

A G E N D A

Regulatory Committee

Date: **Tuesday, 31st January, 2006**

Time: **10:00 a.m.**

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:

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Regulatory Committee

To: Councillor R.I. Matthews (Chairman)
Councillor Brig. P. Jones CBE (Vice-Chairman)

Councillors Mrs. S.P.A. Daniels, G.W. Davis, D.J. Fleet, J.G.S. Guthrie,
J.W. Hope MBE, T.W. Hunt, J.W. Newman, R. Preece, D.C. Taylor and
P.G. Turpin

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| <p>1. APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p> | |
| <p>2. NAMED SUBSTITUTES (IF ANY)</p> <p>To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.</p> | |
| <p>3. DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p> | |
| <p>4. MINUTES</p> <p>To approve and sign the Minutes of the meeting held on 29th November, 2005.</p> | 1 - 6 |
| <p>5. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH HIGHWAYS ACT 1980, SECTION 119 - PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH LW4 (PART) IN THE PARISH OF LLANWARNE</p> <p>To consider an application under the Highways Act 1980, Section 119, to make a Public Path Diversion Order to divert part of Footpath LW4 in the parish of Llanwarne.</p> <p>Ward: Pontrilas</p> | 7 - 10 |
| <p>6. SUMMARY OF THE LICENCES ISSUED BY THE LICENSING DEPARTMENT</p> <p>To consider a report about the taxi service in Herefordshire.</p> <p>Wards: Countywide</p> | 11 - 16 |

7. **HACKNEY CARRIAGE AND PRIVATE HIRE - REQUEST FROM MR WILTSHIRE TO DEVIATE FROM STANDARD CONDITION 3.1 (AGE OF VEHICLE) - TOWN POLICE CLAUSES ACT LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976** 17 - 34

To consider a request from Mr Wiltshire to allow his vehicle not to be replaced on reaching 8 years of age contrary to Condition Number 3.1 in the Hackney Carriage and Private Hire Vehicle Licence Conditions.

Wards: Countywide

8. **HACKNEY CARRIAGE AND PRIVATE HIRE - REQUEST FROM MR PULLIN TO DEVIATE FROM STANDARD CONDITION 3.2 (STANDARD OF THE VEHICLE) - TOWN POLICE CLAUSES ACT LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976** 35 - 36

To consider a request from Mr Pullin to allow his disabled access vehicle to be replaced with a saloon motor car contrary to condition number 3.2 of the Vehicle Licence Conditions.

Wards: Countywide

9. **PROCEDURAL ARRANGEMENTS** 37 - 38

To note the procedural arrangements for the meeting.

EXCLUSION OF THE PUBLIC AND PRESS

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.

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

10. **APPLICATION FOR A DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976** 39 - 42

To determine whether an applicant is a 'fit and proper person' to be granted a dual drivers licence.

11. **APPLICATION FOR A DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976** 43 - 46

To determine whether the applicant is a 'fit and proper person' to be granted a dual drivers licence.

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| 12. | APPLICATION FOR A DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 | 47 - 50 |
| | To determine whether the applicant is a 'fit and proper person' to be granted a dual drivers licence. | |
| 13. | APPLICATION FOR A DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 | 51 - 54 |
| | To determine whether the applicant is a 'fit and proper person' to be granted a dual drivers licence. | |

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**MINUTES of the meeting of Regulatory Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Tuesday, 29th November, 2005 at 2.00 p.m.**

Present: Councillor R.I. Matthews (Chairman)
Councillor Brig. P. Jones CBE (Vice Chairman)

Councillors: Mrs. S.P.A. Daniels, G.W. Davis, D.J. Fleet, J.G.S. Guthrie,
J.W. Hope MBE, T.W. Hunt, J.W. Newman, R. Preece, D.C. Taylor and
P.G. Turpin

In attendance: Councillors P.J. Edwards

41. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Brig P Jones CBE.

42. NAMED SUBSTITUTES (IF ANY)

There were no substitutions made.

43. DECLARATIONS OF INTEREST

There were no declarations of interest made.

44. MINUTES

RESOLVED: That the Minutes of the meeting held on 25th October, 2005 be approved as a correct record and signed by the Chairman.

45. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH CS4 (PART) IN THE PARISH OF CASTLE FROME

A report was presented by the Assistant Rights of Way Officer in respect of an application under the Highways Act 1980, Section 119, to make a Public Path Diversion Order to divert part of footpath CS54 (Part) in the parish of Frome. She advised that proposed diversion met the criteria set out in Section 119 in that:

- the proposal benefits the owner of the land crossed by the existing path;
- the proposal does not alter the point of termination of the paths; and
- the proposal is not substantially less convenient to the public.

She also advised that the applicant required the diversion so that the footpath would be removed from the garden of Moorend Farm. The applicant also wanted some security to his private wildlife reserve which was based around several ponds and has been built up over the years. She also said that the applicant had agreed to pay for advertising and to reimburse in full the Council's costs incurred in making the Diversion Order, including bringing the proposed route up to an acceptable standard. The local parish council, user groups and Ward Member had been consulted and although some objections had been made, her view was that the applicant had

fulfilled all the requirements of the legislation and that they could not therefore be sustained.

Having considered all the facts in respect of the application, the Committee decided that it should be granted.

RESOLVED: That a Public Path Diversion Order be made under Section 119 of the Highways Act 1980 in respect of part of footpath CS54 in the parish of Castle Frome, as illustrated on drawing number D306/79-4(i).

46. PROPOSED HACKNEY CARRIAGE TARIFF INCREASES 2005/2006

The Licensing Officer presented the report of the Head of Environmental Health and Trading Standards about proposed increases in taxi fares. She said that the proposed increases were agreed in principle by the Committee on 25th October 2005 provided that there were no objections received. Unfortunately the incorrect tariff increase had been advertised in the press and an objection had been received from Mr J Clyde (chairman of the local hackney carriage Steering Group). She said that if the Committee was agreeable, a revised advert would be placed with a view to the proposed fare increases taking affect from 12 December 2005.

The Committee considered the proposed fare structure and agreed with the proposals put forward by the Licensing Officer.

RESOLVED

that the proposed fare increase set out in the report of the Head of Environmental Health and Trading Standards takes effect from 12th December 2005.

47. REGULATORY SUB-COMMITTEE

The Committee Manager (Statutory and Planning) gave an outline of the licensing work which had been undertaken by the Regulatory Sub-Committee during the past few months as follows:-

Premise licence applications

During transition Received 732 in total of which 401 varied = 55%

Currently have 45 pending licences

Pubs Licensable activities to 01.00 – 02.00 Closing 1.30 - 3.00

Night Clubs Licensable activities to 03.00 Closing 3.30

The majority of premises kept extension for New Years Eve up to 36 hours and some have added an hour for New Years Eve and Christmas Day.

total 787 Approx = 80%

20% = 200 not applied

Club Premise Certificate Applications

During transition received 58 in total of which 25 varied = 43%

Currently have none pending

Clubs extensions range for licensable activities up to 01.00 to 03.00

Closing 01.30 – 03.00

applied = 80 %

not applied = 20%

Personal Licence Applications

During transition received 762 in total

Currently have 70 pending

Reports sent to Regulatory Sub Committee

5/7/2005 - 1/11/2005 = 18 meetings arranged of the Regulatory Sub Committee (2 of these meetings were cancelled as the applications were agreed before committee hearing)

58 reports have been submitted to the Regulatory Sub-Committee, 15 of these were agreed before they got to Committee, leaving 43 determined by it.

Appeals

Three premises have lodged appeals to committee decision. To be heard at the Magistrates Courts.

Village Halls

162 non fee paying include village halls, churches, community buildings

11 Village Halls applied for alcohol licence (would pay a fee)

Current Situation

All the licences submitted before 6th August have been determined however the licensing staff are now imputing the information onto the data base to issue the licences. Some of the applicants may not receive their licence before 24th November but we will notify them that their licence is on the way.

If they haven't applied for their licence technically they will not be licensed carry out a licensable activity.

The Licensing Section was seeking Government guidance on what action to take against those premises for which a licence had not been applied for following the 24th November deadline.

48. PROCEDURAL ARRANGEMENTS

The Committee noted the procedural arrangements for hearing appeals to ensure that the laws of natural justice were complied with for the benefit of appellants and Officers.

49. APPLICATION FOR A DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Officer explained that an applicant for a Hackney Carriage/Private Hire driver's license had a conviction which did not become unspent until 2010 and

that she had therefore referred the matter to the Committee in accordance with the Council's terms and conditions and the advice on the interpretation of spent convictions. The applicant gave details of the circumstances which had given rise to the conviction and explained why he felt that he should be granted a licence. Having considered all the facts put forward by the Licensing Officer and the applicant, the Committee was satisfied that he was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that he could be granted a licence.

50. APPLICATION FOR A DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Licensing Officer presented a report about an application for a dual Hackney carriage and private hire driver's licence. She explained issues relating to the requirement to obtain medical clearance from a G.P. as stipulated within the provisions of the hackney carriage and private hire licensing legislation and the Council's licensing conditions. She also provided the Committee with the views of the Council's Medical Advisor that the application should not be granted. The applicant was given the opportunity to address the Committee in respect of his application and explained his medical background.

Having considered all of the facts put forward by the Licensing Officer and the applicant, the Committee decided that the applicant could not be granted a licence because he had not been able to fulfil the necessary medical requirements.

51. DATE OF NEXT MEETING

The meeting ended at 4.20 p.m.

CHAIRMAN

Document is Restricted

5 HIGHWAYS ACT 1980, SECTION 119, PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH LW4 (PART) IN THE PARISH OF LLANWARNE

Report By: Head of Highways and Transportation

Wards Affected

Pontrilas

Purpose

To consider an application under the Highways act 1980, section 119, to make a public path diversion order to divert part of footpath LW4 in the parish of Llanwarne.

Key Decision

This is not a key decision

Considerations

1. An application was made in September 1987 by Major Sevenoaks of The Old Coach House, Llanwarne, also on behalf of Mr and Mrs Darby of The Old Rectory, Llanwarne. The County Engineer and Planning Officer of Hereford and Worcester County Council (HWCC) decided to make the Order under delegated powers, but there was a delay in making the order. The applicants were informed in 1994 (appendix 2) and again in 1996 (appendix 3) that if they wished the diversion to proceed, the Council would need written confirmation from the Landowner, Mr Birchley to have the path diverted onto his property. In 1994 the applicants returned a conveyance that they thought might fulfil the necessary legal agreement for the new footpath. Legal guidance indicated that the conveyance was not fit for this purpose.
2. The applicants seemed to believe that the diversion was complete since the new route was provided and the old route stopped up, even though no order had been made. The route proposed is currently in use with a Hereford and Worcester County Council (HWCC) footpath signpost and stile at the western end. It is an enclosed pathway at a width of 3 metres running between the adjoining landowners and is well defined and clear.
3. Despite further correspondence the landowners consent has never been agreed in writing. In September 1997 the Rights of Way section of HWCC drafted a report to recommend that the application be not proceeded with. This report was never sent out to the local member but in October 1997, the Director of Environmental Services decided to go ahead with making the order without landowner consent. Revised route descriptions were drawn up and sent to Director of Administrative and Legal Services (DALs) of HWCC, and the local District Council consulted over the last part of 1997 and early 1998. Despite this action the Order was never made by DALs. There are no documented reason as to why this order was never made.

Further information on the subject of this report is available from Susan White Assistant Rights of Way Officer on (01432) 260572

4. Current obstructions along the legal line are highlighted on the attached map (appendix 4)
 - 1: Obstruction by small shrubs and a vegetable bed.
 - 2: Obstruction by a stock-proof fence (boundary fence between The Old Coach House and The Old Rectory) and a hedge of young beech.
 - 3: Obstruction by young apple tree.
 - 4: Obstruction by a 0.25m high rail barrier and a drop of 0.5 metres from the tarmac surfaced car park.
 - 5: Remainder of path runs across a lawn to exit at a stock-proof boundary fence which obstructs it.

It is noted that between points 1,2,3 and 4 there is a fowl run with a high fence of netting.
5. Since 2003 numerous attempts have been made to obtain the landowners consent or to confirm that the applicants will indemnify the Council against any possible claim for compensation, including two registered letters and a telephone conversation with the occupier of the property in the latter part of 2003. To date there has been no response to the repeated attempts to obtain this permission (appendix 5).
6. In June 2004 Mrs Darby and Mr and Mrs Sevenoaks were informed that since the landowners written permission has not been received the Rights of Way Section could not proceed with the application and would recommend its rejection (appendix 6). No reply or comment has been received.

Alternative Options

The Council could make the order, but runs the risk of a compensation claim being made against it. A valuation of the land in question was estimated by the Valuation & Industrial Agency in 1997. This figure may now to be much greater.

Risk Management

If the applicants refuse to open up the legal line of the path, the Council may have to resort to enforcement action to secure public access.

Consultees

Local Member Cllr J P Hart and County Engineer and Planning Officer, both gave their support to the making of the order in 1988 before the problem of landowner consent was raised. Statutory undertakers were also consulted in 1988.

Cllr Davis was consulted on 3rd September 2004 with a copy of this draft report. He telephoned 30th September to say that he would try to contact Mr Birchley (landowner). Lisa Hughes has since spoken to Cllr Davis who has not been able to contact the landowner. He pointed out that the local public had been walking the diverted route for years not knowing

Further information on the subject of this report is available from Susan White Assistant Rights of Way Officer on (01432) 260572

any different. He wondered whether the problem could be resolved with a modification order. However, this application for a diversion requires resolution and therefore it is felt necessary to reject it for the reasons set out above. If the parish council or landowners applied for a modification order in the future then that would be considered under separate legislation.

Recommendation

That the application be rejected.

Reasons

The applicants do not have the permission of the landowner onto whose land they wish to divert the footpath (as shown in order plan D52/245-4 in appendix 1).

Appendices

Appendix 1: Order plan D52/245-4

Appendix 2: Letter to applicants dated 9th June 1994

Appendix 3: Letter to applicants dated 9th October 1996

Appendix 4: Obstructions on legal line

Appendix 5: Letter to Landowner in 2003

Appendix 6: Letter to applicants dated 2nd June 2004

6 SUMMARY OF THE LICENCES ISSUED BY THE LICENSING DEPARTMENT SINCE DEREGULATION OF VEHICLE NUMBERS.

REPORT BY: Head of Environmental Health and Trading Standards

Wards Affected

County-wide

Purpose

1. To report to the Regulatory Committee the numbers of hackney carriage vehicles, private hire vehicles and operators in Herefordshire since deregulation in 2000.

Background To The Legislation

2. In England and Wales (outside London) local licensing authorities can choose to place a limit on the number of taxi (vehicle) licences that they grant. (This relates solely to vehicle licences; there is no power to control the number of driver licences.) From a recent Department of Transport report more than half of all licensing authorities choose not to impose a limit.
3. Those licensing authorities that choose to control taxi numbers cannot just set an arbitrary limit; they must have regard to the question of demand. Section 16 of the Transport Act 1985 provides that:

"the grant of a licence may be refused, for the purpose of limiting the number of hackney carriages in respect of which licences are granted, if, but only if, the person authorised to grant licences is satisfied that there is no significant unmet demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet".

4. The usual way of assessing demand is by means of a survey. Taxi licence applicants have a right of appeal to the Crown Court against a decision to refuse a licence; if the refusal was on the grounds of limiting numbers, the onus would be on the local authority to demonstrate to the court that there was no significant unmet demand.
5. The issue of unmet demand needs to be considered carefully. Whilst there may be some particular pressure areas, (where taxi supply appears to outstrip demand), this may be restricted to limited times and sites. In other areas demand may be "stretching supply" for example in the early hours of the morning when customers leaving pubs and nightclubs across the County put a heavy demand on taxis. A reduction in the number of taxis available to help in dispersing people at this time could create other problems such as an increase in disorder.

6. An unmet demand survey would cost the local authority and the trade a considerable amount of money. Whilst no detailed estimates have been sought, indications from companies who undertake such surveys suggest the figure would be in the order of twenty thousand pounds, for which there is currently no budget. In addition such surveys would need to be undertaken on a fairly regular basis to ensure “need” had not changed. The Office of Fair Trading suggests that the national average for such surveys is every two to four years.
7. A report from in November 2003 from the Office of Fair Trading (OFT), entitled, “The Regulation of Licensed Taxi and PHV Services in the UK” examined, amongst other things the regulation of the quantity of Taxis operating in a local authority area. The OFT report recommended, *“that the legislative provisions allowing licensing authorities to impose quantity controls should be repealed. In the meantime we recommend that LAs with quantity controls remove them.”*
8. The basis for the OFT recommendation is detailed in the report and an extract of that report is produced below:

“Consumers suffer through:

- *reduced availability of taxis - quantity controls, on average, reduce the number of taxi vehicles by about 25 per cent and in some cases by much more than that. For example, since removing quantity controls Sheffield now has 52 per cent more taxis.*
- *increased waiting times - quantity controls increase the amount of time that people have to wait for a taxi. Overall, our research shows that restricting quantities increases average waiting times. At certain times of day, such as peak times, waiting times increase on average 10 per cent.*
- *reduced choice – the lower availability of taxis in LAs with quantity controls reduces transport options for consumers. These consumers use other forms of transport to make their journey.*
- *reduced safety – a shortage of licensed taxis on the streets, especially during the evening, encourages the use of illegal taxis, potentially exposing consumers to serious safety threats. This is a significant problem. We estimate that approximately 1.8 million people have taken an illegal taxi at least once in the past 12 months. Limited supply of taxis can also contribute to difficulties faced by the police in clearing city centres or public places in the evenings.”*

“Quantity regulations also restrict those wanting to set up a taxi business from entering the market to meet the demands of consumers. They do this by:

- ***creating a premium on taxi licences*** – *in areas where licences are limited in number they have themselves become valuable commodities typically ranging from £12,000 to £50,000. This creates a sizeable entry barrier.*
- ***delaying market entry*** – *areas with quantity controls have a waiting list for people wanting to set up taxi businesses. In some areas the number of people on the waiting list exceeds the number of licences already in circulation, indicating that there are more people wanting to enter the market than are currently serving it.”*

Overall therefore these quantity restrictions serve neither consumers nor potential entrants. There is no clear rationale for maintaining these regulations. We have nonetheless explored potential rationales which have been put forward to justify the regulation, and found none to be convincing.

The main arguments which could be offered in favour of quantity controls are:

- *that there is no excess demand for taxis. **We reject this as our research shows that demand is there but is not being met***
 - *that they ensure the quality and safety of the fleet in terms of vehicles and drivers. **We believe that effective quality regulation, rather than restricting taxi numbers, is the reliable way to ensure this***
 - *that they ensure a supply of taxis outside peak times. **We reject this as our study shows that when quantity controls are removed taxi supply increases across all times of day, and***
 - *that they can be used by LAs to control congestion and pollution levels and encourage public transport use. **Our view is that applying quantity controls will not achieve these aims and that there are more effective ways of meeting these goals.***
9. Whilst this report is clearly a review of the national situation Herefordshire's position is not dissimilar to that reflected in the national picture.

Numbers Of Vehicles, Drivers And Operators in Herefordshire

10. Appendix 1 shows the position with regard to the increase in Hackney Carriage, Private Hire and Driver Licences since 1999. The August 1999 figures show the position prior to the deregulation in 2000. The December 2005 figure shows an increase of some 44 Hackney Carriages from the number prior to deregulation (this equates to a 20.28% increase on the 1999 number). The greatest growth in numbers appears to have occurred in the period immediately after deregulation with a further slight increase again in 2005.
11. The impact of deregulation in Herefordshire has varied from the national picture (outlined in the OFT Report), whilst there is no comparative data on growth in the number of taxis post deregulation (other than Sheffield and Cambridge which showed 52% and 46% growth respectively) there is evidence that deregulated local authorities have on average 30% more taxis per head of population than regulated local authorities. In Herefordshire the growth as a consequence of deregulation has been slightly above 20%. In addition the national picture (OFT Report) has tended to show a decrease in the number of Private Hire Vehicles when deregulation has been introduced in Herefordshire there has been an increase of Private Hire Vehicles of 30.92% (which of course were not impacted by the deregulation in 2000).
12. The figures might show that against a national average (based on 2003 figures) Herefordshire (based on 2005 figures) has 0.25 taxis per 1000 population more than the national average. The figures also show that Herefordshire has 0.40 Private Hire Vehicles per 1000 population less than the national average. Overall Herefordshire has 0.03 Taxis **and** Private Hire Vehicles per 1000 population less than the national average.

Recommendation

That:

the Report be noted

BACKGROUND PAPERS

- Review of Local Authority Quantity Control Policies Department of transport. Buses and Taxis Division Department for Transport September 2005:
http://www.dft.gov.uk/stellent/groups/dft_localtrans/documents/page/dft_localtrans_041411-01.hcsp#P17_350
- The Regulation of Licensed Taxi and PHV Services in the UK, November 2003, OFT676:
<http://www.offt.gov.uk/NR/rdonlyres/C309CE26-2D4E-46A6-8C1F-11B06BA8338B/0/OFT676.pdf>

APPENDIX 1

Number of Licences issued for Hackney carriages, Private Hire Vehicles and Drivers

| | August 1999 | Dec 2005 |
|---------------------------|--------------------|-----------------|
| <i>Hackney Carriages</i> | 217 | 261 |
| <i>Private Hire(PHVs)</i> | 97 | 127 |
| <i>Drivers</i> | 564 | 588 |
| <i>Operators</i> | 64 | 42 |

APPENDIX 2

Average Number of Taxis and Private Hire Vehicles (PHVs) per 1,000 of the Population

| All Local Authorities | | Unrestricted | Restricted |
|--------------------------------|-------|--------------------------------|------------------------------|
| | Taxis | 1.22 | 0.94 |
| PHVs | 1.01 | 2.01 | |
| All vehicles | 2.21 | 2.93 | |
| Ratio PHVs to Taxis | 0.83 | 2.14 | |
| Urban Local Authorities | | Unrestricted | Restricted |
| | Taxis | 1.51 | 1.14 |
| PHVs | 1.43 | 2.42 | |
| All vehicles | 2.94 | 3.52 | |
| Ratio PHVs to Taxis | 0.95 | 2.12 | |
| Rural Local Authorities | | Unrestricted | Restricted |
| | Taxis | 1.09 | 1.00 |
| PHVs | 0.66 | 0.93 | |
| All vehicles | 1.71 | 1.93 | |
| Ratio PHVs to Taxis | 0.61 | 0.93 | |
| Mixed Local Authorities | | Unrestricted | Restricted |
| | Taxis | 1.25 | 0.75 |
| PHVs | 1.22 | 1.90 | |
| All vehicles | 2.47 | 2.65 | |
| Ratio PHVs to Taxis | 0.98 | 2.53 | |
| Herefordshire | | Unrestricted (2005) | Restricted (1999) |
| | Taxis | 1.47 | 1.26 |
| PHVs | 0.71 | 0.56 | |
| All vehicles | 2.18 | 1.83 | |
| Ratio PHVs to Taxis | 0.49 | 0.45 | |

**7 HACKNEY CARRIAGE AND PRIVATE HIRE -
REQUEST FROM MR WILTSHIRE TO DEVIATE FROM
STANDARD CONDITION 3.1 (AGE OF VEHICLE).
TOWN POLICE CLAUSES ACT LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1976**

**REPORT BY: Head of Environmental Health and
Trading Standards**

Purpose

1. The report is to assist the Regulatory Committee consider a request from Mr Wiltshire to allow his vehicle not to be replaced on reaching 8 years of age contrary to condition number 3.1 in the vehicle licence conditions (Appendix 1).

Legal Background

2. Under the terms of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 local authorities may make reasonable conditions for the regulation of both hackney carriages and private hire vehicles, drivers and operators.
3. The vehicle conditions were bought before Regulatory Committee on the 14/12/05.

Issues

4. Mr Wiltshire made an e-mail request to allow his vehicle currently on Hackney Plate H405 to be allowed to remain licensed past the 8 year of age restriction. The Licensing Officer refused the request by e-mail.
5. The license was renewed on 5/9/05 and Mr Wiltshire wrote assuming he had been given permission to use the vehicle past 8 years (Appendix 2). The Licensing Officer responded on 31/10/05 (Appendix 3). Mr Wiltshire responded on 7/11/05 (Appendix 4). Following discussions with Licensing Manager it was decided to refer the matter to Regulatory.
6. In light of this request the matter is referred to this Regulatory Committee for consideration and determination whether the vehicle can remain licensed.
7. The vehicle is a petrol saloon vehicle and on its last compliance test the recorded mileage was 165,815. The test is carried out annually.
8. The vehicle has been on plate H405 since 6/9/02
9. The date of first registration is the 1/1/98, therefore, the vehicle is past 8 years of age and would ordinarily be replaced on 1/1/06. Dispensation has been given allowing the vehicle to continue to be used pending the Regulatory Committee decision.

Options

It is for the Regulatory Committee to decide whether the vehicle: -

- Vehicle can be used past 8 years of age.
- Vehicle cannot be used past 8 years of age.
- Vehicle can be used with additional compliance tests, cost of which to be met by applicant
- or reach some other decision.

Environment Directorate

Director: G. Dunhill

Mr R Wiltshire
7c The Mews
Church Street
Leominster
HR6 8NE

Your Ref:

Our Ref:

Please ask for: Taxi Licensing

Direct Line/Extension: 01432 260973 or 260461

Fax: 01432 383279

E-mail: cberrow@herefordshire.gov.uk

31st October 2005

Dear Mr Wiltshire

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
REQUEST FOR EXTENSION TO THE 8 YEAR RULE**

Thank you for your letter dated 5th September 2005, which I received on 31st October 2005. The licence has been renewed but the vehicle has not been granted an extension. Therefore, the vehicle will need to be replaced by 1/1/2006. The licence is the plate not the vehicle, failure to replace the vehicle by this date will require me to revoke the Licence.

I will contact you two weeks before the vehicle reaches eight years to discuss the replacement vehicle.

Please do not hesitate to discuss the matter further.

Yours sincerely,

**CLAIRE BERROW
LICENSING OFFICER
ENVIRONMENTAL HEALTH AND TRADING STANDARDS**



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. In addition to these

1.0 NEW HACKNEY VEHICLE LICENCE

- 1.1 On initial application for a Hackney Carriage Licence, the vehicle to be licensed shall be a purpose built Hackney Carriage, or constructed or adapted to the Council's satisfaction to carry disabled persons and/or wheelchairs. That vehicle when initially submitted for licensing shall not be more than five years old and shall be replaced upon reaching fifteen years of age or earlier.

2.0 NEW PRIVATE HIRE VEHICLE LICENCE

- 2.1 On initial application for a Private Hire Licence, the vehicle to be licensed shall not be more than two years old. That licensed vehicle shall at no time be replaced by an older vehicle and will be replaced upon reaching eight years of age. If the vehicle is constructed or adapted to the Council's satisfaction to carry disabled persons and/or wheelchairs, then that vehicle when initially submitted for licensing shall not be more than five years old and shall be replaced upon reaching fifteen years of age or earlier.

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. The only exception being "purpose built" vehicles, which can be licensed until, they reach fifteen years of age.
- 3.2 Plates may only be transferred at the discretion of the Licensing Authority, where the proposed new vehicle is deemed by the Licensing Authority to be of the same or higher standard, specification as the current out going vehicle.
- 3.3 Written authorisation must be obtained before the new vehicle is purchased and or tested.

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.

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.
- 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 so as to 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 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 such sign in efficient working order at all times. 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 Vehicles must display the sign Herefordshire Council Corporate logo together with the Vehicle Licence number, in the dimensions and type approved by Herefordshire Council.
- c) In addition to the Councils official plate, private hire vehicles may fix on the outside of the offside and nearside 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:-

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

- d) In addition to the Councils official plate, Hackney Carriages may fix on the outside of the offside and nearside 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

- 8.1 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. (Even though the no smoking sign is displayed the driver or owner of the vehicle still retains the discretion to allow the passenger to smoke).

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. Such 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 Licensing Section, 14/15 Blackfriars Street, Hereford, 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.
- 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, 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 of the business to a new owner. At the discretion of the Licensing Authority.

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.

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 car) 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.
- 11.5 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.
- 11.6 The proprietor of a Private Hire 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 Licensing Authority, the vehicle must not be used for hire, unless written consent is given by the Licensing Authority.
- 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.
- 13.2 On the expiry of the Insurance a cover not 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 the certificate or 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.
- 15.2 The vehicle shall be fitted with first aid equipment. The first aid kit must be carried in the passenger compartment of 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, Equipment, Use and Certification) (Amendment No.2) Regulations 1986.

| | Item | Quantity |
|--------|--|----------|
| 15.2.1 | Suitable container in which to carry first aid | 1 |

| | | |
|---------|---|--------|
| | items. Permanently marked with the vehicle plate number | |
| 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 unmediated 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
- ❖ 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 Councils Testing Depot annually.
- 17.2 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 is 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.
- 17.3 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.

18.0 RADIOS

- 18.1 Ensure that any telephone facilities and radio equipment provided are maintained in sound 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 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 encroach upon the passenger compartment or in the rear boot compartment of LPG tanks or equipment are situated in them.

19.0 MINI BUSES

These are in addition to all other conditions and apply to 8-seated Private Hire Vehicles and Taxis.

- 19.1 All doors must be capable of being opened from the inside when locked from the outside.
- 19.2 The vehicle must have at least two doors to the rear of the Driver for the exclusive use of passengers.
- 19.3 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.
- 19.4 All emergency doors must be clearly identifiable as such to passengers and should be clearly marked "Emergency Exit" in 2-inch letters.
- 19.5 There must be unobstructed access to all Emergency Doors or exits. (Seats must be located to facilitate this).

- 19.6 All sliding windows in the passengers' compartment should be restricted to open six inches only to protect persons from head injury.
- 19.7 All steps at entrances and exits must be illuminated or have clearly visible markings at floor level.

20.0 WHEELCHAIR ACCESSIBLE VEHICLES

These are in addition to all other conditions and apply to wheelchair accessible Vehicles and Taxis.

20.1 Vehicles offered for approval must be constructed in accordance with **M/M1**

20.2 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).

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.

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 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 folder 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.

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 Any proprietor of a licensed vehicle licensed by the Council shall furnish the Authorised Officers, any Officer nominated by them or any constable, such information relating to either the drivers or vehicles as is necessary to enable them to undertake their duties.

22.0 TEMPORARY LICENCE TRANSFER CONDITIONS

- 22.1 The alternative vehicle must comply with the standard conditions for Licensed vehicles and hold a current certificate.
- 22.2 The alternative vehicle will be of similar type or construction to the main (original) Licensed Vehicle.
- 22.3 The alternative vehicle will have valid Insurance cover when in use.
- 22.4 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. All requests for an extension to this must be made in writing and must not be used until written consent has been received.
- 22.5 A valid temporary transfer Licence must be held during the operation of any alternative vehicle.
- 22.6 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.
- 22.7 Written notification must be received at the Taxi Licensing Office within 72 hours when 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 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 from the Licensing Authority.

- 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.

23.0 CCTV

- 23.1 No recording CCTV equipment shall be fitted without the written consent of the council. Consent shall only be 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 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 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. |

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 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 with an acceptable level of contents. 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. Externally on the offside rear lower outside of 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.

14.0 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: -

- (a) 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.
- (b) 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.

15.0 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

8 HACKNEY CARRIAGE AND PRIVATE HIRE - REQUEST FROM MR PULLIN TO DEVIATE FROM STANDARD CONDITION 3.2 (STANDARD OF THE VEHICLE) - TOWN POLICE CLAUSES ACT LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

REPORT BY: Head of Environmental Health and Trading Standards

Purpose

1. The report is to assist the Regulatory Committee consider a request from Mr Pullin to allow his disabled access vehicle to be replaced with a saloon motor car contrary to condition number 3.2 in the vehicle licence conditions (Appendix 1).

Legal Background

2. Under the terms of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 local authorities may make reasonable conditions for the regulation of both hackney carriages and private hire vehicles, drivers and operators.
3. The vehicle conditions were bought before Regulatory Committee on the 14/12/05.

Risks

4. The original vehicle may be sold on, or used to gain an additional Hackney Carriage plate.
5. There could potentially be 70 similar requests which if successful would significantly deplete the wheelchair accessible vehicles in the County.

Issues

6. Mr Pullin was issued a new Hackney Carriage plate on 9/01/04, the vehicle was a wheelchair access Fiat Doblo, which was the requirement at that time as it is the new conditions.
7. When the vehicle was renewed Mr Pullin completed the application form (Appendix 2) stating that no alterations had been made to the vehicle. On the application form he also answered "no" to the question about whether the vehicle was wheelchair accessible. This was not identified at the time and the licence was issued.
8. A colleague of Mr Pullin contacted the Licensing Officer to inform us that the vehicle was no longer used as a wheelchair access vehicle as the ramps had been removed.
9. The Licensing Officer wrote to Mr Pullin on the 27th July 2005 (Appendix 3).

10. Mr Pullin came into the office on the 16/8/05 to see the Licensing Officer was not in the office at the time but he claimed that as the vehicle was licensed as a non-wheelchair vehicle it no longer was classed as such.
11. The Licensing Officer risk assessed the workload at that time and decided that when the licence was renewed, the matter would be dealt with at that time by not issuing the licence unless it complied with the wheelchair accessible criteria.
12. Mr Pullin purchased a new saloon motor car and had it tested without getting written approval Condition 3.3 (Appendix 1). When Mr Pullin came into the office to renew the plate with the alternative vehicle, staff advised him that the matter would have to be referred to Regulatory Committee as the situation deviated from the standard licence conditions.
13. The saloon car has been licensed as the spare vehicle to the plate, but the licence is only issued for the period until the Committee hearing.

Options

It is for the Regulatory Committee to decide whether the vehicle: -

- The wheelchair access vehicle can be replaced with the saloon car.
- The wheelchair access vehicle cannot be replaced with the saloon car.
- The wheelchair access vehicle can be replaced with the saloon car but the original vehicle cannot be licensed as a Hackney Carriage or Private Hire Vehicle in Herefordshire again. In addition when the saloon car is replaced it must be replaced with a wheelchair accessible vehicle as specified in the conditions.
- or reach some other decision.

REGULATORY COMMITTEE
LICENSING APPEAL PROCEDURE

1. Introduction by Clerk to the Panel.
2. Licensing Officer outlines the case.
3. Applicant (or his solicitor) sets out his case.
4. Questions asked by the Panel 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 Clerk to the Panel, 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 Panel. When the additional information has been furnished, they should all be asked to leave again.
8. The Panel 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 a refusal).
10. When the first applicant is finished, that applicant should leave. Deal with the second application the same way.

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