

Licensing Committee

Agenda

Date: Monday, 12th September, 2011
Time: 2.00 pm
Venue: Committee Suite 1, 2 & 3, Westfields, Middlewich Road,
Sandbach CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a total period of 10 minutes is allocated for members of the public to address the Committee on any matter relevant to the work of the Committee.

Individual members of the public may speak for up to 5 minutes but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

4. **Minutes of Previous meeting** (Pages 1 - 4)

To approve the minutes of the meeting held on 8th June 2011.

5. **Re-adoption of sections 14 - 17 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended)** (Pages 5 - 8)

To consider a proposal to re-adopt the provisions of sections 14 - 17 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended), which relate to acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis within the Borough of Cheshire East.

6. **Re-adoption of Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 - Street Trading** (Pages 9 - 12)

To consider a proposal to re-adopt the provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (in relation to street trading) within the Borough of Cheshire East.

7. **Hackney Carriage Vehicle Conditions** (Pages 13 - 58)

To consider a report on existing hackney carriage vehicle conditions and a draft set of conditions for consultation purposes.

8. **Private Hire Vehicle Conditions** (Pages 59 - 84)

To consider a report on existing private hire vehicle conditions together with options for the review of certain of the conditions.

(There are no Part 2 items)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Committee**
held on Wednesday, 8th June, 2011 at Council Chamber - Town Hall,
Macclesfield, SK10 1DX

PRESENT

Councillor P Whiteley (Chairman)
Councillor W S Davies (Vice-Chairman)

Councillors C Andrew, Rhoda Bailey, D Bebbington, H Davenport, I Faseyi,
L Gilbert, M Hardy, A Harewood, D Mahon, G Morris, M Parsons, M Sherratt
and L Smetham

OFFICERS IN ATTENDANCE

Mrs K Khan, Solicitor
Mrs J Zientek, Democratic Services Officer

Apologies

There were no apologies for absence.

1 DECLARATIONS OF INTEREST

There were no declarations of interest.

2 PUBLIC SPEAKING TIME/OPEN SESSION

In accordance with Procedure Rules 11 and 35, Mr P Dolan and Mr D Stennett addressed the Committee in relation to Item 6: Proposed Variation to Hackney Carriage 'Table of Fares'.

Note: With the agreement of the Chairman, Mr Dolan and Mr Stennett spoke following the solicitor's introduction of the relevant item of business.

3 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 7 March 2011 be approved as a correct record and signed by the Chairman.

4 MINUTES OF LICENSING SUB-COMMITTEES

RESOLVED – That the minutes of the Licensing Act Sub-Committee meetings held on 14 March 2011, 17 March 2011 and 7 April 2011, and the General Licensing Sub-Committee meetings held on 21 February 2011, 3 March 2011, 28 March 2011, 11 April 2011 and 28 April 2011 be received.

5 PROPOSED VARIATION TO HACKNEY CARRIAGE 'TABLE OF FARES'

The Committee considered a report which detailed objections received in response to proposals to vary the 'table of fares' applicable in each of the three hackney carriage zones.

The solicitor also reported that a petition signed by 55 licensed drivers had been received since the report was written.

The fare tables in operation within the Borough had come into force within the areas of the predecessor district councils during the course of 2008. On 7 March 2011, the Licensing Committee had resolved to authorise the Borough Solicitor to publish a notice containing proposals to vary the fare tables in each of the three hackney carriage zones. Objections to the proposals had been received within the consultation period and the matter had been referred to the Licensing Committee for determination.

RESOLVED

- (a) That the variations to the tables of fares as set out within the notices attached at Appendices A, B and C to the report be approved, subject to the timings for Tariff 2 (night rate) at Appendix C (zone 3) being amended to read: 'Monday to Sunday (11.30pm - 7.00 am)'.
- (b) That the variations to the tariffs shall come into force with effect from 14 June 2011.
- (c) That the Head of Safer and Stronger Communities be requested to submit a report in relation to the potential harmonisation of tariffs to the Licensing Committee within six months.

6 LICENCE FEES - HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES, DRIVERS AND OPERATORS

The Committee considered a report which detailed objections received in response to proposals to increase the licence fees payable in connection with licences for hackney carriage and private hire drivers, vehicles and operators.

The fees charged by the Council for licences relating to hackney carriage and private hire vehicles, drivers and operators had been set by the Licensing Committee on 20 July 2009. At a meeting on 7 March 2011, the Committee had resolved to authorise the Borough Solicitor to publish a notice of proposed variations to the licence fees charged in relation to licences for hackney carriage and private hire vehicles, drivers and operators. Objections to the proposals had been received within the consultation period and the matter had been referred to the Licensing Committee for determination.

RESOLVED

- (a) That the variation of (i) the fees for licences relating to private hire vehicles and operators across the Borough; and (ii) the fees applicable to hackney carriage proprietors (vehicle) and joint drivers licences in each of the three hackney carriage zones, as set out within the notice attached at Appendix A to the report, be approved.
- (b) That the variations to the fees shall come into force with effect from 27 June 2011.

The meeting commenced at 10.00 am and concluded at 11.50 am

Councillor P Whiteley (Chairman)

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CHESHIRE EAST COUNCIL

Licensing Committee

Date of Meeting: 12th September 2011
Report of: Head of Safer & Stronger Communities
Subject/Title: Re-adoption of sections 14 – 17 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended)

1.0 Report Summary

- 1.1 The report provides details of a proposal to re-adopt the provisions of sections 14 - 17 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended), which relate to acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis within the Borough of Cheshire East.

2.0 Recommendations

- 2.1 The Licensing Committee is requested to recommend the following resolution to Council:
- 2.1.1 That sections 14 to 17 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) ('the 1982 Act') shall be adopted and shall apply to the Borough of Cheshire East with effect from 1st December 2011; and that section 15 of the 1982 Act shall apply within the Borough of Cheshire East to all of the descriptions of persons within sub-section 15(1), i.e. persons carrying on the business of tattooing, of semi-permanent skin-colouring, of cosmetic piercing, or of electrolysis.
- 2.1.2 That the Borough Solicitor, or officer acting on her behalf, be authorised to publish notice of the above resolution in accordance with statutory requirements.

3.0 Reasons for Recommendations

- 3.1 Re-adoption of the legislation is proposed in order to consolidate the three previous resolutions of the predecessor district authorities into one resolution and to ensure certainty in any enforcement action taken under the legislation.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications, including Carbon Reduction/Health

- 6.1 The adoption of the legislation is necessary to ensure that the Council has a consistent approach to the enforcement of the legislative provisions.

7.0 Financial Implications 2011/12 and beyond (Authorised by the Borough Treasurer)

- 7.1 There will be a cost implication relating to the publication of notice of the adoption. It is suggested that these costs, which are estimated to be in the region of £2,500, would be met from existing budget provision within the Environmental Services Section.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 Part VIII of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act') (as amended by the Local Government Act 2003) makes provision for the regulation of acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis. Further details in relation to the provisions of sections 14 – 17 are contained within paragraph 10.0 of the report.
- 8.2 Section 13 of the 1982 Act provides that a local authority may resolve that the provisions of Part VIII of the Act are to apply to its area and, if it does so resolve, the provisions specified in the resolution shall come into force in the area of the local authority on the day specified in the resolution (which must not be before the expiration of the period of one month beginning on the day on which the resolution is passed).
- 8.3 Section 13 of the 1982 Act also states that notice of a resolution to adopt the legislation must be published in a local newspaper circulating in the area in two consecutive weeks. The first publication may not be later than 28 days before the date specified in the resolution for the coming into force of the provisions specified.
- 8.4 By virtue of paragraph 17 within Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) the function of adopting the legislation is a non-executive function.

9.0 Risk Management

- 9.1 It is suggested that re-adoption of the legislation, in accordance with section 13 of the 1982 Act, will ensure certainty in any enforcement action.

10.0 Background and Options

- 10.1 Part VIII of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Local Government Act 2003) contains provisions in relation to the regulation of acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis.

- 10.2 Section 14 of the 1982 Act deals with acupuncture and provides that persons carrying on the practice of acupuncture must be registered with the local authority. Section 15 of the 1982 Act deals with tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis and states that a person who carries on a business involving these activities must be registered with the local authority. Both sections 14 and 15 allow local authorities to make byelaws for the purposes of securing (a) the cleanliness of the registered premises and any fittings in such a premises; (b) the cleanliness of the registered person and any persons assisting them; and (c) the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment. It is an offence to contravene the requirement to register (in accordance with sections 14 and 15). It is also an offence to contravene any byelaw made under section 14 or section 15. The offence provisions are contained within section 16 of the 1982 Act; section 17 contains provisions in relation to powers of entry.
- 10.3 Each of the three predecessor district Councils made resolutions to adopt sections 14 – 17 of the 1982 Act. Crewe and Nantwich Borough Council made a resolution on 29th June 1983; Macclesfield Borough Council on 2nd December 1982; and Congleton Borough Council on 3rd February 1983. Subsequently Congleton Borough Council made byelaws (which came into effect on 1st January 1987) under section 15 in relation to ear-piercing and electrolysis. Crewe and Nantwich Borough Council made byelaws (which came into force on 1st October 2007) under both sections 14 and 15 in relation to tattooing, semi-permanent skin colouring, cosmetic piercing or electrolysis.
- 10.4 It is suggested that it would be beneficial to consolidate the adoption resolutions for the purpose of consistency and to ensure certainty in any enforcement action taken under the legislation. It is proposed that following the adoption of the legislation draft byelaws for the whole of the Borough of Cheshire East will be formulated and a further report submitted for consideration in due course.
- 10.5 The alternative would be not to make the recommendations to Council with paragraph 2.0 above, however this would mean that the benefits referred to in paragraph 10.4 could not be achieved.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Terry Coppenhall
Designation: Commercial Team Leader
Tel No: (01270) 537434
Email: terry.coppenhall@cheshireeast.gov.uk

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CHESHIRE EAST COUNCIL

Licensing Committee

Date of Meeting: 12th September 2011
Report of: Head of Safer & Stronger Communities
Subject/Title: Re-adoption of Schedule 4 Local Government
(Miscellaneous Provisions) Act 1982 – Street Trading

1.0 Report Summary

- 1.1 The report provides details of a proposal to re-adopt the provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (in relation to street trading) within the Borough of Cheshire East.

2.0 Recommendation

- 2.1 The Licensing Committee is requested to recommend the following resolution to Council:

That Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended) shall be adopted and shall apply to the Borough of Cheshire East with effect from 1st December 2011.

3.0 Reasons for Recommendations

- 3.1 Re-adoption of the legislation is proposed in order to consolidate the three previous resolutions of the predecessor district authorities into one resolution and to ensure certainty in any enforcement action taken under the legislation.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications, including Carbon Reduction/Health

- 6.1 The decision requested relates to the re-adoption of legislation which was originally adopted by the predecessor district councils.

7.0 Financial Implications 2011/12 and beyond (Authorised by the Borough Treasurer)

7.1 None

8.0 Legal Implications (Authorised by the Borough Solicitor)

8.1 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act') makes provision for the regulation of street trading. 'Street trading' for these purposes means, subject to certain prescribed exceptions including markets/fairs, news vendor, pedlars and roundsmen, "the selling or exposing or offering for sale of any article (including a living thing) in a street." Further information about the detail within Schedule 4 is provided within paragraph 10.

8.2 Section 3 of the 1982 Act provides that Councils may "resolve that Schedule 4 to this Act shall apply to their district and, if a council so resolve, that Schedule shall come into force in their district on such day as may be specified in the resolution." There is no statutory requirement to publish a notice of adoption of Schedule 4 to the 1982 Act.

8.3 By virtue of paragraph 20 within Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) the function of adopting the legislation is a non-executive function.

9.0 Risk Management

9.1 It is suggested that re-adoption of the legislation, in accordance with section 3 of the 1982 Act, will ensure certainty in any enforcement action.

10.0 Background and Options

10.1 Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended) ('the 1982 Act') contains provisions in relation to the regulation of street trading. "Street trading" for the purposes of the 1982 Act means, subject to certain prescribed exemptions, "the selling or exposing or offering for sale of any article (including a living thing) in a street." Councils which have adopted Schedule 4 have the power to designate 'streets' (i.e. any road, footway, beach or other area to which the public have access without payment) within their area as 'consent streets,' 'licence streets' or 'prohibited streets.' A 'consent street' is a street in which street trading is prohibited without the consent of the Council; a 'licence street' is a street in which street trading is prohibited without a licence granted by the Council; and, as the name suggests, a 'prohibited street' is a street in which street trading is prohibited. A person who engages in street trading in a prohibited street or engages in street trading in a licence or consent street without the requisite authorisation is guilty of an offence and would be liable on conviction to a level 3 fine (i.e. not exceeding £1,000).

10.2 Each of the three predecessor district Councils made resolutions to adopt Schedule 4 of the 1982 Act. Crewe and Nantwich Borough Council made a resolution on 29th June 1983; Macclesfield Borough Council on 21st April 1983

and Congleton Borough Council on 3rd February 1983. Each of the district Councils subsequently made further decisions to designate various streets within their areas as either prohibited or consent streets. At present there is one consent in force in the Crewe and Nantwich area, six in the Macclesfield area and twelve in the Congleton area.

- 10.3 It is suggested that it would be beneficial to consolidate the adoption resolutions for the purpose of clarity for the future and to ensure certainty in any enforcement action taken under the legislation. It is proposed that following the adoption, the Licensing Section will carry out a review of the street trading function in order to establish a harmonised approach across the Borough.
- 10.4 The Licensing Committee is therefore requested to make the recommendation to Council contained within paragraph 2 above as the first step in the process of the review of the street trading function.
- 10.5 The alternative option would be not to recommend the adoption of the legislation to Council; however this would mean that the benefits identified in paragraph 10.3 would not be achieved.
- 10.6 There is no statutory requirement within section 3 of the 1982 Act to publish either a notice of intention to adopt Schedule 4, or to publish a notice of adoption after a resolution has been made, however it is proposed that should Council make the requested resolution, a notice of adoption will be published on the Council's website.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Dustin Hawkes
Designation: Team Leader Investigations
Tel No: 01270 686303
Email: dustin.hawkes@cheshireeast.gov.uk

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CHESHIRE EAST COUNCIL

Licensing Committee

Date of Meeting: 12th September 2011
Report of: Head of Safer & Stronger Communities
Subject/Title: Hackney Carriage Vehicle Conditions

1.0 Report Summary

- 1.1 The report provides background to the existing hackney carriage vehicle conditions and presents a draft set of conditions for consultation purposes.

2.0 Recommendations

- 2.1 The Licensing Committee is requested:
- 2.1.1 to consider the draft hackney carriage conditions appended to the report together with the information within the report about the options relating to specified conditions and, subject to consultation, approve a set of hackney carriage vehicle conditions to apply in each of the three hackney carriage zones;
- 2.1.2 subject to the decisions made pursuant to 2.1.1 above relating to the content of the draft conditions, to approve a set of vehicle test guidelines in relation to hackney carriage vehicles, subject to consultation;
- 2.1.3 pursuant to 2.1.1 and 2.1.2 above, to authorise officers to carry out a consultation exercise in relation to the draft conditions and vehicle test guidelines;
- 2.1.3 to resolve that if no objections are received within the consultation period, or if any objections that are received are withdrawn, that the conditions and vehicle test guidelines will come into operation in each of the three zones on the day after the last day of the consultation period. If objections are received and not withdrawn, these will be reported to a subsequent meeting of the Licensing Committee for consideration.

3.0 Reasons for Recommendations

- 3.1 On 7th March 2011 the Licensing Committee resolved as follows:
- 3.1.1 That officers be requested to produce a draft set of hackney carriage vehicle conditions for each of the three zones, based on the existing private hire vehicle specification, to include a requirement that all new hackney carriages be wheelchair accessible and provision for the increased testing of vehicles

rather than an age limit for vehicles. The draft conditions, together with information on the testing of trailers and tinted windows, to be considered at a future meeting of the Committee; and

- 3.1.2 That officers be requested to draft vehicle test guidelines which reflect the requirements of the draft conditions, for consideration at a future meeting of the Committee.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications, including Carbon reduction/Health

- 6.1 The report suggests a review of a number of issues relating to the Council's existing policy on the licensing of hackney carriages. Full details are set out within the body of the report.

7.0 Financial Implications (Authorised by the Borough Treasurer)

- 7.1 There would be a cost implication associated with printing and postage of consultation documentation relating to amended vehicle conditions. These costs are estimated to be in the region of £850 for postage (if send second class) and £300 for printing.
- 7.2 The costs in paragraphs 7.1 would be met from existing budget provision within the Licensing Service's budget.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 Section 47(1) of the 1976 Act provides local authorities with the power to attach to hackney carriage licences such conditions as they may consider 'reasonably necessary.' Section 47(2) states that without prejudice to the generality of section 47(1), a council may require vehicles to be "of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage." The imposition of conditions on a hackney carriage vehicle licence is subject to a right of appeal to the Magistrates' Court.
- 8.2 The law governing consultation was laid down by the Court of Appeal in the case of R v North and East Devon HA ex parte Coghlan [2001] which states:

"It is common ground that, whether or not consultation of interested parties and the public is a legal requirement, if it is embarked upon it must be carried out properly. To be proper, consultation must be undertaken at a time when proposals are still at a formative stage; it must include sufficient reasons for

particular proposals to allow those consulted to give intelligent consideration and intelligent response; adequate time must be given for this purpose; and the product of consultation must be conscientiously taken into account when the ultimate decision is taken.”

8.3 Further legal implications are set out within the body of the report.

9.0 Risk Management

9.1 Full consideration of any consultation responses received will mitigate any risk of challenge to any subsequent decision.

10.0 Background and Options

10.1 As Members are aware, at the present time different hackney carriage vehicle conditions are in operation in each of the three hackney carriage zones. The existing conditions are attached as Appendices A, B and C for information. On 7th March 2011 the Licensing Committee resolved that officers be requested to produce a set of harmonised conditions based on the existing private hire vehicle conditions. Attached as Appendix D is a set of draft hackney carriage vehicle conditions which are intended to be applicable in each of the three hackney carriage zones. Members will note that certain of the draft conditions currently refer back to specific paragraphs of this report; in these cases Members are asked to consider the information below and to determine the content of the draft conditions so that the conditions may be subject to consultation.

10.2 Vehicle specification

10.2.1 As set out above, the Committee requested that a set of conditions be drafted on the basis of the existing specification within the Private Hire Vehicle conditions. With the exception of conditions 1.3 and 1.4, the conditions within paragraph 1 of Appendix D follow the vehicle specification with the private hire vehicle conditions.

10.2.2 Paragraphs 26 to 29 of the Best Practice Guidance deals with the specification of vehicles. Paragraph 27 states: “Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible....” Paragraph 28 continues: “It is suggested that local licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicles or prescribes only one type or a small number of types of vehicle...”

10.2.3 Condition 1.3 – Wheelchair accessibility

As Members will note, condition 3 of the zone 1 (Congleton zone) requires that “the minimum standard for all new licensed vehicle licences issued shall be: (a) a purpose built wheelchair accessible four door passenger saloon/estate or hatchback with minimum seating space of 16” per person.”

The conditions within zone 2 (Crewe) sets out the specification for wheelchair accessible vehicles; it is a policy requirement within the Crewe zone that new hackney carriages are wheelchair accessible.

The conditions which relate to zone 3 (Macclesfield) include requirements for wheelchair accessible vehicles, but do not require that all new vehicle licences will only be issued to wheelchair accessible vehicles.

As Members may be aware, section 32 of the Disability Discrimination Act provides the Secretary of State for Transport the power to make taxi accessibility regulations covering the design and construction of new taxis. The introduction of accessibility regulations has been under consideration for a number of years, however in October 2009 the Minister for State for Transport announced that the Department would be undertaking demonstrations in three licensing authority areas to “research the needs of disabled people when using taxis and private hire vehicles, how to tailor the fleet to demand and use patterns and how driver training can assist disabled passengers. The demonstration schemes will provide the basis on which the Department will be able to issue comprehensive guidance to licensing authorities to assist them with improving the availability of taxis and private hire vehicles for disabled passengers.”

Section 161 of the Equality Act 2010 qualifies section 16 of the Transport Act 1985 so that licensing authorities may not refuse a hackney carriage application on the basis of numbers if that vehicle fulfils prescribed requirements in relation to wheelchair accessibility and if the number of wheelchair accessible vehicles in the district is less than the proportion prescribed by the Secretary of State. For this section to have effect regulations would need to be made specifying the dimensions of a wheelchair that a wheelchair accessible vehicle must be capable of carrying in order for it to fall within the provisions. These regulations have yet to be made.

Paragraph 14 of the Best Practice Guidance states:

Different accessibility considerations apply between taxis and PHVs. Taxis can be hired on the spot, in the street or at a rank, by the customer dealing directly with a driver. PHVs can only be booked through an operator. It is important that a disabled person should be able to hire a taxi on the spot with the minimum delay or inconvenience, and having accessible taxis available helps to make that possible. For PHVs, it may be more appropriate for a local authority to license any type of saloon car, noting that some PHV operators offer accessible vehicles in their fleet.

It may therefore be argued that a policy of requiring all new hackney carriage vehicles to be wheelchair accessible would be advantageous for wheelchair users within the Borough. However, counter-arguments may include the suggestion that certain passengers (for example the elderly) find non-wheelchair accessible saloon vehicles easier to get in and out of. It should also be noted that there would be cost implications for members of the trade

when purchasing new vehicles if a requirement for wheelchair accessible vehicles were to be imposed in zone 3.

On 7th March 2011, Members of the Committee indicated a preferred option in relation to the introduction of a condition about wheelchair accessibility; however, the options that are option to members in relation to the proposed condition 1.3, subject to consultation, are as follows:

- (a) to introduce a condition which requires that all vehicles presented for a new hackney carriage vehicle licence are purpose-built wheelchair accessible vehicles. This would mean that the current position in Congleton and Crewe would continue and that, if implemented following consultation, any new hackney carriage vehicle in the Macclesfield zone would also have to be wheelchair accessible. It is suggested that existing hackney carriage vehicles which are not wheelchair accessible could continue to be used for the duration of their existence as a licensed vehicle.
- (b) not to include a condition requiring all new hackney carriage vehicles to be wheelchair accessible. If implemented following consultation this would continue the existing position within the Macclesfield zone but would fundamentally alter the position in the Congleton and Crewe zones. Any such decision could potentially have an impact on the number of licensed vehicles within these zones. In particular it should be highlighted that whilst the number of hackney carriages which may be licensed within the Congleton zone is 42, the number of vehicle licensed currently issued is 38 (it is understood that the fact that the limit has not been reached is due to the requirement that new hackney carriages are wheelchair accessible).
- (c) to preserve the current position, i.e. a requirement for wheelchair accessible vehicles in the Congleton and Crewe zones but not in the Macclesfield zone. Members may wish to consider this option in the light of the fact that further guidance is due from the Department of Transport on accessibility requirements, however this approach could be open to criticism on the basis that it would not produce a 'level playing field' across the Borough. In response to this point, it should be highlighted that whilst the differing policies about quantity restrictions remain in place the issues within the zones do differ and can be distinguished.

10.2.4 Condition 1.4

The draft condition states: "The vehicle shall be a manufacturer's right hand drive model with a minimum of four wheels and a minimum of four passenger seats and shall be finished in a production colour of the manufacturer for the model."

This condition varies from the content of the Private Hire Vehicle specification by the inclusion of a requirement that the vehicle shall have a minimum of four passenger seats. This condition follows the requirements within the existing Crewe conditions and is suggested due to the difference between the

nature of the work undertaken by hackney carriages and private hire vehicles. The condition seeks to ensure that passengers hiring hackney carriages from a rank or flagging down a hackney carriage vehicle in the street can be certain of hiring a vehicle with capacity for at least four passengers.

10.3 Condition and Maintenance of the Vehicle

10.3.1 Condition 2.5 - Tow bars

The existing zone 3 (Macclesfield zone) conditions explicitly prohibit tow bars; this condition was originally imposed in the interests of safety (due to the additional risks inherent in towing trailers). In addition there are concerns about difficulties in testing and certifying trailers given the lack of a nationally recognised testing standard which would be equivalent to the MOT test for vehicles. A trailer inspection sheet has been produced by the Hackney Carriage and Private Hire Inspection Technical Officer Group and a copy is attached as Appendix E for information. Arguments in favour of permitting the use of trailers include the suggestion that problems currently arise in relation to the volume of luggage which needs to be transported, for example when a family wishes to be taken to the airport. It may also be suggested that some luggage is too heavy to be safely lifted into a roof rack or roof pod.

It is suggested that the options which are open to the Council, subject to consultation, are:

- (a) to adopt the approach taken by the former Macclesfield Borough Council and expressly prohibit tow bars (and therefore prevent the use of trailers with hackney carriage vehicles);
- (b) to include conditions which permit for the use of trailers with hackney carriage vehicles (see below for suggested conditions);
- (c) to impose a condition which prevents trailers being used whilst a hackney carriage vehicle is standing or plying for hire, but permits the use of trailers (see below for suggested conditions) when undertaking pre-booked work. This approach would meet the needs of proprietors who wish to use a trailer to carry luggage when undertaking pre-booked work whilst ensuring that problems are not caused as a result of trailers being used whilst a vehicle is standing for hire on a taxi rank; or
- (d) to remove the condition in relation to tow bars and not to impose any additional conditions regulating the use of trailers. (This approach would mean that the use of trailers with hackney carriage vehicles would be unregulated by the Council).

If tow bars and, by implication, trailers are to be permitted by virtue of either option (b) or (c) above, the Committee is asked to consider the following conditions which seek to regulate the use of trailers and to ensure the security of luggage and safety of road users.

- (i) The proprietor shall present the trailer for inspection by a Licensing Officer prior to its use and again at each inspection of the vehicle on which the trailer is to be towed;
- (ii) The trailer must comply with all aspects of current road traffic legislation and be of a type recommended by the vehicle manufacturer as being suitable for the intended towing vehicle;
- (iii) The trailer shall be in good condition and no more than [x] years old; (Members would be required to consider the age to be inserted here if this condition were to be imposed);
- (iv) The trailer shall be purpose built and manufactured for the purpose for which it is to be used;
- (v) No advertising shall be permitted on the trailer;
- (vi) The trailer shall be fitted with securely fastened covers, which may be of the hardtop or canvas tarpaulin type;
- (vii) When the trailer is used with the vehicle, the licence plate issued by the Council specifically for the trailer shall be clearly displayed on the rear of the trailer, with the licence plate for the towing vehicle remaining in place.
- (viii) The tow bar must be of a type approved by the manufacturer of the vehicle and fitted by an approved agent;
- (ix) The vehicle must be insured to tow a trailer and proof of this cover must be supplied on the request of an officer of the Licensing Authority;
- (x) The gross weight of the trailer and the luggage load must be less than 750kg and be less than half the weight of the towing vehicle. (With a gross weight of less than 750kg no braking system is required to be fitted and the driver of the vehicle will not require any special categories on his/her DVLA driving licence).

10.3.2 Condition 2.7 - Tinted windows

The existing hackney carriage vehicle conditions within zone 3 (Macclesfield) include the following condition relating to tinted windows:

With the exception of the rear window of a vehicle, heavily tinted glazing and tinted films applied to vehicle windows are not permitted. All glazing shall comply with the Motor Vehicles (Construction and Use) Regulations 1986 (as amended), with regard to the level of tint. A minimum light transmission value of 70% shall be maintained in all side windows; windscreens shall have a minimum light transmission value of 75%.

The conditions within zone 2 (Crewe & Nantwich) state as follows in relation to tinted windows:

The vehicle shall comply with the Construction and Use Regulations 1986 (No. 1078) with respect to the fitting of tinted (i.e. opaque, darkened or privacy glass) windows. For any vehicle which is fitted with windows which are exempt from the provisions of the Construction and Use Regulations, the visual transmission of light through those windows shall not be less than 70%

when measured in accordance with the manner prescribed in the Construction and Use Regulations.

The conditions within zone 1 (Congleton zone) do not make any provision in relation to tinted windows.

The requirements of the Construction and Use Regulations (enforced by VOSA) are that the light transmitted through the windscreen must allow at least 75% whilst the side windows (to the front of the 'B' pillar) must transmit at least 70%.

The Macclesfield zone conditions apply the same light transmission value to windows to the rear of the 'B' pillar (with the exception of the rear window) as is applied by law to windows to the front of the 'B' pillar, i.e. a minimum of 70%. The drafting of the Crewe and Congleton conditions mean that whilst vehicles must comply with the VOSA requirements about tint to the front of the 'B' pillar, there are no prescribed requirements to vehicles to the rear of the 'B' pillar.

The justification for the imposition of a condition which restricts the tint in windows to the rear of the 'B' pillar include the following:

- (a) enforcement officers need to see into the vehicle to ensure that the maximum number of passengers is not being exceeded and to ensure that there is no breach of the smoking regulations;
- (b) the Police need to be able to see into the vehicle to ensure that passengers are wearing seatbelts;
- (c) to ensure that the interior of the vehicle is visible to ensure the safety of passengers and drivers;
- (d) vulnerable passengers will feel safer in a vehicle where they can be seen;
- (e) in the event of an accident the emergency services can easily check if there are passengers inside.

The Licensing Section has received complaints from hackney carriage proprietors about the tinted windows condition within the Macclesfield zone. Complaints centre on the fact that certain vehicles are produced by manufacturers with tinted windows as a standard feature and that there are cost implications to replacing these windows with clear glass.

Paragraph 30 of the DfT Best Practice Guidance states as follows in relation to tinted windows:

The minimum light transmission for glass in front of, and to the side of, the driver is 70%. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in estate and people carrier style vehicles. When licensing vehicles, authorities should be mindful of this as well as the large costs and inconvenience associated with changing glass that conforms to both Type Approval and Construction and Use Regulations.

The options in relation to tinted windows, subject to consultation, are as follows:

- (a) to determine that the conditions will not impose a restriction on the tint in windows to the rear of the 'B' pillar (thereby the requirements within the Construction and Use Regulations would apply alone);
- (b) to determine that the current condition in relation to tinted windows within the current zone 3 conditions shall be adopted and apply in each of the three zones; or
- (c) to determine that an amended condition in relation to tinted windows be adopted, for example a condition which specifies a different level of light transmission in windows to the rear of the 'B' pillar.

10.4 Vehicle Testing (condition 4)

At present the conditions in the Macclesfield zone require that vehicles over seven years of age must be submitted for testing twice annually. The reasoning behind this condition is that as a vehicle gets older it is more likely to develop faults. The increased frequency of testing is therefore imposed in order to ensure the safety and comfort of passengers being carried in the vehicle. The Congleton zone and Crewe zone conditions do not impose a requirement for more frequent testing for older vehicles, however the condition has been included in the Council's Private Hire Vehicle Conditions, i.e.:

- 4.2 Vehicles which are over seven years old shall be tested every six months. The age of the vehicle shall be calculated by reference to the date of first registration recorded in the Vehicle Registration Document (Form V5) unless the vehicle was not new at the date of first registration in the UK.

The Licensing Section has received a suggestion from the trade that the hackney carriage vehicle conditions should be amended to remove any reference to increased testing and rather to impose an age limit, i.e. to ensure that any new application for a hackney carriage vehicle must relate to a vehicle under eight years of age, and that no vehicle may remain licensed once it is over twelve years old. However, the Section have also received representations in relation to private hire vehicles that the condition should be amended to take account of vehicles which, whilst over seven years of age, have low mileage.

Paragraph 32 of the Best Practice Guidance states as follows in relation to age limits: "it is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles – for example, twice yearly tests for vehicles more than five years old.

On 7th March 2011, Members of the Committee indicated a preferred option in relation to this issue, however, the options that are option to members in relation to the proposed condition 4.2, subject to consultation, are:

- (a) to include condition 4.2 of the Private Hire Vehicle Conditions (i.e. vehicles over seven years old to be tested every six months);
- (b) to introduce condition 4.2 of the Private Hire Vehicle Conditions (i.e. vehicles over seven years old to be tested every six months) subject to an exception for vehicles with low mileage;
- (c) to introduce an age limit for hackney carriage vehicles to ensure that any new application for a hackney carriage vehicle must relate to a vehicle under [x] years of age and/or and that no vehicle may remain licensed once it is over [y] years old. (Members would be required to consider the ages to be inserted into this condition); or
- (d) that the only requirement in relation to vehicle testing are those within condition 4.1 (i.e. annual testing) and that no age limit is imposed.

- 10.5 It is suggested that if any amendments to the hackney carriage conditions which relate to the specification and structure of the vehicle would only be imposed from the date the new conditions take effect in relation to new hackney carriage vehicles. Existing licensed vehicles would therefore benefit from 'grandfather rights,' however, if a requirement for six monthly testing were to be introduced it is suggested that this should apply to all vehicles over seven years old.
- 10.6 The proposed hackney carriage vehicle conditions will be subject to a twelve week consultation with the trade and other interested parties. It is suggested that, if no objections are received (or if any objections which are received are subsequently withdrawn), the proposed conditions will take effect at the end of the consultation period. If objections are received these will be reported back to the Licensing Committee for consideration at a future meeting.
- 10.7 Members are also requested to consider a proposed set of vehicle test guidelines to apply to the testing of hackney carriage vehicles within each of the hackney carriage zones. A draft set of guidelines are attached as Appendix F and will be subject to the decisions the Committee makes in relation to conditions 1.3, 1.4, 2.5, 2.7 and 4. It is suggested that formalising a set of vehicle test guidelines will be beneficial by ensuring transparency and consistency in the way that vehicles are tested. It is suggested that the draft guidelines are subject to consultation in the same manner described in 10.6 above.

Access to Information

- Appendix A – Hackney carriage vehicle conditions – zone 1 (Congleton)
- Appendix B – Hackney carriage vehicle conditions – zone 2 (Crewe & Nantwich)
- Appendix C – Hackney carriage vehicle conditions – zone 3 (Macclesfield)
- Appendix D – Draft hackney carriage vehicle conditions – zones 1, 2 & 3
- Appendix E – Trailer inspection sheet (drafted by the Hackney Carriage and Private Hire Inspection Technical Officer Group)
- Appendix F – Draft Hackney Carriage Vehicle Test Guidelines – zones 1, 2 & 3

The background papers relating to this report can be inspected by contacting the report writer:

Name: Dustin Hawkes
Designation: Team Leader Investigations
Tel No: (01270) 686303
E-mail: dustin.hawkes@cheshireeast.gov.uk

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Cheshire East Council (Congleton)
CONDITIONS ATTACHED TO HACKNEY CARRIAGE PROPRIETOR/VEHICLE LICENCES

These conditions to be read in conjunction with the appropriate provisions of the Town Police Clauses Act, 1847, the Local Government (Miscellaneous Provisions) Act 1976, Part II and the Borough Council Byelaws relating to Hackney Carriages.

1. The vehicle shall be suitable in type and design for use as a Hackney Carriage. In the event of a vehicle being unroadworthy for a period of two days, an alternative vehicle may be used provided the vehicle is hired from a reputable dealer and prior approval has been obtained from the Council. The insurance to be obtained from the proprietor's own insurance.
2. All Hackney Carriages shall be fitted with the roof sign bearing only the word "TAXI" and no other signs or distinguishing marks shall be permitted, unless written approval has first been obtained from the Borough Council, except for the licence plate issued by the Borough Council and a sign painted on or affixed to the driver's door and the front passenger door stating the trading name and telephone number of the firm. The letters of such sign shall not exceed two inches in height and all letters other than capitals shall be of equal dimensions.
Purpose built taxis, e.g. Austin FX4s are exempt from the requirements to display the roof sign.
3. The minimum standard of vehicle to be used for renewal or transfer of vehicle licences for Hackney Carriage/Private Hire purposes shall be a four-door passenger saloon/estate or hatchback with adequate rear seating and a minimum engine capacity of 1600cc.

The minimum standard of vehicle for all new vehicle licenses issued shall be:

- (a) a purpose built wheelchair accessible four door passenger saloon/estate or hatchback with minimum seating space of 16" per person
 - (b) the vehicle must be M1 type approved on manufacture by the Vehicle Certification Agency (VCA) (i.e. have been certified by the VCA as meeting their standard for passenger carrying vehicles, with capacity for up to 8 passengers plus driver).
 - (c) it shall be the responsibility of the Hackney Carriage Proprietor to produce to the Council an application for a vehicle licence either the M1 certificate (or copy thereof) or written confirmation from the vehicle manufacturer that the vehicle is M1 type approved by the VCA.
4. During the hours of darkness, the "TAXI" sign shall be illuminated only when the carriage is standing or plying the hire within the Borough and shall be extinguished as soon as the vehicle is hired. For the purpose of this condition, the "hours of darkness" shall be the hours on which lighting up times operate in the Borough.
 5. Before the vehicle is used as a Hackney Carriage such insurances or securities as are required under Part VI of the Road Traffic Act, 1972, shall be obtained in respect of the vehicle and the certificate in respect of the policy of insurance or security shall be produced to the Council for inspection. An insurance cover note will suffice but on the expiry of 30 days a certificate shall be produced.
 6. The proprietor of a Hackney Carriage/Private Hire vehicle shall submit a copy of his certificate and also policy of insurance when applying for a new/renewal vehicle licence and depending on the insurance this may be a block or individual policy and certificate of insurance. It is the responsibility of the applicant to prove that the policy and certificate(s) cover all Hackney Carriage/Private Hire vehicles licensed in their name and likewise any drivers employed to drive

the said vehicle.

7. Every proprietor of a Hackney Carriage shall provide the carriage with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say:
 - (a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
 - (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - (c) when the machinery of the taximeter is in action, there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
 - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply the fare recorded thereon;
 - (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
 - (f) the taximeter and all fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals and other appliances.
8. The licence plates must be affixed to the front and rear of the exterior of the vehicle, the plates must display the name of the licensing Authority, licence number, the vehicles registration number, description and number of passengers that is permitted to carry. The plates must be easily removable by any authorised officer of the Council or a Constable.
9. Licensees are required to issue on request, receipts in respect of fares charged for hiring.
10. A copy of the current "Table of Fares" shall be exhibited inside the vehicle in clearly distinguishable letters and figures in such a position that hirers can conveniently see it.
11. Transfer of licences:
 - (a) In the event of a person showing proof of ownership of a Hackney Carriage and the transfer notified to the Council in accordance with Section 49(1) of the Local Government (Miscellaneous Provisions) Act, 1976, the licence in respect of that vehicle will be transferred to that person for the remainder of its validity. Thereafter the licence will not be renewed to the new owner except with the express permission of the Borough Council.
 - (b) Applications from widows for the licences previously held by their husbands will normally be accepted;
 - (c) Applications from other close relatives for the transfer of licences will be dealt with on the merit of each application.
12. The proprietor shall within 7 days disclose to the Council in writing details of any conviction imposed on him (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence.
13. The interior and exterior of all Hackney Carriage/Private Hire vehicles shall be kept in a reasonable condition of cleanliness and safety. This includes all carpets, fire extinguishers, radios and other fixtures within the vehicle, which must be securely fitted so as not to cause

danger to passengers. The opinion of the Council's Inspector as to reasonableness shall be conclusive.

14. An administrative charge of £20.00 will be made in respect of any cancellation of vehicle tests whereby less than 7 days notice has been given.
15. Where an operator fails to present his Hackney Carriage/Private Hire vehicle for inspection as arranged and notice of cancellation is not received, the full fee of £45.00 will be charged.
16. Any damage to a Hackney Carriage/Private Hire vehicle, which in the opinion of the Council's Inspector adversely affects the vehicle's safety or appearance must be suitably repaired before a vehicle can continue to be used for Hackney Carriage/Private Hire purposes. The vehicle will then be subject to an inspection by the Council's Inspector to determine whether or not it is fit to be used for such purposes and the Inspector's decision shall be conclusive. If the vehicle fails to pass the inspection, a prohibition or defect notice may be issued. If a prohibition notice is issued the vehicle shall not be used for Hackney Carriage/Private Hire work until the necessary repairs have been completed and a further inspection has been made. A copy of the prohibition notice may also be forwarded to the local Police for their information.
17. If a hackney carriage/private hire vehicle fails its annual inspection because of more than 2 faults, a full re-test fee of £45 is payable. If the vehicle fails on 1 or 2 faults only no retest fee is payable UNLESS one or more of those faults are of the type which would affect the vehicles safety and attract a Prohibition Notice as in condition 16 above, in which case the retest fee is payable.
18. With effect from the 1st September 1992, all Hackney Carriage and Private Hire vehicles with a disabled access tail life, mobile lift or ramp facility fitted to the vehicle must comply with BS6109 document relating to "The Code of Practice for Passenger Lifts and Ramps" (a copy of this document is available on request from the Council's Transport and Mechanical Services Officer). In accordance with the BS6109 all operators with a tail lift, mobile lift or ramp facility will also be required to produce a current test certificate upon request of the Council's Transport and Mechanical Services Officer.
19. All Hackney Carriage/Private Hire vehicles must carry a fire extinguisher, the minimum size being 1 kilogram and of a dry powder or carbon dioxide nature, which shall be secured by a clip in the front of the vehicle where the extinguisher would be accessible at all times. The fire extinguisher must be serviced and tested on a regular basis by an independent company as agreed by the Council's Transport and Mechanical Services Officer.
20. The proprietor of a Hackney Carriage vehicle shall provide a first aid box containing the following:
 - (i) a card giving general first aid guidance;
 - (ii) 10 individually wrapped sterile adhesive dressings;
 - (iii) 2 sterile eye pads;
 - (iv) 1 triangular bandage;
 - (v) 2 sterile coverings for serious wounds;
 - (vi) 12 safety pins;
 - (vii) 3 medium sized unmedicated dressings;
 - (viii) 1 large sterile unmedicated dressing;
 - (ix) 1 extra large sterile unmedicated dressing;
 - (x) 1 pair rustless blunt-ended scissors;
 - (xi) 10 antiseptic wipes, foil packed.
21. All Hackney Carriage Vehicles shall have a sign painted on or affixed in a conspicuous position in the vehicle stating the under-mentioned, providing the information can be seen from the inside of the vehicle only:
 - (a) The Trading Name of the Proprietor;
 - (b) The Telephone Number;

- (c) The words "HACKNEY CARRIAGE".

These signs are provided by the Council free of charge on first application. However, a fee of £1.50 will be charged for replacement signs.

22. Renewals

All forms required for renewal must be completed and returned, along with any other information required and the renewal fee and be received by the Council AT LEAST 4 WEEKS before the expiry of the current licence.

(NOTE: The licence will not be issued until any cheques for payment have been honoured)

NOTE

1. Appeals

A Licensee who is aggrieved by any of these conditions has a right of appeal to a Magistrates' Court.

2. Offences and Penalties

Contravention of these conditions constitutes an offence under the Town Police Clauses Act 1847, or the Local Government (Miscellaneous Provisions) Act, 1976, in respect of which specific penalties are provided. In addition it is also an offence to obstruct an authorised officer or Police Constable in his duty. There is a general penalty, applicable where specific penalties are not provided with a maximum fine.

3. Special attention is drawn to the following sections of the Local Government (Miscellaneous Provisions) Act, 1976:

Transfer of Hackney Carriage and Private Hire Vehicles

s49 (1) If the proprietor of a Hackney Carriage or of a Private Hire vehicle in respect of which a vehicle licence has been granted by a District Council transfers his interest in the Hackney Carriage or Private Hire vehicle to a person other than the proprietor whose name is specified on the licence, he shall within 14 days after such a transfer give notice in writing thereof to the District Council specifying the name and address of the person to whom the Hackney Carriage or Private Hire vehicle has been transferred.

- (2) If a proprietor without reasonable excuse fails to give notice to a District Council as provided by sub-section (1) of the section he shall be guilty of an offence.

Provisions as to Proprietors

s50 (1) Without prejudice to the provisions of Section 68 of this Act, the proprietor of any Hackney Carriage or of any Private Hire vehicle licensed by a District Council shall present such Hackney Carriage or Private Hire vehicle for inspection and testing by or on behalf of the Council as they may by such period and at such place within the area of the Council as they may by notice reasonably require.

Provided that a District Council shall not under the provisions of this Sub-Section require a proprietor to present the same Hackney

Carriage or Private Hire vehicle for inspection and testing on more than 3 separate occasions during any one period of 12 months.

- (2) The proprietor of any Hackney Carriage or Private Hire vehicle -
 - (a) Licensed by a District Council under the Act of 1847 or under this Part of the Act; or
 - (b) In respect of which an application for a license has been made to a District Council under the Act of 1847 or under this Part of the Act;
- shall, within such period as the District Council may by notice reasonably require, state in writing the address of every place where such Hackney Carriage or Private Hire Vehicle is kept when not in use and shall if the District Council so require afford to them such facilities as may be reasonably necessary to enable them to cause such Hackney Carriage or Private Hire vehicle to be inspected and tested there.
- (3) Without prejudice to the provisions of Section 25 of the Act, the proprietors of a Hackney Carriage or of a Private Hire vehicle licensed by a District Council shall report to them as soon as reasonably practicable and in any case within 72 hours of the occurrence thereof, any accident to such Hackney Carriage or Private Hire vehicle causing damage materially affecting the safety, performance or appearance of the Hackney Carriage or Private Hire vehicle or the comfort or convenience of persons carried therein.
 - (4) The proprietor of any Hackney Carriage or of any Private Hire vehicle licensed by a District Council shall at the request of any authorised officer of the Council produce for inspection the vehicle licence for such Hackney Carriage or Private Hire vehicle and the certificate of the policy of insurance required by Part VI of the Act of 1972 in respect of such Hackney Carriage or Private Hire vehicle.
 - (5) If any person without reasonable excuse contravenes the provisions of this Section, he shall be guilty of an offence.

Suspension and Revocation of Vehicle Licences

- s60
- (1) Notwithstanding anything in the Act of 1847 or in this part of this Act, a District Council may suspend or revoke or (on application therefore under Section 40 of the Act of 1847 or Section 48 of this Act, as the case may be) refuse to renew a vehicle licence on any of the following grounds:
 - (a) That the Hackney Carriage or Private Hire vehicle is unfit for use as a Hackney Carriage or Private Hire vehicle;
 - (b) Any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of the Act by the operator or driver; or
 - (c) Any other reasonable cause.
 - (2) Where a District Council suspend, revoke or refuse to renew any licence under this Section they shall give to the proprietor

of the vehicle notice of the grounds on which the licence has been suspended or revoked or on which they refused to renew the licence within 14 days of such suspension, revocation or refusal.

- (3) Any proprietor aggrieved by a decision of a District Council under this Section may appeal to a Magistrates' Court.

Hackney Carriage used for Private Hire

- s67 (1) No Hackney Carriage shall be used in the District under a contract or purported contract for Private Hire except at a rate of fares or charges not greater than that fixed by the byelaws or table mentioned in Section 66 of this Act and when any such Hackney Carriage is so used, the fare or charge shall be calculated from the point in the District at which the hirer commences his journey.
- (2) Any person who knowingly contravenes this Section shall be guilty of an offence.
- (3) In Sub-Section (1) of this Section "Contract" means -
- (a) A contract made otherwise than while the relevant Hackney Carriage is plying for hire in the District or waiting at a place in the District which, when the contract is made, is a stand for Hackney Carriage appointed by the District Council under Section 63 of this Act; and
- (b) A contract made, otherwise than with or through the driver of the relevant Hackney Carriage, while it is so plying or waiting.
- s68 Any authorised officer of the Council in question or any Constable shall have the power at all reasonable times to inspect and test, for the purpose of ascertaining its fitness, any Hackney Carriage or Private Hire vehicle licensed by a District Council, or any taximeter affixed to such a vehicle and if he is not satisfied as to the fitness of the Hackney Carriage or Private Hire vehicle or as to the accuracy of its taximeter, he may by notice in writing require of the proprietor of the Hackney Carriage or Private Hire vehicle to make it or its taximeter available for further inspection and testing at such reasonable time and place as may be specified in the notice and suspend the vehicle licence until such time as such authorised officer or Constable is so satisfied.

Provided that, if the authorised officer or Constable is not so satisfied before the expiration of a period of 2 months, the said licence shall, by virtue of this Section, be deemed to have been revoked and Sub-Sections (2) and (3) of Section 60 of this Act shall apply with any necessary modifications.

Crewe and Nantwich

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

CONDITIONS ATTACHED TO HACKNEY CARRIAGE LICENCES

1. Construction and Size

1.1 Type Approval

The vehicle itself or the generic vehicle manufactured by the vehicle manufacturer shall be certified as having one of the following levels of Type Approval;

European Community Whole Vehicle Type Approval (ECWVTA)
UK Low Volume Type Approval (LVTA)
UK Single Vehicle Type Approval (SVA).

1.2 Size

The vehicle shall not exceed 3.5 tonnes (3,500 kilogrammes) gross weight.

1.3 Doors and Seats

The vehicle shall not have less than four doors and not less than four passenger seats. Up to one rear door may be included in the total of four doors provided it is accessible as a means of exit to passengers from within the vehicle. Emergency exit windows, if fitted, shall not count towards the total of four doors.

1.4 Tinted Windows

The vehicle shall comply with the Construction and Use Regulations 1986 (No.1078) with respect to the fitting of tinted (ie; opaque, darkened or privacy glass) windows. For any vehicle which is fitted with windows which are exempt from the provisions of the Construction and Use Regulations, the visual transmission of light through those windows shall be not less than 70% when measured in accordance with the manner prescribed in the Construction and Use Regulations 1986 (No.1078).

2. Maintenance of Vehicle

- 2.1 The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations shall be fully complied with.

Without prejudice to the generality of the foregoing, the exterior of the vehicle shall be clean, free from unrepaired damage and finished to match existing paintwork after repair and the interior of the vehicle shall be clean, tidy and free of litter, any rubbish shall be removed after each journey and the upholstery, carpets and fittings be free from rips and tears.

2.2 Damage to Vehicle

The proprietor must report to the Council as soon as reasonably practicable, and in any event within 72 hours, the occurrence of any accident which has caused damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of its passengers.

[Note: failure to do so is also an offence under section 50 of the Act.]

3. Alteration of Vehicle

No alteration or change in the interior or exterior specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force. However, where condition number 10 is applicable, the configuration of the seating may be rearranged as operational circumstances require to allow the carriage of wheelchair bound passenger(s), provided that the seating in the vehicle has been installed in such a manner as to specifically enable its configuration to be rearranged in order to accommodate wheelchair bound passenger(s).

4. Interior Markings

The vehicle shall display at all times the notice supplied by the Council visible to passengers from within showing the licence number, vehicle registration number, seating capacity and telephone number of the Licensing Authority.

5. Safety Equipment

There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient fire extinguisher, eg, 21B rating (dry powder or foam), to be carried inside the vehicle (but not in the boot) and to be readily accessible and available for immediate use in an emergency. The location of the extinguisher shall be marked if necessary. The extinguisher shall be permanently marked with the Hackney licence plate number.

6. Taxi Roof Sign

Hackney Carriages shall carry an illuminated roof sign bearing the word "TAXI" in letters of not less than 65mm in height and not less than 8mm thickness.

7. Adverts etc

Hackney Carriages may bear the business name, address and telephone number of the proprietor's taxi business on each side of the vehicle. No other advertisements, signs, notices, numbers, marks, plates, emblems, symbols or devices shall be displayed on, in or from the vehicle, without the prior written approval of the Council.

8. Licence Plates

- 8.1 Hackney Carriages shall at all times clearly display two licence plates supplied by the Council, the form and content of which shall also be prescribed by the Council.
- 8.2 One licence plate shall be affixed securely to the front of the vehicle and one licence plate shall be affixed securely to the rear of the vehicle.
- 8.3 The plates shall not be affixed to any vehicle except the vehicle identified in the vehicle licence application form.
- 8.4 The plates shall at all times remain the property of the Council and the Licensee shall not cause or permit the information displayed upon the plates to be altered, removed or obscured in any way.
- 8.5 The Licensee shall at all times ensure so far as is reasonably practical that the information contained on the plates is complete and legible and that the plates are maintained in a clean condition.
- 8.6 The Council shall be entitled to charge and retain a deposit of such sum as may from time to time be deemed reasonable upon the issue of each plate.

9. Taximeter

The taximeter fitted to the vehicle shall be of the calendar type.

10.* Carriage of a Wheelchair User (where the grant of the licence is conditional upon the vehicle being able to carry a passenger in a wheelchair)

- 10.1 The vehicle shall be constructed or adapted so as to be able to accommodate a wheelchair bound passenger.

10.2 Wheelchair accessible vehicles licensed to carry eight passengers

The vehicle shall either be fitted with seven passenger seats and shall have adequate space and fittings to carry one wheelchair bound passenger, or

the vehicle shall be fitted with eight passenger seats provided that the eighth seat can be rendered unusable either by means of being easily and immediately folded down or being moved along on fixed tracking in order to accommodate one wheelchair bound passenger.

A vehicle from which a seat has to be removed in order to accommodate a wheelchair shall be deemed not to comply with this condition.

A vehicle which is fitted with eight passenger seats and also has adequate space to carry a wheelchair bound passenger shall be deemed not to comply with this condition.

10.3 Wheelchair accessible vehicles licensed to carry less than eight passengers

The vehicle shall either be fitted with six or less passenger seats plus have adequate space and fittings to carry one wheelchair bound passenger, or

the vehicle shall be fitted with six or less passenger seats provided that one or more seats can be rendered unusable either by means of being easily and immediately folded down or being moved along on fixed tracking in order to accommodate one wheelchair bound passenger.

A vehicle from which a seat has to be removed in order to accommodate a wheelchair shall be deemed not to comply with this condition.

10.4 All Wheelchair accessible vehicles

The vehicle must be constructed or adapted to allow the entrance and exit of a wheelchair whilst its occupant remains seated in the wheelchair at all times.

- 10.5 Any entrance or exit which is intended to provide access for a wheelchair user shall be not less than 700mm in width.
- 10.6 The space inside the vehicle occupied by a wheelchair user (the wheelchair space) shall be not less than 1300mm in length, not less than 750mm in width and not less than 1350mm in height from the floor to the roof.
- 10.7 The wheelchair space may accommodate the wheelchair facing in either a forward or backward position. The wheelchair user shall not be conveyed facing sideways.
- 10.8 The wheelchair space shall be fitted with a wheelchair tie down system.
- 10.9 The wheelchair space shall be fitted with a three point lap and diagonal wheelchair user restraint system.
- 10.10 For vehicles in which the wheelchair passenger is to be conveyed facing backwards, a head and back restraint shall be fitted at the forward end (relative to the vehicle) of the wheelchair space.
- 10.11 The vehicle shall be equipped with either a ramp (fixed to the vehicle or portable) or a boarding lift. A portable ramp shall be marked by permanent means with the Hackney licence plate number of the vehicle to which it relates.
- 10.12 The incline of the ramp, where provided, shall not be greater than 16 degrees (1 in 3 ½). The incline shall be measured with the lower end of the ramp(s) resting on the same ground level as the wheels of the vehicle.
- 10.13 Where the vehicle is fitted with a boarding lift, it shall be fitted with a device to prevent the wheelchair from rolling off the lift platform. A power operated boarding lift shall be capable of being manually operated.
- 10.14 When not in use, any ramp or boarding lift shall not impede either the use of or access to any door or emergency exit.

* delete if condition no.10 is not applicable to the grant or renewal of the licence.

* * * * *

NOTE

A Hackney Carriage licence issued by Crewe and Nantwich Borough Council is subject to the above conditions.

Failure to comply with any condition may result in the suspension, revocation or non renewal of the licence.

[These Hackney Carriage licence conditions were revised by the Council on 14th October 2008 and came into effect on 1st January 2009].

MACCLESFIELD - ZONE 3

CONDITIONS FOR HACKNEY CARRIAGE VEHICLES

Definitions

- 1 In this licence 'authorised officer' has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

'The Council' means the Cheshire East Council

'The identification plate' means the plate issued by the Council for the purpose of identifying the vehicle as a Hackney Carriage vehicle

'The proprietor' has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

'The taximeter' has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

'Hackney carriage' has the same meaning as in the Town Police Clauses Act 1847 and the proprietor shall comply with those conditions made in pursuance of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

'Purpose Built Vehicles' mean vehicles which are manufactured exclusively as hackney carriages, commonly known as 'London' or 'black cabs.'

Type of vehicle

- 2 Each vehicle to be licensed, with the exception of Purpose Built Vehicles, shall be:-
- (a) a manufacturers standard right hand drive vehicle with a minimum engine capacity of 1500cc. The colour shall be a manufacturer's standard colour for the particular model, and only additional equipment approved by the Council shall be fitted.
 - (b) fitted with at least four doors, two to the nearside and two to the offside, which may be opened from the inside and the outside;
 - (c) of at least the four-wheel type
 - (d) Passenger seats must be at least 406mm (16") wide per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle. There must be a minimum of 850mm/33" headroom for all passengers seats measured from the rear of the seat cushion to the roof lining. There must be a minimum of 150mm/6" legroom for all passenger seats measured from the front edge of the seat, dashboard or internal panel in front.
 - (e) in relation to Hackney Carriage, the vehicle must have a minimum overall length of 450cm (177"); the vehicle must have a maximum overall length of 503cm (198");
 - (f) have an seat configuration approved by the Council for the particular make and model of vehicle;
 - (g) Seats may be mounted on tracking fastened to the floor of the vehicle using Unwin Safety Systems Seat Fixings or similar make approved by the Council. These seats may be

removed as necessary to allow space for one or more wheelchairs. Tracking must be correctly aligned and spaced to allow easy removal of the seat. Fastenings for the track must be to the manufacturer's specification.

- (h) If the vehicle is fitted with an electronic locking system, the proprietor must ensure that the locking system is isolated so that the electronic system may be overridden and all doors are capable of manual operation.

Plates and identification of vehicle

- 3 No person shall use or permit to be used the vehicle as a hackney carriage vehicle unless the plate or disc issued by the Council is exhibited on the vehicle in the manner set out within these conditions.
- 4 The licence plates issued by the Council must at all times whilst the vehicle remains licensed be affixed to the exterior of the Hackney Carriage vehicle between the centre and off side of the vehicle by the proprietor at the cost of the proprietor, with one at the front and one at the rear of the Hackney Carriage in accordance with the reasonable instructions of the authorised officer of the Council. The identification plates shall be fixed to the vehicle in such a manner as to be easily removable by any authorised officer of the Council or a Police Constable.

Identification stickers issued by the Council must be fixed to:

- (i) the inside, lower near-side corner of the windscreen, so that the sticker is visible to passengers within the vehicle;
 - (ii) the top near-side rear window facing outwards; and
 - (iii) the top off-side rear window facing outwards.
- 5 The proprietor of the Hackney Carriage vehicle shall ensure the identification plates are maintained and kept in such condition that the information contained on the identification plates are clearly visible to the public view at all times.
 - 6 The identification plates issued to a licensed Hackney Carriage vehicle remain the property of Macclesfield Borough Council and both the plate and backing plate must be returned to the Council on either the expiry of the Hackney Carriage Vehicle Licence or the sale or transfer of the vehicle.

Vehicle testing

- 7 In relation to each licensed vehicle the age of the vehicle, for licensing purposes, shall be determined by the date of first registration on the V5 document (Log Book). All vehicles will be subject to a yearly test until that vehicle reaches the age of seven years (or ten years old in relation to purpose built vehicles). Thereafter they shall require six monthly mechanical fitness tests.

Condition of vehicle

- 8 The proprietor shall ensure that the Hackney Carriage vehicle shall be maintained in a sound mechanical and structural condition at all times and be capable of satisfying the council's mechanical and structural inspection at any time during the continuance of the vehicle's licence in respect of the vehicle.
- 9 The interior and exterior of the Hackney Carriage vehicle shall be kept in a clean condition and maintained in a safe condition and good state of repair by the proprietor.

- 10 The proprietor shall not allow the mechanical and structural specification of the Hackney Carriage vehicle to be varied without the written consent of the Council and the vehicle shall at all times be as the manufacturers specification.
- 11 Any damage to a Hackney Carriage vehicle materially affecting the safety performance or appearance of the vehicle shall be reported by the proprietor to the Council in accordance with Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976.
- 12 The proprietor of Hackney Carriage vehicle shall:
 - (a) provide sufficient means by which any person in the carriage may communicate with the driver during the course of hiring.
 - (b) cause the interior of the vehicle to be kept wind and water tight.
 - (c) provide any necessary windows and means of opening and closing with not less than one window on each side of the passenger compartment.
 - (d) cause the seats in the passenger compartment to be properly cushioned and covered.
 - (e) cause the floor in the passenger compartment to be provided with a proper carpet, mat or other suitable covering.
 - (f) cause fitting and furniture of the carriage to be kept in a clean condition and well maintained and in every way fit and safe for public use.
 - (g) provide facilities for the conveyance of luggage safely and protected from inclement weather.

Seat belts and baby seats

- 13 The proprietor of a vehicle shall ensure that the vehicle is fitted with inertia reel seat belts of the three point type for all seats. All seat belts to be to the M1 approved standard.
- 14 The carriage of child passengers must be in accordance with the Motor Vehicles (Wearing of Seat Belts)(Amendment) Regulations 2006. If baby seats or booster cushions are used within a vehicle the proprietor shall ensure that they are fit for their purpose and are appropriately fitted within the vehicle.

Trailers / Roof racks

- 15 The proprietor of a vehicle shall ensure that the vehicle is not fitted with a tow bar. The proprietor of a vehicle shall ensure that any roof rack or roof pod fitted to the vehicle is done so securely and in accordance with the manufacturer's recommendations.

Liquefied Petroleum Gas (LPG)

- 16 A proprietor converting their licensed vehicle to run on Liquid Petroleum Gas (LPG) must notify the Council of such change and comply with the following conditions. These conditions will also apply to proprietors purchasing a new or used vehicle that runs on LPG.

- (a) That the installation of the LPG tank be undertaken by a Liquid Petroleum Association (LPGA) approved installer;
- (b) That the proprietor produces a certificate of compliance by an approved LPGA installer;
- (c) That the LPG tank fitted must be a multi-valve tank and be fitted with a sealed tank box made from aluminium and vented to the atmosphere;
- (d) That the vehicle displays on the front and rear screens, a sticker stating that the vehicle has been fitted with an LPG tank for the purpose of alerting the emergency services in the event of an accident;
- (e) If a doughnut tank is fitted in the spare wheel well of the boot, the spare wheel must be securely fixed in position not obstructing the entire luggage space;
- (f) The proprietor of the vehicle must notify DVLA Swansea of the change in fuel from petrol to both LPG and petrol; and
- (g) The vehicle must be serviced by a person competent in LPG powered vehicles.

Tinted windows

- 17 With the exception of the rear window of a vehicle, heavily tinted glazing and tinted films applied to vehicle windows are not permitted. All glazing shall comply with the Motor Vehicles (Construction and Use) Regulations 1986 (as amended), with regard to the level of tint. A minimum light transmission value of 70% shall be maintained in all side windows; windscreens shall have a minimum light transmission value of 75%.

Wheelchair accessibility

- 18 The proprietor of any vehicles, which has been constructed or adapted to carry passengers in wheelchairs, shall ensure that the vehicle meets the following specifications:
- (a) there must be a minimum gangway width of 300mm to at least two exits from every seat or wheelchair position with any wheelchairs to be carried in a fixed position;
 - (b) where a vehicle has been adapted to carry passengers in wheelchairs, suitable independent restraint systems must be fitted for both wheelchair and passenger. The restraint system (Unwin or equivalent) must be installed and operated in accordance with the manufacturers instructions;
 - (c) the wheelchair and restraint system should be capable of meeting the test criteria set out in Annex A of the Code of Practice VSE87/1 with a combined mass of 180kg for passenger and wheelchair;

- (d) passengers must not be carried in wheelchairs facing sideways;
- (e) vehicles may be fitted with ramps or power operated lifts to facilitate entry and exit for passengers in wheelchairs. This ancillary equipment must be installed, operated and maintained in accordance with the manufacturer's instructions. A certificate of compliance must be supplied on request. All power operated lifts must comply with BS6109 (pt 2) Category A. This certificate must be kept on the vehicle at all times.
- (f) stowed ramps or lifts must not prevent service and emergency doors from being operated from inside and outside the vehicle.
- (g) internally stored lifts must fold down as designed to allow access to the emergency exit when the door is open;
- (h) if a power operated lift is fitted a secondary manual method of lowering the power operated lift must be provided;
- (i) vehicles with a floor height measured from the road of more than 610mm must be fitted with a power operated lift and the use of ramps will not be permitted;
- (j) where ramps are fitted a recognised 'non-slip' material should be used on the ramp and raised edges provided on each side of the ramp;
- (k) doorways which are to be used by passengers in wheelchairs must be at least 800mm wide up to a height of 800mm. The height of the door must be a minimum of 1300mm. There should be a minimum height of 1350mm for any part of the vehicle to be occupied by passengers in wheelchairs.
- (l) if a vehicle has a maximum carrying capacity of one passenger in a wheelchair and up to four seated passengers the minimum door width is 700mm, the minimum door height is 1170mm and the minimum internal height is 1300mm.

Safety Equipment

19 The proprietor of a Hackney Carriage vehicle shall:

- (a) provide and maintained to the satisfaction of the authorised officer an efficient fire extinguisher containing dry powder with a capacity of not less than 1.0kg and manufactured to European Standard BS EN3: 1996 having a fire rating of 5A/34/B or any other form of fire extinguisher required in writing from time to time by the authorised officer which shall be carried in such a position as to be easily available for use, and such apparatus shall be clearly marked with the appropriate European Standard specification number and with the name and address of the manufacturer or vendor thereof together with the date when it was last tested. The licence plate number is to be painted on the extinguisher.

- (b) provide and maintain a first-aid kit containing the following first aid dressing and appliances:

One large sterilised dressing (not less than 3" x 3") (75mm x 75mm)
Three medium sterilised wound dressings (gauze and wool or lint and wool not less than 2" x 2") (50mm x 50mm)
Cotton wool (not less than 2oz) (57 grams)
Three roller bandages (7.5 cm x 5m)

Two triangular bandages

One roll of surgical strapping (not less than 1.25cm x 5m)

One pair of rustless scissors

Licence plate number to be painted on First Aid container

All materials for dressing and bandages including cotton wool shall be those designated in and of a grade or quality not lower than the Standards prescribed by the current British Pharmaceutical Codex, and all instruments and appliances shall be of a reliable quality and suitable design and construction and shall be carried in such a position in the private hire vehicle as to be readily available for use and be prominently marked and the said dressings and appliances shall at all times be maintained in good condition and available for inspection by an authorised officer of the Council from time to time.

Signs and notices

20

- (a) The Proprietor shall not cause or permit any sign, notice or advertisement to be displayed in, on or from the Hackney Carriage unless such sign, notice or advertisement has been approved in writing by the Council.
- (b) The Proprietor shall cause to be fitted to the roof of the Hackney Carriage, a roof sign, not a sign fixed to the gutter of the roof, that the light of which is capable of being extinguished when the meter is switched on.

21 The proprietor shall cause to be affixed and maintained in a conspicuous position in or on the vehicle in accordance with the directions of the Council any sign or notices required from time to time by the Council.

22 Any advertising on the vehicle must be approved by the Council and must be restricted to the following:

- (a) the name (or registered company name) of the owner or operator of the vehicle;
- (b) the logo or insignia of the owner or operator of the vehicle;
- (c) the address, telephone number(s), fax number(s), e-mail address or website of the owner or operator of the vehicle

Advertising of other businesses or products or services is not permitted and no art works, slogans or displays of other kind are permitted without the Council's prior approval.

23 A sign must be affixed to the vehicle indicating that smoking is prohibited in the vehicle in accordance with the requirements of the Health Act 2006 and the Regulations made under that Act.

24 Illuminated signs, with the exception for Hackney Carriage Vehicles of the roof sign, shall not be displayed on the vehicle.

Passengers

- 25 The proprietor shall not permit the Hackney Carriage vehicle to be used to carry a greater number of passengers than the number prescribed in the licence and two children under the age of ten shall be counted as one person for fare purposes only.
- 26 The proprietor shall not allow any child under the age of 10 years to be conveyed in the front seats of the vehicle.

Animals

- 27 The proprietor shall not permit any animal belonging to the proprietor or the driver to ride in the vehicle and any animal of the hirer is to be conveyed in the rear of the vehicle. The proprietor will ensure that no extra charge is made for the carrying of a guide dog or a hearing dog as described in section 37 of the Disability Discrimination Act 1995.

Taximeters

28

- (a) The Proprietor shall cause the Hackney Carriage to be fitted with a taximeter of a type and make approved by the Council before plying for hire and fit it to be located within the vehicle in accordance with reasonable instructions of the authorised officer.
- (b) The Proprietor shall ensure that a copy of the fare table supplied by the Council from to time is exhibited inside the carriage at all times.
- (c) The Proprietor shall ensure that the fare table is not concealed from view or rendered illegible while the vehicle is plying for hire.

29

- (a) The proprietor shall cause the taximeter to be of a type approved by the Council and to be maintained in a sound mechanical condition at all times, and for it to be located within the vehicle in accordance with the reasonable instructions of the authorised officer.
- (b) The proprietor of a Hackney Carriage shall cause the taximeter to be set to display the proprietor's fare table approved by the Council
- (c) The proprietor shall not use or permit to be used a taximeter that the Council has not sealed.
- (d) The proprietor shall not permit the taximeter to be fitted with a second manual tariff.
- (e) The proprietor shall cause the taximeter to be fitted with a key or other device to bring the machinery into action and cause the word 'HIRED' to appear on the face of the meter as soon as the vehicle is on hire.
- (f) The proprietor shall ensure that when the vehicle is not hired the key or other device is to be locked and machinery kept inactive and the meter must show no fare at that time.
- (g) The proprietor shall ensure that when the taximeter is brought into action the fare and permitted extras will be shown legibly on the face of the meter and shall be no more than permitted by the approved tariff.
- (h) The proprietor shall ensure the 'FARE' shall be printed on the face of the meter in clear letters so as to apply the fare recorded thereon.

- (i) The proprietor shall ensure that the taximeter is in such a position in the vehicle that figures recorded thereon are clearly visible to any passenger being carried therein and the driver of the vehicle shall ensure that sight of the taximeter by passengers carried therein is not obstructed at any time.
- (j) The proprietor shall ensure that the taximeter is sufficiently illuminated that when in use it is visible to all passengers.
- (k) The proprietor shall ensure that the taximeter and all its fittings are affixed to the vehicle with seals or by other means so that it shall not be practicable for any person to tamper with the meter except by breaking or damaging or permanently displacing the seals and other fittings.
- (l) The proprietor undertakes to ensure that the taximeter will not be replaced without prior permission of the Council.

Insurance

- 30 The proprietor of the Hackney Carriage vehicle shall keep in force in relation to the user of that vehicle a Policy of Insurance for the use of the vehicle as a hackney carriage or private hire vehicle issued by an approved Insurance Company and comply with the requirements of Part VI of the Road Traffic Act 1988.
- 31 At all times during the currency of the vehicle licence, the proprietor of the vehicle must carry within the vehicle the original Certificate of Insurance or Cover Note relating to that vehicle which shows those persons entitled to drive the vehicle or a Certificate which complies with condition 32 above. The documentation must be available for inspection by an Authorised Officer of the Council or Police Officer at all reasonable times. Failure to hold or produce this documentation will, save in exceptional circumstances, lead to the consideration by the Council of the future of the licence.

Transfer / Change of Address

- 32 If the proprietor of a licensed vehicle transfers his/her interest or part interest in the vehicle to any other person, he/she shall be required to notify the Council in writing within fourteen days of such transfer, specifying the name and address of the person to whom such interest has been transferred. However the proprietor is strictly prohibited from transferring or purporting to transfer the vehicle licence itself.
- 33 If at any time during the period of a vehicle licence the proprietor for any reason does not wish to retain the vehicle licence he must immediately surrender and return the vehicle licence and identification plates (including backing plates) to the Council. If the proprietor surrenders a vehicle licence then the licence shall be treated as if it had expired on the date of surrender and cannot thereafter be re-instated.
- 34 The proprietor of a Hackney Carriage vehicle shall notify the Council in writing of any change in address within seven days of such change taking place.

Radio equipment

- 35 The proprietor shall ensure that no radio equipment is fitted to any of his vehicles without the prior written consent of the Council where that radio equipment will allow the driver to communicate with an operator.
- 36 The proprietor shall ensure that any radio equipment fitted to the vehicle is at all times kept in a safe and sound condition and maintained in proper working order.

Notification of convictions

- 37 The proprietor of a Hackney Carriage vehicle shall immediately disclose to the Council in writing details of any convictions cautions, reprimands or warnings imposed on him during the currency of his/her private hire vehicle licence.

Vehicle Excise Licence

- 38 The proprietor shall ensure, that at all times whilst the vehicle is used on public roads, there is a current vehicle excise licence in force for the vehicle.

Applications and licences

- 39 Each application for a Hackney Carriage vehicle licence must be made on the prescribed forms and be accompanied by the vehicle's registration documents, insurance documentation and the appropriate fee as determined by the Council from time to time. Acceptance of the application forms and fee by the Council does not imply that a licence will be granted
- 40 Before a licence is granted, the applicant shall produce a current Certificate of Insurance or Cover Note showing:
- (a) that there is in force in relation to the use of the Hackney Carriage vehicle to which the application relates a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988. The Certificate of Insurance or Cover Note must clearly state the driver(s) and the vehicle;
 - (b) in the case of a vehicle covered by a block insurance policy, the Certificate or Cover Note must be produced showing that there is in force in relation to the use of the Hackney Carriage vehicle to which the application relates a policy of insurance of such security as complies with the requirements of Part VI of the Road Traffic Act 1988. Either the Certificate or Insurance or Cover Note must state the driver(s) and vehicle or the insurance policy documentation must be produced showing that the vehicle has been added to the insurance schedule.
 - (c) The insurance certificate or cover note should expressly indicate cover for public hire or the carriage of passengers for hire or reward.
- 41 A vehicle licence in respect of which the licence fee has been paid by cheque shall not be effective until the cheque has been cleared.
- 42 Each private hire and hackney carriage vehicle licence shall be valid for a period of one year or such shorter period as the Council may decide.
- 43 A proprietor shall retain the licence of all hackney carriage or private hire drivers driving their vehicle(s) and produce the same to an authorised officer or Constable on request
- 44 All licences in connection with the driving and operating of hackney carriages in accordance with the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. Drivers and proprietors should be familiar with these provisions.

APPENDIX D

Cheshire East Borough Council ('the Council')

Hackney Carriage Vehicle Licence Conditions (applicable in all of the hackney carriage zones within Cheshire East)

TOWN POLICE CLAUSES ACT 1847; LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

1. Type of vehicle

- 1.1 The vehicle itself or the generic vehicle manufactured by the vehicle manufacturer shall be certified as having one of the following levels of Type Approval;
- EC Whole Vehicle Type Approval
 - UK Low Volume Type Approval
 - UK Single Vehicle Approval.
- 1.2 The vehicle shall not exceed 3.5 tonnes (3500 kilogrammes) gross weight.
- 1.3 *Wheelchair accessibility – see paragraph 10.2.3 of report*
- 1.4 The vehicle shall be a manufacturer's right hand drive model with a minimum of four wheels and a *minimum of four passenger seats* and shall be finished in a production colour of the manufacturer for the model.
- 1.5 The vehicle shall have a minimum of four doors of which either:
- (a) in circumstances where the rear door of the vehicle is not a 'split door,' two doors shall be on the near side and two on the offside or
 - (b) in circumstances where the rear door of the vehicle is a 'split door' at least three doors shall be fitted to the side of the vehicle.
- All of the doors must be capable of use by persons for both access and egress and of being opened from both the inside and outside. If the vehicle is fitted with an electronic locking system it must be capable of being overridden to enable the doors to be opened manually.
- 1.6 The passenger seats shall be a minimum of 406mm (16") in width with no significant intrusion by wheel arches, armrests or other parts of the vehicle.
- 1.7 The vehicle shall be fitted throughout with three point lap and diagonal seat belts; for the avoidance of doubt, lap only type seat belts shall be deemed not to comply with this condition.

- 1.8 The seats shall be permanently fixed in the configuration approved by the Council at the time the vehicle is first licensed.

2. Condition and Maintenance of the Vehicle

- 2.1 The vehicle and all its fittings and equipment shall be maintained in a safe, efficient and clean condition and be capable of satisfying the Council's mechanical inspection at all times that the licence is in force. All relevant statutory requirements including those contained in the Motor Vehicles (Construction and Use) Regulations shall be fully complied with at all times.

- 2.2 Without prejudice to the generality of the foregoing, the exterior of the vehicle shall be clean, free from unrepaired damage and finished to match existing paintwork after repair.

The vehicle shall be deemed incapable of satisfying the Council's mechanical inspection if it requires welding repair to the bodywork, floor panels or door cills.

- 2.3 The interior of the vehicle shall be clean, tidy and free of litter, any rubbish shall be removed after each journey and the upholstery, carpets and fittings free from rips and tears.

- 2.4 No material alteration or change to the mechanical or structural specification of the vehicle or its design, condition or appearance shall be made at any time that the licence is in force without the written consent of the Council.

- 2.5 *Tow bars – see paragraph 10.3.1 of the report.*

- 2.6 Any roof rack or roof pod should be attached securely and fitted in accordance with the manufacturer's instructions.

- 2.7 *Tinted windows – see paragraph 10.3.2 of the report.*

3. Wheelchair accessible vehicles (WAVs)

All WAVs

- 3.1 A vehicle which is constructed or adapted to carry one or more wheelchair bound passengers shall comply with the following conditions.

- 3.2 The wheelchair bound passenger(s) shall not be carried facing sideways.

- 3.3 The wheelchair space shall be not less than:

- i. 1300mm measured in the longitudinal plane of the vehicle;

- ii. 750mm measured in the transverse plane of the vehicle;
 - iii. 1500mm measured vertically from any point in the wheelchair space.
- 3.4 The wheelchair space shall be fitted with a wheelchair tie down system and a three point lap and diagonal wheelchair user restraint system suitable for a wheelchair user situated centrally in the transverse plane of the wheelchair space.
- 3.5 The vehicle shall be equipped with either a ramp (fixed to the vehicle or portable) or a boarding lift or platform.
- 3.6 The incline of the ramp, where provided, shall not be greater than 16 degrees (1 in 3½).
- 3.7 The boarding lift or platform, where fitted, shall be capable of being manually operated.
- 3.8 The ramp or boarding lift or platform shall not impede either the use of or access and egress to any door or emergency exit.

Forward facing wheelchairs

- 3.9 The wheelchair space shall allow the carriage of a wheelchair and a wheelchair user facing the front of the vehicle.

Rear facing wheelchairs

- 3.10 The wheelchair space shall allow the carriage of a wheelchair and a wheelchair user facing the rear of the vehicle.
- 3.11 The wheelchair space shall be fitted with a head and back restraint at the forward end (relative to the vehicle) of the space.

4. Vehicle testing

- 4.1 All vehicles shall be tested by the Council or its agent prior to first licensing and thereafter annually prior to the renewal of the licence.
- 4.2 *See paragraph 10.4 of the report*

5. Vehicles converted to run on Liquefied Petroleum Gas (LPG)

- 5.1 A certificate of compliance of conversion issued by a Liquid Petroleum Gas Association (LPGA) approved installer must be produced to the Council in respect of a vehicle converted to run on liquefied petroleum gas (LPG). The Council must notified immediately and the certificate

produced if the conversion is undertaken whilst the licence is in force.

- 5.2 The spare wheel shall be securely fixed in a suitable position where it does not obstruct the whole of the luggage space on a vehicle fitted with a 'doughnut' tank in the spare wheel well.
- 5.3 The vehicle shall display a warning sticker on the front and rear screens stating that the vehicle is fitted with a LPG tank for the purpose of alerting the emergency services in the event of an accident.

6. Safety Equipment

- 6.1 The vehicle shall be equipped at all times with a fire extinguisher manufactured to BS EN 3 and containing a minimum weight of 1.0 kilogram of dry powder or foam. The extinguisher shall be carried in such a position as to enable it to be readily available for use in an emergency. It shall be marked with the date of its last test and have the hackney carriage licence plate number painted upon it.
- 6.2 The vehicle shall be equipped at all times with a first aid kit kept in a properly designated first aid container. The container shall have the plate number of the vehicle marked up on it. The first aid kit shall contain as a minimum the following items which should be within the manufacturer's expiry date:
a guidance leaflet, 10 x non-alcoholic wipes, 1 x conforming bandage (7.5cm x 4.5m stretched), 2 x non woven triangular bandages (size 96 x 96), 2 x eye pad dressings, 3 x large dressings (size 18 x 18) 12 x safety pins, 1 x pair blunt stainless steel scissors and 30 x plasters (assorted sizes).
- 6.3 The vehicle shall be equipped at all times with a reflective warning triangle.
- 6.4 The vehicle shall be equipped at all times with a high visibility vest for use by the driver in an emergency.

7. Plates and identification of vehicle

- 7.1 The vehicle shall at all times clearly display on the exterior surface of the vehicle two licence plates supplied by the Council, the form and content of which shall also be prescribed by the Council.
- 7.2 One licence plate shall be affixed securely to the front of the vehicle and one licence plate shall be affixed securely to the rear of the vehicle.
- 7.3 The plates shall not be affixed to any vehicle except the vehicle identified in the vehicle licence application form.

- 7.4 The plates (and any backing plates) shall at all times remain the property of the Council and the vehicle proprietor shall not cause or permit the information displayed upon the plates to be altered, removed or obscured in any way.
- 7.5 The vehicle proprietor shall at all times ensure so far as is reasonably practicable that information contained on the plates is complete and legible and that the plates are maintained in a clean condition.
- 7.6 The vehicle shall at all times display identification stickers supplied by the Council. The stickers shall be displayed on:
- i. the inside of the lower near-side of the windscreen, so that the sticker is visible to passengers within the vehicle;
 - ii. the top near-side rear window, facing outwards; and
 - iii. the top off-side rear window, facing outwards.

8. Signs and notices

- 8.1 The roof of the vehicle shall be fitted with an illuminated sign bearing the word "TAXI", the light of which is capable of being extinguished when the taximeter is switched on.
- 8.2 The following information may be displayed on each side of the vehicle (not including any window of the vehicle): the business name and/or logo, address, telephone number(s), fax number(s) and/or e-mail address or website of the proprietor's taxi business. No other advertisements, signs, notices, numbers, marks, plates, emblems, symbols or devices shall be displayed on, in or from the vehicle without the prior written approval of the Council.
- 8.3 The vehicle proprietor shall ensure that a copy of the relevant 'table of fares' is exhibited in the vehicle in clearly distinguishable letters and figures in such a position that hirers can conveniently see it.

9. Taximeters

- 9.1 The vehicle shall be fitted with a taximeter which shall comply with the following requirements:
- i. the taximeter shall be of a calendar type approved by the Council and shall be maintained in a sound condition at all times and shall be located within the vehicle in accordance with the reasonable instructions of an authorised officer;
 - ii. the taximeter shall be set to ensure that, when in operation, there shall

be recorded on the face of the taximeter in clearly legible figures, a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand in accordance with the 'table of fares' determined by the Council;

- iii. the proprietor shall not use or permit to be used a taximeter that has not been sealed;
- iv. the taximeter shall be fitted with a key to bring the machinery into action and cause the word "HIRED" to appear on the face of the meter as soon as the vehicle is on hire;
- v. when the vehicle is not hired the key shall be locked and the machinery kept inactive and the meter shall show no fare at that time;
- vi. the taximeter shall not display a "FOR HIRE" sign at any time;
- vii. the "FARE" shall be printed on the face of the meter in clear letters so as to apply the fare recorded thereon;
- viii. the taximeter shall be in such a position in the vehicle that the figures recorded thereon are clearly visible to any passenger being carried therein;
- ix. the taximeter shall be sufficiently illuminated that when in use it is visible to all passengers;
- x. the taximeter and all its fittings shall be affixed to the vehicle with seals or by other means so that it shall not be practicable for any person to tamper with the meter except by breaking or damaging or permanently displacing the seals or other fittings.

10. Vehicle Proprietor

- 10.1 The vehicle proprietor shall immediately notify the Council in writing of any convictions, cautions, reprimands or warnings incurred by him/ her during the term of the licence.

APPENDIX E

HACKNEY CARRIAGE & PRIVATE HIRE**TRAILER INSPECTION SHEET**

Plate Number of towing vehicle:

Registration number of towing vehicle:

Registered owner of vehicle:

Manufacturers plate showing chassis number:

Manufacturers plate showing maximum weight:

Inspection area	Description	Pass (✓)	Fail (x)
Licence plate	Contains details & 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 & operation and presence of a safety <i>breakaway</i> 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 & 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		
Number plate	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 F

HACKNEY CARRIAGE VEHICLE TEST GUIDELINES

The vehicle test comprises a standard MOT and an additional test against all points listed in column 1 below. In deciding whether a vehicle satisfies each point you must have regard to the guidelines in column 2 – “Point for Failure or Comment”.

Any clarification necessary can be obtained from the Council by contacting the Licensing Section.

Section A

THE VEHICLE (Column 1)	POINT FOR FAILURE OR COMMENT (Column 2)
1. Pass MOT style inspection	Fail if vehicle does not pass current MOT test.
INTERIOR	POINT FOR FAILURE OR COMMENT
2. Seating <ul style="list-style-type: none"> - condition (see condition 2.3) - size (see condition 1.6) - seating configuration (see condition 1.8) 3. Operation of all seat mechanisms	<p>Must be a minimum of four passenger seats</p> <p>All seats, seat coverings (where fitted), upholstery and trims must be free from rips and tears, clean and in a good state of repair. Passenger seats must be properly cushioned, covered, fixed and secured.</p> <p>Passenger seats must be at least 406mm wide per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle.</p> <p>Must be permanently fixed in the configuration approved by the Council at the time the vehicle is first licensed</p> <p>If designed to do so the front passenger/driver seat must slide back and forth without snagging and allow for adequate passenger legroom. Hackney flip up rear facing seats must return to the vertical position when unoccupied</p>
4. Condition of headlining.	Cut, tear etc more than 1cm in width/length unacceptable.

5. Operation/fitting of sunroof.	No leakage or sign of leakage. If retrofit, must have been fitted to a reasonable standard.
6. Condition of carpets (see condition 2.3)/gear lever/handbrake gaiter.	Interior flooring – Must be appropriate covering - fair wear and tear acceptable but should be clean and in good condition with no tears, rips or holes. Gaiter – Fair wear and tear acceptable. Tears or insecurity unacceptable.
7. Condition of trim.	Must not be loose or missing.
8. Windows and operation of window mechanisms	All windows must have handles or switches and all windows must be able to be opened fully
9. Doors (see condition 1.5) and door mechanisms including child locks.	Must have a minimum of four doors of which either (a) where the rear door is 'split' two doors shall be on the near side and two on the offside; or (b) where the rear door is 'split' at least three doors shall be fitted to the side of the vehicle. All doors must be capable of being opened from both the inside and outside. If fitted with an electronic locking system must be capable of being overridden to enable doors to be opened manually.
10. Operation of reversing lights.	Fail if water penetration or wrong bulb has been fitted. Occasional misting acceptable.
11. Operation of spot lights (if fitted).	Fail if water penetration or wrong bulb has been fitted. Must be firmly fixed to vehicle if retrofit. Occasional misting acceptable
12. Operation of heated rear window (if fitted).	Fail if more than one element defective.
13. Operation of heater / demister fan.	Must work on all settings.
14. Operation of courtesy lights.	Must operate automatically on opening and closing any passenger door (if fitted).
15. Operation illuminated 'TAXI' roof sign	Illuminated 'TAXI' roof sign must be fitted to vehicle and must operate in 'for hire' mode and be clearly visible from outside the vehicle.
16. Seat belts (see condition 1.7)	Seat belts must be inertial reel seat belts of the three point type for all seats. All seat belts must be to the M1 approved standard or equivalent.

BOOT / LUGGAGE AREA	POINT FOR FAILURE OR COMMENT
<p>17. Condition of spare tyre.</p> <p>Space Saver tyres</p> <p>Tyre inflation devices</p>	<p>Must have more than 2mm over total width of tyre.</p> <p>Slim/space saver type tyre must be to manufacturer specification.</p> <p>Spare tyre may be replaced by an approved specified inflation system.</p>
<p>18. Condition of spare wheel rim.</p>	<p>Fail if damaged and unsatisfactory for road use.</p>
<p>19. Condition of boot carpet, trim and parcel shelf.</p>	<p>Missing, torn or badly stained carpet/matting unacceptable.</p>
<p>20. Condition of tools (if fitted).</p>	<p>Must carry manufacturer's wheel brace (or acceptable alternative) and jack or B.S. alternative.</p>
<p>21. Tools and spare wheel stowed correctly.</p>	<p>Fail if spare wheel is unable to be secured. Tools/jack to be stowed.</p>
<p>22. Internal boot/hatch and opening mechanism.</p>	<p>Estate cars must be fitted with adequate means of preventing stowed luggage entering passenger compartment (grille or manufacturer's cover). Boot lid/hatch must stay fully open.</p>
<p>23. Signs of water ingress.</p>	<p>Minor ingress to be reported. Major ingress failure.</p>
EXTERIOR	POINT FOR FAILURE OR COMMENT
<p>24. Bodywork, bumpers and damage.</p>	<p>Bumpers: slight dents acceptable. Cracks/holes unacceptable.</p> <p>Unless two tone, must be same colour all over. Paintwork must be clean and not show undue discolouration. Bodywork must not be capable of injuring a passenger or pedestrian. Corrosion at point of fixing of seat to the floor of vehicle unacceptable</p>

25. Paintwork - scratches and rust.	Minor scratches acceptable. Extensive scratches not acceptable or if scored to metal. No extensive rust but minor surface rust acceptable.
26. Evidence of previously repaired bodywork damage (see condition 2.2)	Must be free from unrepaired damage and finished to match existing paintwork after repair. Vehicle will fail if requires welding repair to the bodywork floor panels or door cills.
27. Trim damaged/missing.	Unacceptable if any trim etc. is missing, or if trim has sharp or protruding edges.
28. Condition of front and rear wiper blades.	Must effectively clear screen. Must operate on all settings.
29. Side and rear glass.	Minor chips acceptable but to be clear and free from cracks. Professional repairs to glass acceptable if to standard.
30. Windows/Windscreen general.	All tinted windows and windscreens forward of the must comply to the Construction & Use Regulations. [subject to decision in relation to condition 2.7]
31. Wheel trims.	All wheel trims must match. Fail if damaged or missing.
32. Condition and legality of number plates.	'Fogging' or damage, not acceptable.
33. Trailers/roof racks	[subject to decision in relation to condition 2.5] Any roof rack must be fitted securely and in compliance with manufacturer's specifications.
ENGINE COMPARTMENT	POINT FOR FAILURE OR COMMENT
34. Cam box/rocker cover gasket not leaking.	Any leak is a failure.

35. Radiator for leakage/damage/security.	Excessive leaks fail.
36. Hoses and clips for leakage/damage/security.	Minor leakage to be reported. Major leakage or serious deterioration of hoses etc. failure.
37 Condition of washer bottle.	Pump must be working and bottle not damaged.
38. All engine wiring for wear.	Bare wire(s) unacceptable.
39. Oil leaks from engine.	Excessive leaking unacceptable.
40. Oil leaks from gearbox/axle/final drive assembly (as applicable).	Excessive leaking unacceptable.
UNDER THE VEHICLE	POINT FOR FAILURE OR COMMENT
41. Steering assembly for damage.	Any sign of damage is unacceptable.
42. Steering assembly for wear and leaks.	Steering must be positive and free from wear and leaks.
43. Propshaft / driveshafts and gaiters for security, signs of wear and leaks.	Excessive play or leaks unacceptable.
WHEELS AND TYRES	POINT FOR FAILURE OR COMMENT
44. Tyres for tread depth and pressures.	Must have more than 2 mm over the total width of the tyre on the full circumference. Pressure to be at manufacturer's standard.
45. Sidewalls for cracks/damage and tyre compatibility.	Fail for cracks or damage.
46. Wheels for Damage.	Fail if heavily damaged or warped.
VEHICLE PERFORMANCE CHECK	POINT FOR FAILURE OR COMMENT
47. Clutch slip/drag/judder (or kickdown and change speed operation on automatic).	Must perform to manufacturers guidelines.
48. Gearbox operation. All gears must work/engage.	All gears must be easily selected. Gear stick must be secure.

49. Transmission/axle noise.	Excessive noise unacceptable.
50. Speedometer operation.	Must be working.
51. Odometer / trip-meter operation.	Both must work.
52. Operation of fuel and temperature gauges.	Both gauges must work.
53. Operation of wiper/washer of front and rear.	Must clear screen. If rear wiper/washer fitted by manufacturer, must be in place and working.
54. Door or wing mirrors.	One must be fitted either side of the vehicle No tape or other fastening acceptable. Manufacturer's specification mirrors only acceptable.
55. Operation, security and glass of interior rear view mirror.	Must be fitted and adjustable.
GENERAL	POINT FOR FAILURE OR COMMENT
56. First Aid Kit and Fire Extinguisher (see condition 6.1 & 6.2)	<p>A first aid kit - must be clean, well stocked and must be carried securely within the vehicle (could be carried in the boot area).</p> <p>Fail if missing or if not clean and well stocked.</p> <p>A fire extinguisher - Must be carried securely within the vehicle (could be carried in the boot area). Must comply with British Standards (or equivalent).</p> <p>Disposable - Reject if beyond expiry date or no expiry date visible.</p> <p>Non-Disposable - Reject if not accompanied with stamped service log carried-out within previous 12 months.</p>
57. Tariff card	Tariff card - an up-to-date tariff card must be displayed in the vehicle.

<p>58. Wheelchair accessible vehicles (see condition 3):</p> <p>Internal layout</p> <p>Ramps / Boarding lift / Platform</p> <p>Straps, belts and anchorage equipment</p>	<p>Wheelchair space must not be less than (i) 1,300 mm (in longitudinal plane); (ii) 750mm (in transverse plane); and (iii) 1,500 mm vertically.</p> <p>Wheelchair ramps/lifts/platforms must be adequate for the purpose. Incline of ramp shall not be greater than 16 degrees. Boarding lift/platform must be capable of manual operation.</p> <p>Ramps, boarding lifts and platforms must not hinder access to or egress from the vehicle or to the handle or any mechanism used for opening a door.</p> <p>The wheelchair space shall be fitted with a wheelchair tie down system and a three point lap and diagonal wheelchair user restraint system suitable for a wheelchair user situated centrally in the transverse plane of the wheelchair space. The restraint system must be installed and operated in accordance with the manufacturer's instructions.</p>
Section B	
GENERAL	POINT FOR FAILURE OR COMMENT
B1. Vehicle must be right-hand drive.	Fail if left-hand drive.
<p>B2. Liquified Petroleum Gas (LPG)</p> <p>If the vehicle has been constructed or adapted to use LPG the proprietor must produce a certificate of compliance by an approved Liquid Petroleum Association (LPGA) approved installer.</p> <p>A sticker stating that the vehicle has been fitted with an LPG tank must be displayed on the front and rear screens.</p> <p>If a doughnut tank is fitted in the spare wheel well of the boot, the spare wheel must be securely fixed in a position not obstructing the entire boot space.</p>	Failure if no certificate produced.

CHESHIRE EAST COUNCIL

Licensing Committee

Date of Meeting: 12th September 2011
Report of: Head of Safer & Stronger Communities
Subject/Title: Private Hire Vehicle Conditions

1.0 Report Summary

- 1.1 The report provides background to the existing private hire vehicle conditions together with options for the review of certain of the conditions.

2.0 Recommendations

- 2.1 The Licensing Committee is requested:
- 2.1.1 to consider the options in relation to the proposed review of the specified private hire vehicle conditions which apply within the Borough and, subject to consultation, to determine whether to approve changes to these conditions;
- 2.1.2 subject to the decisions made pursuant to 2.1.1 above, to approve a set of vehicle test guidelines in relation to private hire vehicles, subject to consultation;
- 2.1.3 pursuant to 2.1.1 and 2.1.2 above, to authorise officers to carry out a consultation exercise in relation to any proposed amendments to the conditions and in relation to accompanying vehicle test guidelines; and
- 2.1.4 to resolve that if no objections are received within the consultation period, or if any objections that are received are withdrawn, that the amended conditions (as per 2.1.1 above) and vehicle test guidelines (as per 2.1.2) will come into operation throughout the Borough on the day after the last day of the consultation period. If objections are received and not withdrawn, these will be reported to a subsequent meeting of the Licensing Committee for consideration.

3.0 Reasons for Recommendations

- 3.1 On 13th March 2009 the Licensing Committee approved a set of private hire vehicle conditions to take effect across the Borough of Cheshire East from 1st April 2009 (i.e. 'vesting day'). These conditions, a copy of which is attached as Appendix A, have been in operation since 1st April 2009 (subject to a minor amendment to condition 1.5 in relation to the configuration of doors).

3.2 On 7th March 2011 the Licensing Committee heard representations from a private hire vehicle operator in relation to condition 4, to the effect that an exemption should be made to the requirement for six-monthly tests for vehicles with low mileage. The Licensing Section is also aware that requests have been made by the trade to review the position in relation to the prohibition on tow bars (and therefore the use of trailers) and tinted windows.

3.3 The Licensing Committee are asked to consider the issues highlighted above and to determine whether to consult on changes to these conditions.

4.0 Wards Affected

4.1 All

5.0 Local Ward Members

5.1 All

6.0 Policy Implications including – Carbon reduction; Health

6.1 The report suggests a review of a number of issues relating to the Council's existing policy on the licensing of private hire vehicles. Full details are set out within the body of the report.

7.0 Financial Implications 2011/12 and beyond (Authorised by the Borough Treasurer)

7.1 There would be a cost implication associated with printing and postage of consultation documentation relating to amended vehicle conditions. These costs are estimated to be in the region of £550 for postage (if send second class) and £200 for printing.

7.2 The costs in paragraphs 7.1 would be met from existing budget provision within the Licensing Service's budget.

8.0 Legal Implications (Authorised by the Borough Solicitor)

8.1 Section 48(1) of the Local Government (Miscellaneous Provisions) Act 1976 ('the 1976 Act') provides that a local authority shall not grant a licence to a private hire vehicle unless it is satisfied that the vehicle is (i) suitable in type, size and design for use as a private hire vehicle; (ii) not of such a design and appearance as to lead any person to believe that the vehicle is a hackney carriage; (iii) in a suitable mechanical condition; (iv) safe; and (v) comfortable. Section 48(2) of the 1976 provides local authorities with the power to attach to private hire licences such conditions as they may consider 'reasonably necessary.' The imposition of conditions on a private hire vehicle licence is subject to a right of appeal to the Magistrates' Court.

8.2 The law governing consultation was laid down by the Court of Appeal in the case of R v North and East Devon HA ex parte Coghlan [2001] which states:

“It is common ground that, whether or not consultation of interested parties and the public is a legal requirement, if it is embarked upon it must be carried out properly. To be proper, consultation must be undertaken at a time when proposals are still at a formative stage; it must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and intelligent response; adequate time must be given for this purpose; and the product of consultation must be conscientiously taken into account when the ultimate decision is taken.”

9.0 Risk Management

- 9.1 Full consideration of any consultation responses received will mitigate any risk of challenge to any subsequent decision.

10.0 Background and Options

- 10.1 As set out above, the existing conditions in relation to private hire vehicles (attached at Appendix A) were originally approved by the Licensing Committee on 13th March 2009. The Licensing Committee is requested to consider the following issues as a result of trade representations (a) tow bars (condition 2.5); (b) tinted windows (condition 2.7); and (c) vehicle testing (condition 4).

10.2 Tow bars (condition 2.5)

The existing condition at 2.5 expressly prohibits tow bars on licensed vehicles. The original reasoning behind this condition was in the interests of safety, due to the additional risks inherent in towing trailers. In addition there are concerns about difficulties in testing and certifying trailers given the lack of a recognised testing standard which would be equivalent to the MOT test for vehicles. A trailer inspection sheet has been produced by the Hackney Carriage and Private Hire Inspection Technical Officer Group and a copy is attached as Appendix B for information. Arguments in favour of permitting the use of trailers include the suggestion that problems currently arise in relation to the volume of luggage which needs to be transported, for example when a family wishes to be taken to the airport. It may also be suggested that some luggage is too heavy to be safely lifted into a roof rack or roof pod.

It is suggested that the options which are open to the Council, subject to consultation are:

- (a) to maintain the existing position and continue to expressly prohibit tow bars (and therefore prevent the use of trailers with private hire vehicles);
- (b) to include conditions which permit for the use of trailers with private hire vehicles (see below for suggested conditions); or
- (c) to remove the condition in relation to tow bars and not to impose any additional conditions regulating the use of trailers. (This approach would

mean that the use of trailers with hackney carriage vehicles would be unregulated by the Council).

If tow bars and, by implication, trailers are to be permitted, members are asked to consider the following conditions relating to the regulation of the use of trailers:

- (i) The proprietor shall present the trailer for inspection by a Licensing Officer prior to its use and again at each inspection of the vehicle on which the trailer is to be towed;
- (ii) The trailer must comply with all aspects of current road traffic legislation and be of a type recommended by the vehicle manufacturer as being suitable for the intended towing vehicle;
- (iii) The trailer shall be in good condition and no more than [x] years old; (Members would be required to consider the age to be inserted here if this condition were to be imposed)
- (iv) The trailer shall be purpose built and manufactured for the purpose for which it is to be used;
- (v) No advertising shall be permitted on the trailer;
- (vi) The trailer shall be fitted with securely fastened covers, which may be of the hardtop or canvas tarpaulin type;
- (vii) When the trailer is used with the vehicle, the licence plate issued by the Council specifically for the trailer shall be clearly displayed on the rear of the trailer, with the licence plate for the towing vehicle remaining in place.
- (viii) The tow bar must be of a type approved by the manufacturer of the vehicle and fitted by an approved agent;
- (ix) The vehicle must be insured to tow a trailer and proof of this cover must be supplied on the request of an officer of the Licensing Authority;
- (x) The gross weight of the trailer and the luggage load must be less than 750kg and be less than half the weight of the towing vehicle. (With a gross weight of less than 750kg no braking system is required to be fitted and the driver of the vehicle will not require any special categories on his/her DVLA driving licence).

10.3 Tinted windows (condition 2.7)

The existing private hire vehicle conditions include the following in relation to tinted windows:

With the exception of the rear window of a vehicle, heavily tinted glazing and tinted films applied to vehicle windows are not permitted. All glazing shall comply with the Motor Vehicles (Construction and Use) Regulations 1986 (as amended), with regard to the level of tint. A minimum light transmission value of 70% shall be maintained in all side windows; windscreens shall have a minimum light transmission value of 75%.

The requirements of the Construction and Use Regulations (enforced by VOSA) are that the light transmitted through the windscreen must allow at

least 75% whilst the side windows (to the front of the 'B' pillar) must transmit at least 70%.

The justification for the imposition of a condition which restricts the tint in windows to the rear of the 'B' pillar include the following:

- (a) enforcement officers need to see into the vehicle to ensure that the maximum number of passengers is not being exceeded and to ensure that there is no breach of the smoking regulations;
- (b) the Police need to be able to see into the vehicle to ensure that passengers are wearing seatbelts;
- (c) to ensure that the interior of the vehicle is visible to ensure the safety of passengers and drivers;
- (d) vulnerable passengers will feel safer in a vehicle where they can be seen;
- (e) in the event of an accident the emergency services can easily check if there are passengers are inside.

The Licensing Section is aware of concerns that certain vehicles are produced by manufacturers with tinted windows as a standard feature and that there are cost implications to replacing these windows with clear glass. The Licensing Committee will also be aware that a number of applications have been received from private hire vehicle proprietors for waiver from condition 2.7 based on the use of the vehicle for 'executive hire.'

Paragraph 30 of the DfT Best Practice Guidance states as follows in relation to tinted windows:

The minimum light transmission for glass in front of, and to the side of, the driver is 70%. Vehicles may be manufactured with glass that is darker than this fitted to windows rearward of the driver, especially in estate and people carrier style vehicles. When licensing vehicles, authorities should be mindful of this as well as the large costs and inconvenience associated with changing glass that conforms to both Type Approval and Construction and Use Regulations.

The options in relation to tinted windows, subject to consultation, are as follows:

- (a) to determine that the conditions will not impose a restriction on the tint in windows to the rear of the 'B' pillar;
- (b) to determine that the current condition in relation to tinted windows within the current zone 3 conditions shall be adopted and apply in each of the three zones; or
- (c) to determine that an amended condition in relation to tinted windows be adopted, for example a condition which specifies a minimum level of light transmission in windows which is lower than the current requirement.

10.4 Vehicle Testing (condition 4)

At present condition 4 of the Private Hire Vehicle Conditions require that vehicles over seven years of age must be submitted for testing twice annually. The reasoning behind this condition is that as a vehicle gets older it is more likely to develop faults. The increased frequency of testing is therefore imposed in order to ensure the safety and comfort of passengers being carried in the vehicle. The condition states:

- 4.2 Vehicles which are over seven years old shall be tested every six months. The age of the vehicle shall be calculated by reference to the date of first registration recorded in the Vehicle Registration Document (Form V5) unless the vehicle was not new at the date of first registration in the UK.

On 7th March 2009 the Licensing Committee heard representations from a member of the private hire trade to the effect that vehicles which, whilst over seven years of age, have low mileage should be exempted from the requirements within condition 4 in relation to six-monthly testing.

Paragraph 32 of the Best Practice Guidance states as follows in relation to age limits: "it is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles – for example, twice yearly tests for vehicles more than five years old.

The options that are option to members in relation to the condition 4.2, subject to consultation, are:

- (a) not to amend the existing condition (i.e. vehicles over seven years old to be tested every six months);
- (b) to introduce an exception for vehicles with low mileage;
- (c) to introduce an age limit for private hire vehicles to ensure that any new application for a hackney carriage vehicle must relate to a vehicle under [x] years of age and/or and that no vehicle may remain licensed once it is over [y] years old. (Members would be required to consider the ages to be inserted into this condition); or
- (d) that the only requirement in relation to vehicle testing are those within condition 4.1 (i.e. annual testing) and that no age limit is imposed.

- 10.5 If Members resolve to make amendments to the existing private hire vehicle conditions the proposed amendments will be subject to a twelve week

consultation with the trade and other interested parties. It is suggested that, if no objections are received (or if any objections which are received are subsequently withdrawn), the proposed amendments will take effect at the end of the consultation period. If objections are received these will be reported back to the Licensing Committee for consideration at a future meeting.

- 10.6 Members are also requested to consider a proposed set of vehicle test guidelines to apply to the testing of private hire vehicles across the Borough. A draft set of guidelines are attached as Appendix C and will be subject to the decisions the Committee makes in relation to conditions 2.5, 2.7 and 4. It is suggested that formalising a set of vehicle test guidelines will be beneficial by ensuring transparency and consistency in the way that vehicles are tested. It is suggested that the draft guidelines are subject to consultation in the same manner described in 10.5 above.

Access to Information

Appendix A – Existing Private Hire Vehicle Conditions

Appendix B – Trailer inspection sheet (drafted by the Hackney Carriage and Private Hire Inspection Technical Officer Group)

Appendix C – Proposed Private Hire Vehicle Test Guidelines

The background papers relating to this report can be inspected by contacting the report writer:

Name: Dustin Hawkes

Designation: Team Leader Investigations

Tel No: (01270) 686303

E-mail: dustin.hawkes@cheshireeast.gov.uk

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Cheshire East



Private Hire Vehicle Licence Conditions

1. Type of vehicle

- 1.1 The vehicle itself or the generic vehicle manufactured by the vehicle manufacturer shall be certified as having one of the following levels of Type Approval;
- EC Whole Vehicle Type Approval
 - UK Low Volume Type Approval
 - UK Single Vehicle Approval.
- 1.2 The vehicle shall not exceed 3.5 tonnes (3500 kilograms) gross weight unless it is a 'novelty' vehicle to be licensed as a private hire vehicle subject to the conditions applicable to executive hire and novelty vehicles.
- 1.3 The vehicle shall be a manufacturer's right hand drive model with a minimum of four wheels, except for imported stretch limousines which may be left hand drive.
It shall be finished in a production colour of the manufacturer for the model.
- 1.4 It shall have a minimum of four doors at least three of which shall be fitted to the side of the vehicle. All the doors must be capable of use by persons for both access and egress and of being opened from both the inside and the outside. If the vehicle is fitted with an electronic locking system it must be capable of being overridden to enable the doors to be opened manually.

The following condition will apply to vehicles for which an application for 'first grant' of a licence is made after the 14th March, 2010

It shall have a minimum of four doors of which either:

- (a) in circumstances where the rear door of the vehicle is not a 'split door', two doors shall be on the near side and two on the offside or
- (b) in circumstances where the rear door of the vehicle is a 'split door', at least three doors shall be fitted to a side of the vehicle.

All the doors must be capable of use by persons for both access egress and of being opened from both the inside and the outside. If the vehicle is fitted with an electronic locking system it must be capable of being overridden to enable the doors to be opened manually.

- 1.5 The passenger seats shall be a minimum of 406mm (16") in width with no significant intrusion by wheel arches, armrests or other parts of the vehicle.
- 1.6 The vehicle shall be fitted throughout with three point lap and diagonal seat belts; for the avoidance of doubt, lap only type seat belts shall be deemed not to comply with this condition.
- 1.7 The seats shall be permanently fixed in the configuration approved by the Council at the time the vehicle is first licensed.

2. Condition and Maintenance of the Vehicle

- 2.1 The vehicle and all its fittings and equipment shall be maintained in a safe, efficient and clean condition and be capable of satisfying the Council's mechanical inspection at all times that the licence is in force. All relevant statutory requirements including those contained in the Motor Vehicles (Construction and Use) Regulations shall be fully complied with at all times.
- 2.2 Without prejudice to the generality of the foregoing, the exterior of the vehicle shall be clean, free from unrepaired damage and finished to match existing paintwork after repair.

The vehicle shall be deemed incapable of satisfying the Council's mechanical inspection if it requires welding repair to the bodywork, floor panels or door cills.

- 2.3 The interior of the vehicle shall be clean, tidy and free of litter, any rubbish shall be removed after each journey and the upholstery, carpets and fittings free from rips and tears.
- 2.4 No material alteration or change to the mechanical or structural specification of the vehicle or its design, condition or appearance shall be made at any time that the licence is in force without the written consent of the Council.
- 2.5 The vehicle shall not be fitted with a tow bar.
- 2.6 Any roof rack or roof pod should be attached securely and fitted in accordance with the manufacturer's instructions.
- 2.7 Tinted windows

Heavily tinted glazing and tinted films applied to vehicle windows are not permitted.

The visual transmission of light shall be not less than 75% through the windscreen and not less than 70% through all other windows.

3. Wheelchair accessible vehicles (WAVs)

All WAVs

- 3.1 A vehicle which is constructed or adapted to carry one or more wheelchair bound passengers shall comply with the following conditions.
- 3.2 The wheelchair bound passenger(s) shall not be carried facing sideways.
- 3.3 The wheelchair space shall be not less than:
 - i. 1300mm measured in the longitudinal plane of the vehicle;
 - ii. 750mm measured in the transverse plane of the vehicle;
 - iii. 1500mm measured vertically from any point in the wheelchair space.
- 3.4 The wheelchair space shall be fitted with a wheelchair tie down system and a three point lap and diagonal wheelchair user restraint system suitable for a wheelchair user situated centrally in the transverse plane of the wheelchair space.
- 3.5 The vehicle shall be equipped with either a ramp (fixed to the vehicle or portable) or a boarding lift or platform.
- 3.6 The incline of the ramp, where provided, shall not be greater than 16 degrees (1 in 3½).
- 3.7 The boarding lift or platform, where fitted, shall be capable of being manually operated.
- 3.8 The ramp or boarding lift or platform shall not impede either the use of or access and egress to any door or emergency exit.

Forward facing wheelchairs

- 3.9 The wheelchair space shall allow the carriage of a wheelchair and a wheelchair user facing the front of the vehicle.

Rear facing wheelchairs

- 3.10 The wheelchair space shall allow the carriage of a wheelchair and a wheelchair user facing the rear of the vehicle.
- 3.11 The wheelchair space shall be fitted with a head and back restraint at the forward end (relative to the vehicle) of the space.

4. Vehicle testing

- 4.1 All vehicles shall be tested by the Council or its agent prior to first licensing and thereafter annually prior to the renewal of the licence.
- 4.2 Vehicles which are over seven years old shall be tested every six months. The age of the vehicle shall be calculated by reference to the date of first registration recorded in the Vehicle Registration Document (form V5) unless the vehicle was not new at the date of first registration in the UK.

5. Vehicles converted to run on Liquefied Petroleum Gas (LPG)

- 5.1 A certificate of compliance of conversion issued by a Liquid Petroleum Gas Association (LPGA) approved installer must be produced to the Council in respect of a vehicle converted to run on liquefied petroleum gas (LPG). The Council must be notified immediately and the certificate produced if the conversion is undertaken whilst the licence is in force.
- 5.2 The spare wheel shall be securely fixed in a suitable position where it does not obstruct the whole of the luggage space on a vehicle fitted with a 'doughnut' tank in the spare wheel well.
- 5.3 The vehicle shall display a warning sticker on the front and rear screens stating that the vehicle is fitted with a LPG tank for the purpose of alerting the emergency services in the event of an accident.

6. Safety Equipment

- 6.1 The vehicle shall be equipped at all times with a fire extinguisher manufactured to BS EN 3 and containing a minimum weight of 1.0 kilogram of dry powder or foam. The extinguisher shall be carried in such a position as to enable it to be readily available for use in an emergency. It shall be marked with the date of its last test and have the private hire licence plate number painted upon it.
- 6.2 The vehicle shall be equipped at all times with a first aid kit kept in a properly designated first aid container. The container shall have the plate number of the vehicle marked up on it. The first aid kit shall contain as a minimum the following items which should be within the manufacturer's expiry date:
a guidance leaflet, 10 x non-alcoholic wipes, 1 x conforming bandage (7.5cm x 4.5m stretched), 2 x non woven triangular bandages (size 96 x 96), 2 x eye pad dressings, 3 x large dressings (size 18 x 18) 12 x safety pins, 1 x pair blunt stainless steel scissors and 30 x plasters (assorted sizes).
- 6.3 The vehicle shall be equipped at all times with a reflective warning triangle.
- 6.4 The vehicle shall be equipped at all times with a high visibility vest for use by the driver in an emergency.

7. Signs and Notices

- 7.1 The following shall be displayed on each side of a private hire vehicle (on a body panel and not a window): -
- (i) the words "PRIVATE HIRE"
 - (ii) the words "ADVANCED BOOKINGS ONLY"
 - (iii) the telephone number of the vehicle operator (fixed landline)
- 7.2 The words "PRIVATE HIRE", "ADVANCED BOOKINGS ONLY" and the telephone number of the vehicle operator shall: -
- (i) be clearly and permanently affixed and displayed in a clearly contrasting colour in letters and numbers not less than 65mm in height and not less than 8mm thickness, and
 - (ii) be positioned together in a manner previously approved in writing by the Council.
- 7.3 For the avoidance of doubt the words "PRIVATE HIRE" and "ADVANCED BOOKINGS ONLY" and the telephone number of the operator of the vehicle shall not be deemed to be "permanently affixed and displayed" where they are so affixed and displayed by means of a demountable magnetic sign or by any other type of sign which is able to be removed and re-affixed to the vehicle.
- 7.4 No other advertisements, signs, notices, numbers, marks, etc shall be displayed on, in or from the vehicle without the prior written approval of the Council.
- 7.5 Any advertising on the vehicle shall be restricted to the name or trading name of the private hire operator of the vehicle and the operator's logo or insignia, address, fax number, web site or e-mail address and must have the prior approval of the Council. The advertising of other businesses, products or services is not permitted.
- 7.6 Any advertisements, signs, notices, numbers, marks, etc shall be so positioned as to ensure that the words "PRIVATE HIRE" and "ADVANCED BOOKINGS ONLY" and the telephone number of the vehicle operator remain clearly separate and isolated from any part of the advertisements, signs etc.
- 7.7 Any advertisements, signs, notices, numbers, marks, etc borne on the vehicle shall not consist of or include the word "taxi" or "cab" or "for hire" whether in the singular or plural or any word of similar meaning or appearance, whether alone or as part of another word and shall not suggest that the vehicle is a Hackney Carriage.
- 7.8 The vehicle shall not display a roof sign whether illuminated or not.
- 7.9 The vehicle shall not display any illuminated signs on or from within the vehicle.

- 7.10 The types and makes of vehicle manufactured by London Taxis International and Metrocab now or from time to time operating as a taxi within the Metropolitan Police District and the City of London and licensed as such by the Public Carriage Office, Panton Street, London shall not be used as a private hire vehicle.

8. Plates

- 8.1 Private Hire vehicles shall at all times clearly display on the exterior surface of the vehicle two licence plates supplied by the Council, the form and content of which shall also be prescribed by the Council.
- 8.2 One licence plate shall be affixed securely to the front of the vehicle and one licence plate shall be affixed securely to the rear of the vehicle.
- 8.3 The plates shall not be affixed to any vehicle except the vehicle identified in the vehicle licence application form.
- 8.4 The plates (and any backing plates) shall at all times remain the property of the Council and the Licensee shall not cause or permit the information displayed upon the plates to be altered, removed or obscured in any way.
- 8.5 The Licensee shall at all times ensure so far as is reasonably practicable that information contained on the plates is complete and legible and that the plates are maintained in a clean condition.
- 8.6 Private Hire vehicles shall at all times display identification stickers supplied by the Council. The stickers shall be displayed on:
- i. the inside of the lower near-side of the windscreen, so that the sticker is visible to passengers within the vehicle;
 - ii. the top near-side rear window, facing outwards; and
 - iii. the top off-side rear window, facing outwards.

9. Taximeters

- 9.1 If the vehicle is fitted with a taximeter;
- i. the taximeter shall be of a calendar type approved by the Council and shall be maintained in a sound condition at all times and shall be located within the vehicle in accordance with the reasonable instructions of an authorised officer;
 - ii. the tariff of fares shall be displayed inside the vehicle in clearly distinguishable letters and figures;
 - iii. the taximeter shall be set to display the private hire operator's tariff of fares which has been notified to the Council;

- iv. the proprietor shall not use or permit to be used a taximeter that has not been sealed by the Council;
- v. the taximeter shall be fitted with a key to bring the machinery into action and cause the word "HIRED" to appear on the face of the meter as soon as the vehicle is on hire;
- vi. when the vehicle is not hired the key shall be locked and the machinery kept inactive and the meter shall show no fare at that time;
- vii. the taximeter shall not display a "FOR HIRE" sign at any time;
- viii. when the taximeter is brought into action the fare and permitted extras shall be shown legibly on the face of the meter and shall be no more than that permitted by the private hire operator's tariff of fares which has been notified to but not approved by the Council;
- ix. the "FARE" shall be printed on the face of the meter in clear letters so as to apply the fare recorded thereon;
- x. the taximeter shall be in such a position in the vehicle that the figures recorded thereon are clearly visible to any passenger being carried therein;
- xi. the taximeter shall be sufficiently illuminated that when in use it is visible to all passengers;
- xii. the taximeter and all its fittings shall be affixed to the vehicle with seals or by other means so that it shall not be practicable for any person to tamper with the meter except by breaking or damaging or permanently displacing the seals or other fittings.

10. SPECIAL CONDITION for EXECUTIVE LIMOUSINES

10.1 When Condition number 10 is attached to the licence Conditions numbers 7 and 8 shall not apply. Condition number 10 will only be applied to a licence at the discretion of the Council and may be withdrawn at any time if the Council is not satisfied that the vehicle is being used or operated in accordance with the plan submitted to the Council in support of an application made for it to be subject to Special Condition number 10.

10.2 The notice of the grant of special licence condition number 10 shall be carried in the vehicle at all times.

10.3 Windscreen Sign

The vehicle shall display at all times in the lower near side of the windscreen and visible from the outside of the vehicle a private hire vehicle identification badge supplied by the Council. The form and content of the badge shall be prescribed by the Council.

- 10.4 The identification badge shall at all times remain the property of the Council and the licensee shall not cause or permit the information displayed upon the badge to be altered, removed or obscured in any way.
- 10.5 Interior Sign
- The vehicle shall display at all times a private hire vehicle identification sign supplied by the Council and visible to passengers from within the vehicle. The form and content of the sign shall be visible shall be prescribed by the Council.
- 10.6 No other advertisements, signs, notices, numbers, marks, etc shall be displayed on, in or from the vehicle without the prior written approval of the Council.
- 10.7 Any advertisements, signs, notices, numbers, marks, etc borne on the vehicle shall not consist of or include the word "taxi" or "cab" whether in the singular or plural or any word of similar meaning or appearance, whether alone or as part of another word and shall not suggest that the vehicle is a Hackney Carriage.
- 10.8 The types and makes of vehicle manufactured by London Taxis International and Metrocab now or from time to time operating as a taxi within the Metropolitan Police District and the City of London and licensed as such by the Public Carriage Office of Transport for London, Panton Street, London shall not be used as a private hire vehicle.

HACKNEY CARRIAGE & PRIVATE HIRE

TRAILER INSPECTION SHEET

Plate Number of towing vehicle:

Registration number of towing vehicle:

Registered owner of vehicle:

Manufacturers plate showing chassis number:

Manufacturers plate showing maximum weight:

Inspection area	Description	Pass (✓)	Fail (x)
Licence plate	Contains details & 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 & operation and presence of a safety <i>breakaway</i> 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 & 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		
Number plate	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 C**PRIVATE HIRE VEHICLE TEST GUIDELINES**

The vehicle test comprises a standard MOT and an additional test against all points listed in column 1 below. In deciding whether a vehicle satisfies each point you must have regard to the guidelines in column 2 – “Point for Failure or Comment”.

Any clarification necessary can be obtained from the Council by contacting the Licensing Section.

Section A

THE VEHICLE (Column 1)	POINT FOR FAILURE OR COMMENT (Column 2)
1. Pass MOT style inspection	Fail if vehicle does not pass current MOT test.
INTERIOR	POINT FOR FAILURE OR COMMENT
2. Seating <ul style="list-style-type: none"> - condition (see condition 2.3) - size (see condition 1.5) - seating configuration (see condition 1.7) 3. Operation of all seat mechanisms	<p>All seats, seat coverings (where fitted), upholstery and trims must be free from rips and tears, clean and in a good state of repair. Passenger seats must be properly cushioned, covered, fixed and secured.</p> <p>Passenger seats must be at least 406mm wide per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle.</p> <p>Must be permanently fixed in the configuration approved by the Council at the time the vehicle is first licensed</p> <p>If designed to do so the front passenger/driver seat must slide back and forth without snagging and allow for adequate passenger legroom. Hackney flip up rear facing seats must return to the vertical position when unoccupied</p>
4. Condition of headlining.	Cut, tear etc more than 1cm in width/length unacceptable.

5. Operation/fitting of sunroof.	No leakage or sign of leakage. If retrofit, must have been fitted to a reasonable standard.
6. Condition of carpets (see condition 2.3)/gear lever/handbrake gaiter.	Interior flooring – Must be appropriate covering - fair wear and tear acceptable but should be clean and in good condition with no tears, rips or holes. Gaiter – Fair wear and tear acceptable. Tears or insecurity unacceptable.
7. Condition of trim.	Must not be loose or missing.
8. Windows and operation of window mechanisms	All windows must have handles or switches and all windows must be able to be opened fully
9. Doors (see condition 1.4) and door mechanisms including child locks.	Must have a minimum of four doors of which either (a) where the rear door is 'split' two doors shall be on the near side and two on the offside; or (b) where the rear door is 'split' at least three doors shall be fitted to the side of the vehicle. All doors must be capable of being opened from both the inside and outside. If fitted with an electronic locking system must be capable of being overridden to enable doors to be opened manually.
10. Operation of reversing lights.	Fail if water penetration or wrong bulb has been fitted. Occasional misting acceptable.
11. Operation of spot lights (if fitted).	Fail if water penetration or wrong bulb has been fitted. Must be firmly fixed to vehicle if retrofit. Occasional misting acceptable
12. Operation of heated rear window (if fitted).	Fail if more than one element defective.
13. Operation of heater / demister fan.	Must work on all settings.
14. Operation of courtesy lights.	Must operate automatically on opening and closing any passenger door (if fitted).
15. Seat belts (see condition 1.6)	Seat belts must be inertial reel seat belts of the three point type for all seats. All seat belts must be to the M1 approved standard or equivalent.

BOOT / LUGGAGE AREA	POINT FOR FAILURE OR COMMENT
16. Condition of spare tyre.	Must have more than 2mm over total width of tyre.
17. Condition of spare wheel rim.	Fail if damaged and unsatisfactory for road use.
18. Condition of boot carpet, trim and parcel shelf.	Missing, torn or badly stained carpet/matting unacceptable.
19. Condition of tools (if fitted).	Must carry manufacturer's wheel brace (or acceptable alternative) and jack or B.S. alternative.
20. Tools and spare wheel stowed correctly.	Fail if spare wheel is unable to be secured. Tools/jack to be stowed.
21. Internal boot/hatch and opening mechanism.	Estate cars must be fitted with adequate means of preventing stowed luggage entering passenger compartment (grille or manufacturer's cover). Boot
22. Signs of water ingress.	Minor ingress to be reported. Major ingress failure.
EXTERIOR	POINT FOR FAILURE OR COMMENT
23. Bodywork, bumpers and damage.	Bumpers: slight dents acceptable. Cracks/holes unacceptable.

24. Paintwork - scratches and rust.	Minor scratches acceptable. Extensive scratches not acceptable or if scored to metal. No extensive rust but minor surface rust acceptable.
25. Evidence of previously repaired bodywork damage (see condition 2.2)	Must be free from unrepaired damage and finished to match existing paintwork after repair. Vehicle will fail if requires welding repair to the bodywork floor panels or door cills.
26. Trim damaged/missing.	Unacceptable if any trim etc. is missing, or if trim has sharp or protruding edges.
27. Condition of front and rear wiper blades.	Must effectively clear screen. Must operate on all settings.
28. Side and rear glass.	Minor chips acceptable but to be clear and free from cracks. Professional repairs to glass acceptable if to standard.
29. Windows/Windscreen general.	All tinted windows and windscreens forward of the must comply to the Construction & Use Regulations. [subject to decision in relation to condition 2.7]
30. Wheel trims.	All wheel trims must match. Fail if damaged or missing.
31. Condition and legality of number plates.	'Fogging' or damage, not acceptable.
32. Trailers/roof racks	[subject to decision in relation to condition 2.5] Any roof rack must be fitted securely and in compliance with manufacturer's specifications.

ENGINE COMPARTMENT	POINT FOR FAILURE OR COMMENT
33. Cam box/rocker cover gasket not leaking.	Any leak is a failure.
34. Radiator for leakage/damage/security.	Excessive leaks fail.
35. Hoses and clips for leakage/damage/security.	Minor leakage to be reported. Major leakage or serious deterioration of hoses etc. failure.
36 Condition of washer bottle.	Pump must be working and bottle not damaged.
37. All engine wiring for wear.	Bare wire(s) unacceptable.
38. Oil leaks from engine.	Excessive leaking unacceptable.
39. Oil leaks from gearbox/axle/final drive assembly (as applicable).	Excessive leaking unacceptable.
UNDER THE VEHICLE	POINT FOR FAILURE OR COMMENT
40. Steering assembly for damage.	Any sign of damage is unacceptable.
41. Steering assembly for wear and leaks.	Steering must be positive and free from wear and leaks.
42. Propshaft / driveshafts and gaiters for security, signs of wear and leaks.	Excessive play or leaks unacceptable.
WHEELS AND TYRES	POINT FOR FAILURE OR COMMENT
43. Tyres for tread depth and pressures.	Must have more than 2 mm over the total width of the tyre on the full circumference. Pressure to be at manufacturer's standard.
44. Sidewalls for cracks/damage and tyre compatibility.	Fail for cracks or damage.
45. Wheels for Damage.	Fail if heavily damaged or warped.

VEHICLE PERFORMANCE CHECK	POINT FOR FAILURE OR COMMENT
46. Clutch slip/drag/judder (or kickdown and change speed operation on automatic).	Must perform to manufacturers guidelines.
47. Gearbox operation. All gears must work/engage.	All gears must be easily selected. Gear stick must be secure.
48. Transmission/axle noise.	Excessive noise unacceptable.
49. Speedometer operation.	Must be working.
50. Odometer / trip-meter operation.	Both must work.
51. Operation of fuel and temperature gauges.	Both gauges must work.
52. Operation of wiper/washer of front and rear.	Must clear screen. If rear wiper/washer fitted by manufacturer, must be in place and working.
53. Door or wing mirrors.	One must be fitted either side of the vehicle No tape or other fastening acceptable. Manufacturer's specification mirrors only acceptable.
54. Operation, security and glass of interior rear view mirror.	Must be fitted and adjustable.
GENERAL	POINT FOR FAILURE OR COMMENT
55. First Aid Kit and Fire Extinguisher (see condition 6.1 & 6.2)	<p>A first aid kit - must be clean, well stocked and must be carried securely within the vehicle (could be carried in the boot area).</p> <p>Fail if missing or if not clean and well stocked.</p> <p>A fire extinguisher - Must be carried securely within the vehicle (could be carried in the boot area). Must comply with British Standards (or equivalent).</p> <p>Disposable - Reject if beyond expiry date or no expiry date visible.</p> <p>Non-Disposable – Reject if not accompanied with stamped service log carried-out within previous 12 months.</p>

56. Signage (see condition 7)	<p>The following <u>must</u> be displayed on the side of the vehicle (on a body panel NOT a window)</p> <ul style="list-style-type: none"> (i) "PRIVATE HIRE" (ii) "ADVANCED BOOKINGS ONLY" (iii) The fixed landline number of the operator <p>The wording must be (i) clearly and permanently affixed in contrasting colour in letters and numbers not less than 65 mm in height and not less than 8 mm thickness (ii) positioned together in a manner approved by the Council.</p> <p>Fail if displayed by means of magnetic sign or other removable sign</p> <p>Any other advertising must be with permission of Council and may not include the words 'taxi' or 'cab' or 'for hire.'</p> <p>Must not have a roof sign or any illuminated signage.</p>
<p>57. Wheelchair accessible vehicles (see condition 3):</p> <p>Internal layout</p> <p>Ramps / Boarding lift / Platform</p> <p>Straps, belts and anchorage equipment</p>	<p>Wheelchair space must not be less than (i) 1,300 mm (in longitudinal plane); (ii) 750mm (in transverse plane); and (iii) 1,500 mm vertically.</p> <p>Wheelchair ramps/lifts/platforms must be adequate for the purpose. Incline of ramp shall not be greater than 16 degrees. Boarding lift/platform must be capable of manual operation.</p> <p>Ramps, boarding lifts and platforms must not hinder access to or egress from the vehicle or to the handle or any mechanism used for opening a door.</p> <p>The wheelchair space shall be fitted with a wheelchair tie down system and a three point lap and diagonal wheelchair user restraint system suitable for a wheelchair user situated centrally in the transverse plane of the wheelchair space. The restraint system must be installed and operated in accordance with the manufacturer's instructions.</p>
Section B	
GENERAL	POINT FOR FAILURE OR COMMENT
B1. Vehicle must be right-hand drive.	Fail if left-hand drive.

<p>B2. Liquefied Petroleum Gas (LPG) If the vehicle has been constructed or adapted to use LPG the proprietor must produce a certificate of compliance by an approved Liquid Petroleum Association (LPGA) approved installer.</p> <p>A sticker stating that the vehicle has been fitted with an LPG tank must be displayed on the front and rear screens.</p> <p>If a doughnut tank is fitted in the spare wheel well of the boot, the spare wheel must be securely fixed in a position not obstructing the entire boot space.</p>	<p>Failure if no certificate produced.</p>
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