

# AGENDA

## Regulatory Committee

Date: **Tuesday 9 March 2010**

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Time: **2.00 pm**

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

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

For any further information please contact:

**Pete Martens, Committee Manager Planning & Regulatory**

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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](mailto:pmartens@herefordshire.gov.uk) in advance of the meeting.

# Agenda for the Meeting of the Regulatory Committee

## Membership

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

## **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**

	<b>Pages</b>
<p><b>1. APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence.</p>	
<p><b>2. NAMED SUBSTITUTES (IF ANY)</b></p> <p>To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.</p>	
<p><b>3. DECLARATIONS OF INTEREST</b></p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p><b>4. MINUTES</b></p> <p>To approve and sign the Minutes of the meeting held on 9th February 2010.</p>	1 - 8
<p><b>5. PROPOSED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS, WITH AMENDMENTS - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 AND TOWN POLICE CLAUSES ACT 1847.</b></p> <p>To consider implementing revised licence conditions for private hire and hackney carriage vehicles which have been revised since the previous meeting on 9th February, 2010.</p>	9 - 32
<p><b>6. PROCEDURAL ARRANGEMENTS</b></p> <p>To note the procedural arrangements for the meeting.</p>	33 - 34
<p><b>7. APPLICATIONS TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 9.5 BY MR ANTHONY BURGE</b></p> <p>To decided whether to licence a vehicle outside the standards vehicle licence conditions.</p>	35 - 60

**EXCLUSION OF THE PUBLIC AND PRESS**

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

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

8.	<b>DUAL (HACKNEY CARRIAGE &amp; PRIVATE HIRE) DRIVER'S LICENCE - INCIDENT REGARDING THE HOLDER OF A DUAL DRIVER'S LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</b>	61 - 66
	To consider an incident regarding a licenced hackney carriage/private hire driver.	
9.	<b>DUAL (HACKNEY CARRIAGE &amp; PRIVATE HIRE) DRIVER'S LICENCE - INCIDENT REGARDING THE HOLDER OF A DUAL DRIVER'S LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</b>	67 - 72
	To consider an incident regarding a licenced hackney carriage/private hire driver.	
10.	<b>APPLICATION FOR A DUAL (HACKNEY CARRIAGE &amp; PRIVATE HIRE) DRIVER'S LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</b>	73 - 80
	To consider an application for a dual hackney carriage/private hire driver's licence.	
11.	<b>APPLICATION FOR A DUAL (HACKNEY CARRIAGE &amp; PRIVATE HIRE) DRIVER'S LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</b>	81 - 88
	To consider an application for a dual hackney carriage/private hire driver's licence.	
12.	<b>APPLICATION FOR A DUAL (HACKNEY CARRIAGE &amp; PRIVATE HIRE) DRIVER'S LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</b>	89 - 96
	To consider an application for a dual hackney carriage/private hire driver's licence.	
13.	<b>APPLICATION FOR A DUAL (HACKNEY CARRIAGE &amp; PRIVATE HIRE) DRIVER'S LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</b>	97 - 104
	To consider an application for a dual hackney carriage/private hire driver's licence.	

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- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
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- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

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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 Tuesday 9 February 2010 at 2.00 pm**

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

**Councillors:** CM Bartrum, DJ Benjamin, PGH Cutter, SPA Daniels, JHR Goodwin, RC Hunt, PJ McCaull, A Seldon and JD Woodward

**76. APOLOGIES FOR ABSENCE**

There were no apologies for absence submitted at the meeting.

**77. NAMED SUBSTITUTES (IF ANY)**

There were no named substitutes present at the meeting.

**78. DECLARATIONS OF INTEREST**

There were no declarations of interest made at the meeting.

**79. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 8th December, 2009 be approved as a correct record and signed by the Chairman.

**80. HIGHWAYS ACT 1980, SECTION 119. PROPOSED PUBLIC PATH DIVERSION ORDER FOOTPATH EH18 (PART) IN THE PARISH OF EWYAS HAROLD**

The Interim Parks, Countryside and Leisure Development Manager presented a report about an application for a Diversion Order under the provisions of Section 119 of the Highways Act 1980 in respect of part of Footpath EH18 in the parish of Ewyas Harold. He said that the application had originally been submitted in 1997 by the then owner of Golden Grove who wished to avoid the unnecessary inconvenience and embarrassment which would be caused by walkers passing through the garden of his property. Pre-Order consultation was undertaken and although the local parish council agreed to the proposals, the Ramblers Association and the Open Spaces Society raised objections on the grounds that the diversion would remove the termination point of the path away from the termination point of the path on the other side of the road.

The property was sold and the new owners made a fresh application in May 2004 and agreed to pay for advertising and to reimburse, the Council's costs in full which would be incurred in making an Order. They also secured the written agreement of the neighbouring landowner, whose land the proposed route would cross. The proposals were sent out again to pre-order consultation because of the length of time which had elapsed since the first application. There were no objections from statutory undertakers or the Local Ward Member, and the local parish council supported the proposals. The Open Spaces Society stated that they were not minded to object to the proposals, subject to a gate being installed at the junction with the road. The Ramblers Association objected to the principle of moving the path away from the route which continued on the other side of the road. The Council's Highways Department

raised concerns about the poor visibility at the point that the proposed route met the road but were not minded to object. The landowner of the diversion route, although agreeing to the diversion, was resolute in his opinion to only have a stile at the roadside, not a kissing gate as suggested by the Area Rights of Way Officer. The applicant was subsequently advised that the application would be unable to proceed without the landowners' consent to the installation of a gate. In December 2007, the applicants suggested that they might have an alternative route but despite subsequent reminders nothing further has been heard from them. The Interim Parks, Countryside and Leisure Development Manager suggested that no further action be taken and the Committee agreed with his proposal to reject the application as it currently stood.

**RESOLVED THAT:**

**That a Public Path Diversion Order be not made under Section 119 of the Highways Act 1980, in respect of Footpath EH18 (part) as illustrated on plan D273/142-18 in the report of the Interim Parks, Countryside and Leisure Development Manager, and that the application be rejected.**

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

A report was presented by the Interim Parks, Countryside and Leisure Development Manager about an application for a Diversion Order under the provisions of Section 119 of the Highways Act 1980 in respect of part of Footpath LW4 Llanwarne. He explained the events which had given rise to the application and the legal requirements which the applicants needed to fulfil in respect of land ownership before an Order could be made. He reminded the Committee that at its meeting on 31st January, 2006 it had been decided to defer a decision on the application for a period of six months to allow the applicants further time to resolve the outstanding issues. Despite some attempts by the applicants to resolve the matter, no further progress had been made in obtaining landowner consent for the diversion. He also said that the applicants had failed to confirm that they would indemnify the Council against any possible claim for compensation in respect of land ownership if an Order was made. Because neither requirement had been fulfilled, the applicants had been informed that it would be recommended to the Committee that the application be rejected. When the matter came back to the Committee in January 2007 it was decided that consideration of the application be deferred for further investigation to be made about whether the revised route of Footpath LW4 (part) Llanwarne could be deemed to be in existence after twenty years.

The Interim Parks, Countryside and Leisure Development Manager provided the Committee with information about his investigations into the matter since January 2007 and the discussions which had been held with the applicants. He also explained the assessment that had been carried out about the practical issues regarding the possibility of a Definitive Map Modification (DMMO) application to record the proposed diversion route as a public right of way on the basis of uninterrupted useage. He advised that processing a DMMO application was likely to take some years due to the current backlog. However, even if successful, such a move would not extinguish the part of footpath LW4 that was subject to the diversion application. To do so would require an additional Public Path Extinguishment Order (under section 118 of the Highways Act 1980) to be made and confirmed. Despite the presence of a second route in close proximity, it could not be guaranteed that an extinguishment application would be successful. In the interim the Council would continue to have legal responsibilities in respect of both this section of footpath LW4 and any new route added via a DMMO. He pointed out that the applicants had repeatedly refused to sign a form indemnifying the Council against possible compensation claims as a result of the proposals. The owners of the land on which the proposed route would pass had not agreed to the proposals



despite many attempts over many years. The proposals were in the applicants' interests and not necessarily in the wider interests of the public, or in the interests of the landowner of the proposed route. In view of the lack of progress he suggested that the application should be refused and said that the Local Ward Member supported this view. The Committee endorsed his suggestion.

**RESOLVED THAT:**

**a Public Path Diversion Order be not made under Section 119 of the Highways Act 1980, in respect of Footpath LW4 (part) as illustrated on plan D52/245-4 in the report of the Interim Parks, Countryside and Leisure Development Manager, and that the application be rejected.**

**82. PROPOSED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 AND TOWN POLICE CLAUSES ACT 1847**

The Acting Regulatory Services Manager presented his report about proposed revised licence conditions for private hire and hackney carriage vehicles. He outlined the extensive discussion that had been carried out with the trade, partner organisations and other licensing authorities following on from a request from the Hereford Taxi Association in September 2008 for a review to be carried out. A number of successive drafts had been prepared and discussed with the trade and amendments had been made where acceptable under the legislation which governed the way in which licensing conditions could be prepared. He was pleased to report that the stage had nearly been reached where the conditions could be finalised.

Mr J Jones the Chairman of the Association confirmed that agreement had nearly been reached but asked for a few additional amendments to be considered and described what these were. The Committee considered each suggestion together with the views of the Acting Regulatory Services Manager. It was decided that the proposed conditions should be approved and that the Acting Regulatory Services Manager should decide which amendments from the Hereford Taxi Association were acceptable. The final version of the conditions could then be brought back to the Committee for ratification.

**RESOLVED THAT:**

**the proposed hackney carriage/private hire vehicle licence conditions set out in the report of the Acting Regulatory Services Manager be accepted and that he be authorised to include any additional changes suggested by the Hereford Taxi Association which he considers to be acceptable to the Council taking into consideration the licensing legislative framework and best practice, and that the final version of the conditions be submitted to the next meeting of the Committee for ratification.**

**83. APPLICATION FOR APPROVAL FROM PONTING & BETTY LTD TO BE ON HEREFORDSHIRE COUNCIL'S APPROVED LIST FOR WHEELCHAIR ACCESS FACILITIES & N1 CONVERSION FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES**

A report was presented by the Acting Regulatory Services Manager suggesting the approval of a company as a manufacturer of wheelchair access vehicles to be used as licensed vehicles in Herefordshire; and as an approved manufacturer of N1 conversions. He said that in July 2008 the Committee had decided on the test to ensure that vehicles retrofitted with wheelchair access facilities were safe and fit for use. The Committee

agreed that the Council would approve wheelchair access vehicles for hackney or private hire only 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

The Acting Regulatory Services Manager reported that an application had been received from Ponting & Betty for their vehicles to be approved for wheelchair access and for conversion because they believed that they now met the relevant safety standards and were able to demonstrate consistent manufacture to that standard. He said that however, the application only included evidence for their conversions of Mercedes vehicles. The Licensing Team therefore discussed the lacking information with Ponting & Betty. They stated that their wheelchair facilities and conversions had got full European approval and undertook to send further information to support this for all their conversions. This information was received by email on 14th January 2010. Based on the information submitted, the Acting Regulatory Services Manager was satisfied that Ponting & Betty have met the criteria required for their wheelchair installation and conversion for their Volkswagen and Mercedes taxi adaptations, i.e. the Mercedes Town Cab, Mercedes BM8, VW Unique Cab, VW Town Cab, VW Caravelle Cab and VW City 7. Although Ponting & Betty had adequate quality assurance, no independent test certification could be produced to support the suitability of their converted Ford wheelchair installations. Likewise, no independent test certification could be produced to prove that any of the vehicles could be converted solely as minibuses, without wheelchair facilities. The tests were specifically for the wheelchair restraints and their seatbelt anchorage as well as the altered seating around this. He therefore suggested that the company be approved for the vehicles for which they had provided satisfactory evidence but rejected in respect of those they had not. The Committee agreed to his proposals.

**RESOLVED THAT:**

**Ponting & Betty, Bernard Mansell, Media House, St James Mill Road, Northampton N5 5JW be accepted as an approved manufacturer/installer of wheelchair facilities for their Volkswagen and Mercedes taxi adaptations as listed in Table 1 in the report of the Acting Regulatory Services Manager; but not for their Ford Transit adaption; and that they be not approved as a general N1 converter for licensed vehicles.**

**84. REVIEW OF THE LICENSING 'STATEMENT OF PRINCIPLES' (POLICY) UNDER THE GAMBLING ACT 2005. - GAMBLING ACT 2005**

The Acting Regulatory Services Manager presented a report about the adoption of a 'Statement of Principles' under the Gambling Act 2005. He said that the Statement was based upon a generic Statement which has been drawn up by the Local Authorities Coordinators of Regulatory Services (LACORS). It was then amended to taken into account the specific issues and characteristics of the county of Herefordshire, insofar as a gambling policy would apply. He advised that Section 349 of the Gambling Act required that all licensing authorities should prepare and publish a Statement of Principles that they propose to apply in exercising their functions under the Act for a three-year period. The first Statement of Principles was approved by the Council in November 2006 and was now due for renewal. The main objectives of the Gambling Act 2005 were:

- preventing gambling being a source of crime or disorder;
- ensuring that gambling is conducted in a fair and open way; and
- protecting children and the vulnerable people from being harmed or exploited by gambling

The Committee agreed that the Statement of Principles presented by the Acting Regulatory Services Manager should be adopted for a further period of three years.

**RESOLVED THAT:**

**the licensing Statement of Principles policy under the Gambling Act 2005 as set out in the report of the Acting Regulatory Services Manager be adopted.**

**85. PROCEDURAL ARRANGEMENTS**

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

**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.**

**86. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE - INCIDENT REGARDING THE HOLDER OF A DUAL DRIVER'S LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

The Acting Regulatory Services Manager referred to agenda item No. 11 and explained the legal proceedings which the suspended driver was subject to. In view of these the Committee decided to defer consideration of the matter until the next meeting.

**87. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE - INCIDENT REGARDING THE HOLDER OF A DUAL DRIVER'S LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

The Acting Regulatory Services Manager referred to agenda item No. 12 and provided the Committee with details of the circumstances which had given rise to the holder of a dual hackney carriage/private hire driver's licence having his licence suspended. The applicant's father provided the Committee with a full and frank account of the incident which had led to the applicant receiving a police caution. He said that he had not fully appreciated the gravity of a caution and the fact that it needed to be reported to the Acting Regulatory Services Manager

Having considered all of the facts put forward by the applicant and the officers about the matter, the Committee was satisfied that the applicant was a fit and proper person under the meaning of the Local Government (Miscellaneous Provisions) Act 1976 and decided that his licence should be reinstated. The Committee had concerns that a lack of understanding about the significance of a police caution amongst licence holders and applicants was a frequent occurrence. It was felt that this needed to be carefully explained to those receiving a caution and the Committee asked the Acting Regulatory Services Manager to take this matter up with the Police.

**88. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE - INCIDENT REGARDING THE HOLDER OF A DUAL DRIVER'S LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

The Acting Regulatory Services Manager referred to agenda item No. 13 and provided the Committee with details of the circumstances which had given rise to the holder of a dual hackney carriage/private hire driver's licence having his licence suspended. He drew attention to the fact that the licence holder had immediately informed the Licensing Section about the incident. The applicant provided the Committee with a full and frank account of the incident which had led to him being arrested and that the matter would be going to Court on 15th February. In view of this the Committee decided to defer consideration of the suspension until the outcome of the proceedings was known.

**89. DUAL (HACKNEY CARRIAGE & PRIVATE HIRE) DRIVER'S LICENCE - MATTER REGARDING THE HOLDER OF A DUAL DRIVER'S LICENCE - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

The Acting Regulatory Services Manager referred to agenda item No. 14 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 him receiving a Police caution 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 his application for a Hackney Carriage/Private Hire driver's licence should be granted.

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

With reference to agenda item No. 15 the Committee noted that an applicant for a dual Hackney Carriage/Private Hire driver's licence was not able to attend the meeting and it was therefore decided to defer consideration of the application until the next meeting.

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

With reference to agenda item No. 16 the Committee noted that an applicant for a dual Hackney Carriage/Private Hire driver's licence was not able to attend the meeting and it was therefore decided to defer consideration of the application until the next meeting.

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

The Acting Regulatory Services Manager referred to agenda item No. 17 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 him receiving a Police caution 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 his application for a Hackney Carriage/Private Hire driver's licence should be granted.

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

The Acting Regulatory Services Manager referred to agenda item No. 18 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 him receiving a Police caution 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 his application for a Hackney Carriage/Private Hire driver's licence should be granted.

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

With reference to agenda item No. 19 the Committee noted that an applicant for a dual Hackney Carriage/Private Hire driver's licence was not able to attend the meeting and it was therefore decided to defer consideration of the application until the next meeting.

The meeting ended at 4.30 pm

**CHAIRMAN**



<b>MEETING:</b>	<b>REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>9 MARCH 2010</b>
<b>TITLE OF REPORT:</b>	<b>PROPOSED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS, WITH AMENDMENTS - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 AND TOWN POLICE CLAUSES ACT 1847.</b>
<b>PORTFOLIO AREA:</b>	<b>HEAD OF ENVIRONMENTAL HEALTH &amp; TRADING STANDARDS ENVIRONMENT &amp; CULTURE</b>

**CLASSIFICATION:** Open

## Wards Affected

Countywide

## Purpose

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

## Key Decision

This is not a key decision

## Recommendation(s)

**THAT Committee:**

**Adopt the proposed conditions as they are presented in Appendix 1 of this report.**

## Introduction and Background

1. The conditions have been reviewed following full consultation. At the last Regulatory Committee the conditions were agreed with the proviso that further consideration was given to some points raised by the Taxi Association.
2. This has been carried out following a meeting on Monday 22<sup>nd</sup> February 2010 with Mr John Jones (Chairman of the Taxi Association), Marc Willimont (Regulatory Services Manager) and Claire Berrow (Licensing Officer). The tracked amendments can be viewed at Appendix 1.

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

## Key Considerations

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

## Key Points Summary

- At the February Regulatory Committee the conditions were accepted with a proviso to further consider comments made by the Taxi Association.
- Meeting held on 22<sup>nd</sup> February 2010 which resolved this.

## Reasons for Recommendations

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

## Alternative Options

- a) **The conditions not to be adopted by the Regulatory Committee as presented in this report.**

**Advantages:** It allows the views of the trade to be taken into an even fuller account, if considered appropriate and legal.

**Disadvantages:** Not all the proposals put forward by the Association and some independent trade members can be legally accepted or are fair to all. The current draft follows a substantive consultation exercise. This alternative will delay the release of the new conditions even further.

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

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

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

**Disadvantages:** This would delay the decision process and will incur further costs. This alternative will also delay the conditions even further.

- c) **To reach some other decision**

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

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

## Community Impact

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

## Financial Implications

Not applicable



## **Appendices**

Appendix 1 – Proposed Vehicle licence conditions with tracking.

## **Background Papers**

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





**THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

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

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- 19.0 Trailers
- 20.0 Vehicle Inspections
- 21.0 Radios
- 22.0 General conditions
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- 24.0 Limousines

**Appendix 1: TESTING STANDARD – MECHANICAL AND STRUCTURAL**

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



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

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

These conditions were approved by Herefordshire Council's Regulatory Committee on 9<sup>th</sup> ~~February~~ 2010. They replace all previous conditions and will remain in place until such time as the Council approve any amendments or review the conditions.

**All applications received which fall outside the Licensing Authority's Conditions or Policy (including late renewal applications) will be referred to Regulatory Committee (or an equivalent panel) for determination and this will incur additional costs to be paid by the applicant.**

Note: although the fee must be paid before committee, the committee has the ability to waiver the fee if appropriate after the hearing

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*(Herefordshire Council will use government guidance and Herefordshire Council's Hackney Carriage and Private Hire Licensing Policy to base its decisions upon)*

**Section 1: LICENSING OF VEHICLES - GENERAL**

- 1.1 The conditions shown below apply to all applications for new hackney/private hire plates and for all renewal applications.
- 1.2 Any vehicle to be licensed must have Category M1 shown on the registration document unless meeting Condition 1.3 or 1.4.
- 1.3 A vehicle of Category M2 (as shown on the registration document) may be licensed providing that the vehicle has passed an enhanced VOSA Single Vehicle Approval (SVA) test and the applicant has provided a written self-declaration that no changes have taken place to that vehicle since the SVA test was passed.
- 1.4 A vehicle of Category N1 will be considered if it complies with 1.5 below.

1.5 Vehicles which have been manufactured or adapted by a manufacturer or installer approved by Herefordshire Council can be licensed, provided that supporting documentation has been supplied to prove this, as well as a written self-declaration declaring that the vehicle has not been altered since its initial manufacture or adaptation.

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1.6 Where a vehicle is not manufactured by an approved manufacturer, an enhanced VOSA Single Vehicle Approval Pass Certificate must be provided which includes

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category P for non-wheelchair access vehicles and categories P and D if the vehicle is wheelchair accessible. A written self-declaration shall also be provided, declaring that the vehicle has not been altered since initial manufacture/conversion.

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1.7 All vehicles must meet the criteria as laid out in Section 4.

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1.8 New/replacement vehicles shall not be permitted if they were registered prior to the year 2000.

1.9 The licence shall not be transferred until the plate reaches five years of age.

1.10 All vehicles over six and twelve years of age shall be subjected to additional tests in accordance with the provisions set out in section 20.

1.11 A wheelchair access vehicle cannot at any time be replaced for a non-wheelchair access vehicle, unless the first licence for that plate was issued for a non-wheelchair access vehicle before 2002.

1.12 A non-wheelchair access vehicle may be replaced with any vehicle which complies with the requirements contained in Section 4.

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1.13 No vehicle will be licensed to carry more than 8 passengers in total.

## Section 2 - NEW HACKNEY VEHICLE LICENCE

2.1 The vehicle to be licensed shall be a wheelchair accessible vehicle and shall be so constructed or adapted to carry disabled persons whilst remaining in their wheelchair.

2.2 The vehicle, when initially submitted for licensing, shall not be more than five years old. The age of the vehicle shall be determined by the date of its first registration, as shown on the registration document. The condition at section 2.1 shall remain attached to the licence for each subsequent renewal or transfer.

2.3 The licence shall not be transferred to another vehicle until the plate reaches five years of age and then only to another wheelchair accessible vehicle.

2.4 The vehicle can be transferred if the vehicle is written off or it is on a temporary transfer basis following breakdown or damage, in which case it shall be replaced in accordance with section 15.

## Section 3 - NEW PRIVATE HIRE VEHICLE LICENCE

3.1 For a new Private Hire Licence application, the vehicle to be licensed shall not be more than:

- i. 5 years old for a wheelchair accessible vehicle that conforms to section 6 or
- ii. Two years old for any other type of vehicle.

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The age of the vehicle shall be determined by the date of first registration on the registration document. The vehicle must comply with the vehicle specifications contained in section 4.

3.2 If the vehicle is wheelchair accessible it shall be so constructed or adapted so that it can carry disabled persons whilst remaining in their wheelchair and comply with section 6.

~~3.3~~ The licence cannot be transferred to another vehicle until the plate reaches five years of age. It can, however, be transferred if the vehicle is written off or it is on a temporary transfer basis following breakdown or damage, in which case it shall be replaced in accordance with section 15.

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If the vehicle is a wheelchair accessible vehicle then it shall not be more than five years old when first licensed. The age of the vehicle shall be determined by the date of its first registration, as shown on the registration document.

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#### Section 4 - VEHICLE SPECIFICATION

4.1 The vehicle to be licensed shall, according to the manufacture's specification, have or be: -

- a) Right hand drive.
- b) All body panels to be of the same colour.
- c) A capacity for a minimum of four seated passengers and a maximum of eight.
- d) A minimum of four doors
- e) ~~Either a separate luggage compartment or have a fixed screen (of sufficiently sturdy construction to protect passengers from injury from items in the luggage compartment) between the rear seat and the luggage compartment, which shall be kept in position at all times. People carriers and multi purpose vehicles (MPVs) shall have a means of securing luggage whilst transported in the vehicle.~~
- f) A serviceable spare tyre, or run flat type tyre, jacking equipment and wheel brace.
- g) Road wheels with tyre load ratings set at the manufacturer's recommendations. The use of remoulds will not be permitted.
- h) A permanent roof which is watertight. Sunroofs are only allowed if fitted as new by the vehicle manufacturer.
- i) Equipped with fully functional nearside and offside exterior rear view mirrors.
- j) All windows/doors opening in accordance with the original vehicle specification or for legal conversions in accordance with a suitable compliance test.
- k) A rear seat with at least 41 cm seating space per passenger.
- l) A suitable boot able to carry passenger luggage in all saloons and estate vehicles. This must be capable of carrying three suitcases of size 70 x 46 x 32 cm.
- m) No bull bars or similar attached.
- n) The clear height for the top of the doorway not less than 1.2 metres.
- o) Unobstructed access to all emergency doors or exits. (Seats must be located to facilitate this).

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#### Section 5 - MINI BUSES & MPVs

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

5.2 All doors must be capable of being opened from the inside.

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- i. The vehicle must have at least two doors to the rear of the driver for the exclusive unobstructed use of passengers.
- ii. All doors must show the method of operation of door lock operating levers, i.e. they shall depict "Pull" or "Push" with directional arrows in 5cm letters.
- iii. All emergency doors must be clearly identifiable to passengers and shall be clearly marked "Emergency Exit" in 5cm letters.

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

**Section 6 - WHEELCHAIR ACCESSIBLE VEHICLES**

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

6.2 Restraints for the wheel chair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair (whether folded or otherwise) when not in use if carried within the passenger compartment. All anchorages and restraints shall be so designed that they do not cause any danger to other passengers.

6.3 The door used for disabled access shall be so constructed as to permit an unrestricted opening across the width of the doorway of at least 75cm. If the door is not of the sliding type the minimum angle of the door for wheelchair access when opened must be 90 degrees (i.e. perpendicular to the vehicle).

6.4 Grab handles shall be placed at door entrances to assist the elderly and disabled.

6.5 The top of the tread for any disabled person entrance shall be at floor level of the passenger compartment and shall not exceed 38cm above ground level when the vehicle is unladen. The outer edge of the floor at each entrance shall be fitted with non-slip treads.

6.6 The vertical distance between the highest part of the floor and roof in the passenger compartment shall not be less than 1.3m.

6.7 A ramp or ramps for the loading of a wheelchair and occupant shall be available at all times (other than where there is a mechanical tail lift fitted). An adequate locking device shall be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision shall be made for the ramps to be stowed safely when not in use.

6.8 All vehicles fitted with a mechanical tail lift shall supply a tail lift safety certificate to the Council annually. This shall be supplied to the Licensing Section upon renewal of the vehicle licence.

6.9 Wheelchair accessible hackney carriages shall be capable of being used as such immediately and without modification.

~~6.10 By 30<sup>th</sup> June 2011, no wheelchair accessible vehicle shall be operated for hire unless that driver has passed a Herefordshire Council approved training scheme~~

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- 6.10. When tested, any wheelchair provision shall be counted as a permanent passenger seat and this shall be marked on the licence plate.
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covering disability awareness and the competent use of wheelchair facilities in licensed vehicles.

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

6.11 In the case of a Private Hire Vehicle fitted with wheelchair facilities, the vehicle can be adapted and the wheelchair provision not counted as a permanent seat. However, the wheelchair facilities shall be maintained for use when required through a pre-booking.

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### Section 7 - LPG SAFETY CHECK

- 7.1 LPG installations shall comply with the LPG Gas Association's code of practice 2. A valid certificate confirming its compliance shall be given to the Licensing Section for photocopying when the installation is new.
- 7.2 No licence shall 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 shall be provided annually.

### Section 8 - SEAT BELTS

- 8.1 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 a good condition and kept in a useable and safe state of repair at all times.

### Section 9 - ALTERATIONS

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

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### Section 10 - SIGNS

- 10.1 The Licensed Vehicle shall be of such a design or appearance or bare such distinguishing marks as the Council may require, clearly identifying it as a Licensed Vehicle. The under-mentioned signs shall be applicable in respect of this condition.
  - a) All licensed vehicles (except purpose built Hackney Carriages with a built in sign 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 shall be green in colour as specified by the Council and shall be a minimum of 60cm in width. The rear of the sign shall be red in colour and may show a fleet number, not more than 7.5cm in diameter, in the top right hand of the sign. No other markings shall be permitted on the roof signs. The licence holder and driver of the taxi shall

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maintain the sign in efficient working order at all times. The sign shall be capable of being so operated that at night it indicates clearly and conveniently to persons outside the carriage whether or not the vehicle is available for hire.

- b) The roof sign shall be displayed on the front part of the roof.
- c) Both front doors of all Licensed Hackney Carriages shall display a sign incorporating Herefordshire Council's corporate logo together with the vehicle licence number, in the following dimensions: the sign shall be a minimum of 60cm x 19cm wide with lettering measuring at least 6cm in height. The sign shall be the adhesive type and shall not be magnetic. However, magnetic signs may be permitted on a short term temporary basis and then only with the written authority of the Licensing Section. The sign shall be located on the top half of the door where it is clearly visible to the public.
- d) No other sign shall be permitted on either front door, unless it is part of a whole vehicle body wrap advert, which leaves space for the door signs.
- e) Private hire vehicles that wish to advertise their operator details on the vehicle shall also display two adhesive signs one on each front door of the vehicle which states "Private Hire and Advanced Booking Only". The lettering must measure at least 6cm in height. Magnetic signs may be used for temporary use vehicles.
- f) In addition to the Council's official plate, private hire vehicles may fix on any rear door of the vehicle a non-illuminated sign of a size not exceeding 60cm x 19cm, the lettering to be not more than 7.5 cm in height, and can be reflective. The sign may contain the following information advertising the company:-
  - i. Name of operator
  - ii. Telephone number of operator

10.2 Two or more notices shall be displayed within the vehicle, in a conspicuous location, indicating "NO SMOKING". Such notices shall 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.

10.3 Private hire vehicles may not use the words 'taxi' or 'cab' anywhere on the vehicle.

### Section 11 - LICENCE PLATES AND BADGES

11.1 For all licensed vehicles, the council licence plate shall be securely fixed to the rear of the vehicle by directly fixing it to the bodywork or bumper. It shall be clearly visible when looking at the rear of the vehicle. The council licence plate must not obscure the number plate or any obligatory lights on the vehicle. No council licence plate shall be fitted on any other area, including the rear window.

11.2 The licence plate shall remain the property of the Council and shall be returned to Herefordshire Council upon expiry, suspension or revocation. All licence plates shall be returned within 5 working days of the issue of the new plate and can be returned to any of the Info Centres within Herefordshire.

- 11.3 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 shall 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.
- 11.4 The holder of the 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, the person must immediately surrender and return the vehicle licence and the licence plates to the Council. This condition shall not preclude the transfer of any interest in the licensed vehicle as part of the transfer/sale of the business to a new owner.
- 11.5 All renewal applications received after the date of expiry shall be treated as grants and not renewals and the appropriate conditions and fees shall apply.
- 11.6 However, the Licensing Officer has the authority to renew the plate in the 7 day period following expiry. The plate shall only be renewed until the sitting of the next Regulatory Committee (or equivalent panel) who will consider whether to continue to allow the plate renewal. At the time of drafting these conditions, the fee for the referral is £150 and is payable before the committee hearing. This fee may be revised by the Council from time to time.

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- ~~11.7~~ Any application received prior to the expiry date of the existing licence shall be treated as a renewal. However no plate or badge shall be issued until such time as all the required documents have been received and accepted by Herefordshire Council's Licensing Section.

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Note: In such cases there shall be no need to go in front of the Regulatory Committee.

## Section 12 - ADVERTISING

- 12.1 No advertisement shall be placed on any vehicle unless the content of the advertisement and the proposed location on the vehicle has been agreed by the Licensing Section and written authorisation given by them.
- 12.2 The advertisements will be assessed against the following criteria:  
Non sexual  
Non discriminatory  
Not to cause public offence  
Not misleading  
Location does not distract from council vehicle signs  
Not to obscure vision of the driver

## Section 13 - TAXIMETER/FARES

- 13.1 Licensed vehicles equipped with a taximeter of approved design (compulsory for a hackney carriage but optional for private hire vehicle) must be submitted for testing before operating within Herefordshire Council's area and shall be subject to further tests as and when required by the Licensing Section.

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- 13.2 A proprietor of a licensed vehicle shall not tamper with or permit any person, other than a properly authorised person or approved technician, to alter or adjust any taximeter with which the vehicle is provided, its fittings or with the seals affixed to the equipment.
- 13.3 The proprietor of a Hackney Carriage shall cause a statement of fares (as set by the Council) to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- 13.4 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.
- 13.5 The proprietor of a licensed vehicle shall deposit with the Licensing Section a copy of the statement of fares referred to above if the prices differ in any way from those that are in force at the time for Hackney Carriage vehicles licensed by the Authority.

**Section 14 - VEHICLE DAMAGE**

- 14.1 Any damage affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein shall be reported to the Licensing Section within 24 hours or, when the office is closed, within 24 hours of it re-opening. Where considered necessary, arrangements shall be made for the Licensing Section to inspect the vehicle. ~~If following inspection and considered necessary by an Officer of the Council, written consent must be received before the vehicle can be used again. The vehicle must not be used other than for the purpose of taking it for repair or inspection if the vehicle is deemed unfit for use.~~

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**Section 15 - ACCIDENTS AND TEMPORARY VEHICLE TRANSFER CONDITIONS**

- 15.1 Accidents involving personal injury to passengers shall be notified to the Police. The Licensing Section shall also be notified as soon as possible but in any case within 24 hours or, when the office is closed, within 24 hours of it re-opening.
- 15.2 Vehicles that have sustained major accident damage will be required to provide a satisfactory steering geometry and alignment report. This shall be in the form of a written or printed document from an approved VBRA vehicle repairer. In addition the vehicle shall be required to undergo a further compliance test.
- 15.3 Vehicles which replace a licensed vehicle on a temporary basis shall meet the requirements contained within the standard vehicle licence conditions
- 15.4 ~~All licensed vehicles including wheelchair accessible~~ are allowed to be temporarily substituted by a standard vehicle for use as a replacement, but only for a limited period to be agreed with the Licensing section. This ~~replacement shall~~ comply with section 1 and 4 of these conditions.

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- 15.5 A temporary transfer will be valid for a 2 week maximum period unless authorised by the Licensing Section due to extenuating circumstances.
- 15.6 If the transfer takes place during normal office working hours, the licensing Section shall be notified before the transfer takes place. Transfers outside of normal office working hours shall be notified to the Licensing Section immediately after the office re-opens. In either case, no temporary transfer vehicle can be used without it having a licence plate attached to it.
- 15.7 Vehicles used as a temporary transfer vehicle must have a "Certificate of Readiness" which incorporates a certificate of compliance, inspection sheet. ~~Valid insurance must~~ be valid prior to the vehicle being used. Such vehicles shall comply with Section 4 of the standard licence conditions.

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### Section 16 - INSURANCE

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

### Section 17 - NOTIFICATIONS

- 17.1 The proprietor of a licence shall produce details of ~~drivers licensed by Herefordshire Council~~ permitted to drive by him/her to the Licensing Section.
- 17.2 The proprietor shall notify the Council of any change in the list of drivers within seven days of the change.
- 17.3 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.

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### Section 18 - SAFETY EQUIPMENT

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- 18.1 The vehicle shall be equipped with and carry at all times a British Safety Approved fire extinguisher, which is serviceable. It shall be suitable for use on vehicle fires and shall be located in a position for use by the driver. This must be permanently marked with the vehicle's Hackney Carriage or Private Hire licence number.
- 18.2 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 shall contain as a minimum the following items in Table 18.3 below as prescribed in the Public Service Vehicles (Condition of Fitness, Equipment, Use and Certification) (Amendment No.2) Regulations 1986. This equipment shall be permanently marked with the vehicle's Hackney Carriage or Private Hire licence number.

Table 18.3	Item	Quantity
	Suitable container in which to carry first aid items. Permanently marked with the vehicle plate number	1
	Basic instruction card covering expired air respiration, external cardiac compression, treatment of shock, recovery position and treatment for bleeding control	1
	Triangular bandages	2
	Large sterile unmedicated dressing (not less than 15.0 cm x 20.0 cm)	3
	Individually wrapped sterile adhesive dressings	24
	Safety pins	12
	Disposable gloves	1 pair
	Antiseptic wipes	10
	Disposable bandage (not less than 7.5 cm)	1
	Sterile eye pads with attachments	2
	Tuff-Kut scissors	1 pair

**Section 19 - TRAILERS**

- 19.1 Written permission shall be obtained from the Licensing Section to use trailers.
- 19.2 Trailers shall only be used in connection with private hire bookings and shall not be used for plying for hire on the rank. Trailers shall comply with the following standards:

- i. Unbraked trailers shall be less than 750 KGs gross weight.
- ii. Trailers over 750kgs gross weight shall be braked, acting on at least two road wheels.
- iii. The towing vehicle must have a kerb weight of at least twice the gross weight of the trailer.
- iv. A suitable lid or other approved means of enclosure shall be fitted to secure the contents within the trailer whenever in use.
- v. The maximum permissible length of the trailer shall be 7 metres, including the drawbar and coupling.
- vi. The width of the trailer shall not be greater than the towing vehicle, subject to no trailer being wider than 2.3m.
- vii. The maximum length for braked twin axle trailers is 5.54m.
- viii. The trailer shall at all times comply with all Road Traffic legislation requirements, and in particular those laid down in the Road Vehicles (Construction and Use) Regulations 1986.
- ix. The vehicle insurance shall reflect cover for towing a trailer.
- x. Trailers shall not be left unattended anywhere on the highway.
- xi. The speed restrictions applicable to trailers shall be observed at all times.
- xii. The registration number plate and the vehicle plate of the Private Hire Vehicle shall be attached to the rear of the trailer.
- xiii. The trailer shall be inspected annually and shall be considered to be satisfactory by the Council.

**Section 20 - VEHICLE INSPECTION (see appendices 1 & 2)**

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

20.2 All vehicles shall pass the Council's compliance test before each renewal.

AGE OF VEHICLE	TYPE OF VEHICLE	FREQUENCY OF TEST PER YEAR
1-6	Car, minibus, people carriers (MPV), disabled access, stretched limousines	x 1
6-12	Car, minibus, people carriers (MPV), disabled access, stretched limousines	x 2
Over 12	Car, minibus, people carriers (MPV), disabled access, stretched limousines	x 3

20.3 The second test may be an MOT test and these tests shall be carried out 6 months apart. In the case where 3 tests are required per year, these must be carried out 4 months apart and the 2<sup>nd</sup> and 3<sup>rd</sup> tests may be an MOT.

20.4 Should a vehicle fail to pass an inspection on a major failure, the vehicle inspector or authorised officer of the Council will notify the licensee that the licence has been suspended, if this is deemed necessary. The vehicle shall then be required to be resubmitted to the depot within seven calendar days and a re-test fee shall

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be applicable. This seven-day limit shall also apply to any instruction issued for a vehicle to be presented for inspection. When the vehicle tester identifies to the driver that the vehicle has failed the required test for public or road safety reasons, then it shall not be used for hire or reward until the suspension is lifted.

- 20.5 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. All persons named above will have identification which can be produced at the time of inspection.

### Section 21 - RADIOS

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

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### Section 22 - GENERAL CONDITIONS

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

### Section 23 - CCTV

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23.1 No recording CCTV equipment shall be fitted without the written consent of the Council. Where CCTV equipment is fitted, an approved sign shall 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 an authorised officer of the Council, by the Police, or by the dedicated System Operator. The dedicated system operator must have a valid CRB enhanced certificate and be notified in writing to the Council.

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**Section 24 - STRETCHED LIMOUSINES**

- 24.1 For stretched Limousines, conditions 24.2 to 24.8 below are inclusive and override conditions 2.1, 3.1, 4.1(a) and 4.1(c).
- 24.2 On being presented for licensing for the first time the vehicle shall have at least one of the following:
  - (i) A UK Single Vehicle Approval Certificate
  - (ii) A European Whole Vehicle Approval Certificate
  - (iii) A UK Low Volume Type Approval Certificate
  - (iv) Limousine Declaration of Condition of Use
- 24.3 Stretched limousines are permitted to be left hand drive.
- 24.4 All operators shall be required to sign a declaration that the vehicle shall not carry more than 8 passengers (even if there are more than 8 passenger seats within) and that at the time of booking the vehicle, the restriction of carrying no more than 8 passengers shall be explained to the hirer.
- 24.5 Alcoholic drinks provided in the vehicle shall be under the terms of an appropriate licence relating to the sale or supply of alcohol.
- 24.6 Stretched limousine vehicles shall comply with the existing Conditions of Licence applicable to all licensed private hire vehicles, with the exception of those listed at paragraph 24.1 above.
- 24.7 The fee shall be the same as for private hire.
- 24.8 No licence issued to a stretched limousine shall be transferred to any other type of vehicle.

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**APPENDIX 1  
HEREFORDSHIRE COUNCIL**

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**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

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		electrically sound.
34	Battery	Ensure that the battery mounting is not so corroded that the battery may break loose. Ensure that the battery is anchored securely. Ensure that the casing of the battery is sound and is not likely to allow acid to escape.
35	Starter Motor	Ensure starter motor is mounted securely
36	Engine Mountings	Mountings must be secure and not so corroded that they may be likely to fail.
37	Oil Leaks	Oil leaks must not create any type of hazard for the vehicle, pedestrians or other road users.
39	Drive Shaft	Universal joints must be serviceable and mountings secure. There must not be any undue 'play'.
40	Gearbox	Mountings must be secure and not so corroded as to be likely to fail. Gear selection must not be noisy.
41	Rear Axle	No oil leaks
43	Clutch Operation	Must operate satisfactorily and not 'judder', 'grab' or 'slip' outside normal limits.
44	Clutch Linkage	No signs of undue wear and are not likely to fail.
45	Clutch Hydraulics	System, if fitted, must not be leaking or the pipes and fittings so corroded that they may fail.
46	Fuel System	Inspected for security, corrosion and leaks.
50	Windscreen	Screen must be clear and there are no scratches, damage or obstructions, which will impede the view of the driver.
51	Windows	All windows must be clear of any obstructions or damage, which will in any way impede the view of the driver. No curtains must be placed over the windows and any blinds if installed must not be of a type, which will restrict all round vision. All windows must be capable of being operated in a satisfactory manner. All windows must be fitted with glass, which complies with the British Standard.
54	Vehicle Structure	The structure must be in a sound condition with no signs of corrosion or damage.
55	Speedometer	The speedometer shall work in a normal manner.
56	Odometer	The odometer shall work in a normal manner
57	Mirrors	All mirrors must be securely mounted and not cracked, broken or corroded so as to distort any view to the rear. Where a mirror is intended to be adjustable it must be capable of being adjusted.
58 59	Doors / Handles / Locks	All doors, including boot, must open and close easily from both inside and outside. Any door locking mechanism shall be easily operated by passengers. All doors and boots shall be secure when shut. All lock fittings shall be secure and complete. Grab handles where fitted must be secure and fit for the purpose.
60	Fascia / Interior Lights	The speedometer shall be correctly illuminated. All interior and passengers lights where fitted shall be secure and operate. All switches and fittings shall be secure and operate correctly. There shall be no exposed wires or large holes in the fascia.
61	Bumper	Front and rear bumpers must be fitted and securely mounted. They must not be damaged or corroded.
62	Road Test	The vehicle must be capable of manoeuvring safely and must handle correctly without any undue drift or pull etc
63	Registration Plates	Checked for condition, correct location and that they conform to legal requirements.
65	Other	Any item, defect or fault which in the opinion of the Licensing Officer or the mechanical tester which renders the vehicle in their opinion, to be unfit for use as a hackney carriage or private hire vehicle will be noted as a fail.
66	First Aid Kit	The kit must comply with conditions 19.2 & 19.3
67	Fire extinguisher	Must comply with condition 19.1

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## APPENDIX 2

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

Items considered in test: -

#### 1.0 External Bodywork

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

#### 2.0 Seats and Upholstery

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

#### 3.0 Floor

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

#### 4.0 Doors

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

#### 5.0 Head Lining

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

#### 6.0 Boot

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

#### 7.0 Fire Extinguishers

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

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### 8.0 First Aid Kits

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

### 9.0 Taximeter

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

### 10.0 Fare Card

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

### 11.0 Internal Plate Sticker

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

### 12.0 Exterior Plate

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

### 13.0 Top Light

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

### 14.0 Vehicle failure

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

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

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

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

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**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.

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



**REGULATORY COMMITTEE**  
**LICENSING APPEAL PROCEDURE**

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





<b>MEETING:</b>	<b>REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>9 MARCH 2010</b>
<b>TITLE OF REPORT:</b>	<b>APPLICATIONS TO RE-INSTATE AN EXPIRED HACKNEY CARRIAGE VEHICLE LICENCE OUTSIDE STANDARD CONDITION 9.5 BY MR ANTHONY BURGE</b>
<b>PORTFOLIO AREA:</b>	<b>ENVIRONMENT &amp; CULTURE</b>

**CLASSIFICATION:** Exempt

### **Wards Affected**

County-wide

### **Purpose**

To decide whether to licence a vehicle outside the standard vehicle licence conditions.

### **Key Decision**

This is not a Key Decision.

### **Recommendation(s)**

**THAT Committee:**

- (a) **grant the licence of this occasion outside the standard conditions; and**
- (b) **Advise Mr Burge that any application in similar circumstances may be refused.**

### **Key Points Summary**

- Licence expired 20<sup>th</sup> February 2010
- Re-newal application received on 24<sup>th</sup> February 2010.

### **Alternative Options**

**1 The licence cannot be granted and therefore is refused**

**Advantages:** It ensures that the existing licence conditions are meant.

**Disadvantages:** It could be subject to legal challenge.

---

Further information on the subject of this report is available from  
Claire Berrow – Licensing Officer on (01432) 383324

**Reason for rejection:** Although this has been considered it has not been recommended as it is considered to be unreasonable when it has occurred as a result of an error on the part of the applicant.

**To defer the decision in order to get more information**

The Committee could make a decision to grant the licence subject to that information meeting the criteria set by committee being produced to the Licensing Officer. Where this was not produced the licence would remain not granted until that information was produced.

**Advantages:** Gives the opportunity to the applicant to produce further information in support of the application and allows them a fair hearing. It would also reduce then need for an additional Committee Hearing thus saving costs.

**Disadvantages:** This would delay the decision process and may mean that the livelihood of the applicant could be affected.

**Reason for rejection:** It is felt that any information required to reach a decision has been provided within the application.

**To reach some other decision**

**Advantages:** This leaves other solution open to the Committee to resolve the application.

**Disadvantages:** There are no clear directions from the Environmental Health Manager in respect of the application.

**Reason for rejection:** It is difficult to envisage what other decision could be reached.

## Reasons for Recommendations

- 2 In view of the fact that this was an oversight on the part of the applicant it is felt to be appropriate that the application on this occasion should be granted.

## Introduction and Background

3. 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.

The standard licence conditions were approved at Regulatory Committee on the 18<sup>th</sup> December 2007.

Standard condition number 9.5 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'.

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.

The standard licence conditions (Appendix 1) were approved at Regulatory Committee on the 18<sup>th</sup> December 2007.

This Authority previously licensed a Volvo S60 registration number YF52 NKX on Plate No.H353, which was first registered on 27<sup>th</sup> March 2001.

No application was received from Mr Burge and accordingly the plate expired on 20<sup>th</sup> February 2010.

On 24<sup>th</sup> February 2010 (4 days after expiry) an application (Appendix 2) was handed in by Mr Burge. A licensing team member advised that as the application was late, the matter would

have to be considered by Regulatory Committee. Mr Burge explained that he had been on holiday and that his friend had said it would be alright to apply late.

A temporary licence was issued for the vehicle under devolved powers until the matter was decided by this committee. The plate expires at midnight tonight.

The application therefore is to grant new plate to the previously licensed vehicle.

## **Key Considerations**

- 4 Whether or not in the given circumstances the application should be granted outside the standard conditions.

## **Community Impact**

- 5 It is felt that any decision made will have very little or no impact on the community.

## **Financial Implications**

- 6 Not applicable

## **Legal Implications**

- 7 Under the Local Government (Miscellaneous Provisions) Act 1976 there is a right of appeal to a Magistrates Court within 21 days of notification of the decision being served on the applicant.

## **Appendices**

- 8 Appendix 1 – Copy of standard licence conditions  
Appendix 2 – Copy of application form

## **Background Papers**

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



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



HEREFORDSHIRE  
COUNCIL

H353  
Exp 20/02

Receipt No: 281454  
Income Code £252  
N80509474 £150 to per  
Date: 24.2.10

**RECEIVED**  
24 FEB 2010  
**TAXI LICENSING UNIT**

Temp plate issued to 09/03/10

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

<b>PLEASE TICK</b>		<b>PLEASE TICK</b>	
<b>PRIVATE HIRE VEHICLE</b>		<b>GRANT</b>	
<b>HACKNEY CARRIAGE VEHICLE</b>	<input checked="" type="checkbox"/>	<b>RENEWAL</b>	<input checked="" type="checkbox"/>
<b>HOW DOES THE APPLICATION DEVIATE FROM STANDARD CONDITIONS</b>	Failed to renew by 20.02.10 Change of address not notified Therefore renewal notice sent to 15/12/09 to previous address		

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

All Forenames Anthony Previous Surnames/Aliases .....

Date of Birth 20.05.73 Place of Birth Leitchwyke Sex  M  F

Present address 30 Withines Close  
Withington, Hereford Post Code HR1 3PS

Telephone Number: Business ..... Home .....

Mobile 07892 - 833 855

**PREVIOUS ADDRESSES IN LAST 12 MONTHS IF APPLICATION IS FOR RENEWAL**

29 Pully Avenue Eaton Bishop Hereford HR9 2W

**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.

As above

(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	<u>Anthony Burke</u>
2. MAKE <u>Vaux</u>	8. REGISTRATION NO. <u>YFS2 NKX</u>
3. MODEL <u>S60</u>	9. PLATE NO. <u>H353</u>
4. TYPE OF BODY <u>Saloon</u>	10. ENGINE CAPACITY <u>2401</u>
5. COLOUR(S) <u>Blue</u>	11. FUEL (PETROL/DIESEL/LPG) <u>DIESEL</u>
6. NO. OF SEATS (EXC DRIVER) <u>4</u>	12. CHASSIS/BODY NO. <u>YV1R8793232267301</u>
7. DATE OF 1 <sup>ST</sup> REGISTRATION <u>11.12.2002</u>	13. ENGINE NO. <u>87092</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** NO

Does the vehicle have a meter fitted? **YES/NO** NO

Make: Sherrif Model: Wayfarer

Address at which vehicle will be garaged as per

Insurance Company BRIT INS LTD

Insurance Valid From 07.06.09 To 06.06.2010

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

Policyholder 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** NO  
If YES, state type of contract.....

Name and address of proprietor of the vehicle as applicant

Has the applicant held Vehicle Licences granted by this or any other authority: **YES/NO** 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** NO

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

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

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

*Anthony Burge D 5647*

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

*See*

**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..... *A.M. Burge* ..... Date..... *24/7/2016* .....

<p><b>ON COMPLETION PLEASE RETURN</b></p> <p>Any queries regarding any aspect of this application please contact the Taxi Licensing Office.</p> <p>Tel: 01432 260973 OR 260461</p>	<p><b>(Marked PRIVATE AND CONFIDENTIAL</b></p> <p>Hackney Carriage &amp; Private Hire Licensing Herefordshire Council Council Offices P O Box 233 Bath Street Hereford HR1 2ZF</p>
--	--



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

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





**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

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

## **5.0 LPG SAFETY CHECK**

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

## **6.0 SEAT BELTS**

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

## **7.0 ALTERATIONS**

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

## **8.0 SIGNS**

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

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

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

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

Hackney Carriage or Taxi  
Telephone number  
Name of the taxi company

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

## **9.0 LICENCE PLATES AND BADGES**

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

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

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

## **10.0 ADVERTISING**

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

## **11.0 TAXIMETER/FARES**

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

## **12.0 VEHICLE DAMAGE**

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

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

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

### **13.0 INSURANCE**

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

### **14.0 NOTIFICATIONS**

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

### **15.0 SAFETY EQUIPMENT**

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



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

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

## 16.0 TRAILERS

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

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

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

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- ❖ The maximum length for braked twin axle trailers is 5.540 metres.
- ❖ The trailer must at all times comply with all Road Traffic legislation requirements in particular those laid down in the Road Vehicles (Construction and Use) Regulations 1986.
- ❖ The vehicle insurance must reflect cover for towing a trailer.
- ❖ Trailers must not be left unattended anywhere on the highway.
- ❖ The speed restrictions applicable to trailers must be observed at all times.
  
- ❖ The registration number plate and the Vehicle Plate of the Private Hire Vehicle are attached to the rear of the trailer.
- ❖ The trailer be inspected annually, and is considered to be satisfactory by the Council.

## 17.0 VEHICLE INSPECTION see appendix A & B

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

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

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

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

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

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

17.6 For vehicles that have been modified

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

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

## **18.0 RADIOS**

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

## **19.0 MINI BUSES**

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

## **20.0 WHEELCHAIR ACCESSIBLE VEHICLES**

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

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

Motor Vehicle (Type Approval) Regulations 1980

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

And when in use with the following: -

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

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

## **23.0 ACCIDENTS**

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

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

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

## 24.0 CCTV

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

### APPENDIX 1 HEREFORDSHIRE COUNCIL

#### LICENSED VEHICLE TESTING STANDARD – MECHANICAL AND STRUCTURAL

Items for test in addition to MOT test.

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

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

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



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

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

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

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

### **Data Protection Act 1998**

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

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

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

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

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

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



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