification must be listed on the Registration Document in accordance with Road Traffic Legislation.
- b) The vehicles must be registered as a passenger vehicle.
- c) If there is a structural modification to the vehicle, the vehicle shall have satisfactory test certificate issued by DVLA to show the vehicle complies with the Road traffic (construction and use) Regulations 1986 or have a Voluntary Single Vehicle Approval (enhanced) certificate tested by VOSA or an equivalent test certificate as agreed by the Licensing Authority.
- d) Any modification must be notified to DVLA and the registration document amended accordingly prior to submission for a licence.

- 17.7 No vehicle other than a vehicle that was originally manufactured for the purpose of carrying people will be accepted as part of an application as a new vehicle for a hackney carriage/private hire vehicle.

18.0 RADIOS

- 18.1 Ensure that any telephone facilities and radio equipment provided are maintained in safe condition and that any defects are repaired promptly. The licensed operator will ensure that the licence issued by the Department of Trade and Industry for all radio equipment used is current and valid. All equipment must only be used on the frequencies stipulated in the D.T.I licence and the licensed operator must allow the Council access to inspect all equipment and D.T.I licenses.
- 18.2 Not to interfere with any other radio or telecommunication equipment.
- 18.3 Where apparatus for the operation of a two-way radio system is fitted, no part of the apparatus may be situated to cause accident or injury to the passenger, or in the rear boot compartment where LPG tanks or equipment are situated in them.

19.0 MINI BUSES

- 19.1 These are in addition to all other conditions and apply to mini buses that are licensed as private hire vehicles and taxis.
- 19.2 All doors must be capable of being opened from the inside when locked from the outside.
- 19.3 The vehicle must have at least two doors to the rear of the driver for the exclusive use of passengers.
- 19.4 All doors must show the method of operation of door lock operating levers i.e. Pull or Push with directional arrows in 2-inch letters.
- 19.5 All emergency doors must be clearly identifiable as such to passengers and should be clearly marked "Emergency Exit" in 2-inch letters.
- 19.6 There must be unobstructed access to all Emergency Doors or exits. (Seats must be located to facilitate this).
- 19.7 All sliding windows in the passengers' compartment should be restricted to open six inches only to protect persons from head injury.
- 19.8 All steps at entrances and exits must be illuminated or have clearly visible markings at floor level.

20.0 WHEELCHAIR ACCESSIBLE VEHICLES

- 20.1 These are in addition to all other conditions and apply to wheelchair accessible vehicles.
- (a) Vehicles offered for approval must be constructed in accordance with **M/M1**

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(b) Every new type of wheelchair accessible vehicle must comply in all respects with the following requirements: -

Motor Vehicle (Type Approval) Regulations 1980

Motor Vehicle (Type Approval) Regulations (Great Britain) 1984

And when in use with the following: -

Road Vehicle (Construction and Use) Regulations 1986 (C&U).

- 20.2 When offered for approval the vehicle must comply with British and European Vehicle Regulations and by type approved to the requirements of the M or M1 category of European Whole Type Approval 70/156/EEC as amended. Those vehicles (e.g. van conversions) which have not been 'type approved' to M or M1 Categories must be presented with approved certification that the specific vehicle meets the requirements of one of those (i.e. M or M1) categories. Most registration certificates issued since late 1998 should indicate the approval status of the vehicle.
- 20.3 Approved anchorages shall be provided for the wheelchair and chair bound disabled person. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
- 20.4 The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75cm. The minimum angle of the door when opened must be 90 degrees.
- 20.5 The clear height of the doorway must not be less than 1.2 metres.
- 20.6 Grab handles must be placed at door entrances to assist the elderly and disabled.
- 20.7 The top of the tread for any entrance must be at floor level of the passenger compartment and must not exceed 38 cm above ground level when the vehicle is unladen. The outer edge of the floor at each entrance must be fitted with non-slip treads.
- 20.8 The vertical distance between the highest part of the floor and roof in the passenger compartment must not be less than 1.3 metres.
- 20.9 A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside rear passenger door. An adequate locking device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use.
- 20.10 All vehicles fitted with a mechanical tail lift must supply a tail lift safety certificate annually. This must be supplied upon renewal of the vehicle licence.
- 20.11 Wheelchair accessible hackney carriages must remain wheelchair accessible at all times.

- 20.12 When tested any wheelchair provision will be counted, as a permanent passenger seat and this will be marked on the licence plate.

21.0 GENERAL CONDITIONS

- 21.1 The proprietor of a licensed vehicle shall not convey or permit to be conveyed in such vehicle any greater number of persons than the number specified in the licence issued to that particular vehicle.
- 21.2 All vehicle proprietors must maintain a reasonable standard of behaviour in their dealings with the general public, other licensed operators, proprietors, and drivers of licensed vehicles and Authorised Officers of the Council.
- 21.3 The proprietor or driver of a licensed vehicle licensed by the Council shall furnish the Authorised Officers, such information relating to either the drivers or vehicles as is necessary to enable them to undertake their duties.
- 21.4 The proprietor or driver of a licensed vehicle licensed by the Council shall provide assistance necessary for carrying out the functions of the appropriate legislation to an Authorised Officer and any person accompanying the Authorised Officer.

The Authorised Officer will show their authorisation if required.

22.0 SPARE VEHICLE TRANSFER CONDITIONS

- 22.1 The alternative vehicle must comply with the standard conditions for licensed vehicles and hold a current compliance and test certificate.
- 22.2 The alternative vehicle will have valid insurance cover when in use.
- 22.3 The temporary transfer licence will be valid for a maximum of ten days. An extension to this may be granted at the discretion of the Licensing Officer. Notification must be made to the Taxi Licensing Office when the spare vehicle is being used, this may be done by telephone out of normal working hours.
- 22.4 A valid temporary transfer licence must be held during the operation of any alternative vehicle.
- 22.5 The spare plate will be printed on the reverse of the main plate, to allow it to be turned over and displayed when in use. Where this is not possible alternative arrangements can be made with the Taxi Licensing Staff.
- 22.6 Notification must be received at the Taxi Licensing Office before the spare vehicle plate is used. The notification must contain details of reason for its use.

23.0 ACCIDENTS

- 23.1 Without prejudice to the provisions of Section 25 of the Road Traffic Act 1972, the owner of the vehicle shall report to the Licensing Section as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence thereof, any accident to the vehicle causing damage affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried

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therein. Until the damage is repaired to the satisfaction of an Authorised Officer, the vehicle must not be used for hire unless written consent is received.

- 23.2 Accidents involving personal injury to passengers must be notified to the Police and Licensing Unit as soon as possible but in any case within forty-eight hours.

24.0 CCTV

- 24.1 No recording CCTV equipment shall be fitted without the written consent of the Council. Consent shall only considered for a system that encrypts the data to avoid tampering. Where CCTV equipment is fitted a Council approved sign must be displayed in the vehicle warning customers that camera surveillance equipment may be in operation. Any image captured by the camera shall only be viewed by, or with the written permission of the Council or Police.

APPENDIX 1 HEREFORDSHIRE COUNCIL

LICENSED VEHICLE TESTING STANDARD – MECHANICAL AND STRUCTURAL

Items for test in addition to MOT test.

The item numbers refer to the item codes on the test sheet.

29	Spare Tyre	Correct size for vehicle and conforms to legal requirements.
32	Seat Belts	All seat belts must conform to legal requirements and be operational
33	Wiring	Ensure that correct load fuses are being used. Ensure that visible wiring is not so corroded or chaffed that in the opinion of the tester a short circuit is likely to occur. That all junctions and installations are electrically sound.
34	Battery	Ensure that the battery mounting is not so corroded that the battery may break loose. Ensure that the battery is anchored securely. Ensure that the casing of the battery is sound and is not likely to allow acid to escape.
35	Starter Motor	Ensure starter motor is mounted securely
36	Engine Mountings	Mountings must be secure and not so corroded that they may be likely to fail.
37	Oil Leaks	Oil leaks must not create any type of hazard for the vehicle, pedestrians or other road users.
39	Drive Shaft	Universal joints must be serviceable and mountings secure. There must not be any undue 'play'.
40	Gearbox	Mountings must be secure and not so corroded as to be likely to fail. Gear selection must not be noisy.
41	Rear Axle	No oil leaks
43	Clutch Operation	Must operate satisfactorily and not 'judder', 'grab' or 'slip' outside normal limits.
44	Clutch Linkage	No signs of undue wear and are not likely to fail.
45	Clutch Hydraulics	System, if fitted, must not be leaking or the pipes and fittings so corroded that they may fail.
46	Fuel System	Inspected for security, corrosion and leaks.
50	Windscreen	Screen must be clear and there are no scratches, damage or obstructions, which will impede the view of the driver.
51	Windows	All windows must be clear of any obstructions or damage, which will in any way impede the view of the driver. No curtains must be placed over the windows and any blinds if installed must not be of a type, which will restrict all round vision. All windows must be capable of being operated in a satisfactory manner. All windows must be fitted with glass, which complies with the British Standard.
54	Vehicle Structure	The structure must be in a sound condition with no signs of excessive corrosion or damage.

55	Speedometer	The speedometer shall work in a normal manner.
56	Odometer	The odometer shall work in a normal manner
57	Mirrors	All mirrors must be securely mounted and not cracked, broken or corroded so as to distort any view to the rear. Where a mirror is intended to be adjustable it must be capable of being adjusted.
58 59	Doors / Handles / Locks	All doors, including boot, must open and close easily from both inside and outside. Any door locking mechanism shall be easily operated by passengers. All doors and boots shall be secure when shut. All lock fittings shall be secure and complete. Grab handles where fitted must be secure and fit for the purpose.
60	Fascia / Interior Lights	The speedometer shall be correctly illuminated. All interior and passengers lights where fitted shall be secure and operate. All switches and fittings shall be secure and operate correctly. There shall be no exposed wires or large holes in the fascia.
61	Bumper	Front and rear bumpers must be fitted and securely mounted. They must not be so badly damaged or corroded as to make them unfit for their purpose.
62	Road Test	The vehicle must be capable of manoeuvring safely and 'handles' correctly without any undue drift or pull etc
63	Registration Plates	Checked for condition, correct location and that they conform to legal requirements.
65	Other	Any item, defect or fault which in the opinion of the Licensing Officer or the mechanical tester which renders the vehicle in their opinion, to be unfit for use as a hackney carriage or private hire vehicle will be noted as a fail.
66	First Aid Kit	The kit must comply with conditions 15.2
67	Fire extinguisher	Must comply with condition 15.1

APPENDIX 2

HACKNEY CARRIAGES **TESTING STANDARD – APPEARANCE / SAFETY / COMFORT / COMPLIANCE WITH LICENCE CONDITIONS**

Items considered in test: -

1.0 External Bodywork

The body work shall have no damage which materially affects the safety or appearance of the vehicle, shall not have signs of corrosion or have any sharp edges which may cause injury to passengers. The paintwork shall be clean, consistent and uniform over the whole vehicle. The paintwork shall be of a professional standard. All fittings shall be intact and free from any damage, stains or corrosion of any kind.

2.0 Seats and Upholstery

All seats, upholstery, trim and carpets must be clean and free from stains, holes, tears and damage of any form. There must be no sharp edges, which would be likely to cause injury or damage. Seat coverings must be sound, intact, fitted snugly to seats and be clean. The interior seat springs shall be sound and not penetrating the fabric of the seat. There shall be no loose rugs, blankets, cushions or other articles on the passenger seats.

3.0 Floor

The floor must be sound and covered by fitted vehicle carpets. If furnished with rubber mats they must be in a clean and undamaged condition. Carpet off cuts are not acceptable as mats in the vehicle. Only one mat per seat is acceptable. The floor coverings must not be so worn as to cause danger to passengers.

4.0 Doors

All fittings shall be secure, undamaged and capable of being operated at all times by the passenger. The door linings shall be intact, clean and free from holes, tears, stains or any other damage.

5.0 Head Lining

The head lining shall be intact, clean and free from holes, tears, stains or any other damage.

6.0 Boot

The boot shall be kept clean and free of any stains, spills etc. Matting if fitted must be in one piece and be capable of being cleaned. The boot must be kept clear for the use of passenger's luggage apart from the spare wheel and jack (and excepting specialised fitments for first aid or other equipment etc).

7.0 Fire Extinguishers

A fire extinguisher (of the specified type) must be located and a notice displayed in the vehicle to identify its location. The fire extinguisher must be so secured and unobstructed that it will not create any danger or hazard for the driver or passengers. The extinguisher shall be clearly marked with the number of the licence when granted, in a manner acceptable to Officers of the Licensing Unit.

8.0 First Aid Kits

First Aid kits shall be available to PSV standard. The kit shall be marked with the number of the licence when granted, in a manner acceptable to Officers of the Licensing Unit.

9.0 Taximeter

The taximeter shall be checked and tested to ensure that the current tariffs set by Herefordshire Council are not exceeded. The taximeter may be sealed by the Inspecting Officer, as he/she considers necessary.

10.0 Fare Card

The fare card must be clearly displayed in such a position as to be easily seen by passengers.

11.0 Internal Plate Sticker

The internal plate sticker shall be displayed in such a position as to be easily seen by the passengers.

12.0 Exterior Plate

The external identification plate issued by the Council shall be securely fixed to the vehicle in such a position as to be clearly visible from the rear of the vehicle, or, centrally on the rear of the vehicle, where a bracket behind the registration number plate is used.

13.0 Top Light

The top light where fitted must be capable of being illuminated. The light must be securely mounted and installed so as not to cause any danger or hazard to the driver, passengers, the public or other road users.

Where in the opinion of the Inspecting Officer the vehicle fails to reach the standard required by the Council for the issue of a hackney carriage licence, the applicant(s) or nominee will be

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informed of the defects or grounds on which the vehicle has failed to reach that standard. The applicant(s) or nominee will then be given the choice of: -

Removing the vehicle from the test garage for the defects to be rectified and returning the vehicle within 7 days and/or 200 miles (where the vehicle is normally kept within 10 miles of the testing station), or within 7 days and/or 300 miles (where the vehicle is normally kept more than 10 miles from the testing station). The applicant or nominee shall also pay the appropriate re-test fee if required.

If the vehicle is not returned for re-test within 7 days the applicant or his/her nominee shall inform the Licensing Unit of the reasons why and any proposed further actions to be taken in respect of the vehicle. Re-tests after 7 days may incur full application fees.

Please note: - This list is not exhaustive and additional items may be included as deemed appropriate by Officers of the Licensing Unit.

Data Protection Act 1998

This policy covers the treatment of personal data that Herefordshire Council may collect when you e-mail us, complete an application form, or when you complete and submit an online form on our web site.

When completing forms you may be asked for personal information such as name, address, postcode etc. It is only when you supply this type of information that you can be personally identified.

Herefordshire Council is registered with the Data Protection Act 1998 for the purpose of processing personal data in the performance of its legitimate business. Any information held by the Council will be processed in compliance with the principles set out in the Act.

Further information relating to the Data Protection Act 1998 can be sent to you on request.

If you have concerns about the processing of your personal data by the Council you may contact the Council's Data Protection Officer:

Data Protection Officer,
County Secretary and Solicitor
Herefordshire Council
Brockington
35 Hafod Road
Hereford HR1 1SH

MEETING:	REGULATORY COMMITTEE
DATE:	6 OCTOBER 2009
TITLE OF REPORT:	REVIEW OF HACKNEY CARRIAGE FARES FOR 2009/2010
PORTFOLIO AREA:	ENVIRONMENT & CULTURE

CLASSIFICATION: Open

Wards Affected

County-wide

Purpose

1. To consider the annual review of Hackney Carriage fares

Key Decision

This is not a key decision

Legal Implications

2. Section 65(1) The Local Government (Miscellaneous Provisions) Act 1976 allows the local authority to fix the rates/fares within the Authority for time, distance and all other charges in connection with the fare of a vehicle or with the arrangements for the hire of a vehicle, by means of a table of fares.
3. Section 65(2)(a) dictates a minimum of 14 day period of advertisement, if no objections are received fare changes can take effect from the specified date, if objections are made or if objections are not withdrawn the Local Authority shall set a further date not later than two months after the date specified for the changes in fares to take effect following consideration of the objections at Regulatory Committee.

Key Points Summary

- An early review took place on 12th August 2008 due to a price increase in fuel costs.
- The present fees were agreed at that meeting. (Appendix 1).
- Chairman of the Taxi Association e-mailed on the 16.9.09 stating the Taxi Association had voted for a freeze on the current fare.
- Prices reached a peak in August 2008 of £125.6 and as of August 2009 the price is £106.8

Further information on the subject of this report is available from
Marc Willimont – Licensing Officer on (01432) 261986

(both figures are for diesel).

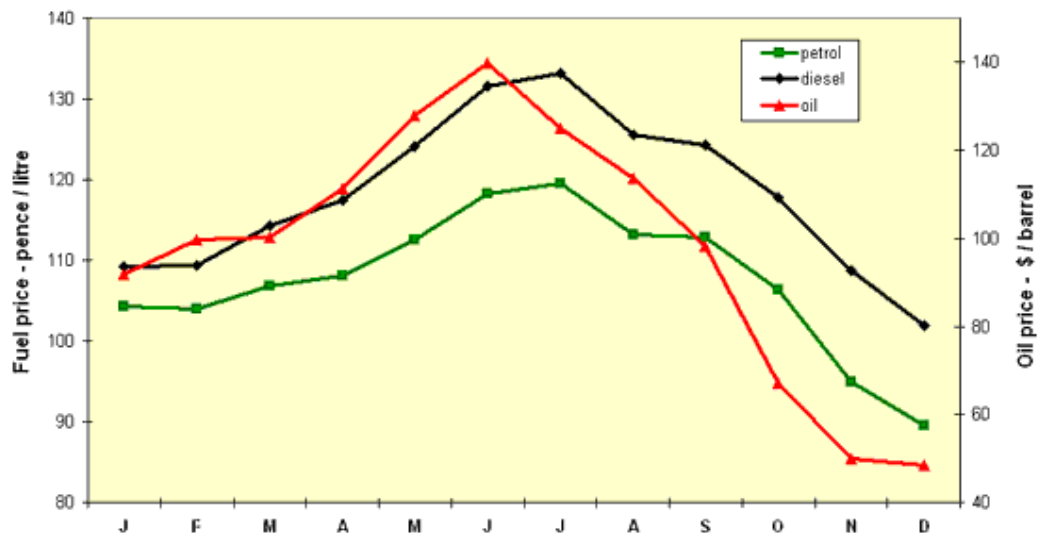
- An advert will be placed for a period of two weeks for consultation; this will take place after the Committee's Decision today.

Introduction and Background

- An early review took place on 12th August 2008 due to the sudden rise in fuel prices up until August 2008, when it then began to fall.
- The following is the decision notice from the meeting held on the 12th August 2008:-

The request for a taxi fares increase be accepted as set out above and that providing that there are no public objections during the consultation period ending 4 September 2008; implementation of the increase on 8 September 2008 be delegated to the Acting Head of Environmental Health and Trading Standards. If any objections are received, the matter will be brought back to the Committee for further consideration.

- The Taxi Association requested that the fare remain unaltered for the period 2009-2010.
- Prices reached a peak in August 2008 and the following graph (source AA) indicates the trend in fuel price for the period covering 2008:-



- When a decision is made an advert will be placed in the local press for a period of two weeks for any objections to be received. If there are no public objections during the consultation period, acting under delegated powers, the Acting Head of Environmental Health and Trading Standards will set the agreed fees.
- If any objections are received the matter should be brought back to the Regulatory Committee in November 2009.
- Following the increase in August 2008, representation was received from the Royal National College for the Blind (RNCB) who was concerned that for many of the people they represent, taxis form the main form of transport available to them.

Key Considerations

4. If the fares should remain unaltered or have a change either by increase or decrease.

Recommendation(s)

5. **THAT Committee:**
 - (a) **The committee should reach a decision based on the content of the report and any information received during the meeting.**

Reasons for Recommendations

6. The licensing authority believes it has considered carefully current trends in prices of fuel, and in accordance with the relevant Legislation, fulfils the Local Authorities main aim of protecting public safety.

Alternative Options

7. **a) The fares be left the same.**
Advantages: This option is the preferred of the Taxi Association.
Disadvantages: Changing the conditions may compromise the Council's legislative powers.
- b) To defer the decision in order to get more information**
The Committee could make a decision to defer the decision, this will allow further information to be considered and advice given.
Advantages: Gives the opportunity for further information to be sought.
Disadvantages: This would delay the decision process and will incur further costs.
- c) To reach some other decision**
Advantages: This leaves other options open to the Committee to resolve the matter.
Disadvantages: There are no clear directions from the Environmental Health Manager in respect of the application.

Community Impact

8. It is felt that any decision made will have very little on the community.

Financial Implications

9. Not applicable

Appendices

10. Appendix 1 – Taxi fare sheet 2008 – 2009
Appendix 2 - Table of effect of % changes

Background Papers

11. No background papers are available.

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
HACKNEY CARRIAGE FARES 2009/2010

NOTICE IS HEREBY GIVEN that Herefordshire Council in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 propose to set the maximum fare charged in a licensed Hackney Carriage for the period 2009/2010 as follows: *current fares shown in italics.*

Tariff One	Inclusive of VAT
For each journey not exceeding 950 (965) metres	£2.60 (<i>£2.40</i>)
For each subsequent 80 (90) metres or part thereof	£0.10 (<i>£0.10</i>)
Waiting time for each period of 25 (28) seconds or part thereof	£0.10 (<i>£0.10</i>)

Tariff Two

For hirings begun between 11.00 pm and 8.00 am and public Holidays other than Christmas and New Year 150% of Tariff One i.e. £3.90

Tariff Three

For hirings begun between 11.00 pm on 24th December to 8.00 am 200% of Tariff One i.e. £5.20
On 27th December and 11.00 pm on 31st December to 8.00 am
On 2nd January

Extra Charges

For each package other than hand luggage	£0.20
For each bicycle or perambulator	£0.20
For each person in excess of two	£0.50
For cleaning a vehicle where it has been fouled by passengers	£55.00

A copy of this notice will be displayed at the Info Centres at Hereford, Ross on Wye, Leominster, Bromyard and Kington. It will be open to public inspection without payment during normal office hours.

Any objections to the proposed increases should be made in writing stating the reason therefore and be sent the undersigned to Licensing Unit, County Offices, Bath Street, PO Box 233, Hereford HR1 2ZF by the 16th October 2009.

If no objections are made or if all objections so made are withdrawn, the proposed fees shall come into operation on 4th November 2009, or at the date of withdrawal of the last objection, whichever is the later, subject to approval of elected members.

If objections are duly made and not withdrawn, the Herefordshire Council, shall set a further date not later than two months after the date specified above on which the proposed increases shall take effect with or without modifications, as decided by Herefordshire Council after consideration of any objections.

Dated this 1st day of October 2009

If you require a copy or a response form please telephone the Licensing Unit on 01432 260105

Appendix 2

Starting fare	% increase	New fare
£2.60	5%	£2.70
£2.60	10%	£2.90
£2.60	15%	£2.80
£2.60	20%	£3.10
Starting fare	% decrease	New fare
£2.60	5%	£2.50
£2.60	10%	£2.30

REGULATORY COMMITTEE
LICENSING APPEAL PROCEDURE

1. Introduction by Legal Advisor to the Committee.
2. Licensing Officer outlines the case.
3. Applicant (or his solicitor) sets out his case.
4. Questions asked by the Committee or Licensing Officer or Applicant.
5. Applicant (or his solicitor) asked if he would like to make further comment or representation, or if he requires time to comment or investigate (if so, Chairman defers application).
6. In dealing with each application, the applicant (and any representative) should also withdraw should be asked to withdraw when they have finished their presentation. All officers, other than the Legal Adviser to the Committee, should also withdraw. It would be preferable for the applicant and officers to await the decision at different locations.
7. If either the applicant or the officer are needed to furnish additional information, they should all be invited back before the Committee. When the additional information has been furnished, they should all be asked to leave again.
8. The Committee can then reach a decision in the usual way, but in the absence of parties.
9. The applicant and officers will then be invited to return. The Chairman will announce the decision. The Chairman should also say that the decision will be communicated in writing in due course, and that the applicant will be informed of any right of appeal (if the decision is one of refusal).
10. When the first applicant is finished, that applicant should leave. Deal with the second and subsequent applications in the same way.

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