

A G E N D A

Regulatory Committee

Date: **Tuesday, 3rd February, 2009**

Time: **2.00 p.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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Regulatory, Tel: 01432 260248, Fax: 01432
261809*

E-mail: pmartens@herefordshire.gov.uk

Herefordshire Council

AGENDA

for the Meeting of the Regulatory Committee

To: Councillor P Jones CBE (Chairman)
Councillor JW Hope MBE (Vice-Chairman)

Councillors CM Bartrum, DJ Benjamin, ME Cooper, PGH Cutter, SPA Daniels,
JHR Goodwin, PJ McCaull, A Seldon and DC Taylor

	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.	
GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS	
The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.	
A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.	
Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is and leave the meeting room.	
4. MINUTES	1 - 4
To approve and sign the Minutes of the meeting held on 6th January 2009.	

- | | | |
|---|---|---------|
| 5. | HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH 4 IN THE PARISH OF ADFORTON | 5 - 12 |
| | To consider an application under the Highways Act 1980, section 119, to make a Public Path Diversion Order to divert footpath 4 in the parish of Adforton. | |
| | Ward: Mortimer | |
| 6. | ADDITION OF VEHICLE CONDITIONS REGARDING: LIMOUSINES - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, TOWN POLICE CLAUSES ACT 1847 | 13 - 34 |
| | To consider implementing licence conditions in relation to limousines. | |
| 7. | PROCEDURAL ARRANGEMENTS | 35 - 36 |
| | To note the procedural arrangements for the meeting. | |
| 8. | APPLICATION TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 9.5 BY ROBERT PERELKA | 37 - 42 |
| | To consider an application to renew an expired hackney carriage vehicle licence. | |
| 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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below | |
| 9. | INCIDENT INVOLVING A LICENCED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER | 43 - 44 |
| | To consider an incident involving a licensed vehicle driver. | |
| 10. | APPLICATION FOR A DUAL HACKNEY CARRIAGE & PRIVATE HIRE DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 | 45 - 52 |
| | To determine an application for a dual hackney carriage & private hire driver licence. | |
| 11. | APPLICATION FOR A DUAL HACKNEY CARRIAGE & PRIVATE HIRE DRIVER LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 | 53 - 60 |
| | To determine an application for a dual hackney carriage & private hire driver licence. | |

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

61 - 68

To determine an application for a dual hackney carriage & private hire driver licence.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Regulatory Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Tuesday, 6 January 2009 at 2.00 p.m.

Present: Councillor JW Hope MBE (Chairman)

Councillors: CM Bartrum, DJ Benjamin, ME Cooper, SPA Daniels, JHR Goodwin, A Seldon and DC Taylor

81. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors PGH Cutter and Brigadier P Jones. In the absence of the Chairman, the Vice-Chairman assumed the Chair for the meeting.

82. NAMED SUBSTITUTES (IF ANY)

There were no named substitutes present at the meeting.

83. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

84. MINUTES

RESOLVED: That the Minutes of the meeting held on 2nd December, 2008 be approved as a correct record and signed by the Chairman.

85. 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 to the applicants and to the Licensing Officers.

86. APPLICATION TO RE-INSTATE AN EXPIRED PRIVATE HIRE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 9.5 BY CLIFFORD JAMES ADRIAN HOWELLS.

The Senior Litigator introduced the report of the Head of Environmental Health and Trading Standards about an application to reinstate an expired Private Hire vehicle licence outside the Council's licensing policy 9.5. He said that Mr Howells' licence had expired on 24th November, 2008 and that he had applied to renew it on 27th November. He outlined the Council's policy for renewing such licences. The Licensing Officer provided the Committee with further details about the application and said that as decided previously by the Committee, a temporary licence had been granted to Mr Howells because his application for renewal had been made within seven days of the expiry of the licence.

Having considered the circumstances regarding the application, the Committee decided that a decision on the application should be deferred until the next meeting to enable the applicant to be present so that his views could be obtained on the matter.

RESOLVED THAT:

Consideration of an application from Mr JA Howells to deviate from the standard condition number 9.5, in respect of plate No.P223 for a Ford Focus be deferred and that a temporary licence be granted in the meantime until the next meeting of the Committee on 3rd February, 2009.

87. 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 item 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.

88. INCIDENT INVOLVING A LICENCED HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE DRIVER

The Senior Litigator referred to Agenda item No. 8 and introduced the report of the Head of Environmental Health and Trading Standards about an incident involving a licensed hackney carriage/private hire driver and a Licensing Officer. The Acting Regulatory Services Manager suggested that as both were unable to attend the meeting, the matter should be deferred because there were a number of issues to be clarified with the driver. The Committee agreed to this course of action.

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

The Senior Litigator referred to agenda item No. 9 and introduced the report of the Head of Environmental Health and Trading Standards about an application for a dual Hackney Carriage/Private Hire driver's licence. The Licensing Officer provided the Committee with the circumstances which had given rise to the need for the application being referred to the Committee. The Senior Litigator advised on the issues in the report which could be considered by the Committee in determining the application. It was agreed that paragraph No 8 of the report be deleted and that the subsequent paragraphs should be renumbered.

Having considered the circumstances regarding the application, the Committee decided that a decision on the application should be deferred until the next meeting to enable the applicant to be present. Also, in view of the length of time which had elapsed between the application being made and the results of the CRB check being received, the Committee instructed the Acting Regulatory Services Manager to ascertain if the applicant still wanted to obtain a licence.

The meeting ended at 2.40 p.m.

CHAIRMAN

HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH 4 IN THE PARISH OF ADFORTON

Report By: Public Rights of Way Manager

Wards Affected:

Mortimer

Purpose

To consider an application under the Highways Act 1980, section 119, to make a public path diversion order to divert footpath 4 in the parish of Adforton. The application is being made in the Public's interest. Border Group Parish Council put the proposal forward with the support of the landowners, following consultation on the Rights of Way Improvement Plan (ROWIP). The Local Access Forum advised on the priority of the proposal.

Considerations

- 1 The Herefordshire Council Public Rights of Way department made the application on 11th September 2007. The reasons for making the application were:
 - To improve walker safety by improving visibility where path meets the main County Road A4110.
 - To improve links with footpaths AF8 and AF12 by reducing road walking.
 - To create a new circular walk.
 - To improve access along the path by removing need for steps.
 - To improve walking conditions by taking the path out of a streambed and onto dry and level ground.

- 3 The Public Rights of Way department has carried out pre-order consultation. The proposal has general agreement of the Open Spaces Society, Ramblers Association, Byways and Bridleways trust & Cyclists Touring Club, Border Group Parish Council & all Statutory Undertakers and the adjoining landowners Mr Ruell and Mr Whitman, whose property is also affected by the application.

- 4 The Herefordshire Council's, Public Rights of Way Department will meet all costs incurred in making the diversion order. These costs will be approximately £2600 for gates and signposts and approximately £800 for advertisements. Affected landowners have given their written consent that they will not claim compensation, if this diversion Order is made and comes into operation.

- 5 The new route will create a safe circular walk, which the Parish Council has said will be well used by locals and visitors, as it will take in the Wigmore Abbey and Adforton Church.

- 6 The local member, Cllr Barnett, supports the application

- 7 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 section A to F of the existing path. This is because part of the existing path passes through the middle of a field and the proposed path passes along the field edge for its duration.
 - The proposal does alter the point of termination of the path but it still ends on the same highway as the existing path.
 - 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 Rights Of Way Circular 1/08.
- Local Member – Cllr Barnett
- Border Group Parish Council.
- Statutory Undertakers

Recommendation

That a public path diversion order is made under Section 119 of the Highways Act 1980, as illustrated on drawing number: D383/7-4

Appendices

Order Plan, drawing number: D383/7-4

Annex A Signed compensation indemnity form from Mr R Ruell

Annex B Signed compensation indemnity form from Mr S Whitman.

Annex C Letter of support from the Border Group Parish Council.

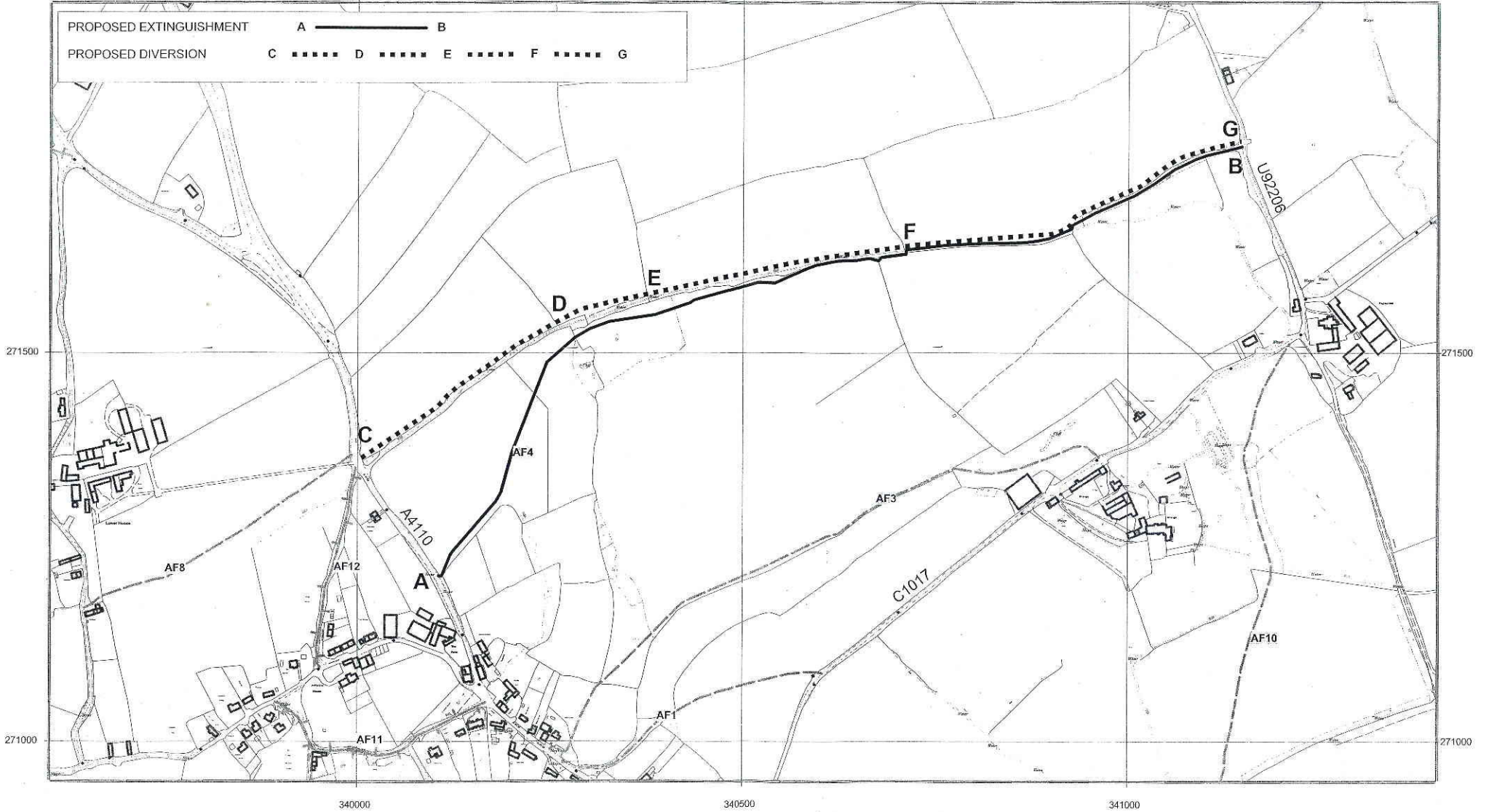
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PROPOSED EXTINGUISHMENT A ——— B

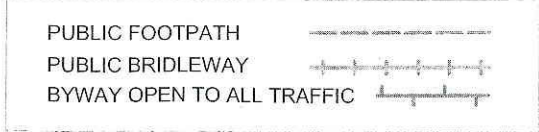
PROPOSED DIVERSION C - - - - - D - - - - - E - - - - - F - - - - - G



NORTH

LOCATION PLAN - PARISH OF ADFORTON
 PROPOSED DIVERSION OF PUBLIC FOOTPATH AD4
 DWG No. D383/7-4

NOT TO SCALE



Herefordshire Council
 Public Rights of Way
 PO Box 41
 Leominster
 HR6 02A
 Tel.: (01432) 260000
 Fax.: (01432) 260526

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DIVERSION OF PUBLIC FOOTPATH AF4, ADFORTON

AGREEMENT TO WAIVE ANY CLAIM FOR COMPENSATION AND EXPENSES

In consideration of the County of Herefordshire District Council ("the Council") agreeing to determine to make a public path diversion order under the Highways Act 1980 S.119 I/we (acting as authorised agent for) the owner/s lessee/s occupier/s of land crossed by the above proposed path or way agree to waive any claim for compensation which may become payable under the Highways Act 1980 S.28 as applied by S.119(5) as amended in consequence of the coming into operation of any said diversion order.

Dated 02-07 2007

(Signature) RA Ruell
(Full Name) Robert RUELL

(acting as authorised agent for to owner/lessee/occupier (Insert Name)

DIVERSION OF PUBLIC FOOTPATH AF4, ADFORTON

AGREEMENT TO WAIVE ANY CLAIM FOR COMPENSATION AND EXPENSES

In consideration of the County of Herefordshire District Council ("the Council") agreeing to determine to make a public path diversion order under the Highways Act 1980 S.119 I/we (*acting as authorised agent for*) the owner/s lessee/s occupier/s of land crossed by the above proposed path or way agree to waive any claim for compensation which may become payable under the Highways Act 1980 S.28 as applied by S.119(5) as amended in consequence of the coming into operation of any said diversion order.

Dated 26/6 2007

(Signature)

(Full Name)



Simon Paul Watkin, Whiteman.

(*acting as authorised agent for to owner/lessee/occupier (Insert Name)*)

ANNEX C

BORDER GROUP PARISH COUNCIL QUALITY PARISH COUNCIL

8 Red House
Bedstone
Bucknell
Shropshire
SY7 OBE

Ms L Hamer
Rights of Way Officer
Box 41
Queenswood Country Park
Dinmore Hill
Leominster
HR6 0PY

5th November 2008

Dear Ms Hamer

Following an investigation of problems that local residents had at footpath A4 Adforton, our Footpaths Officer, Mike Oliver, requested a site meeting with you. Our Chairman John Miles and the main landowner Parish Councillor Simon Whiteman were also there.

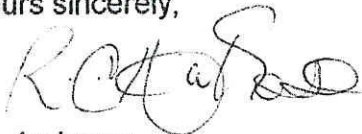
Considering the many problems with stream crossings, bridges and scrub growth, it was agreed that the footpath would be much easier to walk if it were moved to the other side of the stream.

At present, the path joins the very busy and narrow A4110 on the crest of a hill. It is easy to imagine dangers, such as two heavy vehicles meeting at this crest at the same time as a family with children and a dog! All present at this meeting agreed that it would be much safer if the path were rerouted to emerge onto the roadside opposite the lay-by, and with a clear view of the road in both directions.

Safety of road users and walkers is the most important point that has emerged from the site meeting. More local and visiting walkers could then enjoy a circular route.

The Border Group Parish Council supports the application to reroute A4 Adforton.

Yours sincerely,



R. Ambrose
Clerk to Border Group Parish Council

**ADDITION OF VEHICLE CONDITIONS REGARDING:
LIMOUSINES LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1976, TOWN
POLICE CLAUSES ACT 1847**

REPORT BY: Head of Environmental Health and Trading Standards

Purpose

1. To consider implementing licence conditions in relation to limousines.

Legal Background

2. Under the terms of the Local Government (Miscellaneous Provisions) Act 1976 s.47 (Private Hire Vehicle) and the Town Police Clauses Act 1847 s.42 (Hackney Carriages), local authorities may make reasonable conditions for the regulation of both hackney carriages and private hire vehicles.
3. Any person aggrieved by any conditions which have been imposed, has a right of appeal to the Magistrates Court.

Background

4. The current standard licence conditions were approved by this committee on 18th December 2007.
5. Since that time an enquiry has been made in relation to the licensing of a stretched limousine which would not comply with the current vehicle licence conditions.

Current and Proposed Conditions

6. The conditions proposed are shown at Appendix 1.
7. The conditions have been compiled following research of relevant conditions in place at other local authorities, thus capturing best practice.
8. A copy of the current vehicle licence conditions are attached at Appendix 2.

Options

It is for the Regulatory Committee to decide whether to approve the proposed conditions as an addition to the current standard licence conditions: -

- **To accept the new additions**
- **To accept some of the new additions and amend or reject others**
- **To reject the new additions**
- **or reach some other decision.**

Additional conditions to be added to the standard licence conditions (which were approved on 18th December 2007)

25.0 STRETCHED LIMOUSINES

- 25.1 For stretched Limousines these conditions replace condition 2.1, 3.1, 4.1 and 4.1(a) of the current licence conditions.
- 25.2 On being presented for licensing for the first time the vehicle must have one of the following:
- (i) A U.K Single Vehicle Approval Certificate
 - (ii) A European Whole Vehicle Approval Certificate
 - (iii) A.U.K Low Volume Type Approval Certificate
 - (iv) Limousine Declaration of Condition of Use
- 25.3 The vehicle must be less than 10 years of age and shall be replaced upon reaching 10 years old of age; the age of the vehicle will be determined by the date of first manufacture.
- 25.4 Stretched limousines are permitted to be left hand drive.
- 25.5 All operators will be required to sign a declaration that the vehicle will not carry more than 8 passengers (even if there are more than 8 passenger seats within) and that at the time of booking the vehicle the restriction of carrying no more than 8 passengers shall be explained to the hirer.
- 25.6 Alcoholic drinks provided in the vehicle shall be under the terms of an appropriate licence relating to the sale or supply of alcohol.
- 25.7 Stretched limousine vehicles will comply with the existing Conditions of Licence applicable to all licensed private hire vehicles with the exception of those listed at paragraph 25.1 above.
- 25.8 The fee shall be the same as for private hire.



THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

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

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Appendix 1 - licensed vehicle Testing standard – mechanical and structural

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



CONDITIONS ATTACHED TO PRIVATE HIRE/HACKNEY CARRIAGE VEHICLE LICENCE

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

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

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

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

1.0 NEW HACKNEY VEHICLE LICENCE

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

2.0 NEW PRIVATE HIRE VEHICLE LICENCE

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

3.0 EXISTING VEHICLE LICENCES

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

4.0 VEHICLE SPECIFICATION

- 4.1 The Vehicle to be licensed shall be a right hand saloon motor car, hatchback or an estate car or a purpose built licensed vehicle, of any colour, which according to the manufacturers specifications has: -
 - a) A capacity for a minimum of 4 seated passengers and a maximum of 8
 - b) A minimum of four doors
 - c) An engine rating of not less than 1600cc unless written authorisation is received from the Licensing Authority.
 - d) Have either a separate luggage compartment or a fixed screen (of sufficiently sturdy construction to protect passengers from injury from items in the luggage compartment) between the rear seat and the luggage compartment, which shall be kept, in position at all times. This condition shall not apply to people carriers and multi purpose vehicles.
 - e) A serviceable spare tyre, or run flat type tyres, jacking equipment and wheel brace must be provided.
 - f) Four road wheels, the tyre load ratings must be to the manufacturer's recommendations. The use of remoulds will not be permitted.
 - g) A permanent roof, which is watertight, must be provided. Sunroofs are only allowed if fitted as new by the vehicle manufacturer.
 - h) Be equipped with fully functional nearside and offside exterior rear view mirrors.
 - i) Have all windows/doors opening in accordance with the original vehicle specification or for legal conversions in accordance with compliance test.
 - j) Rear seat to have 41 cm per passenger as per national average.
 - k) A suitable boot must be available to carry passenger luggage, this must a minimum of 400 litres. (For existing vehicles that do not have a boot capacity of

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

5.0 LPG SAFETY CHECK

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

6.0 SEAT BELTS

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

7.0 ALTERATIONS

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

8.0 SIGNS

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

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- c) In addition to the Council's official plate, private hire vehicles may fix on any door of the vehicle a non-illuminated, sign having a maximum total area of 5cm x 23cm (Total 175 cm) the lettering to be at least 6cm in height, and may be reflective. The sign may contain the following information:-

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

- d) In addition to the Council's official plate, Hackney Carriages may fix on the outside of the rear doors of the vehicle a non-illuminated, sign having a maximum total area of 5cm x 23cm (Total 175 cm) the lettering to be at least 6cm in height, and may be reflective. The sign may contain the following information:-

Hackney Carriage or Taxi
Telephone number
Name of the taxi company

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

9.0 LICENCE PLATES AND BADGES

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

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

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

10.0 ADVERTISING

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

11.0 TAXIMETER/FARES

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

12.0 VEHICLE DAMAGE

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

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

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

13.0 INSURANCE

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

14.0 NOTIFICATIONS

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

15.0 SAFETY EQUIPMENT

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

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

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

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- ❖ 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 Council's Testing Depot. Frequency of testing is dependent on the age of the vehicle, see table below

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

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

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

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

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

17.6 For vehicles that have been modified

- a) In order to accept an application to licence the vehicle any modification must be listed on the Registration Document in accordance with Road Traffic Legislation.
- b) The vehicles must be registered as a passenger vehicle.

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c) If there is a structural modification to the vehicle, the vehicle shall have satisfactory test certificate issued by DVLA to show the vehicle complies with the Road traffic (construction and use) Regulations 1986 or have a Voluntary Single Vehicle Approval (enhanced) certificate tested by VOSA or an equivalent test certificate as agreed by the Licensing Authority.

d) Any modification must be notified to DVLA and the registration document amended accordingly prior to submission for a licence.

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

18.0 RADIOS

18.1 Ensure that any telephone facilities and radio equipment provided are maintained in safe condition and that any defects are repaired promptly. The licensed operator will ensure that the licence issued by the Department of Trade and Industry for all radio equipment used is current and valid. All equipment must only be used on the frequencies stipulated in the D.T.I licence and the licensed operator must allow the Council access to inspect all equipment and D.T.I licenses.

18.2 Not to interfere with any other radio or telecommunication equipment.

18.3 Where apparatus for the operation of a two-way radio system is fitted, no part of the apparatus may be situated to cause accident or injury to the passenger, or in the rear boot compartment where LPG tanks or equipment are situated in them.

19.0 MINI BUSES

19.1 These are in addition to all other conditions and apply to mini buses that are licensed as private hire vehicles and taxis.

19.2 All doors must be capable of being opened from the inside when locked from the outside.

19.3 The vehicle must have at least two doors to the rear of the driver for the exclusive use of passengers.

19.4 All doors must show the method of operation of door lock operating levers i.e. Pull or Push with directional arrows in 5 cm letters.

19.5 All emergency doors must be clearly identifiable as such to passengers and should be clearly marked "Emergency Exit" in 5 cm letters.

19.6 There must be unobstructed access to all Emergency Doors or exits. (Seats must be located to facilitate this).

19.7 All sliding windows in the passengers' compartment should be restricted to open 15 cm only to protect persons from head injury.

19.8 All steps at entrances and exits must be illuminated or have clearly visible markings at floor level.

20.0 WHEELCHAIR ACCESSIBLE VEHICLES

20.1 These are in addition to all other conditions and apply to wheelchair accessible vehicles.

(a) Vehicles offered for approval must be constructed in accordance with **M/M1**

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

Motor Vehicle (Type Approval) Regulations 1980

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

And when in use with the following: -

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

20.2 When offered for approval the vehicle must comply with British and European Vehicle Regulations and by type approved to the requirements of the M or M1 category of European Whole Type Approval 70/156/EEC as amended. Those vehicles (e.g. van conversions) which have not been 'type approved' to M or M1 Categories must be presented with approved certification that the specific vehicle meets the requirements of one of those (i.e. M or M1) categories. Most registration certificates issued since late 1998 should indicate the approval status of the vehicle.

20.3 Approved anchorages shall be provided for the wheelchair and chair bound disabled person. These anchorages must be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether 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

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device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use.

20.10 All vehicles fitted with a mechanical tail lift must supply a tail lift safety certificate annually. This must be supplied upon renewal of the vehicle licence.

20.11 Wheelchair accessible hackney carriages must remain wheelchair accessible at all times.

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

21.0 GENERAL CONDITIONS

21.1 The proprietor of a licensed vehicle shall not convey or permit to be conveyed in such vehicle any greater number of persons than the number specified in the licence issued to that particular vehicle.

21.2 All vehicle proprietors must maintain a reasonable standard of behaviour in their dealings with the general public, other licensed operators, proprietors, and drivers of licensed vehicles and Authorised Officers of the Council.

21.3 The proprietor or driver of a licensed vehicle licensed by the Council shall furnish the Authorised Officers, such information relating to either the drivers or vehicles as is necessary to enable them to undertake their duties.

21.4 The proprietor or driver of a licensed vehicle licensed by the Council shall provide assistance necessary for carrying out the functions of the appropriate legislation to an Authorised Officer and any person accompanying the Authorised Officer.

21.5 The Authorised Officer will show their authorisation if required.

22.0 SPARE VEHICLE TRANSFER CONDITIONS

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

22.2 The alternative vehicle will have valid insurance cover when in use.

22.3 The temporary transfer licence will be valid for a maximum of ten days. An extension to this may be granted at the discretion of the Licensing Officer. Notification must be made to the Taxi Licensing Office when the spare vehicle is being used, this may be done by telephone out of normal working hours.

22.4 A valid temporary transfer licence must be held during the operation of any alternative vehicle.

22.5 The spare plate will be printed on the reverse of the main plate, to allow it to be turned over and displayed when in use. Where this is not possible alternative arrangements can be made with the Taxi Licensing Staff.

22.6 Notification must be received at the Taxi Licensing Office before the spare vehicle plate is used. The notification must contain details of reason for its use.

23.0 ACCIDENTS

- 23.1 Without prejudice to the provisions of Section 25 of the Road Traffic Act 1972, the owner of the vehicle shall report to the Licensing Section as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence thereof, any accident to the vehicle causing damage affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. Until the damage is repaired to the satisfaction of an Authorised Officer, the vehicle must not be used for hire unless written consent is received.
- 23.2 Accidents involving personal injury to passengers must be notified to the Police and Licensing Unit as soon as possible but in any case within forty-eight hours.

24.0 CCTV

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

APPENDIX 1 HEREFORDSHIRE COUNCIL

LICENSED VEHICLE TESTING STANDARD – MECHANICAL AND STRUCTURAL

Items for test in addition to MOT test.
The item numbers refer to the item codes on the test sheet.

29	Spare Tyre	Correct size for vehicle and conforms to legal requirements.
32	Seat Belts	All seat belts must conform to legal requirements and be operational
33	Wiring	Ensure that correct load fuses are being used. Ensure that visible wiring is not so corroded or chaffed that in the opinion of the tester a short circuit is likely to occur. That all junctions and installations are electrically sound.
34	Battery	Ensure that the battery mounting is not so corroded that the battery may break loose. Ensure that the battery is anchored securely. Ensure that the casing of the battery is sound and is not likely to allow acid to escape.
35	Starter Motor	Ensure starter motor is mounted securely
36	Engine Mountings	Mountings must be secure and not so corroded that they may be likely to fail.
37	Oil Leaks	Oil leaks must not create any type of hazard for the vehicle, pedestrians or other road users.
39	Drive Shaft	Universal joints must be serviceable and mountings secure. There must not be any undue 'play'.
40	Gearbox	Mountings must be secure and not so corroded as to be likely to fail. Gear selection must not be noisy.
41	Rear Axle	No oil leaks
43	Clutch Operation	Must operate satisfactorily and not 'judder', 'grab' or 'slip' outside normal limits.
44	Clutch Linkage	No signs of undue wear and are not likely to fail.
45	Clutch Hydraulics	System, if fitted, must not be leaking or the pipes and fittings so corroded that they may fail.
46	Fuel System	Inspected for security, corrosion and leaks.

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

APPENDIX 2

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

Items considered in test: -

1.0 External Bodywork

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

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seat springs shall be sound and not penetrating the fabric of the seat. There shall be no loose rugs, blankets, cushions or other articles on the passenger seats.

3.0 Floor

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

4.0 Doors

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

5.0 Head Lining

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

6.0 Boot

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

7.0 Fire Extinguishers

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

8.0 First Aid Kits

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

9.0 Taximeter

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

10.0 Fare Card

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

11.0 Internal Plate Sticker

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

12.0 Exterior Plate

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

13.0 Top Light

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

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

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

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

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

Data Protection Act 1998

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

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

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

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

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

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

REGULATORY COMMITTEE
LICENSING APPEAL PROCEDURE

1. Introduction by Legal Advisor to the Committee.
2. Licensing Officer outlines the case.
3. Applicant (or his solicitor) sets out his case.
4. Questions asked by the Committee or Licensing Officer or Applicant.
5. Applicant (or his solicitor) asked if he would like to make further comment or representation, or if he requires time to comment or investigate (if so, Chairman defers application).
6. In dealing with each application, the applicant (and any representative) should also withdraw should be asked to withdraw when they have finished their presentation. All officers, other than the Legal Adviser to the Committee, should also withdraw. It would be preferable for the applicant and officers to await the decision at different locations.
7. If either the applicant or the officer are needed to furnish additional information, they should all be invited back before the Committee. When the additional information has been furnished, they should all be asked to leave again.
8. The Committee can then reach a decision in the usual way, but in the absence of parties.
9. The applicant and officers will then be invited to return. The Chairman will announce the decision. The Chairman should also say that the decision will be communicated in writing in due course, and that the applicant will be informed of any right of appeal (if the decision is a refusal).
10. When the first applicant is finished, that applicant should leave. Deal with the second application the same way.
- 11.

**APPLICATION TO RE-INSTATE AN EXPIRED
HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE
STANDARD CONDITION 9.5 BY ROBERT PERELKA**

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

Purpose

1. The report introduces an application made by Mr Perelka to deviate from the standard condition number 9.5. This condition states: -

‘All applications received after the date of expiry will be treated as grants and not renewals and the appropriate conditions and fees will apply’.

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 current standard licence conditions were approved at Regulatory Committee on the 18th December 2007.

Issues

4. This Authority previously licensed a Peugeot 407 on Plate No. H254.
5. Due to a change of proprietor on plate, Mr Perelka was not written to until 29th December 2008 when he was advised that this vehicle plate would expire on 9th January 2009. There is no mandatory requirement for the Licensing Team to do this.
6. No application was received from Mr Perelka and accordingly the plate expired on 9th January 2009.
7. On 13th January 2009 an application was received from Mr Perelka to licence the vehicle (Appendix 1 – Background Papers).
8. Mr Perelka was granted the licence until the date of this hearing to allow the Committee to make a decision regarding this matter. Accordingly the plate granted expires at midnight tonight.
9. The application requests to re-licence this vehicle.

Matter for Committee

10. In light of this the licence has not been granted but instead referred to this Regulatory Committee for consideration and determination whether the plate should be issued.

Options

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

- Can be granted outside of the standard conditions and or policy.
- Cannot be granted and the licence be refused.
- Defer the decision in order to get more information.
- Or reach some other decision.

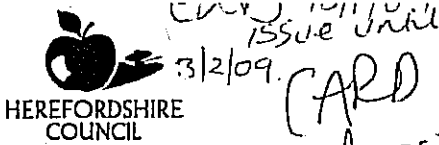
Appendix 1 – Computer print out of renewal letter from Lalpac

Appendix 2 – Copy of application forms

Appendix 3 – Copy of standard licence conditions

ELI VL 15 (new vehicle licence)
Outside standard licence conditions

H254



Receipt No: 264777
Income Code N80009474
Date: 13/1/09

Application for grant/renewal of
VEHICLE LICENCE OUTSIDE STANDARD LICENCE CONDITIONS

PLEASE TICK		PLEASE TICK	
PRIVATE HIRE VEHICLE		GRANT	
HACKNEY CARRIAGE VEHICLE		RENEWAL	
HOW DOES THE APPLICATION DEVIATE FROM STANDARD CONDITIONS			

Surname (MR/MRS/MISS) PERELKA Maiden Name.....
 All Forenames ROBERT Previous Surnames/Aliases.....
 Date of Birth 24.04.1985 Place of Birth JAWOR Sex M F
 Present address EIGN STREET 132 FLAT B
 Post Code HR4 0AP
 Telephone Number: Business 07912537595 Home.....
 Mobile.....

PREVIOUS ADDRESSES IN LAST 12 MONTHS IF APPLICATION IS FOR RENEWAL

GIVE NAMES AND ADDRESSES OF ANY CHANGE OF EMPLOYER, DURING THE PAST 12 MONTHS IF APPLICATION IS FOR RENEWAL

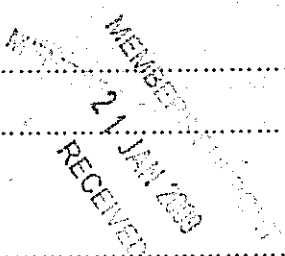
(Where applicant is partnership, limited company or other incorporated body)

Name of partnership, company or other incorporated body.
.....
.....

Address of Registered Office
.....
.....

Address from which business will be conducted.
.....
.....

(To be completed in respect of each Director and/or Partner using a separate sheet as necessary)



ELI VL 15 (new vehicle licence)
Outside standard licence conditions

Surname PERELKA Forename(s) ROBERT

Address 132 EIGN STREET

Date of Birth 24.04.1985 Driver's Badge No.....

PARTICULARS OF VEHICLE

1. NAME ON REGISTRATION DOCUMENT	<u>PERELKA ROBERT</u>
2. MAKE <u>PEUGEOT</u>	8. REGISTRATION NO. <u>MJ54 VRC</u>
3. MODEL <u>407</u>	9. PLATE NO. <u>H254</u>
4. TYPE OF BODY	10. ENGINE CAPACITY <u>1997</u>
5. COLOUR(S) <u>BLACK</u>	11. FUEL (PETROL/DIESEL/LPG) <u>Diesel</u>
6. NO. OF SEATS (EXC DRIVER) <u>5</u>	12. CHASSIS/BODY NO.
7. DATE OF 1 ST REGISTRATION <u>11/11/2004</u>	13. ENGINE NO.

ANY ALTERATIONS TO VEHICLE IN PAST 12 MONTHS IF APPLICATION IS FOR RENEWAL
YES/NO (if yes, please notify on a separate sheet)

Is the Vehicle Wheelchair accessible? YES/NO

Does the vehicle have a meter fitted? YES/NO

Make:..... Model:.....

Address at which vehicle will be garaged.....

Insurance Company Tradex

Insurance Valid From 11/8/08 To 11/8/09

Persons covered to drive with limitations (if any) ie. Age restriction, insured only.

Applicant only

Hackney/Private Hire Cover YES

Where is the Fire Extinguisher kept?.....

Is the vehicle to be used to undertake Social Service/Education Dept Contract? YES/NO
If YES, state type of contract.....

Name and address of proprietor of the vehicle Applicant

Has the applicant held Vehicle Licences granted by this or any other authority: YES/NO
If YES, give details: (Continue on separate sheet if necessary).

Have any licences in respect of Private Hire or Hackney Carriage held by you ever been
revoked, suspended or refused by any other authority? YES/NO

If YES, give details..... 40.....

.....
NAME, ADDRESS AND BADGE NO. of all persons who will be driving
.....
.....

Name and address of Company/Group for whom vehicle will operate.....
.....

Signature of Operator.....

I certify that the above answers are true and understand that if there are any omissions or false statements, my application will be refused or if a licence has been issued, it will be liable to immediate suspension or revocation.

I understand that any licence issued to me is subject to the provisions of the Town Police Clauses Act 1847, the Local Government (miscellaneous Provisions) Act 1976 and any conditions and byelaws that may be in force from time to time within the Licensing Authority. I further understand that any vehicle licence plate issued to me will remain in the ownership of Herefordshire Council.

I enclose the following:

1. Certificate of Insurance ✓
2. Registration Document ✓
3. Certificate of Compliance (issued by Council testing depot) ✓
4. Vehicle Inspection Certificate (issued by Council testing depot) ✓

I certify that I have received, read and understood the conditions in relation to the issue of a hackney carriage/private hire vehicle licence and agree that information in relation to my application may be shared with other directorates within Herefordshire Council.

Signature..... Date.....

ON COMPLETION PLEASE RETURN Any queries regarding any aspect of this application please contact the Taxi Licensing Office. Tel: 01432 260973 OR 260461	(Marked PRIVATE AND CONFIDENTIAL Hackney Carriage & Private Hire Licensing Herefordshire Council Council Offices P O Box 233 Bath Street Hereford HR1 2ZF
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ELI VL 15 (new vehicle licence)
Outside standard licence conditions

PARTNER FORM

(THIS FORM TO BE COMPLETED BY THE SECOND LICENCE HOLDER, IF YOU INTEND TO HAVE TWO NAMES ON YOUR LICENCE)

VEHICLE LICENCE

Surname (MR.MRS.MISS.MS)..... Maiden Name.....
All Forenames..... Previous Surnames/Aliases.....
Date of Birth..... Place of Birth..... Sex M/F
Present Address.....
..... Post Code.....
Telephone Number: Business..... Home.....

Particulars of Vehicle

N/A

REGISTRATION NO. _____

PLATE NO. _____

I certify that the above answers are true and understand that if there are any omissions or false statements, my application will be refused or if a licence has been issued, it will be liable to immediate suspension or revocation.

I understand that any licence issued to me is subject to the provisions of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and any conditions and byelaws that may be in force from time to time within the Licensing Authority. I further understand that any vehicle licence plate issued to me will remain in the ownership of Herefordshire Council.

I certify that I have received, read and understood the conditions in relation to the issue of a hackney carriage/private hire vehicle licence and agree that information in relation to my application may be shared with other directorates within Herefordshire Council.

Signature..... *[Signature]*..... Date *13.01.03*.....
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

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