

AGENDA

Regulatory Committee

Date: **Tuesday 9 June 2009**

Time: **2.00 pm**

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

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

For any further information please contact:

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If you would like help to understand this document, or would like it in another format or language, please call Pete Martens, Committee Manager Planning & Regulatory on 01432 260248 or e-mail pmartens@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Regulatory Committee

Membership

Councillor CM Bartrum
Councillor DJ Benjamin
Councillor ME Cooper
Councillor PGH Cutter
Councillor SPA Daniels
Councillor JHR Goodwin
Councillor JW Hope MBE
Councillor P Jones CBE
Councillor PJ McCaull
Councillor A Seldon
Councillor DC Taylor

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. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

AGENDA

		Pages
1.	<p>CHAIRMAN AND VICE CHAIRMAN</p> <p>To note the arrangements for the election of Chairman and appointment of Vice-Chairman, together with any membership changes, following the recent Annual Council.</p>	
2.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
3.	<p>NAMED SUBSTITUTES (IF ANY)</p> <p>To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.</p>	
4.	<p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
5.	<p>MINUTES</p> <p>To approve and sign the Minutes of the meeting held on 11th May, 2009.</p>	1 - 6
6.	<p>ALCOHOL CONSUMPTION IN PUBLIC PLACES – AMENDMENT DESIGNATION OF PUBLIC PLACES IN HEREFORD</p> <p>To amended 'The Herefordshire (Alcohol Consumption in Designated Places) Order (No.3) 2007 in respect of Hereford City.</p>	7 - 8
7.	<p>PRIVATE HIRE VEHICLE CONDITIONS ATTACHED TO A SPECIALIST PRIVATE HIRE VEHICLES (FIRE ENGINES) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</p> <p>The report is to assist the Regulatory Committee consider the conditions to be attached to specialist Private Hire Vehicle in respect of de-commissioned Fire Engines.</p>	9 - 20
8.	<p>PROCEDURAL ARRANGEMENTS</p> <p>To note the procedural arrangements for the meeting and the Council's vehicle licence conditions in respect of the following applications.</p>	21 - 40
9.	<p>APPLICATIONS TO RE-INSTATE AN EXPIRED HACKNEY VEHICLE LICENCE OUTSIDE STANDARD CONDITION 9.5 BY MR NICHOLAS MADDY</p> <p>To consider an application for renewal of a vehicle licence contrary to the licensing conditions.</p>	41 - 46

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| <p>10. APPLICATIONS TO RE-INSTATE AN EXPIRED PRIVATE HIRE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 9.5 BY MR JOHN BISHOP</p> <p>To consider an application for renewal of a vehicle licence contrary to the licensing conditions.</p> | <p>47 - 54</p> |
| <p>11. APPLICATION TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 9.5 BY MR BAIRDAR</p> <p>To consider an application for renewal of a vehicle licence contrary to the licensing conditions.</p> | <p>55 - 56</p> |

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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Regulatory Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Monday 11 May 2009 at 2.00 pm**

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

Councillors: DJ Benjamin, PGH Cutter, SPA Daniels, BA Durkin,
JHR Goodwin, RC Hunt and A Seldon

131. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors CM Bartrum, ME Cooper, PJ McCaull and DC Taylor.

132. NAMED SUBSTITUTES (IF ANY)

Councillor BA Durkin was appointed named substitute for Councillor ME Cooper and Councillor RC Hunt for Councillor PJ McCaull.

133. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

134. MINUTES

RESOLVED: That the Minutes of the meeting held on 7th April, 2009 be approved as a correct record and signed by the Chairman.

135. PROCEDURAL ARRANGEMENTS

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

**136. APPLICATION TO RE-INSTATE AN EXPIRED PRIVATE HIRE VEHICLE
LICENCE OUTSIDE STANDARD CONDITION 9.5 BY LESLIE KNAPMAN**

The Licensing Officer presented an application by Mr LR Knapman for the re-instatement of an expired private hire vehicle licence outside standard condition 9.5. which stipulated that applications for the renewal of licenses after they had expired would be treated as new applications. Despite a reminder being sent to Mr Knapman, he had not applied for renewal until 21 days after the expiry of the licence.

Mr Knapman said that he was not aware that he had to apply to renew the licence before it had expired and said that he had also encountered difficulties in arranging for his vehicle to be inspected by the Council's testing station within a reasonable timeframe.

The Committee carefully considered those matters brought before them. The Committee noted Mr Knapman's explanation and decided that due to the particular

circumstances involved, an exception could be made to policy and the application could be granted. It was noted however that Mr Knapman had also been late in renewing his licence last year and he was strongly reminded that it was his responsibility to ensure that he was more timely in applying for the renewal of his licence in future.

On the matter of the vehicle inspections, the Acting Regulatory Services Manager said that he had arranged to meet the manager of the vehicle testing centre to discuss what improvements could be made to improve the timescales involved to the advantage of the Council and the proprietors.

RESOLVED THAT:

an application from Mr Knapman to deviate from the standard condition number 9.5, for the renewal of a private hire vehicle licence No. P009 in respect of Peugeot 406 be approved.

137. APPLICATION TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 9.5 BY MR BAIRDAR

The Licensing Officer introduced a report about an application from Mr Bairdar to transfer a licence to a vehicle which did not comply with the Council's licensing conditions in respect of vehicles which have been converted from vans to mini-buses. He said that condition No20 regarding such vehicles stipulated that

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.

At the meeting of the Regulatory Committee on 15th July 2008 it was agreed that the Council would only approve wheelchair access vehicles for hackney or private hire if they met the following criteria:-

- i. the manufacturer must have a vehicle prototype that has passed the 'VOSA –SVA Single Vehicle Approval Standard Test', including

class D (disabled) and class P (for import),

or

- ii. the manufacturer must prove to the Council that its vehicle has relevant safety standards and is able to demonstrate consistent manufacture to that standard.

Mr Bairkdar had applied to transfer licence P406 from a Citroen car to a Renault Master Van. The vehicle was shown on the registration certificate as being in category **N1**, meaning that it has been converted from a panel van. The vehicle was wheelchair accessible but no evidence had been produced to confirm that it had been converted by an approved manufacturer.

Having considered the circumstances regarding the application, the Committee noted the Council's licence conditions and felt that there were possible ambiguities which could be interpreted in different ways. The Acting Regulatory Services Manager said that the licensing conditions were currently being reviewed and that amendments could be made to address this. In the meantime the Committee was of the view that consideration of the application from Mr Bairkdar should be deferred pending him obtaining the necessary certification to comply with the Council's vehicle licensing conditions.

RESOLVED THAT:

consideration of an application from Mr Bairkdar to transfer a vehicle licence be deferred pending him obtaining the necessary certification to comply with the Council's vehicle licensing conditions.

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.

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

The Licensing Officer referred to agenda item No. 8 and provided the Committee with the circumstances which had given rise to the need for an application for a dual Hackney Carriage/Private Hire driver's licence to be referred to the Committee. He said that despite letters and phone calls to the applicant, he had failed to appear at the meeting to explain the circumstances regarding his convictions, or at two previous meetings which had been held on 16th March and 7th April. In view of this the Committee felt that it had no option but to refuse the application.

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

The Licensing Officer referred to agenda item No. 9 and provided the Committee with the circumstances which had given rise to the need for an incident involving an application for a dual Hackney Carriage/Private Hire driver's licence being referred to the Committee. The applicant provided the Committee with details of the circumstances which had given rise to the incident and said that it was purely a domestic matter, out of character, and totally unrelated to work.

Having considered all of the facts put forward about the incident, the Committee decided that the applicant was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that he could be granted a Hackney Carriage/Private Hire driver's licence.

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

The Licensing Officer referred to agenda item No. 10 and provided the Committee with the circumstances which had given rise to the need for an application for a dual Hackney Carriage/Private Hire driver's licence to be referred to the Committee. He said that despite letters and phone calls to the applicant, he had failed to appear at the meeting to explain the circumstances regarding his convictions, or at two previous meetings which had been held on 16th March and 7th April. In view of this the Committee felt that it had no option but to refuse the application.

141. MATTER REGARDING A HACKNEY CARRIAGE & PRIVATE HIRE DRIVER - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

The Acting Regulatory Services Manager referred to agenda item No. 11 and provided the Committee with details of the circumstances which had given rise to the need for the Director of Environment and Culture to suspend a dual Hackney Carriage/Private Hire driver's licence. The Committee endorsed the approach that had been taken and decided that the licence should be revoked.

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

The Licensing Officer referred to agenda item No. 12 and provided the Committee with the reasons which had necessitated the need for an application for a dual Hackney Carriage/Private Hire driver's licence being referred to the Committee. The applicant provided the Committee with details of the circumstances which had given rise to his convictions and explained the reasons why he felt that he should be granted a licence.

Having considered all of the facts put forward by the Licensing Officer and the applicant, the Committee decided that the applicant was not a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that his application for a Hackney Carriage/Private Hire driver's licence should be refused.

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

The Licensing Assistant referred to agenda item No. 13 and provided the Committee with the reasons which had necessitated the need for an application for a dual Hackney Carriage/Private Hire driver's licence being referred to the Committee. The applicant provided the Committee with details of the circumstances which had given rise to his convictions and explained the reasons why he felt that he should be granted a licence.

Having considered all of the facts put forward by the Licensing Assistant and the applicant, the Committee decided that the applicant was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and that he should be granted a Hackney Carriage/Private Hire driver's licence.

The meeting ended at 3.40 pm

CHAIRMAN

ALCOHOL CONSUMPTION IN PUBLIC PLACES – AMENDMENT DESIGNATION OF PUBLIC PLACES IN HEREFORD

Report By: Head of Environmental Health and Trading Standards

Wards Affected

1. Hereford

Purpose

2. To amend 'The Herefordshire (Alcohol Consumption in Designated Places) Order (No.3) 2007 in respect of Hereford City.

Background

3. A recent review has been carried out in respect of the 'The Herefordshire (Alcohol Consumption in Designated Places) Order (No.3) 2007 in respect of Hereford City. It has been noted when the original order was made that Broad Street was omitted.
4. The Order came into force on 14th September 2007.
5. The Criminal Justice and Police Act 2001 and the Local Authorities (Alcohol Consumption in Designated Places) Regulations 2001 gives powers to local authorities to place restrictions on public drinking within so-called designated places where it is associated with nuisance or annoyance to members of the public, or with disorder.
6. An Order gives the Police (including Community Support Officers) the power to require a person not to drink alcohol in a designated place where the officer believes that the person is, has or intends to do so, and to surrender any alcohol or alcohol containers in the person's possession. Failure to comply with an officer's requirements in respect of drinking or surrendering alcohol is an arrestable offence.
7. The designation of a place under an Order therefore provides potentially effective tools to those wishing to tackle nuisance, annoyance or disorder.

Consultation

8. An extensive consultation process took place prior to the commencement of the original order. In view of the fact that this was as a result of the omission in the original order no further consultation is felt necessary.

Recommendation

That: The Committee amends the original order to include Broad Street, Hereford.

**PRIVATE HIRE VEHICLE CONDITIONS ATTACHED TO
A SPECIALIST PRIVATE HIRE VEHICLES (FIRE
ENGINES) 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 specialist Private Hire Vehicle in respect of de-commissioned Fire Engines.

Legal Background

2. Under the terms of the Local Government (Miscellaneous Provisions) Act 1976 local authorities may make reasonable conditions for the regulation of 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. The original fire engine conditions were considered and agreed at Regulatory Committee in July 2006.
6. Since that date changes have taken place in the standard licence conditions for Hackney Carriage and Private Hire Vehicles which require additional conditions being added to the fire engine conditions.
7. Appendix 1 shows the fire engine conditions. It is proposed to add the following condition:-
 - 1.1 A vehicle may only be licensed providing that the vehicle has past an enhanced VOSA Single Vehicle Approval (SVA) test and the applicant has provided a written self-declaration that no changes have take place to that vehicle since the SVA test was past.

Options

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

- The new condition can be adopted for use with Fire Engines licensed as Private Hire Vehicles.
- The new condition 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 A vehicle may only be licensed providing that the vehicle has past an enhanced VOSA Single Vehicle Approval (SVA) test and the applicant has provided a written self-declaration that no changes have take place to that vehicle since the SVA test was past.
- 1.2 All operators will be required to sign a declaration that the vehicle will not carry more than 8 passengers and that at the time of booking the vehicle, the restriction of carrying no more than 8 passengers shall be explained to the hirer.
- 1.3 Whenever passengers are entering or leaving the vehicle physical assistance must be provided by the operator/crew to ensure their safety.
- 1.4 Additional steps must be carried and used on the vehicle to facilitate access to and egress from the passenger compartment of the vehicle.
- 1.5 Suitable signage must be displayed in the passenger compartment, advising passengers to wear seatbelts.
- 1.6 All external lockers on the vehicle must be secured to prevent access by passengers or the public.
- 1.7 The floor area in the passenger compartment of the vehicle must be kept clear and unobstructed at all times.
- 1.8 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.

- 1.9 The blue light and siren on the vehicle must be permanently disabled.
- 1.10 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.
- 1.11 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.
- 1.12 An audible and visual alarm system must be fitted to the rear passenger compartment doors and must be active at all times.
- 1.13 A risk assessment must be approved by the Taxi Licensing Section before the vehicle can be licensed.
- 1.14 Any driver of the vehicle must be hold a HGV licence and a dual drivers 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.
- 5.2 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. (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 attachments	2
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
- 12.2 Trailers must not be left unattended anywhere on the highway.

13.0 VEHICLE INSPECTION see appendix A & B

- 13.1 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 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 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 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.

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

REGULATORY COMMITTEE
LICENSING APPEAL PROCEDURE

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



**HEREFORDSHIRE
COUNCIL**

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

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

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Appendix 1 - licensed vehicle Testing standard – mechanical and structural

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



CONDITIONS ATTACHED TO PRIVATE HIRE/HACKNEY CARRIAGE VEHICLE LICENCE

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

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

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

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

1.0 NEW HACKNEY VEHICLE LICENCE

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

2.0 NEW PRIVATE HIRE VEHICLE LICENCE

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

3.0 EXISTING VEHICLE LICENCES

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

4.0 VEHICLE SPECIFICATION

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

Amended by Regulatory Committee on 18th December 2007

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

5.0 LPG SAFETY CHECK

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

6.0 SEAT BELTS

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

7.0 ALTERATIONS

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

8.0 SIGNS

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

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

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

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

Hackney Carriage or Taxi
Telephone number
Name of the taxi company

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

9.0 LICENCE PLATES AND BADGES

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

Amended by Regulatory Committee on 18th December 2007

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

Amended by Regulatory Committee on 18th December 2007

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,

Amended by Regulatory Committee on 18th December 2007

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

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

16.0 TRAILERS

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

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

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

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

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

17.0 VEHICLE INSPECTION see appendix A & B

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

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

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

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

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

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

17.6 For vehicles that have been modified

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

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

18.0 RADIOS

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

19.0 MINI BUSES

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

20.0 WHEELCHAIR ACCESSIBLE VEHICLES

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

Amended by Regulatory Committee on 18th December 2007

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

Motor Vehicle (Type Approval) Regulations 1980

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

And when in use with the following: -

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

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

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

21.0 GENERAL CONDITIONS

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

The Authorised Officer will show their authorisation if required.

22.0 SPARE VEHICLE TRANSFER CONDITIONS

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

23.0 ACCIDENTS

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

Amended by Regulatory Committee on 18th December 2007

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 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

Amended by Regulatory Committee on 18th December 2007

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

APPLICATIONS TO RE-INSTATE AN EXPIRED HACKNEY VEHICLE LICENCE OUTSIDE STANDARD CONDITION 9.5 BY MR NICHOLAS MADDY

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

Purpose

1. The report introduces an application made by Mr Maddy 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 standard licence conditions were approved at Regulatory Committee on the 18th December 2007.

Issues

4. This Authority previously licensed a Skoda Octavia saloon registration number GN53 HVG on Plate No. H332 which was first registered on 2.12.02.
5. Due to a procedural oversight the licence application details were not recorded on the computer last year and therefore no renewal reminders were sent. There is no mandatory requirement for the Licensing Team to do this and the responsibility for renewal lies with the applicant. In light of this a plate was issued until the Committee Hearing.
6. Mr Maddy's plate expired on 9th April 2009.
7. On 12th May 2009 an application (Appendix 1) was brought in to Garrick House by a representative of Mr Maddy to licence the vehicle. The licensing team member advised that as the application was late, the matter would have to be considered by Regulatory Committee.
8. The Committee may recall that Mr Maddy appeared before them on the 15th July last year, when again they were asked to consider renewal of this plate, on this vehicle, which again was submitted late. On that occasion you decided to grant the application.
9. As this application is outside the standard conditions there is no devolved power for the Licensing Officer to deal with this application.
10. The application requests to licence this vehicle.

Matter for Committee

11. 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 on a permanent basis.

Options

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

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

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



HEREFORDSHIRE
COUNCIL

Receipt No:
..27022.6..

Income Code
N80009474

Date... 12/5/09

£150 for winter fee already paid.

**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	<i>The plate had expired.</i>		

Surname (MR. MRS. MISS) *NICHOLAS* Maiden Name.....

All Forenames *James* Previous Surnames/Aliases *MADDY*

Date of Birth..... Place of Birth..... Sex M/F

Present address.....

.....Post Code.....

Telephone Number: Business *01432 266211* Home.....

Mobile *07971902982*

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..... Forename(s).....

Address.....

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

PARTICULARS OF VEHICLE

1. NAME ON REGISTRATION DOCUMENT

2. MAKE Skoda

8. REGISTRATION NO. GNS3 Hrg

3. MODEL Octavia Classic

9. PLATE NO. H332

4. TYPE OF BODY

10. ENGINE CAPACITY 1900

5. COLOUR(S)

11. FUEL (PETROL/DIESEL/LPG) Diesel

6. NO. OF SEATS (EXC DRIVER)

12. CHASSIS/BODY NO.

7. DATE OF 1ST REGISTRATION

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: Sheriff Model: Ultima

Address at which vehicle will be garaged 171 Widemare Street
Hereford

Insurance Company QEB

Insurance Valid From..... To.....

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

Hackney/Private Hire Cover.....

Where is the Fire Extinguisher kept? Boot

Is the vehicle to be used to undertake Social Service/Education Dept Contract? **YES/NO**

If YES, state type of contract WHD 75

Name and address of proprietor of the vehicle.....

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). West Midlands Traffic Division

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.....

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

.....
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 15-3-09.....

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
---	---

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

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.....Date.....

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.

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

APPLICATIONS TO RE-INSTATE AN EXPIRED PRIVATE HIRE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 9.5 BY MR JOHN BISHOP

REPORT BY: Head of Environmental Health and Trading Standards

Purpose

1. The report introduces an application made by Mr Bishop 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 standard licence conditions were approved at Regulatory Committee on the 18th December 2007.

Issues

4. This Authority previously licensed a Ford Mondeo saloon registration number Y331 JCJ on Plate No. P225 which was first registered on 5.3.01, Mr Bishop now wants to change the vehicle to a Rover 75 with this renewal application.
5. On 29th January and 12th February 2009 the Licensing Team wrote to Mr Bishop advising him that this vehicle plate would expire on 27th February 2009. There is no mandatory requirement for the Licensing Team to do this.
6. No application was received from Mr Bishop and accordingly the plate expired on 27th February 2009.
7. On 3rd March 2009 (4 days after expiry) an application was brought in to Garrick House by a representative of Mr Bishop to licence the vehicle. The licensing team member advised that as the application was late, the matter would have to be considered by Regulatory Committee. The application form was taken away to discuss with Mr Bishop.
8. A letter of complaint was received from Mr Bishop on the 7th May 2009 and a reply was sent back from licensing on the 12th May 2009, advising Mr Bishop of the reasons the application had to go to Committee.
9. As this application is outside the standard conditions there is no devolved power for the Licensing Officer to deal with this application.
10. An application was received on the 28th May 2009 (Appendix 1).

11. The application requests that the expired licence been granted as a new plate and that the new vehicle be allowed to be attached to that plate. (The new vehicle does meet the terms and conditions in respect of a replacement vehicle).

Matter for Committee

12. 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 licences: -

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

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



Receipt No:
263511

Income Code
N80009474

Date: 28/05/09

App received =

Chg 150

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

PLEASE TICK		PLEASE TICK	
PRIVATE HIRE VEHICLE	<input checked="" type="checkbox"/>	GRANT	
HACKNEY CARRIAGE VEHICLE		RENEWAL	<input checked="" type="checkbox"/>
HOW DOES THE APPLICATION DEVIATE FROM STANDARD CONDITIONS			

Surname (MR.MRS.MISS)..... MR BISITOP Maiden Name.....

All Forenames..... JOHN ANTHONY DAVE Previous Surnames/Aliases.....

Date of Birth..... 17-09-1950 Place of Birth..... BROMYARD Sex M F

Present address..... 1 THE BY-PASS
..... BROMYARD Post Code..... HR7 4DJ

Telephone Number: Business..... 01885-482646 Home..... 01885 48 2548

Mobile..... 07968 731036

PREVIOUS ADDRESSES IN LAST 12 MONTHS IF APPLICATION IS FOR RENEWAL

..... N/A

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

..... N/A

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

Name of partnership, company or other incorporated body.

..... BISHOPS

Address of Registered Office

Address from which business will be conducted.

BISHOPS OF BROMYARD LTD.
BYPASS GARAGE
BROMYARD, HR7 4DJ
Tel: (01885) 482546
(01885) 483391
VAT No: 135 5904 66

BISHOPS OF BROMYARD LTD.
BYPASS GARAGE
BROMYARD, HR7 4DJ
Tel: (01885) 482546
(01885) 483391
VAT No: 135 5904 66

(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 BISHOP Forename(s) JOHN

Address 1 THE BY-PASS Bromyard

Date of Birth 17-09-50 Driver's Badge No. 6050

PARTICULARS OF VEHICLE

- | | |
|---|--|
| 1. NAME ON REGISTRATION DOCUMENT | |
| 2. MAKE | 8. REGISTRATION NO. <u>V054 TWE</u> |
| 3. MODEL <u>ROVER 75</u> | 9. PLATE NO. <u>P225</u> |
| 4. TYPE OF BODY <u>SALOON</u> | 10. ENGINE CAPACITY <u>2000</u> |
| 5. COLOUR(S) <u>BLUE</u> | 11. FUEL (<u>PETROL/DIESEL/LPG</u>) |
| 6. NO. OF SEATS (EXC DRIVER) <u>4</u> | 12. CHASSIS/BODY NO. <u>SARRJZLHK5D 3420</u> |
| 7. DATE OF 1 ST REGISTRATION <u>28.09.04</u> | 13. ENGINE NO. <u>829157 61716053</u> |

**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 AIG

Insurance Valid From 28/08/08 To 27/08/09

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

Hackney/Private Hire Cover.....

Where is the Fire Extinguisher kept? CLOVE BOX

Is the vehicle to be used to undertake Social Service/Education Dept Contract? ~~YES~~/NO

If YES, state type of contract SOCIAL SERVICES

Name and address of proprietor of the vehicle.....



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).

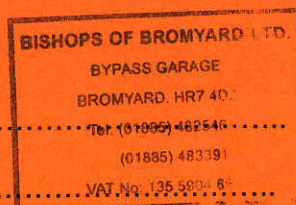
Have any licences in respect of Private Hire or Hackney Carriage held by you ever been revoked, suspended or refused by any other authority? ~~YES~~/NO

If YES, give details.....

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

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

JOHN BISHOP No. 6050
ROBERT MERRY, No. 5999



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

26/05/09

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

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

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..........Date 26.05.09.....
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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#      Date      Time      Type      Input By      OLE
1 12/02/2009 30/12/1899 13:38:45 Letter Sent Gemma dean 0
2 29/01/2009 30/12/1899 15:06:54 Letter Sent Gemma dean 0
3 04/03/2008 30/12/1899 13:06:29 Note Gemma dean 0
4 23/02/2007 30/12/1899 14:17:04 Note Maureen Firth 0
5 24/02/2006 30/12/1899 09:15:34 Note Sam Chillcott 0
6 22/02/2005 30/12/1899 16:00:00 Note Sadie Hopkins 0
7 24/02/2004 30/12/1899 10:36:42 Note Carrie Higgins 0
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**PRIVATE HIRE VEHICLE LICENSING DEVIATION BY
MR I BAIRKDAR FROM VEHICLE LICENCE
CONDITION NUMBER 3.3b**

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

Purpose

1. The report introduces an application made by Mr Bairkdar to deviate from the standard condition number 3.3b. This condition states: -

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.

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

Issues

4. Mr Bairkdar made an application to licence a vehicle with N1 on plate number P406 at the last committee, that matter is still being considered by the Authorities Legal advisors.
5. In the meantime Mr Bairkdar has sourced another vehicle which has M1 on the registration document, but it has higher mileage than the outgoing vehicle. He would like this vehicle to be plated on P406.
6. The mileage on the proposed new vehicle is 262,898 and the outgoing vehicle had 189,707.

Condition 3.2 states :- 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.

7. No request was received for written authorisation for this vehicle.

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.**
- **Deferred decision in order to get more information.**
- **or reach some other decision.**

Appendix 1 – standard vehicle licence conditions – see Agenda item 8