

A G E N D A

Regulatory Committee

Date: **Wednesday, 9th August, 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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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

	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 4th July 2006.	1 - 6
5. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH ESG 22 (PART) IN THE PARISH OF STRETTON GRANDISON To consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of footpath ESG 22 in the parish of Stretton Grandison. Ward: Frome	7 - 10
6. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH LV59 (PART) IN THE PARISH OF LLANVEYNOE To consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of footpath LV59 in the parish of Llannveynoe Ward: Golden Valley South	11 - 14
7. PROCEDURAL ARRANGEMENTS To note the procedural arrangements for the meeting.	15 - 16

**8. PRIVATE HIRE VEHICLE CONDITIONS ATTACHED TO A SPECIALIST
PRIVATE HIRE VEHICLE (FIRE ENGINE) LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1976** | 17 - 30

To consider the conditions to be attached to a specialist Private Hire Vehicle in respect of a de-commissioned Fire Engine.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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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, 4th July, 2006 at 2.00 p.m.

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

Councillors: Mrs. S.P.A. Daniels, 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

11. APOLOGIES FOR ABSENCE

Apologies were received from Councillors G.W. Davis and Brig. P. Jones C.B.E.

12. NAMED SUBSTITUTES (IF ANY)

There were no named substitutes present at the meeting.

13. DECLARATIONS OF INTEREST

There were no declarations of interest made.

14. MINUTES

RESOLVED: That the Minutes of the meeting held on 23rd May, 2006 be approved as a correct record and signed by the Chairman.

15. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH CG3 (PART) IN THE PARISH OF CODDINGTON

A report was presented by the Rights of Way Manager to confirm a Public Path Diversion Order to divert part of Footpath CG3 in the parish of Coddington under the Highways Act 1980, Section 119. He advised that an application had been made to divert the footpath from the garden of the applicant's property, and away from a quarry that had been excavated across the path. He said that it was felt by the officers that the diversion met the tests set out in s.119 of the Highways Act in that it benefits the owner of the land crossed by the path and it is not substantially less convenient to the public. He felt that an order should therefore be made. Having considered all the facts in respect of the diversion, the Committee agreed with the course of action suggested.

RESOLVED:

That a public path diversion order is made in respect of footpath CG3 in the parish of Coddington under section 119 of the Highways Act 1980

16. HACKNEY CARRIAGE AND PRIVATE HIRE REVIEW OF CONDITIONS, INTRODUCTION OF A TAXI POLICY AND PENALTY POINTS SCHEME UPDATE

RESOLVED:

THAT the report be received and noted.

17. PROCEDURAL ARRANGEMENTS

The Committee noted the procedural arrangements for hearing appeals to ensure that the laws of natural justice were followed to give a fair hearing for applicants and to the Licensing Officers.

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.

RESOLVED: 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

These items disclose information relating to any particular applicant for or recipient of or former recipient of, any service provided by the authority.

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

The Licensing officer provided the Committee with the details of an application for the renewal of a Hackney Carriage/Private Hire driver's licence which had been referred to the Committee because the applicant had a previous conviction.

Having considered all of the facts put forward by the Licensing Officer, the Committee decided that she was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that the Licence should be renewed.

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

The Licensing Officer provided the Committee with the circumstances which had given rise to an application for a dual Hackney Carriage/Private Hire driver's licence being referred to the Committee. The Committee felt that the application could not be determined in the applicant's absence, as a number of considerations had arisen during the debate. The Committee therefore deferred the application until the next meeting of the Regulatory Committee in order to give the applicant an opportunity to address them in response to the points raised.

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

The Licensing Officer provided the Committee with the circumstances which had given rise to an application for a dual Hackney Carriage/Private Hire driver's licence being referred to the Committee. The applicant gave an explanation of his personal circumstances, his previous conviction, and explained why he felt that his application

should be granted. The applicant's employer submitted a written reference supporting his application.

Having considered all of the facts put forward by the Licensing Officer, the Committee decided that she was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that the Licence should be renewed.

The meeting ended at 2.40 p.m.

CHAIRMAN

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HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH ESG 22 (PART) IN THE PARISH OF STRETTON GRANDISON

Report By: Public Rights of Way Manager

Wards Affected:

Frome

Purpose

The County of Herefordshire District Council (the Council) to consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of footpath ESG 22 in the parish of Stretton Grandison.

Considerations

- 1 The application was made on 22nd August 2003, by Mr. J. Brock, who is the landowner. The reasons for which were to take the path out of the applicant's garden to make it more convenient to both users and the applicant.
- 2 The application is being fast tracked as part of the new policy following a ruling by the complaints panel. The applicant has carried out all pre order consultation and the proposal has general agreement from the Parish Council, Ramblers Association, the Open Spaces Society and the adjoining landowner, Homend Estate, who's property is also affected by the application.
- 3 The applicant has agreed to pay for advertising and to reimburse, in full, the Council's costs incurred in making the diversion order.
- 4 The local member, Cllr R. Manning supports the application
- 5 The proposed diversion meets the specified criteria as set out in section 119 of the Highways Act 1980 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.
 - The proposal is not substantially less convenient to the public.

Alternative Options

Under Section 119 of the Highways Act 1980 the Council has the power to make diversion orders. It does not have a duty to do so. The Council could reject the application on the grounds that it does not contribute sufficiently to the wider ambitions and priorities of the Council.

Risk Management

There is a risk that the Order will be opposed, leading to additional demand on existing staff resources.

Consultees

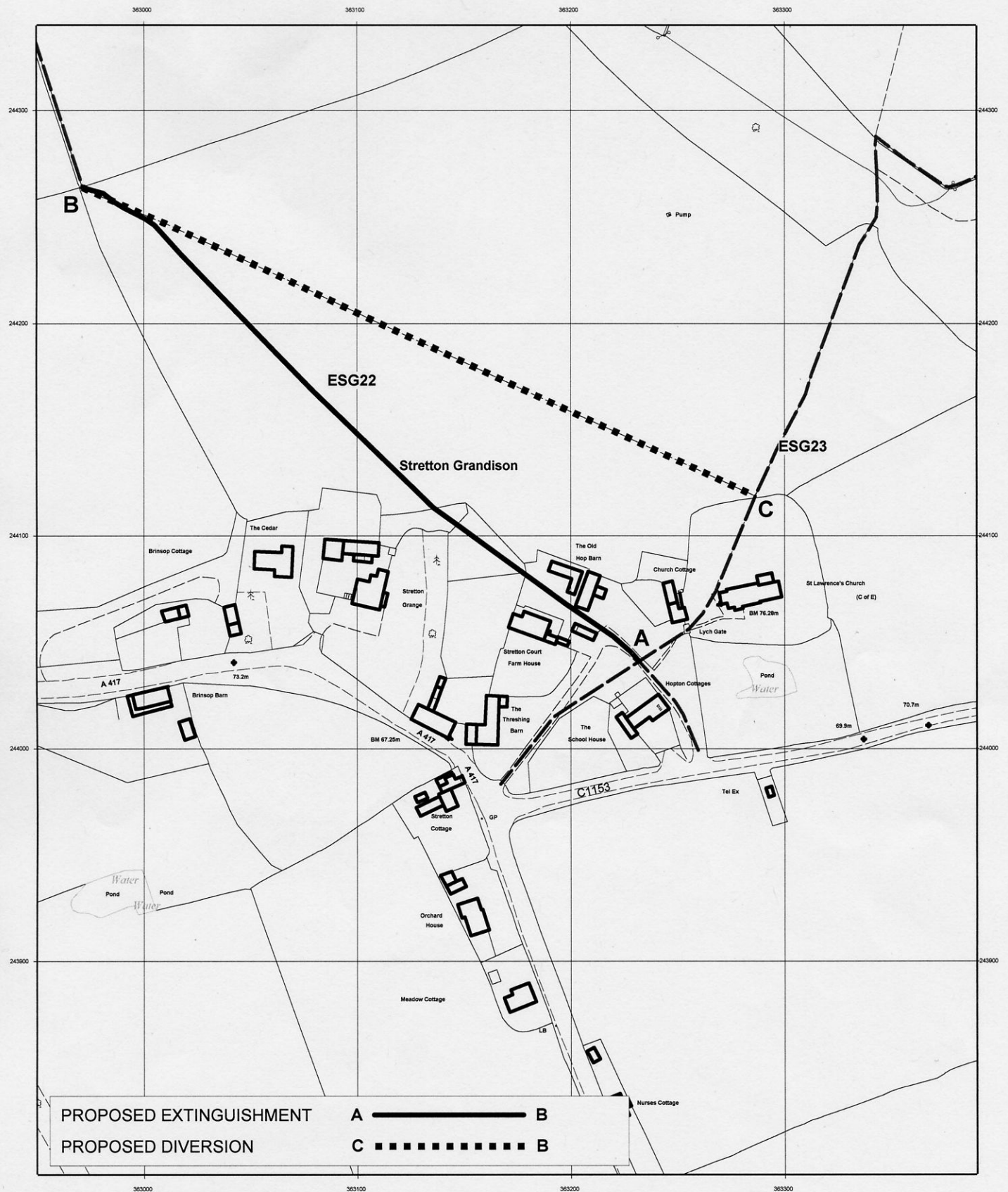
- Prescribed organisations as per annexe E of Department of the Environment Circular 2/93.
- Local Member – Cllr. R. Manning
- Stretton Grandison Group Parish Council.
- Statutory Consultees

Recommendation

That a public path diversion order is made under Section 119 of the Highways Act 1980, as illustrated on drawing number: D358/368-22

Appendices

Order Plan, drawing number: D358/368-22



PARISH OF EGGLETON & STRETTON GRANDISON
PROPOSED DIVERSION OF PUBLIC
FOOTPATH ESG22 (PART)
DWG No. D358/368-22
SCALE 1:2500

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



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HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH LV59 (PART) IN THE PARISH OF LLANVEYNOE

Report By: Public Rights of Way Manager

Wards Affected:

Golden Valley South

Purpose

The County of Herefordshire District Council (the Council) to consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert part of footpath LV59 in the parish of Llannveynoe

Considerations

- 1 The application was made on 3rd July 1997, by Mrs. P. LeHardy, who is the landowner. The reasons for which were to take the path out of the applicant's garden to make it more convenient to both users and the applicant. The current route passes very close to the applicant's house.
- 2 Pre order consultation has been carried out and the proposal has general agreement from the Parish Council, Ramblers Association, the Open Spaces Society and the adjoining landowner, Mr. Eric Jones of Monnow Farm, Llanveynoe, who's property is also affected by the application.
- 3 The applicant has agreed to pay for advertising and to reimburse the Council's costs incurred in making the diversion order. Due to the time taken to process this application it has been agreed with the applicant that these costs will be reasonable. A self-closing gate will be erected at point C which will improve access.
- 4 The Local Member, Cllr. J.B. Williams, has no objections to the application.
- 5 The proposed diversion meets the specified criteria as set out in section 119 of the Highways Act 1980 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.
 - The proposal is not substantially less convenient to the public.

Alternative Options

Under Section 119 of the Highways Act 1980 the Council has the power to make diversion orders. It does not have a duty to do so. The Council could reject the application on the

grounds that it does not contribute sufficiently to the wider ambitions and priorities of the Council.

Risk Management

There is a risk that the Order will be opposed, leading to additional demand on existing staff resources.

Consultees

- Prescribed organisations as per annexe E of Department of the Environment Circular 2/93.
- Local Member – Cllr. J. B. Williams
- Longtown Group Parish Council.
- Statutory Consultees

Recommendation

That a public path diversion order is made under Section 119 of the Highways Act 1980, as illustrated on drawing number: D283/244-59

Appendices

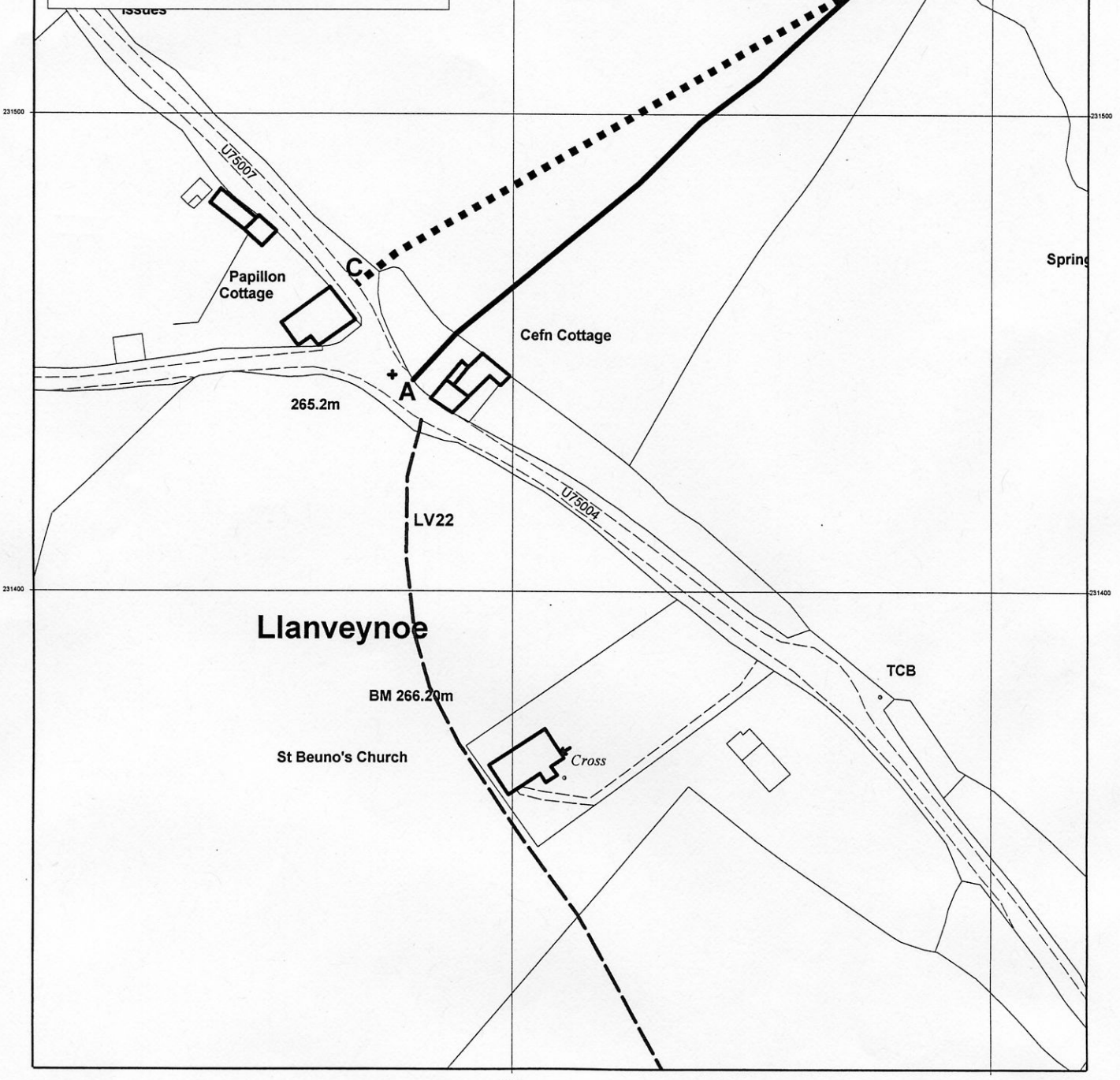
Order Plan, drawing number: D283/244-59

330300

330400

PROPOSED EXTINGUISHMENT A ————— B
 PROPOSED DIVERSION C - - - - - B

PUBLIC FOOTPATH - - - - -
 PUBLIC BRIDLEWAY - - - - -
 BYWAY OPEN TO ALL TRAFFIC - - - - -



LOCATION PLAN - PARISH OF LLANVEYNOE
PROPOSED DIVERSION OF PUBLIC
FOOTPATH LV59 (PART)
 DWG No. D283/244-59
 SCALE 1:1250



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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 be asked to withdraw when they have finished their presentation. All officers, other than the Legal Representative and 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.

**PRIVATE HIRE VEHICLE CONDITIONS ATTACHED TO
A SPECIALIST PRIVATE HIRE VEHICLE (FIRE ENGINE)
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 the conditions to be attached to a specialist Private Hire Vehicle in respect of a de-commissioned Fire Engine.

Legal Background

2. Under the terms of 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. A private Hire Vehicle is defined in section 80 of the Local Government (Miscellaneous Provisions) Act 1976 as : 'A motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle or a London cab or tram car, which is provided for hire with the services of a driver for the purpose of carrying passengers'.

Issues

4. Mr Harris has made an application to have the vehicle licensed as a Private Hire Vehicle.
5. Arrangements have been made for the vehicle to be tested at the VOSA testing centre as the normal test centre based at Rotherwas cannot inspect such large vehicles. The vehicle inspection will be carried within normal test conditions to MOT standard in line with other licensed vehicles.
6. In light of this request the standard conditions for licensed vehicles were adapted and additional conditions applied to take account of the specialist nature of the vehicle. Other Local Authorities who already licence this type of vehicle, were consulted and those conditions were used as a 'bench marking tool' to compose these draft conditions.
7. Consultation has taken place and were sent to the police and fire authorities, VOSA and Environmental Health and Safety. Full consultation was not deemed necessary due to the specialist nature of the vehicle.

8. At the time of submitting this report the consultation period was not complete therefore, consultation responses will be added before the Regulatory Committee hearing as an extra item.

Options

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

- The draft conditions can be adopted for use with Fire Engines licensed as Private Hire Vehicles.
- The draft conditions cannot be adopted for use with Fire Engines licensed as Private Hire Vehicles.
- or reach some other decision.



CONDITIONS ATTACHED TO FIRE ENGINE PRIVATE HIRE VEHICLE

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

The vehicle is licensed subject to the following conditions. The licence relates to this vehicle only and cannot be transferred to any other vehicle.

Operators Name & Address

Private Hire Plate No

Registration Number of Vehicle

1.0 GENERAL CONDITIONS

- 1.1 Whenever passengers are entering or leaving the vehicle physical assistance must be provided by the operator/crew to ensure their safety.
- 1.2 Additional steps must be carried and used on the vehicle to facilitate access to and egress from the passenger compartment of the vehicle.
- 1.3 Suitable signage must be displayed in the passenger compartment, advising passengers to wear seatbelts.
- 1.4 All external lockers on the vehicle must be secured to prevent access by passengers or the public.
- 1.5 The floor area in the passenger compartment of the vehicle must be kept clear and unobstructed at all times.
- 1.6 No person involved in the operation of the vehicle may wear any clothing or helmets that might lead a member of the public to believe that that person is an officer of the Fire & Rescue Service.
- 1.7 The blue light and siren on the vehicle must be permanently disabled.
- 1.8 The restrictions on access to disabled persons must be advised to passengers at the time of the booking and in any promotional literature and advertisements.
- 1.9 Passengers must be advised at the time of booking that they must not embark or disembark the vehicle without assistance from the operators/crew and signs shall be displayed on the vehicle to this effect which shall be clearly visible to all passengers.

- 1.10 An audible and visual alarm system must be fitted to the rear passenger compartment doors and must be active at all times.
- 1.11 That a copy of the full risk assessment be forwarded to the Council prior to the issue of the licence.

2.0 LPG SAFETY CHECK

- 2.1 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.
- 2.2 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.

3.0 SEAT BELTS

- 3.1 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.

4.0 ALTERATIONS

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

5.0 SIGNS

- 5.1 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) 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) Private Hire vehicles may have white illuminated roof signs. The sign must contain the words pre-booked only and may have the Operator name and telephone number. The sign must not contain the words 'Taxi, Cab or Hackney Carriage' or any other term which may cause the vehicle to be confused with a Hackney Carriage.
- 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).

6.0 LICENCE PLATES AND BADGES

- 6.1 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.
- 6.2 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.
- 6.3 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.
- 6.4 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.

7.0 ADVERTISING

- 7.1 Position and content of advertising must be inspected and written authorisation received from the Licensing Unit before any advertising is placed on the vehicle.

8.0 VEHICLE DAMAGE

- 8.1 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.
- 8.2 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.

9.0 INSURANCE

- 9.1 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.
- 9.2 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.

- 9.3 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.
- 9.4 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.

10.0 NOTIFICATIONS

- 10.1 The proprietor of a licence shall produce details of the drivers permitted to drive by him to the Licensing Authority.
- 10.2 The proprietor shall notify the Council of any change in the list of Drivers within seven days of the change.
- 10.3 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.

11.0 SAFETY EQUIPMENT

- 11.1 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.
- 11.2 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
11.2.1	Suitable container in which to carry first aid items. Permanently marked with the vehicle plate number	1
11.2.2	Basic instruction card covering expired air respiration, external cardiac compression, treatment of shock, recovery position and treatment for bleeding control	1
11.2.3	Triangular bandages	2
11.2.4	Large sterile unmediated dressing (not less than 15.0 cm x 20.0 cm)	3
11.2.5	Individually wrapped sterile adhesive dressings	24
11.2.6	Safety pins	12
11.2.7	Disposable gloves	1 pair
11.2.8	Antiseptic wipes	10
11.2.9	Disposable bandage (not less than 7.5 cm wide)	1
11.2.10	Sterile eye pads with	2

	attachments	
11.2.11	Tuff-Kut scissors	1 pair

12.0 TRAILERS

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



❖ Trailers must not be left unattended anywhere on the highway.

13.0 VEHICLE INSPECTION see appendix A & B

Prior to issue or renewal of a licence, fire engines must be mechanically inspected at the Vosa Testing Depot. This will be carried out twice a year at 6 monthly intervals.

13.1 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.

13.2 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.

14.0 GENERAL CONDITIONS

14.1 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.

14.2 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.

14.3 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.

15.0 TEMPORARY LICENCE TRANSFER CONDITIONS

15.1 The alternative vehicle must comply with the standard conditions for Licensed vehicles and hold a current compliance and test certificate.

15.2 The alternative vehicle will be of similar type or construction to the main (original) Licensed Vehicle.

15.3 The alternative vehicle will have valid Insurance cover when in use.

15.4 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. 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.

15.5 A valid temporary transfer Licence must be held during the operation of any alternative vehicle.

15.6 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.

- 15.7 Written notification must be received at the Taxi Licensing Office within 72 hours when the spare vehicle plate is/has been used. The notification must contain details of reason for its use. This is in addition to any telephone notification.

16.0 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 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.
- 16.2 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.

17.0 CCTV

- 17.1 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 chuffed 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. If furnished with rubber mats they must be in a clean and undamaged condition. 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 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.

7.0 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.

8.0 Internal Plate Sticker

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

9.0 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.

10.0 Where in the opinion of the Inspecting Officer the vehicle fails to reach the standard required by the Council for the issue of a private hire 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.

11.0 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

