

14 URGENT BUSINESS

To consider any business which is urgent within the meaning of Section 100(B)4 of the Local Government Act.

Members: Councillors Bailey, Mrs Braithwaite, Eastwood, Hailstones, Mrs Hailstones, Matthews, Naylor, Miss Olszewski, Proctor (Vice-Chair), Robinson (Chair), Miss Walklate, Williams and Mrs Williams

PLEASE NOTE: The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms. Should you require this service, please contact Member Services during the afternoon prior to the meeting.

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

GUIDANCE NOTES

NATURAL JUSTICE AND FAIRNESS

These are the principles used in the determination of just or fair processes and stem from the common law legal system.

According to Roman law, certain basic legal principles were so obvious that they should be applied universally without the need to be enacted into the law.

The rules of natural justice are now regularly applied by courts in both common law and civil law jurisdictions.

Natural justice operates on the principles that man is basically good, that a person of good intent should not be harmed and one should treat others as they would like to be treated.

Natural justice includes the notion of procedural fairness and may incorporate the following guidelines:-

- A person accused of a crime, or at risk of some form of loss, should be given adequate notice about the proceedings (including any charges);
- A person making a decision should declare any personal interest they may have in the proceedings;
- A person who makes a decision should be unbiased and act in good faith. He therefore cannot be one of the parties in the case, or have an interest in the outcome. This is expressed in the Latin maxim, *nemo iudex in causa sua*: “no man is permitted to be judge in his own cause”;
- Proceedings should be conducted so they are fair to all the parties – expressed in the Latin maxim, *audi alteram* : “let the other side be heard”;
- Each party to a proceeding is entitled to ask questions and contradict the evidence of the opposing party;
- A decision-maker should take into account relevant considerations and extenuating circumstances, and ignore irrelevant considerations;
- Justice should be seen to be done. If the community is satisfied that justice has been done they will continue to place their faith in the courts.

Where a person’s legal rights are concerned, the principles of natural justice are bolstered by Article 6 of the European Convention on Human Rights which is now incorporated into domestic law.

THE RULE AGAINST BIAS

It is elementary to the rules of natural justice that the deciding body is to be free from bias.

The rule is that the body must be and be seen to be impartial, independent and disinterested.

There are two broad categories of bias:

- (a) Actual Bias: when the decision-maker has an economic interest in the outcome of the case (also known as a material or pecuniary interest) subject to the De Minimum doctrine;
- (b) Reasonable Apprehension: unbiased appearance is an essential part of procedural fairness. The test is whether, having regard to the circumstances, a well informed person ("reasonably informed bystander") would consider that the interest might have an influence on the exercise of the decision-maker's duties.

GUIDANCE NOTES

HUMAN RIGHTS ACT 1998

In addition to the Rules of Natural Justice, you must also have regard to the provisions of the Human Rights Act 1998.

Rights and Freedoms to be considered when determining matters

ARTICLE 6: RIGHT TO A FAIR TRIAL

1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgement shall be pronounced publicly, but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.
2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.
3. Everyone charged with a criminal offence has the following minimum rights:
 - (a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
 - (b) to have adequate time and facilities for the preparation of his defence;
 - (c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means, to pay for legal assistance, to be given it free when the interests of justice so require;
 - (d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
 - (e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

ARTICLE 8: RIGHT TO RESPECT FOR PRIVATE AND FAMILY LIFE

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

ARTICLE 10: FREEDOM OF EXPRESSION

1. Everyone has the right to freedom of expression. This rights shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

ARTICLE 14: PROHIBITION OF DISCRIMINATION

The enjoyment of the rights and freedoms set fourth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

NB This is not a substantive right, but comes into play if other rights are likely to have been infringed. The prohibition is wide, but not exhaustive

ARTICLE 1: OF THE FIRST PROTOCOL PROTECTION OF PROPERTY

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

NOTE Possessions, in this context, includes the right to apply for a licence, the right to hold and retain a licence, the goodwill of a business and liquor licences.



GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS FOR APPLICANTS FOR THE GRANT AND RENEWAL OF LICENCES TO DRIVE HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

GENERAL POLICY

1. Each case will be decided on its own merits
2. The Council will, as far as is possible, ensure that all persons holding a licence to drive Hackney Carriages or private hire vehicles are fit and proper persons. In doing so, the Council will take into account previous convictions including, where relevant, 'spent' convictions.
3. The Council will always put the protection of the public first when considering the relevance of convictions recorded against an applicant for a licence.
4. A person with a conviction for serious crime need not be permanently barred from obtaining a licence but will be expected to remain free of conviction for an appropriate period, before an application is considered. However, remaining free of conviction for a specified period may not be sufficient to show that a person is fit and proper and additional evidence may be required.
5. There may be occasions where it is appropriate to depart from the guidelines when making a decision on an application. For example, where the offence is a one-off and there are mitigating circumstances or alternately, where there are many or continuous offences which may show a pattern of offending and unfitness.
6. The following examples give a general guide as to the action that might be taken where convictions are recorded against an applicant.

(a) Dishonesty

Members of the public using Hackney Carriages and private hire vehicles expect the driver to be honest and trustworthy. It would be easy for a dishonest driver to take advantage of the public.

For these reasons, a serious view will be taken of any conviction involving dishonesty. In general, if an application is made within the first 3 to 5 years from the date of a conviction or from the date of release from jail where a custodial sentence has been imposed, it is likely that it will be refused.

Where an application is made within the first three years since the conviction or the date of release from jail, where a custodial sentence has been

imposed, for any of the following offences, the application will normally be refused:-

- Theft
- Burglary
- Fraud
- Benefit fraud (including offences under ss11A and 112 of the Social Security Administration Act 1992)
- Blackmail
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Or similar offences to those above which may replace any of the above offences

When a period of three years from conviction or the date of release from jail, where a custodial sentence has been imposed has passed, consideration will be given to the circumstances of the offence and any evidence to show that an applicant is a fit and proper person to hold a licence.

(b) Violence

As Hackney Carriage and private hire vehicle drivers maintain close contact with the public, a firm line will be taken with applicants who have convictions for violence. Where the commission of an offence involves loss of life, a licence will normally be refused. In other cases, a period of three to ten years free of conviction from the date of conviction or the date of release from jail, where a custodial sentence has been imposed will generally be required before an application is likely to be considered favourably. The nature and seriousness of the offence(s) will be taken into consideration.

In particular:-

- (i) An application will normally be refused where the applicant has a conviction for an offence of:-
 - Murder
 - Manslaughter
 - Manslaughter or culpable homicide while driving
 - Or similar offence or offences which replace the above offences

- (ii) An application will normally be refused for a period of five years from the date of the conviction or the date of release from jail, where a custodial sentence has been imposed if the applicant has a conviction for:-
 - Arson
 - Malicious wounding or grievous bodily harm which is racially aggravated
 - Assault occasioning actual bodily harm which is racially aggravated

- Assault with intent to cause grievous bodily harm
- Assaulting a police officer in the execution of his duties
- Malicious wounding
- Robbery
- Racially aggravated criminal damage
- Racially aggravated fear or provocation of violence
- Racially aggravated intentional harassment, alarm or distress
- Racially aggravated harassment
- Racially aggravated putting people in fear of violence
- Riot
- Possession of an offensive weapon
- Possession of a firearm
- Violent disorder
- Or any arrestable offence involving violence (an arrestable offence is defined as an offence committed by a person of age 21 years or over and on conviction for the first offence may be sentenced to a term of imprisonment of five years or where the penalty is fixed by law)

(iii) An application will normally be refused for a period of three years from the date of conviction or the date of release from jail, where a custodial sentence has been imposed, where the applicant has a conviction for:-

- Common assault
- Racially aggravated common assault
- Assault occasioning actual bodily harm
- Affray
- Racially aggravated harassment, alarm or distress
- Resisting arrest
- Obstructing a police officer in the execution of his duty
- Criminal damage
- Any similar offence or offences which replace the above offences

(c) Drugs

An application will normally be refused if an applicant has a conviction for an offence that relates to the supply or importation of drugs and the date of the conviction or the date of release from jail, where a custodial sentence has been imposed, is less than five to ten years before the date of the application. However, after five years from the date of such a conviction or the date of release from jail, where a custodial sentence has been imposed, the circumstances of the offence and any evidence which shows that a person is now a fit and proper person to hold a licence will be taken into consideration.

An application will normally be refused where the application is made within three to five years from the date of a conviction or the date of release from jail, where a custodial sentence has been imposed for an offence relating to the possession of drugs. However, after a period of three years from the date of such a conviction or the date of release from jail, where a custodial sentence has been imposed, consideration will be given to the circumstances

of the offence and any evidence to show that an applicant is a fit and proper person to hold a licence.

An application will normally be refused where an applicant has more than one conviction for offences related to the possession of drugs and the last conviction or the date of release from jail, where a custodial sentence has been imposed, is less than five years before the date of the application.

Where evidence is available that an applicant who has convictions for drug related offences has been addicted to drugs, they will have to produce evidence that shows that they have been free of drug taking for at least five years after successfully completing a drug treatment programme.

(d) Sexual and Indecency Offences

As the driver of Hackney Carriages and private hire vehicles often carry passengers who are alone, or may be vulnerable, applicants who have convictions for rape, indecent assault, any sexual offence involving children and any conviction for an offence under the Sexual Offences Act 2003 will normally be refused a licence.

Where an applicant has a conviction for a sexual offence such as indecent exposure, they will normally be refused a licence until they can show a substantial period usually between five and ten years free of any such convictions from the date of conviction or the date of release from jail where a custodial sentence has been imposed before an application is made.

After a period of five years from the date of a conviction or the date of release from jail, where a custodial sentence has been imposed, consideration will be given to the circumstances of the offence and any evidence to show that an applicant is a fit and proper person to hold a licence.

When considering applications, the Council may take into account any information of a sexual nature which does not amount to a criminal offence that is brought to its attention where that information may indicate that an applicant may not be a fit and proper person to hold a licence.

(e) Motoring Convictions

(i) Disqualification

Where an applicant had been disqualified from driving by the Courts for a serious traffic offence under Category 'A' of Annex (i), an application will generally be refused unless a period of five years free of conviction has passed since the return of the DVLA licence.

Where an applicant has been disqualified from driving by the Courts for a serious traffic offence under Category 'B' of Annex (i), an application will generally be refused unless a period of five years free of conviction has passed since the return of the DVLA licence unless the offence was an isolated one, in which case, a period of not less than 2 years shall have passed.

Where a disqualification is imposed by a court in a 'totting-up' case, i.e. where an applicant has been disqualified because of several

driving offences, an application will generally be refused unless a period of one year free of conviction has elapsed since the return of the DVLA driver licence.

In 'totting-up' cases where a court does not impose a disqualification because of exceptional circumstances, then because the Council apply different criteria to the courts, an application will generally be refused unless an applicant can show a period of 1 year free of conviction from the date of the last court appearance.

(ii) Serious Traffic Offences

Where an applicant has a conviction for a serious traffic offence in Category 'A' Annex (i) and a period of disqualification has not been imposed by the courts, an application will normally be refused where an application is made in the last five years following the date of the last conviction.

Where an applicant has a conviction for a serious traffic offence in Category 'B' Annex (i) and a period of disqualification has not been imposed by the courts, an application will normally be refused where an application is made in the last five years following the date of the last conviction unless the offence was an isolated one.

Where an applicant has had more than one conviction for a serious traffic offence in either Category 'A' or 'B' of Annex (i) and the courts have not imposed a period of disqualification, an application will normally be refused where an application is made in five years following the date of the last conviction.

(iii) Other Traffic Offences

Normally, isolated convictions for other traffic offences should not prevent someone obtaining a licence. However, the number, type and the frequency of these types of offence will be taken into account. If there are several convictions for these types of offence, an applicant will normally be expected not to have been convicted of an offence in the six months before an application is made.

A list of relevant offences is shown at Annex (ii). However, this is not an exhaustive list and there may be other offences which may be relevant.

(f) **Offences Under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and any Hackney Carriage Byelaws (The Acts)**

One of the main purposes of the licensing regime set out in 'The Acts' is to ensure the protection of the public. For this reason, a serious view will be taken of convictions for offences under the legislation, particularly offences of illegal plying for hire, when deciding if a person is a fit and proper person to hold a licence.

In particular, an application will normally be refused where an applicant has more than one conviction for an offence under 'The Acts' in the two years preceding the date of the application.

(g) Drunkenness

(i) In a Motor Vehicle

The manner in which drunkenness in a motor vehicle will be dealt with is outlined in Motoring Offences at paragraph 'e' of these guidelines.

(ii) Not in a Motor Vehicle

Where an applicant has an isolated conviction for drunkenness, this need not stop an applicant from getting a licence. In some cases, a warning may be appropriate. However, where an applicant has a number of convictions for drunkenness, it could indicate a medical problem, which would require further investigation including a medical examination and the possible refusal of a licence.

(h) Spent Convictions

The Council will only take 'Spent Convictions' into consideration if it is considered they are relevant to the application.

(i) Formal Cautions and Fixed Penalty Notices

For the purposes of these guidelines, the Council will treat Formal Cautions issued in accordance with Home Office guidance and fixed penalty notices as though they were a conviction before the courts.

SERIOUS TRAFFIC OFFENCES

CATEGORY 'A'	
Offence Code	Offence
Careless Driving	
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death through careless driving when unfit through drugs
CD60	Causing death through careless driving with alcohol level above the limit
CD70	Causing death through careless driving then failing to supply a specimen for analysis
Reckless/Dangerous Driving	
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
Miscellaneous Offences	
MS50	Motor racing on a highway
Theft and Unauthorised Taking	
UT50	Aggravated taking of a vehicle

PLEASE NOTE:

Any offence of aiding, abetting or procuring the above offences, the offence code will have the **0** replaced by a **2**.

Any offence of causing or permitting the above the offences, the offence code will have the **0** replaced by a **4**.

Inciting any of the above offences, the offence code will have the **0** replaced by a **6**.

CATEGORY 'B'	
Offence Code	Offence
Accident Offences	
AC10	Failing to stop after an accident
AC20	Failing to give particulars or report an accident within 24 hours
BA10	Driving whilst disqualified by order of the court
BA30	Attempting to drive whilst disqualified by order of the court
Careless Driving	
CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration for other road users
Construction and Use Offences	
CU10	Using a vehicle with defective brakes
CU20	Causing or likely to cause danger by use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30	Using a vehicle with defective tyre(s)
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
Drink or Drugs	
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR40	In charge of a vehicle while alcohol above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide specimen for analysis in circumstances other than driving or attempting to drive when unfit through drugs
DR70	Failing to provide a specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle while unfit through drugs
Insurance Offences	
IN10	Using a vehicle uninsured against third party risks
Licence Offences	
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle after having failed to notify a disability
Miscellaneous Offences	
MS70	Driving with uncorrected defective eyesight

PLEASE NOTE:

Any offence of aiding, abetting or procuring the above offences, the offence code will have the **0** replaced by a **2**.

Any offence of causing or permitting the above the offences, the offence code will have the **0** replaced by a **4**.

Inciting any of the above offences, the offence code will have the **0** replaced by a **6**.

If any of the offences in **Category 'B'** involve a licensed Hackney Carriage or private hire vehicle, they will be treated as though they are a **Category 'A'** offence.

OTHER TRAFFIC OFFENCES

Offence Code	Offence
LC20	Driving otherwise than in accordance with a licence
LC50	Driving after a licence has been revoked or refused on medical grounds
MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street offences
MS60	Offences not covered by other codes
MS80	Refusing to submit to an eyesight test
MS90	Failure to give information as to identity of driver etc
MW10	Contravention of Special Road Regulations (excluding speed limits)
PC10	Undefined contravention of Pedestrian Crossing Regulations
PC20	Contravention of Pedestrian Crossing Regulations with a moving vehicle
PC30	Contravention of Pedestrian Crossing Regulations with a stationery vehicle
SP10	Exceeding goods vehicle speed limits
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motorway
SP60	Undefined speed limit offence
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with 'stop' sign
TS40	Failing to comply with direction of a constable/warden
TS50	Failing to comply with traffic sign (excluding stop signs, traffic lights or double while lines)
TS60	Failing to comply with a school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction sign

PLEASE NOTE:

Any offence of aiding, abetting or procuring the above offences, the offence code will have the **0** replaced by a **2**.

Any offence of causing or permitting the above the offences, the offence code will have the **0** replaced by a **4**.

Inciting any of the above offences, the offence code will have the **0** replaced by a **6**.

If any of the offences in **Category 'B'** involve a licensed Hackney Carriage or private hire vehicle, they will be treated as though they are a **Category 'B'** offence under Annex (ii).

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PUBLIC PROTECTION COMMITTEE

Monday, 4th August, 2014

Present:- Councillor Kyle Robinson – in the Chair

Councillors Bailey, Braithwaite, Matthews, Naylor, Miss Olszewski,
Proctor, Miss Walklate, Williams and Mrs Williams

1. **DECLARATIONS OF INTEREST**

There were no declarations of interest stated

(a) Apologies

Apologies were received from Councillor Colin Eastwood

2. **MINUTES OF PREVIOUS MEETING**

Resolved:- That the minutes of the meeting held on 23 June, 2014
be agreed as a correct record.

3. **DISCLOSURE OF EXEMPT INFORMATION**

Resolved: That the public be excluded from the meeting during
consideration if the following matter because it is likely
that there will be disclosure of exempt information as
defined in paragraphs 1,2, and 7 in Part 1 of Schedule
12A of the Local Government Act, 1972.

4. **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976 -MR MI**

The Committee considered an application from Mr MI for the renewal of a Hackney
Carriage Vehicle Licence.

The chair invited the applicant to address the Committee.

Resolved:- That the application be refused as the Committee felt that
the reasons given by the applicant for failing to attend an
arranged vehicle test date were not valid enough. In addition,
the vehicle now fell outside of the Council's age policy.

5. **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976 - MR IM**

The Committee considered an application from Mr IM for the grant of a Hackney
Carriage Drivers Licence.

The chair invited the applicant to address the Committee.

Resolved: That the application be refused as the Committee could not be
satisfied that the applicant was a fit and proper person to hold

a Hackney Carriage Drivers' Licence in view of the serious nature of the conviction disclosed.

6. OPEN REPORTS FROM OFFICERS

7. FOOD SAFETY SERVICE PLAN JULY 2014

Consideration was given to a report on the Food Safety Service Plan 2014/15 which stated the planned work of the Food and Safety Team for 2014/15 and are a review of last year's performance.

Members were informed that the report covered all types of food businesses.

Members commended the Head of Environmental Health and her team for the work that had gone into the report.

Resolved:- That the report be received and endorsed.

8. LOCAL AIR QUALITY MANAGEMENT - PROGRESS REPORT 2014

Members considered a progress report on the Local Air Quality Management – regarding air quality in the Borough.

The report identified seven locations within two geographic areas which exceeded the statutory annual mean objective for nitrogen dioxide. The areas were Liverpool Road, Kidsgrove and Newcastle Town Centre ring road.

A further thirteen locations were at risk of exceeding the figures.

A detailed and further assessment of air quality in the exceedance locations was now required.

Resolved:- That the report be received.

COUNCILLOR KYLE ROBINSON
Chair

Agenda Item 5

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL
EXECUTIVE MANAGEMENT TEAM'S REPORT TO THE
PUBLIC PROTECTION COMMITTEE

Date 22nd September 2014

1. **HEADING** Control of Direct Debit Face to Face Fundraisers
- Submitted by:** Nesta Barker - Head of Environmental Health
- Portfolio:** Environment & Recycling
- Ward(s) affected:** Town

Purpose of the Report

To advise members of the options available to control direct debit face to face fundraisers (often referred to as charity muggers or 'chuggers') in terms of their activities in the Borough's town centres and surrounding areas.

Recommendations

That Members take a decision on whether to adopt one of the following two options

- a. To continue to permit self regulation for direct debit face to face fundraisers
- or
- b. To manage direct debit face to face fundraisers through entering into a Public Fundraising Regulatory Association (PFRA) agreement, as outlined in this report.

If Members decide to adopt option b, then any agreement between the PFRA and the Council would need to specify the following areas:

- a. Number of charities covered by the agreement
- b. Number of individuals covered by the agreement
- c. Locations permitted by the agreement
- d. Duration of permitted activity as per the agreement

Any Member decision to support the drafting and development of a PFRA agreement would require each of the areas above, having a value attached to it and for an agreement to be reached with fundraisers and the PFRA prior to formal adoption of the agreement itself.

Reasons

The presence of direct debit face to face fundraisers is an unregulated activity, as there are no legal provisions to control these activities. The Public Fundraising Regulatory Association (PFRA) arranges agreements to regulate the extent, location and duration of direct debit face to face fundraisers.

1. **Background**

- 1.1 Unlike street or door to door collections, which the Borough Council has powers to grant permission for, there are no current provisions to regulate face to face (direct debit) fundraisers who tend to operate on the street in locations such as town centres.
- 1.2 The Charities Act 2006 was intended to provide a level of compliance and enforcement across this area but this legislation has now stalled in Parliament and it is not clear when or if the relevant sections will ever become law. The Government has, however, encouraged local authorities, where necessary, to deal with face to face collectors through entering into agreements with the Public Fundraising Regulatory Association (PFRA).
- 1.3 The Public Fundraising Regulatory Association is a charity led, self regulatory membership body for all types of face to face fundraising. The PFRA has a dual role as a regulator in being the bridge between councils and charities practising face to face fundraising, maintaining professional standards and ensuring fair allocation of fundraising activities on the ground.
- 1.4 The PFRA seeks to maintain and improve professional standards in the face to face fundraising sector by enforcing the Institute of Fundraising's Face to Face Activity Code of Fundraising Practice, running mystery shopping programmes, and ensuring their members complete an accreditation process. They also have a complaints process that can be initiated by anyone who feels a fundraiser has transgressed the Code of Practice.
- 1.5 A major part of PFRA's role is to ensure the sustainability of face to face fundraising and ensure that it is practised in a controlled way. They run a fair and equitable site allocation programme and work with local councils to negotiate 'site management agreements' (SMAs) that contain guarantees about the locations and times that fundraising can take place.
- 1.6 The aim of the Site Management Agreement (SMA) is to facilitate face to face fundraising in a given location with the full agreement of the council.

2. **Issues**

- 2.1 Face to face fundraisers are often present in Ironmarket, Castle Walks and other streets within Newcastle-under-Lyme town centre.
- 2.2 These collections are not and cannot be regulated by the Borough Council alone.
- 2.3 The majority of fundraisers are ambassadors for their charities, but there are the minority who can harass members of the public. Notwithstanding this, whilst no direct public complaints have been received regarding chuggers within the Town Centre there have been two incidences where a more aggressive fundraising team has disturbed the ice cream van street trading pitch by refusing to maintain a clear area around its serving hatch. Additionally, the presence of a fundraising team that was operating on private land in the doorway of WH Smith resulted in a reported decrease of customers for the market traders who were directly opposite as pedestrians simply chose a different route that avoided the fundraising team.
- 2.4 It is understood that the Newcastle Town Centre Partnership has discussed this matter and would prefer not to have any 'chuggers' within the town centre.
- 2.5 Should a PFRA agreement be entered into, this would commit the Council to permitting a maximum number, duration and location of permitted chuggers. This would also have the possibility of extending the range of charities operating within the Town. The PFRA currently

have 151 members, of which, 110 are charity members, 33 fundraiser agencies and 8 associate members.

3. **Proposal**

3.1 It is for Members to determine if they wish officers to commence discussions with the PFRA with the aim of creating an agreement for the regulation of 'chuggers'.

3.2 This report sets out two options for Members to consider to consider - these are:

To continue to self regulate (as at present) (Option a)

This option will not remove 'chuggers' from Newcastle town centre and it will not control their numbers, but, given the number of complaints this does not appear to be an area of significant public concern (although the Newcastle Town Centre Partnership, in representing businesses has expressed its concern on this matter). The Borough Council could review this in the future should the nature and extent of 'chuggers' within Newcastle town centre alter significantly. (Not recommended)

To manage the situation through entering into a PRFA agreement (Option B)

This option would regulate the number, extent and location of 'chuggers' within Newcastle town centre, but would not prohibit their activities. This may result in permitting more 'chuggers' on a more regular basis than there are at present.

3.3 If Members wish to enter into such an agreement with the PFRA, then details of locations, numbers of charitable organisations, number of individuals and the suggested permitted durations would be required as part of such an agreement.

4. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

4.1 The regulation of chuggers would contribute to the following:

A clean, safe and sustainable borough

- The negative impacts that the Council, residents and local businesses have on the environment will have reduced.

A borough of opportunity

- Fair, proportionate and consistent enforcement creates an equal opportunity for business to thrive.
- Controlling and agreeing to a specified number of face to face direct debit sellers will ensure that the town centres businesses are not adversely affected

A co-operative Council delivering high quality, community driven, services.

- A solution will have been developed with the fund raising organisations and also their 'umbrella' organisation (the PFRA)

5. **Legal and Statutory Implications**

5.1 There are no legal provisions in relation to this report.

6. **Equality Impact Assessment**

6.1 No issues have been identified

7. **Financial and Resource Implications**

7.1 There are no financial costs to the authority in entering a PFRA's agreement.

7.2 There would be officer time involved in entering discussion and agreeing any such agreement. In addition there would be staff resource involved in ensuring some compliance monitoring with the agreement. This area of work has not been identified in this current years work plan.

8 **Major Risks**

8.1 No major risk have been identified.

9. **Sustainability and Climate Change Implications**

9.1 No sustainability or climate change implications apply.

<u>REPORT TITLE</u>	Draft Taxi Licensing Policy for Newcastle under Lyme
<u>Submitted by:</u>	Head of Business Improvements, Central Services and Partnerships
<u>Portfolio:</u>	Safer Communities
<u>Ward(s) affected:</u>	All

Purpose of the Report

To consider the attached draft Taxi Licensing Policy and the associated comments and recommendations submitted by representatives of the taxi and private hire trade in the borough.

To provide feedback and suggestions/comments on the draft Policy to enable the production of a further draft of the Policy for consideration at an additional meeting of this Committee in October prior to sending the draft Policy out for consultation on 1st November 2014.

Recommendations

- a) **That the Committee notes the draft Policy, together with the associated recommendations and comments from representatives of the taxi and private hire trade in the borough, and makes any further recommendations it feels appropriate.**
- b) **That the Committee agrees to the timetable for the implementation of the Policy**
- c) **That dates for the proposed additional meetings of the Licensing Committee in October and February are agreed.**
- d) **That, in light of the above, the previous policy resolution relating to the age of Hackney Carriage vehicles, agreed by Council on 16th April 2014, is not implemented on 1st January 2015.**

Reasons

The Borough Council currently does not have one all-encompassing private hire and hackney carriage licensing policy. By bringing all of the relevant existing policies (covering the granting of driver badges, and taxi/private hire and operator licences) together into one document, the process of applying for licences will be more accessible and open to both practitioners and others wishing to make an application.

1. Background

- 1.1 Successive Acts of Parliament have imposed requirements and restrictions upon Hackney Carriages, private hire vehicles, and their drivers and operators. These are given force through the licences which the Council is required to issue and regulate under the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, as amended.
- 1.2 The aims, standards, and procedures applied by the Borough Council in administering a licensing regime for Hackney Carriages, private hire vehicles, drivers, and operators, are continually reviewed, debated and agreed as Council policy.. At present, the Council has separate policies covering these different areas of activity. By bringing all of these policies

together into one document, the Council's policy when granting driver badges, taxi, private hire and operator licences will be accessible and open to both practitioners and those wishing to make an application.

- 1.3 In carrying out its regulatory functions, the Borough Council will have regard to this single Policy when making licensing decisions regarding taxis and private hire vehicles, drivers and operators. On the rare occasions when it is deemed necessary to depart substantially from this Policy, clear reasons will be given.
- 1.4 The agreed Policy will be subject to regular review, particularly when legislation and guidance from Central Government changes. In reviewing the Policy the Borough Council will seek views from representatives of the Hackney Carriage and private hire trade, together with other organisations involved in transport and licensing, as well as crime reduction professionals, and groups and individuals with involvement or interest in access and equality matters.

2. Work Carried Out to Date

- 2.1 At the Full Borough Council meeting held on 16th April 2014, the Council passed a resolution that all Hackney Carriage vehicles that were not purpose built as taxis would cease to be licenced once they reached eight years old (this is in line with the current policy relating to private hire vehicles) (See 3.1 below)
- 2.2 Representatives of the local Hackney Carriage Association were not satisfied with this decision and, following further discussions with Borough Council officers, a Taxi and Private Hire Working Group was set up to provide a forum for the Borough Council and operators to discuss issues such as this.
- 2.3 The Working Group consists of representatives from the Hackney Carriage Association, private hire drivers and operators, the Borough Council's Democratic Services Manager; one of the Borough Council's Principal Solicitors (with a responsibility for Licensing matters); and the Borough Council's Licensing Officer. Other Borough Council officers and/or outside representatives are invited to attend as and when required and the Chair of the Public Protection Committee was in attendance at the first meeting of the Working Group.
- 2.4 The Working Group will:
 - Enable the Council to informally consult with members of the trade on any upcoming policy changes that are being considered prior to being submitted to this Committee;
 - Assist in keeping all key stakeholders up to date with legislative changes;
 - Allow representatives from other organisations such as the County Council's Highways Departments to meet with members of the trade; and
 - Make the licensing process more open and accessible to all parties.
- 2.5 A memorandum of understanding was signed by the previous Chair of this Committee agreeing to the setting up of the Working Group and it was also agreed that the draft Taxi Licensing Policy would form part of the Working Group's initial work plan.
- 2.6 An initial copy of the attached draft Policy was presented to the Working Group on 26th July 2014 and comments were requested from those in attendance. Responses to the draft Policy are attached to this report.

3. Issues

3.1 The main areas of concern expressed by representatives of the trade are as follows:

- a) The vehicle age policy
- b) Tinted windows on vehicles

Both areas of concern are considered in more detail below.

a) *Vehicle Age Policy*

At the Full Borough Council meeting held on 16th April 2014 the following was resolved:

That, as from 1st January 2015, all Hackney Carriage vehicles that are saloon cars will cease to be relicensed when they are eight years of age.

This resolution has since been amended and included in the draft policy as follows:

Vehicles that are not purpose built, that is saloon vehicles, estate vehicles and hatchback vehicles will continue to be relicensed up to eight years of age subject to passing an annual test and the licences running concurrently.

The following observations and suggestions have been made by representatives of the trade in relation to this section of the draft Policy (the full versions of these representations are attached as Appendices):

- The trade refer to the Law Commission Paper no.203 which was a consultation document considered by this Committee at the time of its publication. The representation from the trade quotes the age limits introduced by Transport for London which state that:

'The limits are 15 years for taxis, and, for private hire vehicles. Five years for newly licenced vehicles and 10 years for renewals'

It should be noted, however, that these age limits were introduced as part of the London Mayor's Air Quality Strategy rather than as part of a passenger safety policy.

The Law Commission have now published their initial response to the consultation and a draft bill has been submitted to Parliament. The recommendations suggest that the implementation of an age limit for private hire vehicles could be determined by the Secretary of State whilst those relating to Hackney Carriage vehicles could be set locally. No specific age of vehicle is suggested by the Law Commission. The full findings and suggestions relating to the age of vehicles are attached at Appendix A.

Officers have looked in detail at the correlation between the age of vehicles and the pass rates at the Council's Depot. The full findings are attached at Appendix B.

The statistics and graphs clearly show that there is a direct correlation between the age of a vehicle and its (in)ability to pass the Council taxi test. For private hire vehicles failure rates begin to outweigh the pass rates when the vehicles is seven years old and above whilst no Hackney Carriage vehicles are passing the test first time once they are over ten years old.

Following discussions at the Working Group, however, officers agreed that, in some exceptional circumstances, a vehicle may be suitable to be passed as fit to be a taxi when eight years old and above. James Button, in his book, 'Licensing Law and Practice', states:

'The purpose of any age limit is to try and ensure that the licensed vehicles are safe, reliable and comfortable as possible. Any age policy would not in itself be arbitrary, because it must be a policy and the local authority must then consider any application that falls outside the age policy on its own individual merits.'

Based on these findings, therefore, the following suggestion has been put forward by the trade:

That the eight year limit is increased to ten years but that eight year old vehicles are subject to an additional VOSA MOT test six months after the Council depot test.

The reasons and background relating to this suggestion are attached at Appendix C.

In addition, to the above, the following options were considered at the last meeting of the Working Group:

- Option A - that an enhanced taxi depot test is considered for vehicles over eight years old. The Borough Council would need to ensure that criteria for testing older vehicles were tight enough not to tempt all owners with vehicles over eight years old to get them tested which (as the data shows) would result in a multitude of failed tests and a negative impact on the Council's limited resources. If the Committee is interested in pursuing this option then further information can be prepared for the additional meeting in October.
- Option B – to introduce a system whereby that a pre-test by an independent practitioner would need to be passed prior to an operator presenting a vehicle that is over eight years old for testing at the Depot. An independent contractor could be another garage or an organisation such as the AA or RAC. The cost of this process would have to be met by the owner of the vehicle. Again, if the Committee is interested in pursuing this option then further information can be prepared for the additional meeting in October.
- Option C - that Depot staff could recommend a vehicle under exceptional circumstances and a test after eight years when it was seen at its seven year test.

Officers are already working to update the basic Depot test in order that the criteria can be included in the draft Policy for consultation. The proposal is that the test should be based upon the *Hackney Carriage and Private Hire Vehicles, National Inspection Standards* (Appendix D) with some slight amendments to take local circumstances into consideration. Copies of this document have been provided to members of the Working Group and feedback requested.

Consideration would also have to be given to any vehicle that was presented to the Depot after the eight year cut off and did not pass the 'exceptional' Council test. Care would have to be taken to ensure that there was no break in licensing history for the taxi plates and that, should the owner wish to transfer the plates to a younger vehicle,

he/she would not be penalised. This would mainly affect Hackney Carriage saloon type vehicles as any new plated Hackney Carriages must now be purpose built.

b) Tinted Windows on Vehicles

The Council's current Policy relating to tinted windows on Hackney Carriage and private hire vehicles states that all glass behind the 'B' post must allow at least 70% of light to be transmitted through it and that no vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.

Officers have discussed this current policy with members of the Council Depot staff; Enforcement Team; and with members of the Taxi and Private Hire Working Group. It is now accepted that most cars purchased when they are one or two years old will have some form of tint on the rear windows and that this can be extremely costly to have removed. The previous recommendation from the Council's Enforcement Team was that a minimum reading of 35% would be acceptable from a public protection perspective. Officers would therefore like to propose that this new benchmark be adopted in the new draft Policy.

The representation regarding tinted windows from representatives of the trade is attached at Appendix E.

Following discussions at the Working Group it has also become apparent that mini bus windows pose an additional concern as many of these vehicles are manufactured with dark tinted windows. Additional work will need to be carried out by officers prior to a separate recommendation being made in relation to this, although the proposed Policy is that the rear passenger windows should allow a minimum of 35% transmission of light.

4. Options Considered

4.1 As detailed above – see paragraph 3.1.

5. Proposal

5.1 That the following timetable for the implementation of the first Taxi Licensing Policy for Newcastle under Lyme is adopted and that an invitation is extended to representatives of the taxi trade to attend the meetings set out below to put their recommendations forward and answer any questions that Members may have.

Date	Meeting	Action
22 nd September 2014	Public Protection	First discussion of draft Policy
October 2014 – TBC	Public Protection	Finalise draft Policy following recommendations of the Committee at the meeting on 22 nd September 2014.
1 st November 2014	Start Consultation	Full Consultation
31 st January 2015	End Consultation	End Consultation

February 2015 – TBC	Public Protection	Consider consultation results and agree Policy to be submitted to Full Council
15 th March 2015	Full Council	Submit Policy to Full Council for final approval.

6. Outcomes Linked to Sustainable Community Strategy and Corporate Priorities

6.1 In formulating and proposing this Policy to Members, officers have adopted as their overriding concern the safety of the public.

- In terms of the Borough Council’s corporate priorities, the draft Policy relates to the following:
 - Creating a clean, safe and sustainable Borough
 - Creating a Borough of opportunity
 - Creating a healthy and active community
 - Becoming a co-operative council which delivers high quality, community-driven services.

7. Legal and Statutory Implications

7.1 When considering any application for a Private Hire Vehicle Licence, the Borough Council, in accordance with Section 48 (1) (a) (i) (iii) (iv) and (v) of the Local Government (Miscellaneous Provisions) Act 1976, shall not grant such a licence unless they are satisfied that the vehicle in question is suitable in type, size and design for use as a private hire vehicle; is in a suitable mechanical condition; and is safe and comfortable.

7.2 As per Section 47 of the above Act, the Borough Council may attach to the grant of a Hackney Carriage licence such conditions as it may consider reasonably necessary. The range of conditions is wide and can therefore encompass safety, comfort and design.

7.3 The Borough Council may adopt a policy but should be clear that this is a policy which should be flexible in terms of its implementation and, therefore, should be applied to each case on its own merits.

8. Equality Impact Assessment

8.1 The purpose of age limits, as applied to Hackney Carriages, it to try and ensure that the licensed vehicles are safe, reliable and comfortable.

8.2 Any vehicle age policy, therefore, as applied in this area of Council business, is not arbitrary, but is a policy and it is for the Borough Council to consider any application which falls outside its own vehicle age policy on its own merits.

9. Financial and Resource Implications

9.1 An unreasonable decision may lead to awards of costs in the magistrates’ court and therefore use the limited resources available to the Borough Council. A clear and reasonable policy assists in delivering efficiency.

10. **Major Risks**

- 10. Public safety should not be compromised under any circumstances, and a robust Licensing Policy assists in securing public safety.
- 10.2 If public safety is compromised, then there is a risk of reputational and financial damage to the Borough Council as well as possible harm to the public.
- 10.3 In addition, any unreasonable refusals for the grant of a licence may also lead to reputational and financial risks to the Borough Council.

11. **List of Appendices**

- Appendix A – Law Commission proposals on Local Taxi Standards
- Appendix B – Statistics relating to the age of vehicles and the pass rate at the depot
- Appendix C - Representations from the Taxi Trade on the Draft Taxi Licensing Policy
- Appendix D - Hackney Carriage and Private Hire Vehicles, National Inspection Standards
- Appendix E - Tinted Windows Representation

12. **Background Papers**

Reforming the Law of Taxi and Private Hire Services – A Consultation Paper No. 203
 Taxi and Private Hire Services – The Law Commission Paper No 347

13. **Management Sign-Off**

Each of the designated boxes need to be signed off and dated before going to Executive Director/Corporate Service Manager for sign off.

	Signed	Dated
Financial Implications Discussed and Agreed <i>Lead Officer – Dave Roberts</i>		
Legal Implications Discussed and Agreed <i>Lead Officer – Mark Bailey</i>		
Report Agreed by: Executive Director/ Head of Service		

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Vehicle age limits

Vehicle age limits were a matter on which significant concern was expressed during consultation, and in respect of which views varied significantly. It is significant that under our reforms, whereas it would still be possible for licensing authorities to set local vehicle age limits on taxis, this would no longer be possible in respect of private hire vehicles. Under our recommendations, vehicle age limits associated with private hire vehicles would be determined by the Secretary of State and applied at a national level.

We accept that vehicle age limits can impose a significant financial burden, and can arbitrarily rule out cars that are perfectly safe and roadworthy. The purpose of national standards relating to vehicles is to prevent unsafe vehicles from continuing to operate as taxis or private hire vehicles. Whilst such standards might include age limits in respect of both taxis and private hire vehicles, such determinations should be made by the Secretary of State on the basis of advice from the technical panel.

We also note that private hire encompasses a particularly wide variety of services, ranging from limousines and standard saloon cars to classic cars. Age limits might be appropriate in respect of some categories but not others. Different standards might also apply to accessible vehicles. The power to set national standards should afford sufficient flexibility to cater for such differences.

Transport for London made it clear that it wishes to continue its policy of applying age limits to private hire vehicles for environmental reasons. It told us that the current age limits are designed to improve air quality in London, as newer vehicles produce lower volumes of harmful emissions. Under our recommendations, Transport for London would not be able to vary a nationally set age limit on private hire vehicles, or impose one if the Secretary of State chose not to do so. During consultation, we received evidence suggesting that it is in fact taxis that have the greater environmental impact in London. Transport for London also imposes age limits on taxis, but our recommendations do not limit this power. If a national age limit were imposed on taxis, London could have a lower age limit. It would not, however, be possible to license older (and less environmentally friendly) vehicles. We discuss local taxi conditions in Chapter 8 below.

CHAPTER 8 LOCAL TAXI STANDARDS

INTRODUCTION – LOCAL TAXI STANDARDS

Under current law, taxi driver and vehicle licence conditions are set at local level. This means that matters such as the accessibility of a vehicle, its colour and any age limits are determined by the relevant licensing authority. For drivers, matters such as acceptable levels of medical fitness, disqualifying criminal records and topographical knowledge requirements are likewise set locally.

In respect of private hire services, we have suggested that local standard-setting is not appropriate, given the competitive and de-localised nature of the services provided. We are therefore recommending that only national standards should apply to private hire services.

By contrast, the strongly local nature of taxi service provision, anchored to licensing areas through ranking and hailing privileges, supports a local approach to standard setting. We are therefore recommending that local standards should continue to apply on top of core national standards.

In our consultation paper, we provisionally proposed that licensing authorities should continue to have the ability to impose local conditions on taxis, whether relating to safety or otherwise, over and above what we referred to as “minimum” national standards. This was in contrast to our proposal in respect of private hire vehicles, which was for a single set of what we referred to as “mandatory” standards, set nationally.

The proposal that taxis should be covered both by national standards and local conditions found favour with a majority of consultees, although a significant number disagreed. However, it is important to note that many respondents were misled by the language of “minimum” and “mandatory”, understanding “minimum” to mean that the standards would be low, and “mandatory” to mean that the standards would have to be complied with, suggesting that minimum standards would not be obligatory. What we intended to convey by referring to “minimum” standards was that the national standards for taxis could be supplemented by the addition of further standards at a local level. In describing the national standards for private hire vehicles as “mandatory”, we meant that they could not be added to at local level.

We appreciate that it is a matter of legitimate concern that national standards should not be set too low. During consultation we discussed at length with stakeholders the possible content of these standards. As we initially proposed that standards should relate only to safety, much of this concerned the key question of what is, and what is not, a safety feature.

Those who agreed with minimum national standards for taxis regarded them as a sensible measure, allowing local authorities to respond to specific local issues.

Nottinghamshire County Council considered that local standards would “enhance” national standards by tailoring them to local circumstances, allowing for local variations on issues such as “vehicle specifications/designs and colours and signage.”

Licensing authorities were very much in favour of their having discretion to impose local conditions on taxis. Many of them were keen to ensure that standards did not fall below the level they currently imposed on taxis. Other licensing authorities, however, felt that if national standards were to be introduced it would be best not to allow any local variation. Birmingham City Council took this view. Sandwell Metropolitan Borough Council was of the opinion that it should retain the power to set fares and to require all vehicles to be wheelchair accessible, but no more.

Others tended to feel that standards should be consistent, and that additional local standards would be unnecessary or unduly onerous. For example, Wellingborough Borough Council said that national standards would provide a “level playing field” for the trade, which would “represent the standard we want our vehicles to meet”. However, it took the view that local conditions should be allowed if there was “an evidenced need for them”. Other consultees were more adamant that local standards should not be allowed. West Berkshire Hackney and Private Hire Association said that “it seems, and indeed is, wrong that different areas have different safety standards.”

Some respondents were concerned that local authorities would use their powers in an arbitrary way. Those in the taxi industry were concerned that licensing authorities would retain the power to impose vehicle age policies and colour conditions, two of the standards most widely complained about. Peter Brown, a taxi driver from Morecambe, said:

If you can guarantee a totally neutral licensing authority then fine, but in my 31 years driving this has not always been the case.

A number of stakeholders commented that licensing authorities would be enabled to continue what were perceived to be restrictive practices in relation to the types of vehicle which they will licence. Particular examples were given of London, with its stringent Conditions of Fitness and emphasis on the turning circle, and cities such as Coventry and Manchester, which have adopted the London Conditions of Fitness or conditions similar to these.

This provisional proposal, which would involve minimal change to the current position in respect of taxis, attracted much support and forms a key plank of our suggested regulatory framework. We recommend that those local licensing authorities that wish to should be able to supplement our proposed national standards with additional standards set locally. We envisage that the most important standards, such as those relevant to passenger safety, will be set by the Secretary of State, and that local standards will not necessarily be very extensive, though we do not see a need for any statutory circumscription of local authorities’ powers in this area for the reasons given in the next section of this chapter. Local standards could be used, for example, by those licensing authorities that wish to prescribe vehicle colours.

LIMITS ON LICENSING AUTHORITY POWERS?

From the outset of the project, stakeholders in both the taxi and private hire trades expressed concerns about the ability of licensing authorities to impose what were sometimes perceived to be arbitrary or unnecessary conditions. Moreover, the terms of reference for our project require us to consider removal of unnecessary burdens on business as an important overall objective of reform.

We asked consultation respondents whether there would be benefits to placing statutory limits on licensing authorities' discretion to set taxi conditions. We noted that in Scotland, Ministers have the power to prohibit certain conditions.

Although some consultees were strongly in favour of limits, arguing for example that local standards were costly to comply with (the United Cabbies Group) and that limits upon them would aid consistency (Delta Taxis), a majority of respondents disagreed with the idea of statutory limits. They felt that local authorities were best placed to assess local conditions. The London Taxi Network added that such a provision "may restrict a local authority's ability to react to changes in marketplace, population or other requirements in future." Most of the respondents who supported limits were from the taxi industry. Regulators were more evenly divided

Rather than placing a restriction on licensing authorities' powers, we recommend that the current duty to consult before new local taxi standards are introduced should be retained. It can be a powerful safeguard. We suggest, however, discarding outmoded publication requirements and replacing them with a more modern approach ensuring appropriate engagement with the trades and the public.

We have decided not to recommend limiting the powers of licensing authorities to set local conditions for taxis. The main concern with imposing limits is finding the right balance between allowing local discretion to regulators, whilst protecting the trade from what may be costly conditions. We believe that this balance can be reached without limiting the powers of licensing authorities and by relying on the current consultation requirements which apply when setting conditions, as well as general principles of public law and good governance. In Chapter 14 we recommend the creation of a streamlined judicial review procedure which would allow challenges to be brought against local authority conditions in a quicker and more efficient manner.

APRIL											
Age	No. of Tests (1st Presentations)	Pass (1st Presentation)	Fail (1st Presentation)	Chargeable Re-test	FOC re-test	Fail(retest)	HC		PH		
							Pass (1st Time)	Fail(1st time)	Pass (1st Time)	Fail(1st time)	
	54	32	22	8	16	1	11	12	19	12	
2003	11	0	0	0	0	0	0	0	0	0	
2004	10	2	0	2	2	0	1	0	2	0	
2005	9	1	1	0	0	0	0	1	0	0	
2006	8	4	1	3	1	2	0	0	0	4	
2007	7	6	2	4	0	5	0	1	1	4	
2008	6	17	8	9	4	6	0	4	6	4	
2009	5	6	5	1	1	0	0	3	1	2	
2010	4	8	6	2	0	2	0	1	2	5	
2011	3	1	0	1	0	1	0	0	0	1	
2012	2	5	5	0	0	0	0	1	0	4	
2013	1	2	2	0	0	0	0	1	0	1	
2014	0	2	2	0	0	0	0	0	0	2	
2015	-1	0	0	0	0	0	0	0	0	0	

HC Age	Pass (1st Time)
11	0
10	0
9	2
8	1
7	5
6	10
5	7
4	4
3	0
2	2
1	3
0	0

May											
Age	No. of Tests (1st Presentations)	Pass (1st Presentation)	Fail (1st Presentation)	Chargeable Re-test	FOC re-test	Fail(retest)	HC		PH		
							Pass (1st Time)	Fail(1st time)	Pass (1st Time)	Fail(1st time)	
	48	21	27	6	21	1	9	9	14	16	
2003	11	0	0	0	0	0	0	0	0	0	
2004	10	2	0	2	2	0	1	0	2	0	
2005	9	0	0	0	0	0	0	0	0	0	
2006	8	4	0	4	1	3	0	0	1	3	
2007	7	7	3	4	1	3	0	3	1	2	
2008	6	14	3	11	1	10	0	3	3	6	
2009	5	4	3	1	0	1	0	1	0	2	
2010	4	6	2	4	1	3	0	0	2	3	
2011	3	1	1	0	0	0	0	0	0	1	
2012	2	5	5	0	0	0	0	1	0	4	
2013	1	5	4	1	0	1	0	1	0	3	
2014	0	0	0	0	0	0	0	0	0	0	
2015	-1	0	0	0	0	0	0	0	0	0	

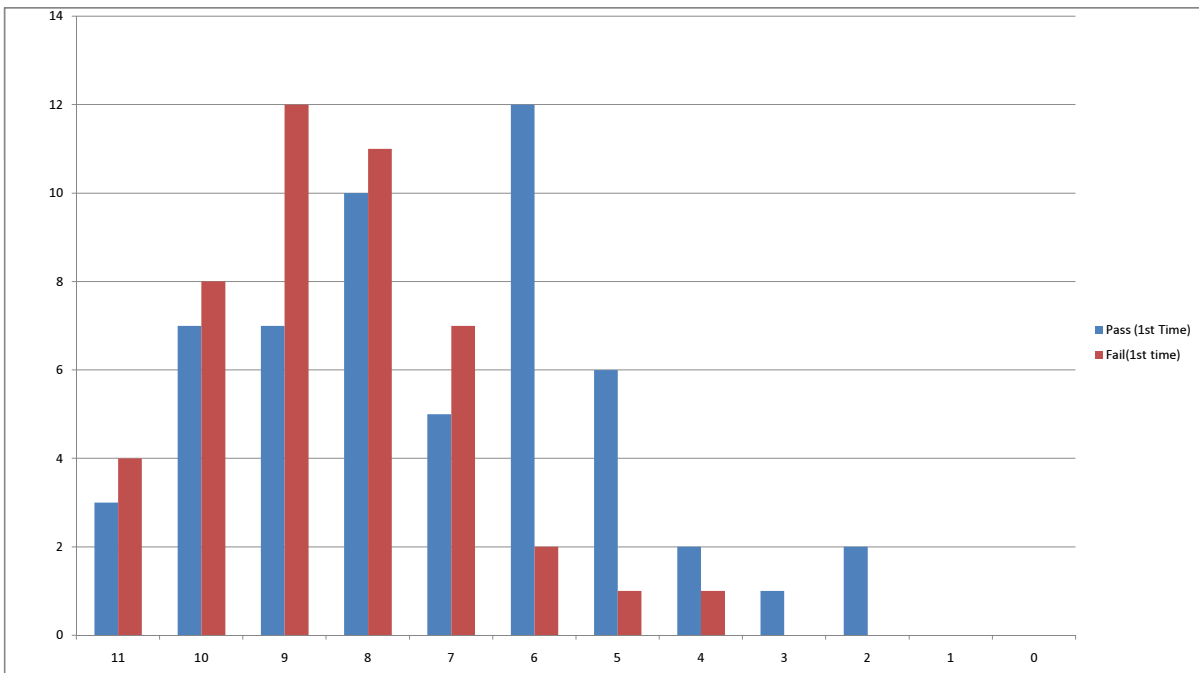
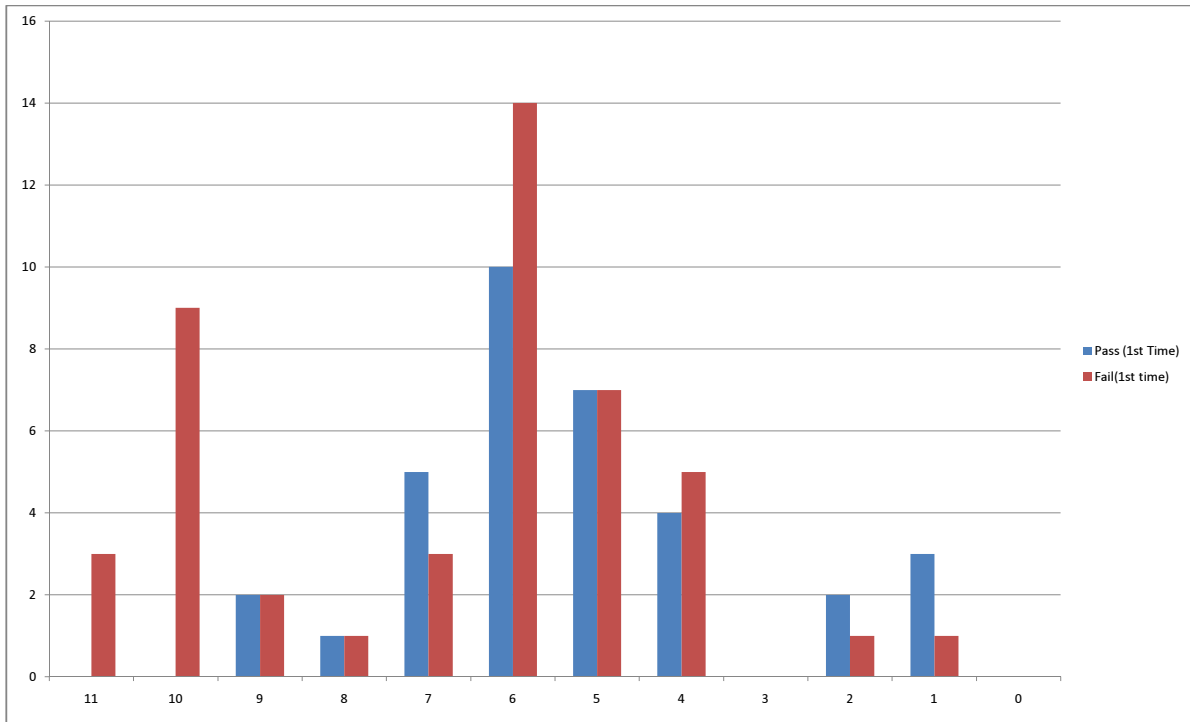
PHV Age	Pass (1st Time)
11	3
10	7
9	7
8	10
7	5
6	12
5	6
4	2
3	1
2	2
1	0
0	0

JUNE											
Age	No. of Tests (1st Presentations)	Pass (1st Presentation)	Fail (1st Presentation)	Chargeable Re-test	FOC re-test	Fail(retest)	HC		PH		
							Pass (1st Time)	Fail(1st time)	Pass (1st Time)	Fail(1st time)	
	43	20	23	10	13	3	4	11	16	12	
2003	11	1	0	1	1	0	1	0	1	0	
2004	10	3	0	3	3	0	1	0	3	0	
2005	9	3	1	2	0	2	1	2	0	0	
2006	8	0	0	0	0	0	0	0	0	0	
2007	7	4	2	2	1	1	0	0	2	2	
2008	6	8	4	4	2	2	0	0	3	4	
2009	5	9	4	5	1	4	0	2	1	4	
2010	4	6	3	3	1	2	0	1	0	3	
2011	3	4	3	1	0	1	0	0	3	1	
2012	2	2	1	1	0	1	0	0	1	1	
2013	1	3	2	1	1	0	0	1	2	0	
2014	0	0	0	0	0	0	0	0	0	0	
2015	-1	0	0	0	0	0	0	0	0	0	

JULY											
Age	No. of Tests (1st Presentations)	Pass (1st Presentation)	Fail (1st Presentation)	Chargeable Re-test	FOC re-test	Fail(retest)	HC		PH		
							Pass (1st Time)	Fail(1st time)	Pass (1st Time)	Fail(1st time)	
	70	35	35	4	31	2	10	14	25	21	
2001	13	1	1	0	0	0	1	0	0	0	
2002	12	0	0	0	0	0	0	0	0	0	
2003	11	2	0	2	1	1	0	2	0	0	
2004	10	2	0	2	0	2	1	0	2	0	
2005	9	0	0	0	0	0	0	0	0	0	
2006	8	3	2	1	1	0	1	0	1	1	
2007	7	13	5	8	0	8	0	2	1	7	
2008	6	17	10	7	0	7	0	3	2	5	
2009	5	13	2	11	1	10	0	1	5	6	
2010	4	10	8	2	0	2	0	1	1	1	
2011	3	1	1	0	0	0	0	0	1	0	
2012	2	4	2	2	1	1	0	1	2	1	
2013	1	2	2	0	0	0	0	1	0	1	
2014	0	2	2	0	0	0	0	0	2	0	
2015	-1	0	0	0	0	0	0	0	0	0	

Fail(1st time)
3
9
2
1
3
14
7
5
0
1
1
0

Fail(1st time)
4
8
12
11
7
2
1
1
0
0
0
0



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Newcastle & Kildsgrove Hackney Carriage Association**Draft Response to****Draft Policy Taxi Licencing 2014-2019****2nd June 2014**

BOROUGH OF NEWCASTLE UNDER LYME DIRECTORATE RESOURCES		
- 7 JUL 2014		
PASSED TO	CONFER WITH	CHECKED

There have been several chair lead meetings of the taxi and private hire working group, and it is considered that council have now undertaken a more thorough consultation with regard to both the hackney carriage and private hire fleet, resulting in a new draft taxi licencing policy for Newcastle under Lyme.

This policy has been formulated to provide guidance and information that ensures both trade and the public have a document that fully explains the councils licencing procedures.

However, the Association challenges the Licencing Authorities Age of Vehicle Policy (Page eight), ie:

'Vehicles that are not purpose, built that is, saloon vehicles, estate vehicles and hatch back vehicles, will continue to be re-licenced up to eight years, subject to passing an annual test and the licences running concurrently'.

Therefore removed from service after an eight year life span.

The Law Commission Paper No 203 which is available as guidance for decision makers in Local Government, Section 101, page 59 states

'The age of vehicles adhered to by the Transport of London'.

The age limit disclosed is 15 years for taxis, five years for newly licenced vehicles and ten years for renewal applications, effective from 1st January 2012 and ten years for private hire vehicles.

Page 58 para 4.58 of the consultation paper states that an older vehicle may be well maintained and in good working order. The Department for Transport guidance suggests the setting of an age limit may be arbitrary and inappropriate, although it may be appropriate to require more frequent testing for older vehicles.

Proposal

In considering the guidance we ask council and the decision makers of the Public Protection Committee to amend the eight year rule imposed on the trade, to a ten year period.

Whereas vehicles will continue to be re-licenced up to ten years of age subject to passing an annual test and the licences running concurrently.

Moreover, if an eight year old vehicle is presented to council for test, that vehicle should be subject to a condition imposed by council, whereby the vehicle would have to be presented for a further VOSA test within a time limit of 6 months and documentation presented to the Licencing Authority thus assuring council that the vehicle is fit for purpose.

Advice at para 4.61 states:

'Department for Transport Guidance suggests that an annual test for vehicles is appropriate in most cases unless local conditions suggest that more frequent tests are necessary'.

Reasons

- The Hackney Carriage Association consider that our proposal would meet criteria set out by the Law Commission.
- The introduction of a further test 6 months after the annual council test would ensure the council of a safer vehicle for the travelling public.
- Reliability and quality build of the modern vehicle enables the proprietor of a well serviced maintained vehicle to operate for a ten year period.
- Introducing a ten year rule on the vehicle would allow for a more viable business plan.
- Sustainability
- Information provided to our proposal to amend the Borough Councils Draft policy 2014 – 2019 is relevant and fundamental.
- No written directives or guidelines from the Law Commission (reforming the law of taxi and private hire services) relating to the age of taxis and private hire vehicles, have ever been made available by council, to the decision makers of our Public Protection Committee.

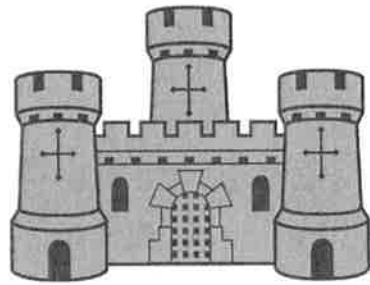
This is considered material to our proposal.

- The retention of the 8 year age policy attached to the draft taxi licencing policy will result in a higher cost burden to the taxi proprietors, which risks forcing some out of business, during extremely difficult financial times.
- For our part the Newcastle Taxi Association intend to implement (1st August) on the spot vehicle checks, carried out by nominated associates at taxi rank sites. Check lists of tyres, lights, indicators, medical kit, fire extinguishers, meter, seat belts, seating and cleanliness of vehicle to meet safety issues raised in consultation.

- Clear indications resulting from the recent meetings of the taxi and private hire working group, shows an urgent need to implement a ten year ruling on the age of both hackney carriage and private hire vehicles.
- We formally request our proposal to be considered by council and the Public Protection Committee.

ON BEHALF OF NEWCASTLE TAXI ASSOCIATION

A handwritten signature in black ink, appearing to be 'C. Q. S.', written in a cursive style.



**NEWCASTLE
UNDER LYME
BOROUGH COUNCIL**

DRAFT

Taxi Licensing Policy

2014—2019

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Appendix 6 - Private Hire vehicle licence conditions
Appendix 7 - Private Hire Operator conditions
Appendix 8 - The Councils Enforcement protocol

Aims of the Policy

This policy has been developed to provide guidance and information to ensure that both the taxi trade and the public in the Borough of Newcastle under Lyme have a single document that fully explains Newcastle-under-Lyme Borough Council's licensing procedures.

The principle and overriding aim of licensing the Hackney Carriage and Private Hire trade is to protect the public. A related aim is to also regulate the trade to ensure that in offering their services, the trade are doing it in a way where the public have access to local transport which is safe, comfortable, and meets all the requirements not only of the legislation which is specific to Hackney Carriage and Private Hire but also of all other statutory and regulatory bodies concerned with motorised transport.

In addition, the Policy attempts to encompass the Council's key corporate priorities of creating a safer, greener, and sustainable Borough, and creating a Borough of opportunity.

The Policy seeks to ensure that transport for those with a disability will be provided.

Where the Council determines that specific conditions and requirements not specified in the relevant Acts of Parliament; accounted for in the Department for Transport Guidance or any other best practice guidance; are not unreasonable; and are deemed necessary to address local best practice then these will be implemented following a resolution from the Borough Council's Public Protection Committee.

The Public Protection Committee will make no decision which could adversely affect the livelihood of anyone with any licence without first having undergone a period of consultation.

Background

Hackney Carriage and Private Hire vehicles have an important role to play in any integrated public transport system. They are able to provide services in situations where other forms of public transport are either restricted, not available, or outside normal hours of operation, and assist those with mobility problems.

Policy Summary

This Policy contains information about legal requirements; government guidance; existing Borough Council policies, procedures and standards relevant to Hackney Carriage and Private Hire licensing; and should be considered to be a 'living' document (i.e. capable of change to reflect other wider environmental, social, legislative or political developments). When there are changes to guidance, legislation, or best practice then the Council will automatically review the Policy to reflect those changes...

Definitions

The following terms are used throughout this document.

- 'The Council' or 'the Authority' refers to Newcastle under Lyme Borough Council, except where stated otherwise
- 'Vehicle' or 'Licensed Vehicle' refers to both a Hackney Carriage and Private Hire vehicle.
- 'Saloon type cars' refers to any vehicle not purpose built as a taxi and therefore includes hatchback and estate cars
- 'Hackney Carriage' refers to a vehicle licensed under the Town Police Clauses Act 1847 to for hire in the area covered by the Council
- 'Private Hire Vehicle' refers to a vehicle licensed under the Local Government (Miscellaneous Provisions) Act 1976 ("the Act") to carry passengers for hire or reward by prior booking
- 'Private Hire Operator' refers to a person who holds an operator's licence under the Act and makes provision for the acceptance of private hire bookings for themselves or to pass to others to undertake
- 'The DfT' refers to the Department for Transport including previous names under which that department has been known
- 'The DfT guidance' refers to the Department for Transport – Hackney Carriage and Private Hire Vehicle Licensing Best Practice Guidance (published in March 2010)
- 'The Committee' refers to the Public Protection Committee of the Council
- The word 'taxi' has no meaning in law and can be used generically to describe both Hackney Carriages and Private Hire vehicles
- 'The OfT' refers to the Office of Fair Trading
- 'The DPA' refers to the Data Protection Act 1998
- DBS refers to the Disclosure and Barring Service
- 'The Guidelines' refer to the Council's guidelines for the relevance of convictions when considering the grant or renewal of a licence

The following Acts of Parliament form the basis of this Policy.

- The Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976

Policies and Practices

The Council's licensing of taxis, drivers and operators takes account of the requirements, powers, duties, and responsibilities contained within the relevant Acts and the DfT Guidance.

Data Protection

The Data Protection Act 1998 ("DPA") covers the collection, storage, processing and distribution of personal data. It also gives certain rights to individuals about whom information is recorded.

The Council aims to fulfil its obligation under the Act to the fullest extent by only processing personal data for the purposes of legitimate interests pursued by the Council or legal requirements imposed on the Council.

The DPA obliges local authorities to comply with eight data protection principles. The principles state that personal data shall be:

- Obtained only for specified and lawful purposes;
- Adequate, relevant and not excessive in relation to the purpose(s) for which it is being processed;
- Accurate and, where necessary, up to date;
- Processed fairly and lawfully;
- Processed in accordance with the rights of the data subjects
- Kept secure
- Kept only as long as necessary
- Transferred to countries outside the European Economic Area only if those countries have an adequate level of protection for the rights of data subjects

Further information about the DPA can be obtained at the Information Commissioner's website (www.ico.gov.uk). Enquiries regarding the Council's use of personal data should be addressed to the Councils Data Protection Officer.

Public Register

The Council will hold and maintain a register for all the licences which it issues. The information held on the register will be restricted to the name of the licence holder; a unique licence number; the date of commencement; and the date of the expiry of the licence.

The register will be available for inspection by prior arrangement with the Councils Licensing team.

It is the responsibility of the Council to protect the public and to ensure that before anyone is granted a licence the Council needs to be satisfied that he/she is a "fit and proper" person to hold such a licence.

There is no agreed definition for "fit and proper" - in the absence of such a definition, the Council will use the widely accepted interpretation of:

"Would those responsible for granting a licence be happy for their mother, daughter or any lone or vulnerable person to travel unaccompanied with the applicant?"

Process and Requirements for an Initial Application

Before granting a licence the Council requires that:

- a) The applicant is over 21 years of age
- b) The applicant produces a valid full UK driving licence (or the European equivalent) that reveals no relevant convictions and the applicant must have held a full licence for more than one year
- c) The applicant produces a medical report undertaken by their own GP which has regard for the DVLA Medical Standards of Fitness to drive Level II and shows that the applicant meets the required medical standard
- d) The applicant provides a recent enhanced disclosure from the DBS that is less than one month old
- e) The applicant has completed the necessary application forms and provides two recent colour passport sized photographs
- f) The applicant has paid the appropriate fee
- g) The applicant provides two references which indicate their suitability
- h) The applicant holds either a BTEC Level 2 certificate in the 'Introduction to the Role of the Professional Taxi and Private Hire Driver' qualification, or, where that is not locally available, to have taken and passed the Driving Standards Agency (DSA) taxi test which incorporates the wheelchair manoeuvring element. These are minimum requirements. Higher levels of qualifications such as a National Vocational Qualification (NVQ) for licensed drivers will also be accepted
- i) The applicant has passed the Council's geographical test for Private Hire and Hackney Carriage drivers. The test is currently provided locally at Burslem College.

Where an applicant meets all the above criteria the licence will automatically be granted and issued.

The licence will be valid for a period of three years.

Renewal Applications

The application process for the renewal of a licence requires the same elements as the initial application with the following exceptions:

- a) There will be no requirement to undertake a local knowledge test
- b) Where the previous application was accompanied by a medical certificate no such certificate will be necessary. The Council's policy is, where applications are continuous, a medical certificate will only be required at every other application
- c) For drivers who have reached 65 years of age a medical certificate will be required for every application
- d) There will be no requirement to provide references
- e) Where an application is submitted after a licence has expired, that application will be treated as a new application and not a renewal
- f) Where an application for renewal is made by anyone who does not hold a BTEC qualification or the DSA taxi test the licence will only be valid until 1st October 2015. Those licences restricted to 1st October 2015 will be extended to the full term of three years on production of a relevant qualification.

The successful applicant for the grant or the renewal of a licence will be issued with a driver's badge which will have a unique number; a photograph of the applicant; and the applicant's name. The paper counterpart of the licence will have the same information. The licence will be valid for 3 years. The counterpart of the licence will include a set of the Council's conditions (Appendix 1)

It is the responsibility of the applicant to acquaint him/herself fully with the conditions attached to the licence and of the offences that can be committed while holding a licence and acting as a Private Hire or Hackney Carriage driver.

Where an application is received and the driving licence and/or the DBS disclosure reveal convictions that fall within the Council's guidelines for the relevance of convictions (Appendix 2) the application will be referred, in the first instance, to the Head of Business Improvement, Central Services and Partnerships who will consider the matter, and, when necessary, will forward the matter to the Council's Committee.

The Committee will consider such applications and has the discretion to:

- a) Grant a licence for a specified period of time
- b) Grant a licence for the full term of three years
- c) Refuse the application

Any applicant who is refused a licence by the Committee will be notified in writing of that decision and the reasons behind the refusal. If the applicant is aggrieved by the decision he/she has the right of appeal in the Magistrates' Court.

Medical Standards

In circumstances when a licence has been granted and the Council subsequently has doubts regarding the medical fitness of the licence holder the Council will require confirmation from a recognised occupational health practitioner that the licence holder continues to meet the recommended standard.

Vehicle Standards

No vehicle - Hackney Carriage or Private Hire - will be considered for its initial licence unless it has been seen by and/or approved by the Council's Licensing Service.

When making any decision on the suitability of a vehicle, the following will be taken into account: The vehicle will:

- a) Have uniform paintwork
- b) Be free of visible rust
- c) Have an interior that is clean and upholstery which is free of stains and free of splits and tears
- d) Be free of any unrepaired damage
- e) Where repairs have been necessary these will have been completed by qualified technicians and will have been carried out to the highest standard
- f) Have, in the case of estate cars, a method of securing luggage in order to safeguard passengers
- g) Have a steering wheel that is on the offside of the vehicle
- h) Be fitted with tyres that are the designated size, speed and weight rating for that make and model of vehicle as prescribed by the vehicle manufacturer
- i) Be free of any major mechanical faults or defects
- j) Be fitted with an anti-lock braking system
- k) Have an adequate system for heating and ventilation for the comfort of the passenger and at the discretion of the passenger
- l) Have fitted rear passenger windows that are not heavily tinted or blacked out and will allow a minimum of 35% transmission of light

Hackney Carriage Vehicle Licences

What is a Hackney Carriage Vehicle?

A Hackney Carriage is a vehicle licensed under the Town Police Clauses Act 1847 and the Act part II to ply for hire throughout the district controlled by any relevant local authority.

At present, the Council has no limit on the number of Hackney Carriage vehicle licences it can approve, although the Council's policy for any additional Hackney Carriage licences is that they will only be granted to vehicles which are wheelchair accessible.

Those operators who have Hackney Carriage vehicles which are 'saloon type cars' can replace that vehicle with another saloon type either on renewal or

prior to renewal of licences. In circumstances where an operator allows a licence attached to a saloon type to expire then that licence no longer exists.

Vehicle Suitability

The Council presently grants initial applications to those vehicles that are either purpose-built 'London-type cabs' or those vehicles that have been specifically converted to Hackney Carriages (typically known as an M1 conversion). These converted vehicles should meet a European-wide type approval and should conform to the Conditions of Fitness Regulations laid down by Transport for London (formerly the Public Carriage Office). These regulations have been amended to be relevant for the Council. The amended version can be seen at Appendix 3.

The Council's policy does not permit Hackney Carriages that are wheelchair accessible to be replaced by any other type of vehicle, although replacing a saloon/estate or hatchback for a wheelchair accessible vehicle is permitted once the change has been made.

Where a licence is granted it will normally be valid for a period of one year.

Licence Renewal

Licence renewals shall be annual and shall run concurrently with the expiring licence.

Vehicle Requirements

For a vehicle to meet the Council's criteria for a Hackney Carriage licence it must:

- 1) Meet the requirements outlined in the Vehicle Standards section of this Policy
- 2) Be less than five years of age when first tested
- 3) Be black with a four inch white stripe which runs the length of both sides of the vehicle
- 4) Be fitted with a taximeter, calibrated to the Borough Council's approved tariff
- 5) Be fitted with an illuminated roof sign
- 6) Shall not be a convertible or coupe (but a sun roof may be fitted)
- 7) Shall not be modified from the original manufacturer's specification
- 8) Shall have a minimum passenger seating capacity of four (this can increase to a maximum of eight passenger seats)
- 9) Shall not be fitted with rear passenger windows that do not allow a 35% transmission of light
- 10) Shall have sufficient boot space to accommodate a reasonable amount of passenger luggage

Age of Vehicles

- 1) Purpose built Hackney Carriages and those vehicles which have been converted to incorporate the standards laid down by the Public

- Carriage Office will continue to be relicensed despite their age subject to passing an annual test and the licences running concurrently
- 2) The Council will use the date of the first registration shown on the vehicle's log book to determine the age of that vehicle.
 - 3) Vehicles that are not purpose-built - that is saloon vehicles, estate vehicles and hatchback vehicles - will continue to be re-licensed up to eight years of age subject to passing an annual test and the licences running concurrently.

Applications

All applications, whether for a grant of a licence or a renewal of a licence, should be accompanied by the following:

- The appropriate fee with a completed application form
- A current VOSA MOT certificate where the vehicle is over three years of age
- A certificate of insurance that provides for the insured to use the vehicle for public hire.

Vehicle Testing

Before a licence is issued, the vehicle will be examined and tested at the Council's Operational Services department. The cost of this initial test is contained in the application fee. Where a vehicle fails the initial test a fee will be payable before any retest is undertaken. Information on fees is contained under the Licence Fees section of this Policy.

Licence Plates - Conditions

On successful completion of the application, the applicant will be issued with two Hackney Carriage plates which will be fitted to the exterior of the vehicle (one at the front and one at the rear).

The position the plates are affixed will be on or close to the height of the bumper of the vehicle and will be attached using fixings that allow the plates to be removed by the Council's Enforcement Officers.

In addition, a copy of the licence details will be issued, and these will be sited inside the vehicle in such a position that it can be seen by passengers.

The applicant will be issued with a licence which will be valid for one year. A set of conditions will be attached to the licence and it is the responsibility of the applicant to familiarise him/herself with these conditions. The conditions can be seen at Appendix 4.

Expiry of licence

In circumstances where a proprietor allows the Hackney Carriage licence attached to a saloon-type vehicle to expire and has made no attempt to renew that licence then any new application shall be in accordance with the

Council's policy that says "all new applications for Hackney Carriage licences shall only be approved for those vehicles that are purpose-built or have been converted in accordance with taxi regulations and are wheelchair accessible".

Where extreme mitigating circumstances exist in connection with the expiry of a licence and this can be proven then consideration of these extreme circumstances will be given by those people who have delegated powers in the Council's Scheme of Delegation.

Hackney Carriage Tariffs

Tariffs for Hackney Carriages are approved and set by the Council's Committee. When a request for any increase of the tariff is received and is approved by the Committee, the proposed revised tariff will be published in the local newspaper for 14 days after which, should there be no objections, the revised tariff will be applied.

Taximeters and Tariffs

The proprietor of a Hackney Carriage shall ensure that the vehicle is fitted with a taximeter. This meter shall be maintained and in working condition at all times.

The taximeter shall be calibrated to reflect the tariff approved by the Council, and should be positioned where it can easily be seen and read by the hirer and shall be capable of being suitably illuminated during any period of hiring.

The taximeter should be of a design that allows a method of sealing, following calibration, in order to prevent alteration or tampering.

The meter will be fitted where it can be clearly visible to the hirer.

The positioning of the meter will not interfere with the vision of the driver.

Operation of the meter will only commence when the hirer is seated in the vehicle and before the journey commences.

At the termination of a hiring the driver shall ensure that the hirer sees the meter reading before any payment is made.

Operation of the Taximeter

Prior to any hiring the meter must be zeroed and show no reading. On acceptance of a fare, the driver will select the appropriate tariff:

Tariff 1

During daytime hours Tariff 1 will be selected.

Tariff 2

After midnight and at weekends Tariff 2 may be selected. This is at a rate 50% more than Tariff 1.

Tariff 3

During Bank Holidays Tariff 3 may be selected. This is at a rate of 100% more than Tariff 1.

There may also be a separate tariff for those Hackney Carriages licensed to carry five or more passengers when five or more passengers hire the vehicle

A Hackney Carriage driver may demand less than the fare shown on the face of the taximeter but may never demand more than the fare shown on the taximeter.

The taximeter must remain on at all times when working within the Borough of Newcastle under Lyme and may only be turned off when working outside the Borough.

A sample tariff sheet can be seen at Appendix 5.

Hackney Carriage Signage

The Council's policy on signage allows all-over advertising only on those vehicles that are wheelchair accessible provided that national advertising standards are met. No advertisements that promote alcohol, tobacco, or contains any element of a sexual nature, nudity or semi nudity, nor if any advertising contains political, ethnic, religious, sectarian, sexual or controversial text, likely to offend public taste, or that depicts or advocates violence, or advertising any racist or sectarian group or organisation which promotes or advocates violence.

Approval for any all-over advertising will be required from the Council's Licensing team.

Signs incorporating the name and telephone number of the proprietor of the vehicle are permitted for those Hackney Carriages that are saloon-type vehicles. These signs shall be composed of either black and white lettering of not more than two inches in height, with appropriate spacing and may be displayed on the two front doors of the vehicle only.

Hackney Carriage Ranks

The provision and siting of Hackney Carriage ranks within the Borough of Newcastle under Lyme is done in partnership with the Council and Staffordshire County Highways Department. The Council will always attempt to ensure that there are adequate Hackney Carriage rank spaces to properly serve the needs of the travelling public.

Private Hire Vehicle Licences

What is a Private Hire Vehicle?

The term 'Private Hire Vehicle' refers to a vehicle licensed under the Act to carry passengers for hire or reward by prior booking.

Unlike Hackney Carriages there is no mechanism for limiting the numbers of Private Hire Vehicles

Vehicle Requirements

For a vehicle to meet the Council's criteria for a Private Hire Vehicle licence it must:

- 1) Meet the requirements in the Vehicle Standards section of this Policy
- 2) Be less than five years of age when tested
- 3) Be any colour other than black
- 4) Have at least four doors (excluding a tailgate)
- 5) Not be of such design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage
- 6) Not be a convertible or coupe (but a sunroof may be fitted)
- 7) Not be modified from the original manufacturer's specification
- 8) Not be fitted with rear passenger windows that do not allow a 35% transmission of light
- 9) Have sufficient boot space to accommodate a reasonable amount of passengers luggage
- 10) Have a minimum passenger seating capacity of four. This can increase to a maximum of eight passenger seats. These can include those vehicles that are mini buses or MPVs.

Applications

All applications, whether for a grant of a licence or a renewal of a licence, will be accompanied by the following:

- The appropriate fee with a completed application form
- A current VOSA MOT certificate
- A certificate of insurance that provides for the insured to use the vehicle for hire or reward under Private Hire booking

Testing

Before a licence is issued, the vehicle will be examined and tested at the Council's Operational Services department. The cost of this initial test is contained in the application fee. Where a vehicle fails the initial test a fee will be payable before any retest is undertaken. Information on fees is contained under the Licence Fees section of this Policy.

Licence Plates, Licence and attached Conditions

On successful completion of the application and testing of the vehicle, the applicant will be issued with two Private Hire Vehicle Licence plates. These will be required to be fitted to the exterior of the vehicle - one at the front and one at the rear. The position at which they are affixed will be on, or close to,

the height of the bumper of the vehicle and will be attached using the fixings provided.

In addition, the applicant will be issued with adhesive signs which read "Private Hire Pre Booked Journeys Only". These will be affixed to the front doors of the vehicle.

The applicant will be issued with a licence which will be valid for one year. The licence will include a set of conditions. It is the responsibility of the applicant to familiarise him/herself with those conditions. These conditions can be seen at Appendix 6.

Signage

Advertising is not permitted on Private Hire Vehicles.

Age of Vehicles

When a vehicle has been licensed as a Private Hire Vehicle it is capable of being re-licensed annually until the vehicle is eight years old, providing that the licences run concurrently.

The Council will use the date of first registration shown on the vehicle's log book to determine the age of the vehicle. Where a licence is issued and the expiry date is after the eight year rule the licence will remain in place until its expiry.

In respect of mini buses, these vehicles should be less than five years of age when first tested and can continue to be licensed for as long as the vehicle continues to pass the Council's annual test, provided that the applications to renew the licence run concurrently to the expiring licence.

Taximeters in Private Hire Vehicles

Unlike Hackney Carriages, Private Hire Vehicles are not required to have taximeters fitted, although, where a proprietor feels that it would be advantageous to fit a taximeter, the following will apply:

- 1) The meter will be fitted where it can be clearly visible to the hirer
- 2) The positioning of the meter will not interfere with the vision of the driver
- 3) Following calibration to the operator's tariff, the taximeter will be sealed in such a manner that it cannot be tampered with or altered
- 4) Operation of the meter will only commence when the hirer is seated in the vehicle and before the journey commences
- 5) At the termination of a hiring the driver shall ensure that the hirer sees the meter reading before any payment is made
- 6) The meter shall be capable of being suitably illuminated during any period of hiring

After a vehicle has had its initial licence it will be eligible for re-licensing, providing that it falls within the Council's age policy and continues to meet the necessary standards.

The re-licensing will be carried out annually, following submission of an application form accompanied with the necessary documents including payment and satisfactory inspection by the Council's Transport Manager.

In circumstances where a vehicle fails the annual test, a list of defects will be issued and a period of 28 days will be given to address those defects before re-presenting the vehicle for retesting.

In certain circumstances, a fee may be payable for a retest and this will be determined by the testing engineer.

Failure of Test and Expiry of Licence

The engineer inspecting a vehicle for its annual inspection will determine whether:

- a) The vehicle passes the inspection - a licence will issued which runs concurrently from the previous licence
- b) The vehicle fails the inspection and requires re inspecting, but the reason for failure is not sufficient to prevent the vehicle from carrying passengers while remedial repairs have been undertaken. This can continue until the licence expires
- c) The vehicle fails the annual inspection and the reasons for the failure require that a notice is issued stating that the vehicle should not carry passengers until repairs have been made and the vehicle satisfactorily passes a re inspection

When a vehicle fails an annual inspection and the licence expires before repairs have been inspected, the vehicle has no licence. When the vehicle has been repaired and presented within the 28 day period allowed and passes a re-inspection, a licence will be issued that runs concurrently from the previous licence.

In circumstances where the proprietor of a Private Hire Vehicle allows the licence to expire and has made no attempt to renew and the vehicle falls outside the Council's age policy for Private Hire Vehicles then that vehicle will not be considered for a licence except under extreme mitigating circumstances which can be proven to the satisfaction of the Council. The consideration of these extreme circumstances will be given by those people who have delegated powers in the Council's Scheme of Delegation.

Private Hire Operators

A Private Hire Operator's Licence is required to enable a person to accept or invite bookings for Private Hire Vehicles.

Before such a licence can be issued the Council must be satisfied that the applicant is a fit and proper person.

Application

The applicant requirements are:

- 1) To provide a disclosure from the DBS (applications received from individuals that hold a current Private Hire or Hackney Carriage drivers licence may already be considered a fit and proper person and may forego this requirement)
- 2) To complete an application form
- 3) To pay the appropriate fee

Where applications are approved, a Private Hire Operator's Licence will be issued, and a set of conditions will be attached to the licence. It is the responsibility of the applicant to familiarise him/herself with those conditions. These conditions can be seen at Appendix 7.

Licences will be issued for three years (unless a lesser period has been specified by the Committee)

Operators Licences outside the Borough Boundary

Section 57 (2) (b)(ii) of the Act part 2 allows local authorities to issue Private Hire Operators Licences to applicants who intend to carry on their business outside the boundary of the relevant local authority.

The Council, in recognising that this section of the Act, have resolved that no licence will be granted to an applicant who intends to carry out his/her business at an address or addresses which are more than one mile outside the Borough boundary.

The Role of the Public Protection Committee

The Committee consists of elected members of the Council who will consider all matters concerning Private Hire and Hackney Carriages that cannot normally be dealt with by the Council's officers.

This will include, but is not restricted, to:

- a) Applications for Private Hire and Hackney Carriage drivers' licences where the applicant has convictions that fall within the Council's Guidelines, or where the applicant has convictions that fall outside those guidelines but the nature and number of offences give rise to concern
- b) Considering the breach of any condition on a licence
- c) Considering convictions imposed on drivers while they hold a licence.
- d) Considering requests from the Private Hire and/or the Hackney Carriage trade
- e) Considering the instigation of any prosecution
- f) To consider any licensing matter that may arise that is not covered by the Policy or any existing conditions

It is Council policy that no elected member can vote at any committee unless they have received training particular to that committee on which they serve.

When coming to any decision the Committee will always give reasons for that decision and will endeavour to act reasonably and in accordance with the Human Rights Act 1998.

Anyone who is aggrieved by a decision of the Committee has the right of appeal to the Magistrates' Court

Enforcement

It is the responsibility of the Council to ensure that taxi drivers and operators are licensed in accordance with the relevant laws governing Hackney Carriage and Private Hire Vehicles and that the conditions attached to the licences are adhered to.

The Council has a Corporate Enforcement Strategy which guides and informs the Council's approach to any enforcement issues. This document can be found at Appendix 8.

Offences

Offences relating to Hackney Carriages and Private Hire Vehicles are derived from the following sources:

Town Police Clauses Act 1847 (Hackney Carriages only)

- Section 40 Giving false information on a Hackney Carriage licence application
- Section 44 Failure to notify change of address of a Hackney Carriage licence
- Section 45 Plying for hire without a Hackney Carriage licence
- Section 47 Driving a Hackney Carriage without a Hackney Carriage driver's licence
- Section 47 Lending or parting with a Hackney Carriage driver's licence
- Section 47 Proprietor employing an unlicensed Hackney Carriage driver
- Section 48 Failure of a proprietor to hold a Hackney Carriage driver's licence
- Section 48 Failure of a proprietor to produce a Hackney Carriage driver's licence
- Section 52 Failure to display a Hackney Carriage plate
- Section 53 Failure to take a fare without a reasonable excuse
- Section 54 Charging more than the agreed fare
- Section 55 Obtaining more than the legal fare (including failure to refund)
- Section 56 Travelling less than the lawful distance for an agreed fare
- Section 57 Failure to wait after a deposit has been paid
- Section 58 Charging more than the legal fare
- Section 59 Carrying persons other than the hirer without the hirer's consent
- Section 60 Driving a Hackney Carriage without the proprietor's consent

- Section 60 Allowing a person to drive a Hackney Carriage without the proprietor's consent
- Section 62 Driver leaving a Hackney Carriage unattended
- Section 64 Hackney Carriage driver obstructing other Hackney Carriages

Local Government (Miscellaneous Provisions) Act 1976

- Section 46 Using an unlicensed Private Hire Vehicle
- Section 46 Driving a Private Hire Vehicle without a Private Hire driver's licence
- Section 46 Proprietor of a Private Hire Vehicle using an unlicensed driver
- Section 46 Operating a Private Hire Vehicle without a Private Hire operator's licence
- Section 46 Operating a vehicle as a Private Hire Vehicle when the vehicle is not licensed as a Private Hire Vehicle
- Section 46 Operating a Private Hire Vehicle when the driver is not licensed as a Private Hire driver
- Section 48 Failure to display a Private Hire Vehicle plate
- Section 49 Failure to notify the transfer of a vehicle
- Section 50 Failure to present a Hackney Carriage or Private Hire Vehicle for inspection upon request
- Section 50 Failure to inform the Borough Council where a Hackney Carriage or Private Hire Vehicle is stored, if requested
- Section 50 Failure to report an accident to the Council within 72 hours
- Section 50 Failure to produce the vehicle licence and insurance upon request
- Section 53 Failure to produce a driver's licence upon request
- Section 54 Failure to wear a private hire driver's badge
- Section 56 Failure of a Private Hire operator to keep proper records of all bookings, or failure to produce them on request of an authorised officer of the Borough Council or a Police Officer
- Section 56 Failure of a Private Hire operator to keep records of all Private Hire vehicles, or failure to produce them on request of an authorised officer of the Borough Council or a Police Officer
- Section 56 Failure of a Private Hire operator to produce his licence on request
- Section 57 Making a false statement or withholding information to obtain a Hackney Carriage or Private Hire driver's licence
- Section 58 Failure to return a plate after notice has been given following expiry, revocation, or suspension of a Hackney Carriage or Private Hire Vehicle Licence
- Section 61 Failure to surrender a driver's licence after suspension, revocation, or refusal to renew
- Section 64 Permitting any vehicle other than a Hackney Carriage to wait on a Hackney Carriage rank
- Section 66 Charging more than the meter fare for a journey outside the Borough without prior agreement
- Section 67 Charging more than the meter fare when the Hackney Carriage is used as a Private Hire Vehicle.
- Section 69 Unnecessarily prolonging a journey
- Section 71 Interfering with a taximeter with intent to mislead

- Section 73 Obstruction of an authorised officer of the Borough Council or a Police Officer
- Section 73 Failure to comply with a requirement an authorised Borough Council Officer or Police Officer
- Section 73 Failure to give information or assistance to an authorised Borough Council Officer or Police Officer

Disability Discrimination Act 1995

- Section 37 Refusal to carry a guide, hearing, or other assistance dog in a Hackney Carriage without a valid certificate of exemption
- Section 37 Charging an additional cost for the carrying of an assistance dog in a Hackney Carriage
- Section 37 Refusal to carry a guide, hearing, or other assistance dog in a Private Hire Vehicle without a valid certificate of exemption
- Section 37 Charging an additional cost for the carrying of an assistance dog in a Private Hire Vehicle

Delegated Powers

The Council's Committee is responsible for the management of the Hackney Carriage and Private Hire licensing regime in the Borough.

In addition, the Council's Chief Executive and the Head of Business Improvement, Central Services and Partnerships, both have delegated powers which are set out in the Council's Standing Orders.

When matters concerning public safety arise a decision concerning the immediate suspension or revocation of licences can be made by those officers prior to consideration of the matters by the Committee.

Licence Fees

The policy does not include fees as these are subject to the Council's annual budget review process. Current fees can be obtained from the Licensing team or via the Council's website.

When setting the fees for Hackney Carriage and Private Hire licences the Council will endeavour to ensure that the costs of the service including the cost of issue and administration will, so far as is possible, be on a cost recovery basis.

Where a licence is issued and a duplicate or copy is required the Council will apply an administrative charge. This charge will reflect the cost to the Council.

Stretch Limousines and Novelty Vehicles

At present the Council do not licence these types of vehicles but it accepts that there should be some form of licensing regulation that encompasses these vehicles and their drivers and is committed to formulate a policy for such vehicles when there exists definitive guidance and best practice.

Partnerships

The Council recognises that partnership working with other regulatory and statutory bodies will benefit the effective running of the taxi licensing regime. Conversely, a properly administered taxi regime will be beneficial to its partners and to the public. To this end, the Council's Licensing team is continuing to develop its effective links with Staffordshire Police, the Border and Immigration Service, benefit fraud investigators, HMRC, VOSA, other departments within the Council such as Revenues and Benefits, and the Council's neighbouring authorities.



Best Practice Guide

August 2012

Produced by Hackney Carriage and Private Hire Inspection Technical Officer Group
Public Authority Transport Network (PATN)

Supported by





FREIGHT TRANSPORT ASSOCIATION

FTA best practice guide to inspection of Hackney Carriage and Private Hire Vehicles

August 2012

Editor: **Andy Mair**

Production: **Hilary Kingdon**

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This best practice guide sets out the procedures and standards for those who carry out inspections of hackney carriage and private hire vehicles. It is recommended that the guide is also made freely available to owners, proprietors, operators and drivers of hackney carriage and private hire vehicles, who may find it useful as it details the standards that vehicles are subjected to. The guide also explains the reasons why, a vehicle presented for inspection has not been issued with a pass certificate.

This guidance deliberately seeks to embrace safety aspects of vehicle inspections using, as a basic inspection standard, those laid down in the MOT Inspection Manual – Private Passenger & Light Commercial Vehicle Testing issued by VOSA. This best practice guide provides additional testing requirements to those in the MOT Inspection Manual. It is advised that local licensing authorities use the best practice guide in conjunction with the VOSA MOT Inspection Manual as an advocate to public safety.

This best practice guide has been developed to provide all local licensing authorities with a benchmark with regard to vehicle inspections and safety.

For details of how to join FTA contact the Member Service Centre on 08717 11 22 22*

*Calls may be recorded for training purposes

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Foreword

The Vehicle and Operator Services Agency (VOSA) is committed to saving lives, making roads safer, cutting crime and protecting the environment.

As responsibility for the maintaining of vehicle safety standards of hackney carriage and private hire vehicles falls to various local authorities, VOSA, in the pursuit of its objectives, fully supports the Public Authority Transport Network (PATN) in its promotion of common standards and best practice within industry.

VOSA recommends that local authorities consider this guide when setting technical standards and take the opportunity to become involved in its continued development such that we all contribute to a safer environment.

Nigel R Maden

*Process Manager Light Vehicles and Vehicle Approval
Vehicle & Operator Services Agency*



Revision record

Section number	Section title	Description of change	Revision date	Revision number
	2009 version	VOSA foreword	November 2009	1
	2012 update	Revised due to changes to MOT scheme from 2012	August 2012	2

Part I: Introduction

1.1 Best practice guide

This best practice guide has been prepared by the Technical Officer Group (TOG) to assist Hackney Carriage proprietors (HC) and Private Hire Vehicle (PHV) drivers/owners and operators. It is intended for use by local licensing authorities, vehicle inspectors and local authority authorised officers.

It is intended that this best practice guide will endorse a *minimum* national vehicle inspection standard. It will be appreciated that it is for individual local licensing authorities to reach their own decisions, both on overall policies and on individual inspection standards, in the light of their own operational needs and geographical circumstances.

Various interested parties, including the Department for Transport (DfT), Vehicle & Operator Services Agency (VOSA), Disabled Persons Transport Advisory Committee (DPTAC) and the Institute of Licensing, have been consulted on this best practice guide.

The Technical Officer Group commends the DfT for the production of the Taxi and Private Hire Vehicle Licensing: Best Practice Guidance. Vehicle operators, local licensing authorities and vehicle inspectors are strongly advised to refer to the DfT guide in conjunction with this best practice guide. More information can be obtained on the DfT website at www.dft.gov.uk

1.2 Application to devolved administrations

The Department for Transport (DfT) has responsibility for HC and PHV legislation in England and Wales and, accordingly, the guidance that has been published will be directed at local authorities in England and Wales. Responsibility for HC and PHV licensing in Scotland and Northern Ireland is devolved, but the respective administrations have been involved in the preparation



of the licensing guidance and will decide for themselves the extent to which they wish to make use of or adapt to suit their own purposes.

1.3 Technical safety issues

The aim of a local licensing authority is to protect the public. Local licensing authorities will be aware that the public should have reasonable access to safe and well maintained HC and PHVs. For example, it is clearly important that somebody using a HC or PHV should be confident that the vehicle is safe.

To this end, this best practice guide will detail specific vehicle safety issues based on expert technical knowledge and experience of the Technical Officer Group (TOG). This guide will focus therefore on technical safety issues and make recommendations towards safe working practices. For example, the TOG supports the DfT recommendation that there is no upper age limit for HC and PHVs provided there is documentary evidence to support a routine maintenance regime.

Local licensing authorities will want to ensure that each of their various licensing requirements is properly justified by the risk it aims to address. This is not to propose that a detailed, over-zealous inspection regime creates difficulties for the HC and PHV trades but primarily to promote vehicle safety for the protection of passengers and not for the benefit of operators.

1.4 Scope of the guidance

This guidance deliberately seeks to embrace safety aspects of vehicle inspections using, as a basic inspection standard, those laid down in the *MOT Inspection Manual – Private Passenger & Light Commercial Vehicle Testing* issued by VOSA. This best practice guide provides additional testing requirements to those in the MOT Inspection Manual. It is advised that local licensing authorities use the best practice guide in conjunction with the VOSA MOT Inspection Manual as an advocate to public safety.

This best practice guide has been developed to provide all local licensing authorities with a benchmark with regard to vehicle inspections and safety.

1.5 Specification of vehicle types that may be licensed

The legislation gives local authorities a wide range of discretion over the types of vehicle that they can license as HC or PHVs.

Some authorities specify conditions that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.

Normally, best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicles as possible. Indeed, local licensing authorities might usefully specify only general criteria, leaving it open to the HC and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way, there can be flexibility for new vehicle types to be readily taken into account.

It is suggested that local licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicle or prescribes only one type or a small number of types of vehicle. For example, the Department believes authorities should be particularly cautious about specifying only purpose-built taxis, with the strict constraint on supply that that implies. But, of course, the purpose-built vehicles are amongst those which a local authority could be expected to license. Similarly, it may be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided of course that the capacity of the vehicle is not more than eight passengers).

1.6 Accessibility



In addition to their general conditions, local licensing authorities will want to consider the accessibility for disabled people (including – but not only – people who need to travel in a wheelchair) of the vehicles they licence as Hackney Carriage or Private Hire vehicles.

Licensing authorities will be aware that it remains the Department

for Transport's intention to make accessibility regulations for Hackney Carriage vehicles subject to a Law Commission review. In the meantime, licensing authorities are encouraged to introduce HC accessibility policies for their areas.

1.7 Type approval

It may be that from time to time a local licensing authority will be asked to license, as a HC or PHV, a vehicle that has been imported independently (that is, by somebody other than the manufacturer). Such a vehicle might meet the local licensing authority's criteria for licensing, but may nonetheless be uncertain about the wider rules for foreign vehicles being used in the UK. Such vehicles will be subject to the 'type approval' rules. For passenger cars up to 10 years old at the time of first GB registration, this means meeting the technical standards of either:

- European Community Whole Vehicle Type Approval (ECWVTA)
- National Small Series Type Approval (NSSTA) or
- Individual Vehicle Approval (IVA)

Most registration certificates issued since late 1998 should indicate the approval status of the vehicle. Further information about these requirements and the procedures for licensing and registering imported vehicles can be seen at www.businesslink.gov.uk

It is important for local licensing authorities to insist that **at least one** of the above 'type approvals' is produced prior to any **imported vehicle** being licensed as a Hackney Carriage or Private Hire Vehicle. Local authorities are advised to verify the validity of an IVA certificate by contacting the VOSA helpline number 0300 123 9000.

Voluntary inspections

Vehicles that are already registered for use in the UK are not eligible for a statutory approval, however there are situations where evidence of compliance with the approval standard would be beneficial or be a requirement. An example would be a local licensing authority that may require evidence of compliance for a vehicle that has been modified since original registration, or where evidence of compliance is being used as part of a contractual agreement on a modified vehicle. To facilitate this requirement, a non-statutory voluntary IVA test is available, and it would be appropriate for local authorities to accept a 'basic' IVA certification as a minimum requirement. The test criteria applied will be dependent on the vehicle category/class nominated on the application form VIVA 1. The fees are the same as those appropriate to the particular class of vehicle/test required, other than VAT is payable. If the vehicle is found to meet the requirements, a letter of compliance with the technical standards will be issued and not an Individual Approval certificate. The letter of compliance is not acceptable for first licensing/registration purposes.

1.8 Vehicle testing

There is considerable variation between local licensing authorities on vehicle testing. This best practice guide provides local licensing authorities with a **minimum** standard for vehicle inspections. All HC and PHV must be maintained to no less than the standards set out in the VOSA publication 'MOT Inspection Manual – Private Passenger and Light Commercial Vehicle Testing', ISBN 978-0-9549352-5-2.

As the term implies, hackney carriage and private hire vehicles are vehicles used for hire and reward purposes and as such are subject to much higher annual mileages and more arduous driving than normal private vehicles. Therefore, in the interests of passenger and other road user's safety, a more stringent maintenance and testing regime is required.

The purpose of the HC and PHV test is to confirm vehicles meet these more stringent standards. Vehicles must be submitted fully prepared for the test. **It is not intended that the test be used in lieu of a regular preventative maintenance programme.** If, in the opinion of the vehicle examiner, the vehicle has not been fully prepared, the test will be terminated and a further full test shall be required. It is an offence under the road traffic regulations to use an unroadworthy vehicle on the public highway.

HC proprietors and PHV drivers/owners and operators failing to maintain their vehicles in a safe and roadworthy condition may have their vehicle licence suspended, revoked or their licensing application refused by the local licensing authority. In addition, licence holders risk the suspension or revocation of their driver or operator licences by the local licensing authority.

This best practice guide should be read in conjunction with Vehicle & Operator Services Agency (VOSA) publication 'MOT Inspection Manual – Private Passenger and Light Commercial Vehicle Testing', ISBN 978-0-9549352-5-2. This best practice guide provides a working document for those who inspect, maintain and prepare vehicles for inspection prior to being issued with a hackney carriage or private hire licence. Although detailed in its content the best practice guide is not exhaustive.

However, in assessing the mechanical condition of a vehicle, it is more likely an item which would ordinarily pass an MOT test with an advisory note, could fail the HC and PHV test.

2 Novelty vehicles (stretched limousines)

This section of the best practice guide offers advice to local licensing authorities on the requirements for licensing novelty vehicles. The standard of the test for novelty vehicles will be at the same standard as for other private hire vehicles. That is, as a basic inspection standard, those laid down in the 'MOT Inspection Manual – Private Passenger and Light Commercial Vehicle Testing' issued by VOSA and this best practice guide. *(For the purpose of clarity, novelty vehicles in this guide will refer to stretch limousines only until such times as further guidance is obtained on any other such vehicle, ie fire tenders etc.)*



A novelty vehicle shall only be registered as a private hire vehicle if it complies with the following conditions.

- Vehicles with no more than eight passenger seats as indicated on the V5C. The V5C will state the number of seats and **must be produced to the local licensing authority prior to the vehicle being licensed or inspected.** If the number of seats differs to what is indicated on the V5C, then contact VOSA and your local area DVLA office immediately. Failure to produce a valid and current V5C for the vehicle to be tested could result in refusal to inspect the vehicle
- Evidence of either European Community Whole Vehicle Type Approval (ECWVTA) or Individual Vehicle Approval (IVA) being presented for inspection
- Local licensing authorities may consider, as novelty vehicles are not factory produced, that a recommended vehicle maintenance inspection be applied every 10 weeks. The frequency of maintenance inspections is recommended by Traffic Commissioners, VOSA and the National Limousine and Chauffeur Association (NLCA)
- The inspection standards to be applied to novelty vehicles are the same standards as those applied to other hackney carriage and private hire vehicles with the following additions:
 - Any additional item previously mentioned in this paragraph with regard to seating capacity, the production of the relevant documents and frequency of vehicle inspections
 - See part 2, section 4 – Tyres and road wheels. Reference in this section is made to tyre rating to be applied to novelty vehicles
 - See part 2, section 12 – Vehicle Identification Number (VIN) markings should be checked to ensure compliance, seating capacities and undue stresses

Local licensing authorities are strongly advised to obtain a declaration, from the operator of a licensed novelty vehicle, that the side facing seats will never be used to carry passengers under 16 years of age, **regardless of whether the vehicle is fitted with or without seat belts.**

It is strongly advised that notices forbidding children to be carried in side facing seats are displayed in prominent positions, ie on entry to the passenger compartment and on either side of the passenger compartment. Local licensing authorities may also require additional outward facing signs adjacent to all entrance/exit doors to the passenger compartment.

3 General information

Only vehicles complying with the following conditions will generally be considered for licensing as private hire vehicles.

-
- Cars fitted with at least four doors and four wheels
 - Right-hand drive vehicles – with the exception of stretch limousines (where applicable)
 - Vehicles with adequate space for luggage
 - Vehicles must be capable of carrying at least four and not more than eight passengers in addition to the driver
 - With the exception of stretch limousines, vehicles will not be accepted with blacked out windows. Passengers being carried in the vehicle must be visible from the outside. In **exceptional circumstances**, tinted windows may be acceptable
 - To allow a thorough examination of a vehicle or any part thereof, it must be presented for test in a clean condition. The vehicle presented will fail the test if, in the opinion of the vehicle examiner, the vehicle is so dirty that it would be unreasonable for the test to be carried out
 - A test will not be carried out unless the licence fee/ examination fee has been paid in advance

Statement of undertakings and declaration

In the interests of road and passenger safety, the licensed driver/ owner or operator undertakes to make proper arrangements so that licensed vehicles are kept in a roadworthy condition at all times.



Part 2: Procedures and standards of inspection

This best practice guide sets out the procedures and standards for those who carry out inspections of hackney carriage and private hire vehicles.

It is recommended that the guide is also made freely available to owners, proprietors, operators and drivers of hackney carriage and private hire vehicles, who may find it useful as it details the standards that vehicles are subjected to. The guide also explains the reasons why a vehicle presented for inspection, has not been issued with a pass certificate.

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Section 1

Lamps, reflectors and electrical equipment

1.9 Electrical wiring and equipment

Method of inspection	Reason for rejection
<i>This examination is limited to that part of the electrical system that can be readily seen without dismantling any part of the vehicle.</i>	
a Check all electrical wiring for: <ul style="list-style-type: none"> condition security position signs of overheating heavy oil contamination 	a Wiring <ul style="list-style-type: none"> positioned so that it is chafing or clipped to a fuel line or likely to be damaged by heat so that insulation will become ineffective with clear evidence of overheating heavily contaminated with oil
b Check all switches controlling all obligatory lights	b Switches <ul style="list-style-type: none"> Insecurity or malfunction of a switch controlling an obligatory light

1.9 Additional lamps

Method of inspection	Reason for rejection
<i>With the ignition switched on check the following.</i>	
Reversing lamps <ul style="list-style-type: none"> a The reversing lamps emit a diffused white light when reverse gear is selected b The lamps extinguish when neutral gear is selected c The lamps are in good working order and are secure d The lamps do not flicker when lightly tapped by hand 	Reversing lamps <ul style="list-style-type: none"> a Fails to operate or does not emit a white diffused light b Fails to extinguish when neutral or forward gear is selected c Are not in good working order or insecure d Flickers when tapped lightly by hand
Front fog/driving lamps <ul style="list-style-type: none"> e A single front fog lamp emitting a white or yellow diffused light illuminates only when dipped beam is selected f A pair of matched fog lamps both emitting a white or yellow diffused light should illuminate together g A pair of matched, long-range driving lamps, both emitting a white diffused light, should illuminate together 	Front fog/driving lamps <ul style="list-style-type: none"> e Lamp inoperative or operates other than in dipped beam mode f Operate incorrectly g Operate incorrectly
'For Hire' and roof signs <ul style="list-style-type: none"> a Correct style and type of sign fitted b Ensure the sign is securely fastened to the vehicle c Condition and security of wiring d Functional test of signs for illumination 	'For Hire' and roof signs <ul style="list-style-type: none"> a Incorrect colour or details shown on sign, ie registration number, vehicle number etc b Insecure sign c Wiring is not in good condition or is loose or chuffed d Illumination not consistent across the sign, ie all light bulb(s) LED(s) illuminated when switched on

Section 2

Steering and suspension

2.1 Steering control – steering wheel

Method of inspection	Reason for rejection
<i>With both hands rock the steering wheel from side to side at right angles to steering column and apply slight downward and upward pressure to the steering wheel rim (in line with column). Note the following.</i>	
<ul style="list-style-type: none"> a Fractures in steering wheel hub b Fractures in steering wheel rim c Steering wheel spokes loose or fractured d Jagged edges on steering wheel rim e. If possible, check the retaining device on steering wheel is fitted 	<ul style="list-style-type: none"> a Steering wheel hub fractured b Steering wheel rim fractured c A steering wheel spoke loose or fractured d Jagged edges on steering wheel rim likely to injure the driver e. A steering wheel hub-retaining device not fitted

2.1 Steering control – steering column

Method of inspection	Reason for rejection
a Try to lift the steering in line with the steering column and note the movement at centre of steering wheel	a Excessive movement at centre of steering wheel in line with steering column (end float) <i>Note: Certain types of steering column might show some movement not due to excessive wear, eg those fitted with universal joints or flexible couplings</i>
b While steering wheel is rotated, check for deterioration in any flexible coupling or universal joint of steering column	b A flexible coupling or universal joint deteriorated, worn or insecure
c Where practical, check any clamp bolts for presence and security of locking devices. (These may be located in the engine compartment or under chassis)	c A coupling clamp bolt or locking device loose or missing

2.4 Suspension spring units and linkages

Method of inspection	Reason for rejection
Coil springs	Coil springs
a Welding repairs	a Repaired by welding

Section 3

Brakes

No additional inspection requirements

Section 4

Tyres and road wheels

4.1 Tyres – condition

Method of inspection	Reason for rejection
On all the tyres, including spare wheel where fitted , examine each tyre meets all the requirements laid down in the 'MOT Inspection Manual – Private Passenger and Light Commercial', ISBN 978-0-9549352-5-2 <i>Note: Where a doughnut tank is fitted in the boot for LPG, the spare wheel if still carried in the boot must be properly secured. Alternatively, a spare wheel cage installed to manufacturer's and British Standards may be fitted to the underside of the vehicle</i>	In accordance with the 'MOT Inspection Manual – Private Passenger and Light Commercial Vehicle Testing', ISBN 978-0-9549352-5-2 <i>Note: Space saver tyres should only be approved with the support of a method statement highlighting driver responsibilities with regard to the maximum permitted speed and that space savers are a temporary 'get-you-home tyre'</i>

Method of inspection	Reason for rejection
<p>Important note: stretched limousines</p> <p>In the case of American imported stretched limousines, vehicle inspectors will need to be vigilant when inspecting tyres for suitability, and an assessment should be made with the information detailed on the convertor plate. Most converted stretched limousines are converted from Ford Lincoln Town Cars with a number of Cadillac variants also.</p> <p>In approved 'stretch' limousine conversions, the maximum weight can be in excess of 7,100lbs (3.2 tonnes) and care should be exercised when determining suitable tyre ratings. Generally speaking a Ford Lincoln or Cadillac would require a tyre rating index of at least 107T, which gives a load rating of 2,149lbs (975kgs) with a maximum speed of 118 miles per hour.</p>	<p>Stretched limousines</p> <p>More information and guidance can be obtained from: National Limousine & Chauffeur Association on: www.nlca.co.uk</p>

Section 5

Seat belts and supplementary restraint systems

No additional inspection requirements

Section 6

Body, structure and general items

6.1 Vehicle body and condition (exterior)

Method of inspection	Reason for rejection
<p>Examine the body thoroughly for security, corrosion, damage, poor repair/paint match or sharp edges that are likely to cause injury</p>	<ul style="list-style-type: none"> a An insecure or missing body panel, trim, step or accessory b Any sharp edge whatsoever which may cause injury c Heavy scuffing, abrasions or deformation to front and rear bumper d More than 8 stone chips visible on a bonnet/grill that has not penetrated to the metal or more than 4 stone chips that have penetrated to the metal e More than 8 stone chips on any panel including door edges, provided the base coat has not been penetrated f More than 4 stone chips on any panel where the base coat has been penetrated to the metal and is untreated g A single dent of more than 80mm, or more than 3 dents of not more than 20mm in any one panel h More than 4 scratches and or abrasions of more than 50mm in length in any one panel provided that the base coat has not been penetrated i Dull, faded paintwork which has lost its gloss finish or paint miss-match to a panel(s) to such an extent that it detracts from the overall appearance of the vehicle

Method of inspection	Reason for rejection
	<p>j Evidence of poor repairs and or paint finish to a repaired panel(s) including runs and overspray to adjoining panels/trim that detracts from the overall appearance of the vehicle</p> <p>k Obvious signs of rust/corrosion of any size particularly those that are covered by advertising signs</p> <p>l Lack of clearly displayed or omission of 'No Smoking' signs</p>

6.1 Vehicle body, security and condition (interior)

Method of inspection	Reason for rejection
a Examine thoroughly the interior for damaged, insecure or loose fixtures, fittings or accessories	a Insecure and loose fixtures, fittings or accessories
b Dirty, missing and worn trim, carpets, seat belts, mats, headlining, boot area and inclusion of prescribed items. Remove mats to inspect carpets underneath for cleanliness and wear	b Missing, dirty, soiled, stained worn or insecure trim, carpets, headlining, and mats in such a condition that they are likely to soil or damage passengers' clothing or luggage
c Examine interior lights, motion door locks and warning lights	c An inoperative interior light (all lights must illuminate if they are part of the manufacturer's standard equipment). Missing or defective motion switch/lock or warning lamp not illuminated
d Examine heating, demisting and air condition systems for correct operation, including passenger compartment controls where fitted (includes electric front and rear screen demisters)	d A system(s) which does not function correctly, or any part is missing including vents, controls and switches
e Examine all windows ensuring they allow lowering and rising easily	e An opening window that is inoperative or difficult to open and or close mechanism broken/missing
f Examine interior door locks, grab handles/rails safety covers	f Missing, defective or loose door locks, child locks, protective covers grab handles and rails. Grab handles/rails, which are rigid to aid the blind and partially sighted, and are worn to excess
g Examine grills/partitions for security and condition	g A grill/partition which is insecure or has sharp edge which may cause injury to passengers or driver
h Examine electrical wiring for condition, security, including intercom systems	h Frayed, chaffing wiring, non-shielded terminals and cables so routed that they cause a trip hazard, cables that can be easily disconnected. Intercom system defective, warning light inoperative and signs illegible/missing
i Examine the boot for access, contents, cleanliness and water ingress	i Unable to open, close and or lock boot lid, failure of boot lid support mechanism, defective seals/evidence of water ingress, dirty boot and/or carpets, loose items stored in boot (ie spare wheel tools and equipment etc)
Additional items to be inspected in limousines and novelty vehicles.	
j All fixtures and fittings, ie mirror balls, drinks cabinets, televisions etc must be stored securely and not hinder the ingress or egress from the passenger compartment	j Any fixture or fitting that is loose or insecure or where walkways are blocked that prevent ease of ingress or egress from the passenger compartment

Method of inspection	Reason for rejection
<p>k A notice identifying the maximum seating capacity to be displayed in the passenger compartment and clearly visible to all passengers. It may be necessary to display more than one sign indicating the maximum seating capacity</p> <p><i>Note: Any vehicle presented in a dirty, untidy condition will not be tested</i></p>	<p>k No maximum seating capacity sign or signs displayed. A sign or signs not clearly visible to all passengers</p>
<p>Mandatory 'No Smoking' sign</p> <p>l Check for presence and display of No Smoking sign</p>	<p>l No Smoking sign missing/not adequately displayed</p>

6.1 Bumper bars

Method of inspection	Reason for rejection
<p>Examine the bumper bars and check the following.</p> <p>a They are secure to their mountings</p> <p>b The mountings are secure to the vehicle</p> <p>c There is no evidence of damage</p>	<p>a A loose bumper bar or mounting. A weakened bumper bar and/or mounting is insecure because of poor repairs</p> <p>b A fractured mounting bracket. Mounting bolts so worn or elongated that the bumper bar is likely to detach partially or completely from the vehicle when in use. A bumper bar secured by wire or other temporary means is regarded as insecure and must be rejected</p> <p>c Bumper bars which have jagged edges, cracks, splits or projections, which may cause injury to persons near the vehicle. Paint miss-match or fading which is significantly different to that of the rest of the paintwork</p>

6.2 Doors and seats

Method of inspection	Reason for rejection
<p>Doors and emergency exits</p> <p>Examine the condition of all doors and emergency exits. Check door locks, striker plates, handles and hinges for security, wear and missing and damaged trim/cover plates</p> <p>Check the presence, condition and correct functioning of all door stay catches and devices (including sliding doors)</p> <p>Check markings describing the presence and method of opening emergency exit(s) are readily visible on or adjacent to the exit and are legible</p> <p>Check that seats are secure, clean and not unduly worn</p>	<p>Doors and emergency exits</p> <p>a A door or emergency exit does not latch securely in the closed position</p> <p>b A door or emergency exit cannot be opened from both the inside and outside the vehicle from the relevant control in each case</p> <p>c Missing, loose or worn handles, lock or striker plate</p> <p>d Markings describing the presence and method of opening an emergency exit missing, illegible or incorrect</p> <p>e Missing, loose or damaged trim/cover plate</p> <p>f Seat cushion(s) stained, torn, holed, worn or insecure. A seat that does not provide adequate support at base or backrest. Torn, slashed or badly stained seats are not acceptable</p> <p>g A door stay catch or device missing, excessively worn or not fulfilling its function</p>

Method of inspection	Reason for rejection
<p>Important note</p> <p>With the exception of 'novelty vehicles' only vehicles with forward and rear facing seats will be accepted.</p> <p>For more information on seating for novelty vehicles see section 12.1</p>	
<p>Accessibility: wheelchair vehicles</p> <p>Door configurations for wheelchair accessible vehicles</p> <p>a Single rear door – must open to a minimum of 90 degrees and be capable of locking in place</p> <p>b Twin rear doors – both must open to a minimum of 180 degrees and be capable of being locked in place. This is to enable an attendant (driver or guide) to assist the wheelchair passenger if required</p>	<p>Accessibility: wheelchair vehicles</p> <p>a Door does not open to a full 90 degrees and cannot be secured in the open position</p> <p>b Twin doors do not open to a full 180 degrees and cannot be secured in the open position</p>

Section 7

Exhaust, fuel and emissions

7.1 Exhaust system

Method of inspection	Reason for rejection
Where applicable, check for presence, security and adequacy of grease shields to hot exhausts	A heat shield missing, insecure or inadequate

7.2 Fuel system – pipes and tanks

Method of inspection	Reason for rejection
<p>a Check that fuel tank filler caps are:</p> <ul style="list-style-type: none"> • present • of the correct type • secure and seated properly to ensure correct function of sealing <p>b Examine pipes to see they are securely clipped to prevent damage by chafing and cracking, and are not in a position where they will be fouled by moving parts</p> <p>c Check that no fuel pipe runs immediately adjacent to or in direct contact with electrical wiring or the exhaust system</p>	<p>a A filler cap missing or unsuitable or in such condition that it would not prevent fuel leaking or spilling</p> <p>b Damaged, chafed, insecure pipes or pipes so positioned that there is a danger of them fouling moving parts</p> <p>c A fuel pipe immediately adjacent to or in direct contact with electrical wiring or exhaust system</p> <p>d Temporary/emergency fuel cap fitted</p>

Section 8

Driver's view of the road

8.1 Mirrors and view to rear

Method of inspection	Reason for rejection
<i>The number and position of all obligatory mirrors must be checked.</i>	
Check the condition of each mirror reflecting surface	A mirror reflecting surface deteriorated or broken. <i>Note: A defective additional external mirror is not a reason for rejection</i>

8.3 Windscreen – view to the front

Method of inspection	Reason for rejection
<i>Sit in the driver's seat and check that there is reasonable view of the road ahead, bearing in mind the original design of the vehicle.</i>	The position or size of any object restricts the driver's view of the road ahead, bearing in mind the original design of the vehicle
For all air operated wipers examine: <ul style="list-style-type: none">the condition of any visible pipingthe function of the operating mechanismthe function of necessary valves to protect the braking system <p><i>Note: Equipment or objects not originally fitted to the vehicle as part of the original design must not obstruct the designed forward view of the driver. In particular, objects such as (but not limited to) pennants, cab decorations and external stone guards/visors should not interrupt the view through the swept area by the windscreen wipers</i></p>	Air operated wipers: <ul style="list-style-type: none">pipes inadequately clipped or supportedincorrect function of the wipers or leaking componentsincorrect operation of protection valves

8.5 Window glass or other transparent material

Method of inspection	Reason for rejection
a Visually check the condition of all windscreens, internal screens, partitions, side, rear, roof and door windows for cracks, surface damage and discolouration	a A crack, surface damage or discoloration in glass or other transparent material that: <ul style="list-style-type: none">impairs the driver's front, side, or rear view of the roadpresents a danger to any person in the vehicle
b Check presence and security of all windscreens, side, roof, or rear windows, or internal screens or partitions	b A windscreen or any other outside window missing, or any windscreen, window, internal screen or partition insecure
c Check for evidence of obvious leaks from all windscreens and side, rear, roof or door windows	c Any external window or windscreen is obviously leaking
d Check for presence, security and condition of guard rails or barriers at windows, internal screens or partitions	d A guard-rail or barrier at a window, internal screen or partition missing, insecure or damaged
e For all vehicles first used before 1 January 1959. As far as is practicable, check that glass fitted to windscreens and outside windows facing to the front is safety glass, except glass fitted to the upper deck of a double deck bus	e The windscreen and/or any outside window facing to the front of a vehicle obviously not safety glass fitted to a vehicle first used before 1 January 1959
f For all vehicles used on or after 1 January 1959, as far as is practicable, check that glass used for windscreens and all outside windows is safety glass, or safety glazing	f Glass used for a windscreen or an outside window is obviously not safety glass

Method of inspection	Reason for rejection
<p>g Vehicles first used on or after 1 June 1978, check that windscreens and other windows, wholly or partly, on either side of the drivers' seat are made from safety glass displaying an acceptable safety mark</p> <p><i>Note: Marking is not required for safety glass on vehicles first used before 1 June 1978</i></p>	<p>g For vehicles first used on or after 1 June 1978, that windscreens and/or other windows wholly or partly on either side of the drivers seat that are not made from safety glass display an acceptable safety mark</p>

Section 9

Tricycles and quadricycles

No additional inspection requirements

Section 10

Additional requirements

10.1 Transmission

Method of inspection	Reason for rejection
<p>Examine transmission, check for the following.</p>	
a Missing or loose flange bolts	a A loose or missing flange bolt(s)
b Cracked or insecure flanges	b A flange cracked, or loose on the transmission shaft
c Wear in shaft and/or wheel bearings	c Excessive wear in shaft bearing
d Security of bearing housings	d A bearing housing insecure to its fixing
e Cracks or fractures in bearing housings	e A cracked or fractured bearing housing
f Wear in universal joints	f Excessive wear in a universal joint
g Deterioration of flexible couplings	g Deterioration of a transmission shaft flexible coupling
h Distorted, damaged shafts	h A damaged, cracked or bent shaft
i Deterioration of bearing housing flexible mountings	i Deterioration of a flexible mounting of a bearing housing
j Clearance between transmission shafts and adjacent components	j Evidence of fouling between any transmission shaft and an adjacent component

10.2 Oil and water leaks

Method of inspection	Reason for rejection
<p>a Check vehicle for oil and water leaks from any assembly or component to the ground</p> <p>b And/or which could be deposited on surrounding bodywork or onto the exhaust system.</p> <p><i>Note: If necessary, the engine can be run at idle speed to confirm the existence of an oil leak</i></p>	<p>a An oil or water leak, from any assembly, which deposits fluids underneath the vehicle whilst stationary</p> <p>b Leaks which, when the vehicle is moving, could be deposited upon the surrounding bodywork, exhaust and brake system so that it would:</p> <ul style="list-style-type: none"> contaminate areas could potentially cause a health, safety or fire risk

10.3 Luggage/load space

Method of inspection	Reason for rejection
Physical separation is not so much an issue as is the safety of passengers in the event of an accident. The luggage should therefore be secure and prevented from becoming dislodged in an accident in such a manner as may cause injury. Such security can be by means of a sheet or net, which could be anchored to the floor of the luggage area. Clearly if the luggage compartment is not physically separated from the passenger compartment then care will need to be taken so as not to carry any hazardous items such as fuel cans, detergents or other loose items that could leak if they become damaged	Load restraint system, if required, not present at time of test Load restraint system faulty or unserviceable

10.4 Trailers and towbars

Method of inspection	Reason for rejection
<p>Trailers</p> <p>Where a local licensing authority permits the use of trailers for the carriage of luggage, then the trailer needs to be presented for test along with the vehicle that will be authorised to tow it. The trailer will also need to display the appropriate registration plate and a licence plate</p> <p><i>Note: Trailers presented for inspection should be built by an approved or recognised trailer manufacturer</i></p> <p><i>An example of a typical trailer inspection sheet can be found at Appendix A</i></p>	<p>Trailers</p> <p>Rejections as indicated on the trailer inspection sheet shown at Appendix A</p>
<p>Towbars</p> <p>Where tow bars are fitted checks must be made on the condition and security to the towing vehicle</p>	<p>Towbars</p> <p>Rejections as indicated on the trailer inspection sheet shown at Appendix A</p>

Section 11

Ancillary equipment

11.1 Wheelchair restraint and access equipment

Method of inspection	Reason for rejection
<p>Wheelchair restraint</p> <p>a Where applicable check condition and operation of wheelchair restraint</p> <p>b A system for the effective anchoring of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces</p>	<p>Wheelchair restraint</p> <p>a A wheelchair restraint is defective, worn or missing.</p> <p>b Wheelchair anchorage systems and devices do not conform to European Directive 76/115 EEC (as amended)</p>
<p>Wheelchair access and equipment</p> <p>A vehicle shall be fitted with either of the following forms of wheelchair access equipment:</p>	

Method of inspection	Reason for rejection
<p><i>Ramps</i></p> <p>c Check that appropriate ramps fitted are securely installed in the designated storage area. Examine for damage, deformity, sharp edges etc. and provision of anti-slip covering</p> <p><i>Wheelchair lift</i></p> <p>d A purpose designed wheelchair lift shall conform to the LOLER 98 Regulations. A report, confirming that the lifting equipment is safe to use, shall be presented at the time of the vehicle inspection. Vehicles presented for inspection with a wheel chair lift will require a LOLER certificate that is valid for a period of six months from the date of issue</p> <p><i>Note: Passenger lifting equipment will need to be thoroughly examined by a competent person, in use, at least once every six months</i></p> <p>e Any purpose designed wheelchair access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to safe working load of 250kgs and certified to BS 6109</p> <p>f Wheelchair access equipment shall be fitted either into the rear or side access door of the vehicle. Where it is fitted to a side door this shall be the door situated on the nearside of the vehicle, ie kerbside when stopped in a normal road</p> <p>g The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 48 inches (1,220mm). The measurement shall be taken from the upper centre of the aperture to a point directly below on either the upper face of the fully raised lift platform or the upper face of the ramp fully deployed on level ground</p> <p>h A locking mechanism shall be fitted that holds the access door in the open position whilst in use</p> <p>i All wheelchair tracking must be fit for purpose and structurally sound</p>	<p>c Ramps missing, insecurely stored, damaged/deformed, anti-slip covering in poor condition or missing</p> <p>d Vehicle not presented with a valid or current LOLER certificate</p> <p>e The installed ramp does not have any visible reference to a maximum safe working load or certification to BS 6109</p> <p>f Wheelchair access equipment is fitted to the offside access door of the vehicle</p> <p>g There is not clear headroom in the aperture within the central third of 48 inches (1,220mm)</p> <p>h No evidence of a suitable locking mechanism to hold the door open</p> <p>i Damaged or insecure tracking or detritus deposits within the tracking rails</p>

11.2 Fire extinguisher

Method of inspection	Reason for rejection
<p>a Check the fire extinguisher for presence:</p> <ul style="list-style-type: none"> • the expiry date • seal • type – water or foam • approved mark – BS5423 or EN3 <p>b The fire extinguisher must be kept in an accessible position inside the vehicle. The extinguisher may be carried out of view, ie in a fastened glove compartment provided there is a clear sign on the dashboard, stating the location</p>	<p>a A fire extinguisher is missing or:</p> <ul style="list-style-type: none"> • out of date • broken or missing seal • no approved marking visible or other non-approved marking shown • incorrect type • in an obviously poor condition or discharged state <p>b Not fitted in an accessible position or its position is not clearly marked</p>

11.3 First aid kit

Method of inspection	Reason for rejection
a Check the first aid kit for presence, the expiry date and the seal is intact. There is no requirement to inspect the contents of the first aid kit	a A first aid kit is missing, out of date, in a poor or contaminated condition or the seal has been broken
b The first aid kit must be kept in an accessible position inside the vehicle. The first aid kit may be carried out of view, ie in a fastened glove compartment provided there is a clear sign on the dashboard, stating the location	b The first aid kit is not fitted in an accessible position or its position is not clearly marked

Section 12

Novelty vehicles (stretch limousines)

12.1 Seating capacity

Method of inspection	Reason for rejection
It is strongly recommended that prior to the inspection of a novelty vehicle the inspector checks the seating capacity on the V5C to ensure it does not exceed 8 passenger seats	If the V5C states more than 8 passengers, then this vehicle MUST NOT be tested or licensed as a Private Hire Vehicle. The vehicle should be referred to VOSA for licensing as a passenger carrying vehicle (PCV)

12.2 Undue stresses

Method of inspection	Reason for rejection
Vehicle inspectors should be aware of undue stresses caused to the steering, brakes and tyres due to the additional weight imposed on the vehicle at the modification process	Tolerances and wear should be as defined in the VOSA MOT Inspection Manual – Private Passenger and Light Commercial Vehicle Testing as follows: <ul style="list-style-type: none">• steering – section 2• brakes – section 3• tyres – section 4

12.3 Passenger notices

Driver declaration

Local licensing authorities are strongly advised to obtain a declaration, from the operator of a licensed novelty vehicle, that side facing seats will never be used to carry passengers under 16 years of age, **regardless of whether the vehicle is fitted with or without seat belts**

Passenger notices

- In addition, notices forbidding children to be carried in side facing seats must be displayed in prominent positions, ie on entry to the passenger compartment and on the inside of the vehicle on either side of the passenger compartment. In addition, local licensing authorities may require outward facing signs adjacent to all entrance/exit doors to the passenger compartment
- Further notices should be displayed inside the vehicle, where all passenger can clearly read the notice, advising passengers of the maximum carrying capacity of the vehicle and a warning to passengers that should the capacity be exceeded then the vehicle will not be insured

Appendices

Appendix A

Hackney Carriage and Private Hire – Trailer inspection form

Hackney Carriage and Private Hire Trailer inspection sheet

Space for
local authority logo




Plate number of towing vehicle _____

Registration number of towing vehicle _____

Registered owner of vehicle _____

Manufacturer's plate showing chassis number _____

Manufacturer's plate showing maximum weight _____

Inspection area	Description	Pass (✓)	Fail (X)
Licence plate	Contains details and complies with local licensing authorities' format		
Licence plate	Clearly displayed, legible and securely fixed		
Licence plate	Serviceable – not damaged or defaced		
Trailer couplings	Check condition and operation and presence of a safety breakaway cable		
Tow bar mounting brackets	Check condition and security		
Trailer body	Check condition of side and rear tailboards		
Trailer chassis	Check condition		
Suspension	Check condition and operation		
Wheel bearings	Check for excessive free play or roughness in bearings		
Tonneau cover and fittings	Check for condition		
Wheels and tyres	Check security, condition and wear		
Braking system	Operates satisfactorily		
Lighting	All obligatory lights work		
Indicators	All indicators work		
Reflective triangle	Check presence and condition		
Numberplate	Check condition, security of fitting and displayed clearly		
Speed restriction notice	Check condition and displayed clearly		

I hereby certify that the above trailer has been inspected and has/has not* been found to be roadworthy and suitable to be used as a hackney carriage/private hire* trailer at the time of inspection.

Examined by (name) _____

Signature _____ Date _____

*Delete as appropriate

Appendix B

Definition of motor vehicles

Category	Definition
M	A motor vehicle with at least four wheels designed and constructed for the carriage of passengers
M1	Vehicles designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the driver's seat
M2	Vehicles designed and constructed for the carriage of passengers and comprising more than eight seats in addition to the driver's seat, and having a maximum mass not exceeding five tonnes
M3	Vehicles designed and constructed for the carriage of passengers and comprising more than eight seats in addition to the driver's seat, and having a maximum mass exceeding five tonnes

Hackney Carriage and Private Hire – Inspection sheet (front)

Hackney Carriage and Private Hire

Inspection form

Space for local authority logo



IMPORTANT: READ NOTES OVERLEAF

Chassis no	Certificate of Compliance serial no		Class of inspection (tick) <input type="checkbox"/> Hackney Carriage <input type="checkbox"/> Private hire <input type="checkbox"/> Car purchase
Vehicle reg mark	Make and model	Year of manufacture	
Plate no	Recorded mileage	Colour	

A	Item tested	Pass (✓)	Fail (X)	Reasons for failure
	Lighting equipment			
	Front and rear lamps			
	Headlamps			
	Headlamp aim			
	Stop lamps			
	Rear reflectors			
	Direction indicators			
	Steering and suspension			
	Steering control			
	Steering mechanism/system			
	Power steering			
	Transmission			
	Wheel bearings			
	Front suspension			
	Rear suspension			
	Shock absorbers			
	Brakes			
	Controls/ABS warning system			
	Condition of service brake system			
	Condition of parking brake system			
	Service brake performance			
	Parking brake performance			
	Tyres and wheels			
	Tyre type			
	Tyre condition (including spare)			
	Road wheels			
	Seat belts			
	Mountings			
	Condition			
	General			
	Driver's view of the road, mirrors			
	Horn			
	Exhaust system			
	Fuel system			
	Exhaust emissions			
	Vehicle structure			
	Body interior and luggage space			
	Fire extinguisher, first aid kit and bulb kit			
	Meter – test and seal			
	Licence plates/discs			
	Roof sign and For Hire sign			
	Body exterior			
	Doors and seats			
	Electrical wiring and equipment			
	Speedo			
	Oil and water leaks			
	Ancillary equipment			
	Trailers and tow bars Yes/No			

delete as appropriate	B I hereby certify that the above vehicle has been inspected and has/has not been found to be roadworthy and suitable to be used as a hackney carriage/private hire* vehicle at the same time of inspection.	Authentication stamp
	Signed _____ (Tester/Inspector) Name in capitals _____ Date _____	

C WARNING: IN MY OPINION, THE VEHICLE IS DANGEROUS TO DRIVE BECAUSE OF THE FOLLOWING DEFECT:

Hackney Carriage and Private Hire – Inspection sheet (back)

If your vehicle has failed the test please read the following notes

- 1 Your vehicle does not meet the legal requirements. You should have it repaired without delay and you are not to use the vehicle for hire and reward until such repairs are carried out.
- 2 It is an offence to use on a public road a vehicle of testable age that does not have a current certificate of compliance, except when:
 - bringing it away from a testing station after it has failed the test
 - taking it to or bringing it away from a place where by PREVIOUS ARRANGEMENT repairs are to be or have been made to remedy the defects for which the vehicle was failed
 - taking it to the testing station for a test booked in advance

Even in the above circumstances you may still be prosecuted for driving an unroadworthy vehicle if it does not comply with the various regulations affecting its construction and use.

Additionally the insurance may not be operative.

- 3 A FULL FEE IS PAYABLE IF:
 - a the vehicle is submitted for retest at the testing station more than seven days after being failed
 - b having been presented for a retest, fails any subsequent test

ACKNOWLEDGEMENTS (current and past contributors)

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July 2, 2014

Dear Julia

Newcastle & Kidsgrove Hackney Carriage Association

**Register of Concern with Item 10
Draft Proposal Taxi Licencing 2014-2019**

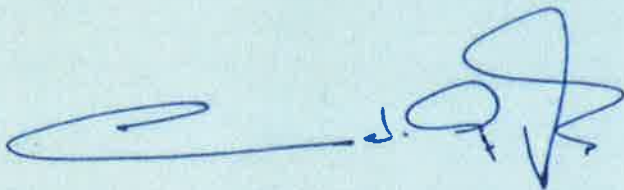
I write on this occasion to register our concern with regard to the preamble of item 10 of the Draft Taxi Licencing Policy 2014 – 2019 which states:

'A vehicle presented for test should have fitted rear passenger windows that are not heavily tinted or blacked out and will allow a minimum of 70% transmission of light'.

While I agree with council that blacked out windows may not be acceptable, obtaining a new vehicle or recent vehicle to meet the criteria of 70% light transmission is becoming increasingly difficult as the new vehicles are manufactured with a dark tinted window to the rear and passenger windows.

Clarification to this problematic issue needs to be confirmed and quantified at the next proposed meeting on Thursday 17th July 2014.

For and on behalf of Newcastle Hackney Carriage Association.



Carl Gary Phillips

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL
EXECUTIVE MANAGEMENT TEAM'S REPORT TO THE
PUBLIC PROTECTION COMMITTEE

Date 22nd September 2014

1. **HEADING** Meeting Cycle for Public Protection Committee
- Submitted by:** Geoff Durham – Member Training and Development Officer.
- Portfolio:** Communications, Policy and Partnerships
- Ward(s) affected:** None

Purpose of the Report

To consider the existing meeting cycle of the Public Protection Committee and consider possible changes to the cycle as set out in this report.

Recommendations

That Members take a decision on the most appropriate cycle of meetings for this Committee and select one of the following options:

- a. To continue with the meeting cycle of four pre-meetings (Option 1);
- b. To incorporate the agenda setting meeting into the actual Public Protection Committee meeting as a Work Plan agenda item (in common with other committees of the Council) (Option 2); or
- c. To incorporate the agenda setting meeting into the actual Committee meeting as a Work Plan item and also to discontinue the Chair's Briefing held prior to the publishing of each agenda (Option 3)

Reasons

As a part of the drive to become more efficient in all areas of its work, the Borough Council is seeking to reduce bureaucracy and to generally 'ease the burden' on Members and officers in terms of meetings. It is therefore suggested that four pre-Committee meetings prior to the actual meeting itself are possibly excessive and unnecessary in the current climate.

1. **Background**

- 1.1 The Public Protection Committee currently has four 'pre-Committee meeting's' in its cycle:
- Agenda setting meeting
 - Officers' pre-meeting
 - Chair's meeting (prior to the agenda being published)
 - Chair's meeting (immediately before the actual meeting)

1.2 It could be argued that, in light of the sheer number of pre-Committee meetings, that discussions over the content of future agendas could be largely be discussed at the end of each Public Protection Committee meeting using a process similar to that adopted by the Audit and Risk Committee through the devising of a Work Programme. The method used by the Audit and Risk Committee example can be found at Appendix A.

1.3 Similarly, it could be argued that the two Chair's briefings are essentially looking at the same information (usually reports prepared for the actual Committee meeting). It could therefore be argued that the Chair's Briefing held prior to the Committee's agenda being published is possibly unnecessary as any matters can be raised with the Chair prior to the actual meeting itself.

2. **Issues**

2.1 Members have many tasks to attend to in order to carry out their role, as do officers.

2.2 It could be argued that four meetings dedicated to preparing for one Committee meeting is unnecessary.

2.3 In proposing reducing the number of pre-meetings in this way, it is accepted that some items considered by the Committee can be either urgent in nature or can arise during each meeting cycle and therefore cannot be predicted. This has been taken into consideration in proposing these changes and arrangements will be put in place to ensure that the Chair and Vice-Chair are aware of any developments as they occur during each meeting cycle.

3. **Proposal**

3.1 It is for Members to determine if they wish to reduce the number of pre-Committee meetings and there are three possible options:

- **Option 1.** to continue with the current cycle of four pre-Committee meetings
- **Option 2.** to incorporate the Agenda setting meeting into the Public Protection Committee itself as a Work Programme Item (in common with other Committees of the Council, see Appendix A)
- **Option 3.** To incorporate the agenda setting meeting into the Public Protection Committee as a Work Programme Item and also to discontinue the Chair's Briefing held prior to the publishing of the agenda

4. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

4.1 Reducing the number of pre-Committee meetings would release both Members and officers to focus on delivery of key services of the Council.

5. **Legal and Statutory Implications**

5.1 There are no legal provisions in relation to this report.

6. **Equality Impact Assessment**

6.1 No issues have been identified

7. **Financial and Resource Implications**

7.1 There are no direct financial costs to the authority in holding the pre-meetings, although there are opportunity costs in terms of officer and Member time.

7.2 Member and officer time is taken in attending the four pre-Committee meetings, which usually involve the Chair, Vice-Chair and up to five officers for a meeting duration of between 30-60 minutes.

8 **Major Risks**

8.1 No major risks have been identified.

9. **Sustainability and Climate Change Implications**

9.1 No sustainability or climate change implications apply.

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Audit & Risk Committee Plan of work

2014/15

Committee Date	Reports
21 July 2014	<ol style="list-style-type: none"> 1. Outstanding Recommendations & Assurance Qtr 4 2. Annual Report of Internal Audit Service 3. Review of Effectiveness of Audit Committee 4. Review of Effectiveness of Internal Audit/Updates & Action Plan 5. Annual Governance Statement with Supporting Evidence 6. Health and Safety Annual Report 2013-14 7. Risk Management Policy and Strategy 8. Unaudited Statement of Accounts 9. Work plan for 2014-15 10. Audit and Risk committee Terms of Reference 11. Treasury Management Annual Report 12. External Audit Fees 2015/16 13. External Audit – Progress Report
29 September 2014	<ol style="list-style-type: none"> 1. Qtr 1 Progress 2. Qtr 1 Outstanding Recommendations & Assurance 3. Risk Management Report – April to June 2014 4. Audited Statement of Accounts 5. External Audit – Audit Findings Report
17 November 2014	<ol style="list-style-type: none"> 1. Qtr2 Progress 2. Qtr 2 Outstanding Recommendations & Assurance 3. Health and Safety Half-Year Report April-September 2014 4. Risk Management Report – July to September 2014 5. Mid-Year Review of Treasury Management Activities 6. External Audit – Financial Resilience 7. External Audit - Annual Audit Letter 8. External Audit – Audit Progress
16 February 2015	<ol style="list-style-type: none"> 1. Qtr 3 Progress 2. Qtr 3 Outstanding Recommendations & Assurance(include Oct, Nov & Dec assurances) 3. Internal Plan 2015/16 4. Revised Audit Strategy and Terms of Reference 5. Risk Management Report – October to December 2014

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	6. External Audit - Grant Claims Certification Report
16 April 2015	<ol style="list-style-type: none">1. Anti Fraud & Anti Corruption Polices – Review & Update2. Anti Money Laundering Policy3. Code of Corporate Governance4. Risk Management Report – January to March 20145. Certification of Claims and Returns (External Audit)6. Overview of the Councils Constitution in respect of Standing Orders and Financial Regulations.7. Protecting the Public Purse

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