

Meeting	LICENSING COMMITTEE
Time/Day/Date	6.30 pm on Wednesday, 15 June 2016
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454512)

All persons present are reminded that the meeting may be recorded and by attending this meeting you are giving your consent to being filmed and your image being used. You are kindly requested to make it known to the Chairman if you intend to film or record this meeting.

The Monitoring Officer would like to remind members that when they are considering whether the following items are exempt information under the relevant paragraph under part 1 of Schedule 12A of the Local Government Act 1972 they must have regard to the public interest test. This means that members must consider, for each item, whether the public interest in maintaining the exemption from disclosure outweighs the public interest in making the item available to the public.

AGENDA

Item	Pages
1. APOLOGIES FOR ABSENCE	
2. DECLARATIONS OF INTEREST	
Under the Code of Conduct members are reminded that in declaring disclosable interests you should make clear the nature of that interest and whether it is 'Pecuniary' or 'Non-Pecuniary'.	
3. MINUTES OF PREVIOUS MEETING	
To confirm and sign the minutes of the meeting held on 24 February 2016.	3 - 6
4. DUAL TAXI DRIVER LICENCE (HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER	
Report of the Environmental Health Team Manager.	7 - 12
5. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE POLICY AND CONDITIONS	
Report of the Environmental Health Team Manager.	13 - 74



Circulation:

Councillor G A Allman
Councillor R Ashman
Councillor J Clarke
Councillor N Clarke
Councillor J Cotterill
Councillor D Everitt
Councillor T Eynon
Councillor D Harrison
Councillor G Houl
Councillor J Houl
Councillor G Jones
Councillor P Purver
Councillor V Richichi (Deputy Chairman)
Councillor A C Saffell
Councillor S Sheahan
Councillor N Smith (Chairman)
Councillor M Specht
Councillor M B Wyatt

MINUTES of a meeting of the LICENSING COMMITTEE held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 24 FEBRUARY 2016

Present: Councillor N Smith (Chairman)

Councillors G A Allman, N Clarke, J Cotterill, D Everitt, T Eynon, D Harrison, G Hoult, K Merrie MBE, P Purver, V Richichi, A C Saffell, S Sheahan and M Specht

In Attendance: Councillors R Johnson and J Legrys

Officers: Mr D Gill, Mr L Mansfield, Mrs C Ridgway and Mrs R Wallace

5. APOLOGIES FOR ABSENCE

Apologies for absence was received from Councillors J G Coxon, G Jones and M B Wyatt.

6. DECLARATIONS OF INTEREST

There were no declarations of interest.

7. MINUTES OF PREVIOUS MEETING

Consideration was given to the minutes of the meeting held on 14 October 2015.

The Chairman expressed his disappointment that there were no Members in attendance at the evening event in Ashby to monitor the night time economy with officers as referred to within the minutes. He believed that Members would learn a lot at these events and encouraged them to do their utmost to attend the one later in the year. Details would be circulated once it had been arranged.

In relation to the training on the IDOX public access software that Members received after the last meeting, Councillor T Eynon stated that she was happy with the training but unfortunately she still struggled to use the system. She thanked officers for agreeing to keep attaching the details of licences as part of the weekly Members Bulletin.

By affirmation of the meeting it was

RESOLVED THAT:

The minutes of the meeting held on 14 October 2015 be approved and signed by the Chairman as a correct record.

8. PURPLE FLAG ACCREDITATION - ASHBY DE LA ZOUCH

The Environmental Health Team Manager presented the report to Members and introduced Catherine Ridgway (Community Focus Officer) to the Committee who would be leading the application process.

Regarding the recommendation to elect a Member to represent the Licensing Committee at the Working Group, the Chairman asked Members to not put forward an Ashby Ward Member. Councillor J Cotterill proposed Councillor M Specht and it was seconded by Councillor D Harrison. It was put to the vote and agreed.

Councillor A C Saffell reported that Castle Donington Parish Council had been researching options such as the purple flag accreditation for the town and although he was not the Member representative on this occasion, he would like to be involved as much as possible. Officers took the comment on board.

Councillor S Sheahan asked how the process would work, would it be taking an honest approach or would it be concentrating more on selling the good points of Ashby. He also asked who the assessors were and how they fit into the scheme. The Community Focus Officer explained that assessors were from all across the country and from a variety of backgrounds involved in the night time economy. She explained that Purple Flag undertake an unbiased honest assessment that looked at all aspects including the dispersal of people, state of streets, antisocial behaviour and methods of people leaving the area such as taxis and buses. She added that she was an assessor for Purple Flag and that it was not an easy accreditation to obtain and towns did fail.

The Chairman asked if there was any data or comments that Purple Flag had given to other towns available for public viewing and also how the accreditation was publicised. The Community Focus Officer responded that the assessment was undertaken using criteria within specific areas; this was then reported back to towns so that it was clear where the positives and negatives were. She explained that Purple flag had a website and published material.

Councillor T Eynon asked if there was any evidence that obtaining the accreditation would bring any benefits to the town. She also asked if there was any way to measure the outcomes as it was important to see the current position and be clear what improvements were required. The Community Focus Officer responded that she would be using crime statistics, CCTV, consulting with people who regularly visit Ashby and business owners. The Chairman also added that it would be worthwhile talking to hotels and bed and breakfast establishments in the area as they would also benefit from the accreditation. He agreed that it was important to have some baseline figures to measure against.

The Environmental Health Team Manager reported that a self assessment was being undertaken on 12 March which would help identify areas of improvement and provide a matrix for comparisons at the end of the process.

Councillor K Merrie commented that the initiative was a good idea and hoped Ashby would be successful. He asked if there were any plans to roll it out to other areas in the District, such as Coalville. The Community Focus Officer responded that it was the intention to look at other areas in the future if Ashby was successful as there were no restrictions on the size of the town; the requirements just needed to be met.

In response to a question from Councillor K Merrie, the Community Focus Officer explained that the cost of the application would be funded by the Council, the Partnership and Leicestershire County Council would be looking at the funding available for a proportion. In response to a further question from Councillor K Merrie, the Community Focus Officer stated that there was no intention of asking the Town Council to contribute to the ongoing costs at the moment but it was something that could be considered in the future.

Councillor K Merrie asked if December would be the most appropriate time to undertake an assessment due to the Christmas festivities. The Community Focus Officer explained that the assessors understood that the time of year affected the town and they would be interested in how the behaviour was dealt with more than the actual behaviour itself.

In response to a question from Councillor D Harrison, the Chairman stated that once the accreditation was achieved it would be reviewed on an annual basis. Councillor D Harrison commented that he welcomed the proposal and was keen for other towns such as Castle Donington to also consider applying. He was however, put off by the fact that it was being funded by the District Council and not the Town Council. He believed that if the initiative turned out to be a good marketing tool which benefited the town then the Town Council should be contributing to the costs.

Councillor G A Allman asked how it had been demonstrated that there was a need for this accreditation. The Community Focus Officer explained that in her role as the night time economy officer she could see the opportunities that were available for Ashby. She added that Ashby was already doing a lot of the things that bigger towns did and she felt that it would pass the assessment. She also felt that it was important to celebrate the success of the town. The Environmental Health Team Manager commented that there was not necessarily a need for the accreditation but he felt that the Council should celebrate the successes and improvements in the town in the last five years and this was a good way to do that.

Councillor T Eynon commented that unless evidence that the accreditation was a benefit to the town she felt it would not be worthwhile. She added that it needed to be Council evidence as the Purple Flag evidence would be biased. However she did feel that if it was successful it would be worth considering for Castle Donington. The Chairman reminded Members that if it was deemed as not being beneficial once obtained, it did not have to be continued.

Councillor M Specht compared the accreditation to the Blue Flag on beaches and commented that it did make a difference on people's decisions to visit. He agreed with other comments made regarding Castle Donington's potential for applying for the accreditation as it was also a great town. He believed that Ashby was nearly ready for the assessment and would be proud to represent the Committee on the working group. He also asked to be included in the self assessment in March.

Discussion was had on the way the taxi's operated within the town and that there were issues that needed to be considered as part of the self assessment.

In response to a question on publicity from Councillor P Purver, the Community Focus Officer explained that if the town was successful there would be a publicity launch with local businesses to promote as well as the Tourist Information Centre, bar staff and door security staff at public houses. She stressed that Birmingham recently lost the accreditation due to a lack of publicity so it was important to get it right. In response to a further question from Councillor P Purver, the Community Focus Officer explained that businesses would be encouraged to apply for grants to fund publicising the accreditation and pub watch and social media would also be used.

Councillor A C Saffell commented that the reason behind his request to be involved with the process was to learn about how Castle Donington could be improved and as antisocial behaviour had been reported in neighbouring villages, how to deal with it if it came into the area. The Environmental Health Team Manager reported that there were also measures that could be taken as part of premises licences if needed. The Chairman suggested that as a Ward Member, Councillor A C Saffell could organise a meeting that could be attended by the publicans in the area and council officers to look at matters such as these. The Community Focus Officer also commented that she would be happy to discuss 'Pubwatch' or 'Retail Radio' for the town with Councillor A C Saffell after the meeting.

Councillor G A Allman reported that on average 25 public houses closed per week throughout the Country. He felt that officers already did a fantastic job and that this accreditation was not needed.

The Chairman asked officers to keep the Committee updated on the progress at future meetings.

RESOLVED THAT:

An application for Purple Flag Accreditation within Ashby de La Zouch be actively supported by electing Councillor Specht to represent the Licensing Committee at the Working Group.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.25 pm

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING COMMITTEE – 15 JUNE 2016

Title of report	DUAL TAXI DRIVER LICENCE (HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER)
Contacts	<p>Portfolio Holder - Councillor Alison Smith MBE 01530 835668 alison.smith@nwleicestershire.gov.uk</p> <p>Lee Mansfield Environmental Health Team Manager 01530 454610 lee.mansfield@nwleicestershire.gov.uk</p> <p>Stephen Eyre Licensing Team Leader 01530 454844 stephen.eyre@nwleicestershire.gov.uk</p>
Purpose of report	To outline a proposal to introduce a dual driver licence in North West Leicestershire, for consideration and approval
Council Priorities	Business & Jobs Value for money
Implications:	
Financial/Staff	See body of report
Link to relevant CAT	Not applicable
Risk Management	No significant risks identified
Equalities Impact Assessment	Not applicable
Human Rights	None
Transformational Government	None
Comments of Head of Paid Service	The report is satisfactory
Comments of Deputy Section 151 Officer	The report is satisfactory
Comments of Deputy Monitoring Officer	The report is satisfactory

Consultees	Existing driver licence holders
Background papers	NWLDC Hackney Carriage and Private Hire Driver Fit & Proper Person Policy
Recommendations	<ol style="list-style-type: none"> 1. THAT LICENSING COMMITTEE CONSIDERS AND APPROVES THE INTRODUCTION OF DUAL DRIVER LICENCES 2. IMPLEMENTAION OF THE INTRODUCTION OF DUAL DRIVER LICENCES IS DELEGATED TO THE ENVIRONMENTAL HEALTH TEAM MANAGER 3. AMENDMENTS TO THE HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER FIT AND PROPER PERSON POLICY TO REFLECT CHANGES IN LEGISLATION AND CENTRAL GOVERNMENT POLICY IS DELEGATED TO THE ENVIRONMENTAL HEALTH TEAM MANAGER

1.0 Background

- 1.1 Currently NWLDC offers both a hackney driver's licence and a private hire driver's licence.
- 1.2 The licensing team have received requests from licensed hackney carriage drivers to consider introducing a dual hackney carriage/private hire driver's licence. This would allow a dual licence holder to driver both a hackney carriage and private hire vehicle, licensed by NWLDC.
- 1.3 From time to time a taxi company finds themselves in a situation whereby they have a private hire vehicle and a hackney carriage driver available. In that situation the available driver would not be able to drive the private hire vehicle. By replacing the hackney carriage driver licence with a dual driver licence that driver would be able to driver the private hire vehicle, providing the company greater flexibility to satisfy customer demand.
- 1.4 Driver's are not prohibited from holding both licences but are required to go through both application processes. Several drivers do hold both licences.
- 1.5 Offering a dual licence would provide the following benefits to drivers:
 - Provide more flexibility by allowing the dual licence holder to drive both a hackney carriage and private hire vehicle, licensed by NWLDC.
 - A driver would only incur the time and cost of one application.

2.0 Proposal

- a. To introduce a dual driver licence (hackney carriage and private hire) and
- b. To continue to offer a private hire driver licence (for those drivers that do not intend to driver a hackney carriage vehicle and do not wish to undertake the location/routes element of the knowledge test) and

- c. To cease offering a hackney carriage driver licence. A hackney carriage driver licence would no longer be required as a dual driver licence would permit a driver to driver a hackney carriage vehicle.

3.0 Consultation Process & Findings

3.1 Process

The initial request to introduce a dual driver licence was received at the driver consultative forum from an existing holder with both a hackney carriage and private hire driver licence. This was supported by other drivers at the forum.

Further consultation work by the licensing team has concluded that there is enough support to justify the work required to introduce this change.

A survey was sent to 60 existing private hire driver licence holders asking for their views on the proposal.

3.2 Feedback

20 of the 60 drivers replied

11 said they would be happy to take an enhanced knowledge test permitting them to hold a dual driver licence (indicating that they would apply for a dual driver licence)

8 said they would not be prepared to sit an enhanced knowledge test (indicating that they would prefer to continue to hold a private hire driver licence)

1 said 'Don't know'

3.3 Conclusion

That NWLDC should continue to offer a private hire driver licence in addition to a dual driver licence

4.0 Implications for existing licence holders and Implementation

4.1 Current hackney carriage drivers would be able to apply for a dual driver licence without having to pass additional assessments.

4.2 Current private hire drivers would have a choice, to either apply for a PHD licence (renew their existing licence) or sit an enhanced knowledge test and become a dual licence holder.

4.3 Drivers that currently hold both a hackney carriage and private hire driver licence would be able to apply for a dual licence, saving them both time and money.

4.4 An existing private hire driver licence holder would be able to apply for a dual driver licence both at the time of renewal or part way through the term of their existing licence, subject to there being more than 2 months remaining on their current licence.

4.5 All current hackney carriage driver licence holders will be converted to a dual driver licence, if requested by the licence holder. All licence holders requesting to convert to a dual driver

licence will be provided with a new driver badge, upon return of their current hackney carriage driver badge.

4.6 All current hackney carriage drivers that do not request a dual licence before their licence expires will be converted to a dual driver licence at the time of renewal.

4.7 All existing driver licence holders would receive a letter explaining the changes week commencing 20 June 2016.

5.0 Policy Implications

5.1 The introduction of a dual driver licence would require the following minor amendments to the driver fit and proper person policy:

- All references to 'private hire and hackney carriage driver's licence will be amended to read 'private hire and dual (hackney carriage and private hire) driver's licence';
- The following amendments (showing in 'tracked changes') to paragraph 10 relating to the knowledge test:

10.0 KNOWLEDGE TEST

Following receipt of a completed application pack the applicant will be booked in to undertake a knowledge test.

10.1 The requirement to pass a knowledge test applies to both applicants for a dual driver~~the hackney carriage~~ and private hire driver's licence.

10.2 The Council's knowledge test seeks to test the applicant's knowledge of taxi and private hire law, the Highway Code, the Council's own byelaws and conditions, conversational proficiency and for dual (hackney carriage and private hire) applicants only, the local area and road network.

10.3 An element of the test will be completed orally. Applicants will need to show that they have the ability to hold a conversation in English.

10.4 The Environmental Health Team Manager in consultation with the Licensing Team Leader is authorised to amend the administration of the knowledge test and add to/delete from the bank of questions to reflect local issues.

10.5 The administration of the knowledge test will be transparent to all applicants with all relevant documentation published on the Council web site.

ADMINISTRATION

The knowledge test consists of the following sections:

- ~~(a)~~ ~~(a)~~ Writing a receipt
- ~~(a)~~ ~~(b)~~ Conversational ability
- ~~(c)~~ 5 law questions
- ~~(d)~~ 5 questions on the Highway Code and road signs

(ed) 5 questions on the Council's own byelaws/conditions (there will be separate questions for dual hackney carriage and private hire applicants) ~~AND EITHER~~

(fe) 5 questions on routes (For dual hackney carriage driver applicantss) ~~OR~~
~~5 questions on knowledge of key places and main roads (For private hire drivers) (Section E is an oral assessment)~~

Skills Assessment

The first task is to write a receipt (Section A) but if he/she fails, the rest of the test will be cancelled and he/she will be deemed to have failed the test.

Having successfully written a completed the a receipt the applicants ability to hold a conversation in English will be assessed (Section B) through general knowledge questions. ~~element of the test the applicant will move onto the four knowledge based sections (b, c, d & e at 5.3 above).~~

If the applicants ability to hold a conversation is not deemed to be adequate, the applicant will not proceed to the knowledge assessment.

Knowledge Assessment

The 'knowledge' sections of the test consist of 20 questions for dual driver applicants and 15 questions for private hire applicants.

~~The P~~pass Mmark

Dual driver licence - for prospective hackney carriage and private hire drivers will be a total of 16 achieving a score of at least 4 in each of the 4 sections (c,d,e,f).

Private hire driver licence – 12 achieving a score of at least 4 in each of the 3 sections (c,d,e)

Private hire applicants are not being tested on topographical knowledge as they are not legally available for immediate hiring in the same way as a dual (hackney carriage) licence driver. To hire a private hire vehicle the would-be passenger has to go through an operator, so the driver will have an opportunity to check the details of a route before starting a journey. ~~Section E for private hire applicants focuses on their ability to read a map and their knowledge of key places and main roads.~~

Should the examiner have concerns over an applicant's conversational proficiency (ability to hold a conversation in English) a second examiner will be introduced. The applicant will then be asked a number of conversational questions on a subject area of their choice. The assessment will last for approximately 5 minutes. In the event that the examiners remain concerned over the applicants conversational proficiency the matter will be referred to Committee. Should the Committee refuse the licence application the applicant will receive details of how to access training to enable their conversational proficiency to reach an acceptable standard. The Certificate in English for Speakers of Other Languages (Entry Level 3) is considered to be an acceptable standard.

Applicants are allowed 3 attempts to take and pass the knowledge test. If an applicant fails, 2 weeks must elapse before they can re-sit the test. If an applicant takes and fails the third

knowledge test they will be deemed not to be 'fit and proper' and their application will be refused.

There will be a knowledge test/retest fee and it will apply to both hackney carriage and private hire applicants. This fee is non refundable. The level of fee will be subject to regular review.

- 5.2 No changes to the hackney carriage or private hire driver licence conditions are required.

6.0 Financial Implications

- 6.1 The fee for a 12 month hackney carriage driver licence is £98
- 6.2 The fee for a 12 month private hire driver licence is £98
- 6.3 The fee for a 12 month dual driver licence will be £98
- 6.4 All fees are reviewed annually
- 6.5 Currently 13 drivers hold both a hackney carriage and private hire driver licence. Should all drivers apply for a dual driver licence this would result in a reduction in income of £1274.00 (13 licences at £98)
- 6.6 An existing private hire driver wishing to convert their licence to a dual driver licence would have to pay a fee to sit the knowledge test. The knowledge test fee is currently £40.50

7.0 Future Amendments to Driver Fit & Proper Person Policy

- 7.1 The hackney carriage and private hire driver fit and proper person policy is a document detailing the objectives, application and determination processes. This policy will require further amendment from time to time to reflect changes to legislation and central government policy and practice. In order to ensure that any such changes in legislation and central government policy are effectively reflected in the policy without unnecessary reference to Licensing Committee it is proposed that such amendments are delegated to the Environmental Health Team Manager.

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING COMMITTEE – 15 JUNE 2016

Title of report	REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE POLICY AND CONDITIONS
Contacts	<p>Portfolio Holder - Councillor Alison Smith MBE 01530 835668 alison.smith@nwleicestershire.gov.uk</p> <p>Lee Mansfield Environmental Health Team Manager 01530 454610 lee.mansfield@nwleicestershire.gov.uk</p> <p>Stephen Eyre Licensing Team Leader 01530 454844 stephen.eyre@nwleicestershire.gov.uk</p>
Purpose of report	To outline a draft hackney carriage and private hire vehicle policy and conditions, for consultation
Council Priorities	Business & Jobs Homes and communities
Implications:	
Financial/Staff	All staffing costs associated with the preparation, consultation, adoption and enforcement of the Hackney Carriage and Private Hire Vehicle Licence Conditions can be met by the existing level of staff.
Link to relevant CAT	Not applicable
Risk Management	No significant risks identified. The Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guidance has been fully considered in drafting the proposed licence conditions. All proposed conditions relate to the promotion of public, driver or passenger safety.
Equalities Impact Screening	Not applicable
Human Rights	Any interference with property rights protected by Article 8 and Protocol 1 Article 1 of the Human Rights Act must be legitimate, necessary and proportionate
Transformational Government	None

Comments of Head of Paid Service	The report is satisfactory
Comments of Deputy Section 151 Officer	The report is satisfactory
Comments of Deputy Monitoring Officer	The report is satisfactory
Consultees	Existing driver licence holders Existing vehicle licence holders
Background papers	NWLDC Hackney Carriage and Private Hire Driver Fit & Proper Person Policy Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guide NWLDC Hackney Carriage Conditions – Issue 7 NWLDC Private Hire Vehicle Conditions – Issue 6
Recommendations	<p>1. THAT LICENSING COMMITTEE CONSIDERS AND MAKES COMMENT ON THE DRAFT HACKNEY CARRIAGE VEHICLE POLICY AND CONDITIONS PRIOR TO WIDER CONSULTATION</p> <p>2. THAT LICENSING COMMITTEE CONSIDERS AND MAKES COMMENT ON THE DRAFT PRIVATE HIRE VEHICLE POLICY AND CONDITIONS PRIOR TO WIDER CONSULTATION</p>

1.0 Background

1.1 The Local Government (Miscellaneous Provisions) Act 1976 (LG(MP)A) gives the local authority the following discretionary powers in relation to hackney carriage licences:

- Section 47(1) states, a district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 (Town Police Clauses Act 1847) such conditions as the district council may consider reasonably necessary.
- Section 47(2) states, without prejudice to the generality of the foregoing subsection, a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.
- Section 47(3) Any person aggrieved by any conditions attached to such a licence may appeal to a magistrates' court.
- Under Section 48(2) of LG(MP)A 1976 a district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of

this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.

1.2 The last significant review of vehicle policy was carried out in 2009 with a new set of conditions being approved by Licensing Committee on 25 November 2009. Less significant amendments to the conditions were made in 2010, 2011, 2013 and 2014.

1.3 In reviewing the current vehicle conditions account has been taken of the current edition of the Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guide issued in 2010.

1.4 Objectives

The current policy and conditions have been reviewed with the following four objectives in mind.

1. Vehicle conditions are further improved
2. Vehicle emissions are reduced
3. Licensed taxi vehicles are more easily recognisable
4. Customers of the service feel the council is spending money well

1.5 The current hackney carriage and private hire vehicle policy and conditions are located at appendix 1 (Hackney Carriage) and 2 (Private Hire).

1.6 The draft hackney carriage and private hire vehicle policy and conditions are located at appendix 3 (Hackney Carriage) and 4 (Private Hire).

2.0 Summary of proposed amendments

2.1 The following is a list of the significant changes:

The structure of the document has been amended, creating 2 parts by separating the licensing policy and the ongoing conditions of holding a licence.

Each of the proposed changes have been listed under one of the 4 objectives of the review

Objective 1 – Vehicle conditions are further improved

Vehicles must be less than 6 years old on the date of the first application, unless they are in an 'exceptionally well maintained condition, subject to inspection at continuing 6 monthly intervals' A vehicle of 6 years and older has to undergo and pass a visual check and mechanical check before it is licensed. Currently a vehicle is permitted an unlimited number of attempts to pass these checks. It is proposed to limit the number of attempts.

Amendments have been made to the definition of a vehicle that is 'exceptionally well maintained'. This is explained below:

Proposal 1 - Should a vehicle fail a visual inspection a second inspection will be permitted. Should a vehicle fail the second visual inspection it will be deemed not to be of exceptional condition and consequently will not be licensed.

Proposal 2 - Should a vehicle of 6 years or older fail a mechanical inspection with defects in more than one critical area (listed below), it will be deemed not to be of exceptional condition and consequently will not be licensed.

Proposal 3 - Should a vehicle of less than 6 years old fail a mechanical inspection, one retest will be available. Should the vehicle fail the inspection at the second attempt with defects in more than one critical area the vehicle will not be licensed.

Critical areas covered by the inspection: engine; brakes; suspension; steering, tyres

Objective 2 – Vehicle emissions are reduced

Vehicle Age – Vehicles must be less than 6 years old on the date of the first application with the exception of purpose-built London style cabs.

Proposal 4 – To remove purpose built London style cabs from the list of exemptions. Work is underway to replace diesel purpose built London style cabs with ultra low emission vehicles. This proposal removes the risk of surplus London style cabs of 6 years and over being licensed within the district.

Proposal 5 – To add ultra low emission vehicles to the list of exemptions, permitting vehicles 6 years and over on the first application

Vehicle emissions – Newer vehicles not requiring an MOT as deemed to be compliant. Vehicle emission standards are regulated through the MOT, where required. Currently there are no restrictions on the type of engine permitted.

Proposal 6 - To require vehicles to be fitted with a Euro 6 compliant engine, from January 2021.

Euro emissions standards were first introduced in 1992 (Euro 1) with the aim of making cars cleaner. For diesel cars, the new Euro 6 standards, introduced in September 2014 dramatically dropped the permitted level of nitrogen oxide emitted down to a maximum of 80mg/km compared to the 180mg/km set by the Euro 5 standard. The limit for nitrogen oxide from petrol cars remains unchanged from the Euro 5 standard at 60mg/km. The permitted levels of carbon monoxide and particulate matter remain unchanged from the Euro 5 standard.

Or

To require vehicles to be fitted with a Euro 4 compliant engine (registered since January 2005), from 1 January 2017

To require vehicles to be fitted with a Euro 5 compliant engine (registered since September 2009), from 1 January 2021

To require vehicles to be fitted with a Euro 6 compliant engine (registered since September 2014), from 1 January 2025

Objective 3 - Licensed taxi vehicles are more easily recognisable

Vehicle Design, colour – Currently there are no restrictions on the exterior colour of a hackney carriage.

Members of the public can often confuse private hire vehicles with taxi, failing to realise that private hire vehicles are not available for immediate hire. So it is important to distinguish

between the two types of vehicle. Measures currently used to distinguish the two types of vehicle include colour coded licence plates, mandatory door signage detailing the words 'advanced bookings only' on private hire vehicles and mandatory roof sign for hackney carriages.

Proposal 7 - To introduce a livery colour for hackney carriages, making the vehicles more recognisable to the public. From 1 January 2018 all vehicles relating to new applications for a hackney carriage licence must be the livery colour agreed by the council.

Objective 4 - Customers of the service feel the council is spending money well

Motor insurance certificate – Currently there is not a policy relating to the length of cover notes or insurance certificates. Consequently there is currently nothing to prevent a licence holder from submitting short term cover notes for the whole period of the licence, creating an administrative burden. Although drivers submitting short term cover notes is not currently an issue here in North West Leicestershire, it has become an problem for other licensing authorities.

Proposal 8 – In the event that a short term cover is in place at the time of grant the licence holder must present a further insurance certificate to the licensing team before the expiry of the cover note. Failure to present an insurance certificate before the expiry of the cover note will result in the licensing team contacting the licence holder requiring evidence of insurance to be produced. This service will be chargeable.

Customer feedback – Currently it is not a requirement to display a sign or notice informing customers how they can give feedback relating to the service provided. Currently, very little feedback is received by the licensing team.

Proposal 9 - To introduce a requirement to display a notice within the vehicle explaining to a passenger how they can provide feedback to the council.

3.0 Consultation Process

- 3.1 A first draft of the policy and conditions was presented to the Hackney Carriage and Private Hire Driver Forum on 24 May. Feedback from drivers was limited due to poor attendance.

The forum raised concerns relating to proposal 6, to require vehicles to be fitted with a Euro 6 compliant engine, from January 2021. It was felt that this policy would result in a significant fall in the number of licensed vehicles. Consequently a revised proposal has been put forward.

No adverse comments were made relating to the other proposals.

- 3.2 Comments made by Licensing Committee on 15 June will be used to shape the final draft for wider consultation. To assist Licensing Committee, a feedback form has been included at Appendix 5.
- 3.3 A 12 week consultation period will commence on 27 June 2016 and end on 18 September 2016. The following individuals and groups will be consulted:

All current private hire and hackney carriage licence holders;
Leicestershire County Council;
local interest groups, including hospitals and tourist attractions;

the police;
transport stakeholders – bus, coach providers
Licensing Committee

Consumers and passengers will also be consulted by placing the consultation documents on the Council's web site.

4.0 Future Amendments to Vehicle Policy and Conditions

- 4.1 This policy and conditions will require further amendment from time to time to reflect changes to legislation and central government policy and practice. In order to ensure that any such changes in legislation and central government policy are effectively reflected in the policy without unnecessary reference to Licensing Committee it is proposed that such amendments are delegated to the Environmental Health Team Manager.

5.0 Next Steps

20 June	Devise final draft for consultation (considering comments made by Licensing Committee)
27 June	Consultation process to commence
18 September	Consultation process to end
23 November	Report and draft policy and conditions to Licensing Committee for approval

HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS

Issue 7 – 1 April 2014

HACKNEY CARRIAGE VEHICLE – SPECIFICATION AND CONDITIONS OF LICENCE

Section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976, (LGMPA 1976) states that “A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary”.

1. VEHICLE AGE, DESIGN, TYPE, COLOUR, SEATING AND APPEARANCE

- (a) All hackney carriage vehicles must meet the standards as laid down by the Council with regard to standard of appearance. Vehicles shall have a minimum of 4 doors and shall not have an engine capacity of less than 1250cc. Vehicles with any unrepaired accident, panels of a different colour to the rest of the vehicle, missing trims, dirty or damaged upholstery or generally shabby appearance will not be licensed.
- (b) Hackney carriage vehicles must not be over 6 years old (from 1 April 2014) on the date of the first application, with the following exceptions:
 - (i) Purpose-built London-style cabs (eg Austin FX4, TX1).
 - (ii) Other vehicles which are in an exceptionally well maintained condition, subject to their being inspected with regard to mechanical fitness and appearance at continuing 6 monthly intervals.

An exceptionally well maintained vehicle is one that:-

- 1) Is expected to pass its Council depot examination on the first occasion. However, if the vehicle fails it will be allowed one retest. Failure of the retest will preclude the vehicle from being licensed.
- 2) The bodywork should have no signs of panel deterioration due to age. It should not have unrepaired damage, dents, scratches or chipped paintwork. Any paint re-sprays should be of good quality and match the remainder of the paintwork.
- 3) The exterior trim should be as per the manufacturer's original specification. No trim will be missing and all 4 hub caps (if part of original specification) will be present, matching and scuff free.
- 4) The interior trim, panels, seating and carpets should be clean, free from damage and discolouration. Fabric must not be frayed, torn or threadbare. Seat covers will be permitted but the underlying seat will not have any of the previously mentioned faults.
- 5) The boot or luggage compartment must have no loose padding or plastic trim. It must be clean and undamaged and fit for the purpose of carrying luggage.
- 6) Passenger areas should be free from damp and odours that may cause passenger discomfort.

Maxim: A vehicle of 'Exceptional Condition' must give the impression that it is being cared for by its owner. If an 7 year old vehicle looks like an 7 year old vehicle it will not be of an 'Exceptional Condition'.

- (c) The age of the vehicle is to be taken from the vehicle registration document. Where the age of a “Q” registered vehicle is not identifiable the age will be calculated as 3 years old at the date of “Q” registration in line with the policy of the DVLA and taken from the registration document.
- (d) With respect to seating, this should be padded. Slatted wooden seats are considered inadequate. Where seats are continuous, 1 foot 4 inches (approximately 41 centimetres) measured horizontally along the front of each seat, should be allowed for each passenger. Any vehicle which is constructed or adapted to seat more than 8 passengers cannot be licensed as a hackney carriage vehicle.
- (e) The vehicle must not be left hand drive.
- (f) The vehicle must not be a convertible.
- (g) The vehicle must have EU Type Approval.
- (f) If (g) cannot be satisfied then a Department for Transport Certificate of Single Vehicle Approval must be produced.

2. MAINTENANCE OF VEHICLE

The hackney carriage 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 shall be fully complied with.

3. ALTERATION OF VEHICLES

- (a) No material alteration or change in the specification, design, condition or appearance of the hackney carriage vehicle shall be made without the approval of the Council at any time while the licence is in force.
- (b) Any liquid petroleum gas (LPG) vehicle conversion must be carried out by an approved LPG installer. An LPG conversion certificate shall be supplied to the council. Details of approved UK vehicle conversion companies can be obtained from the LP Gas Association.

4. IDENTIFICATION PLATES

The identification plate showing the number of the licence and the number of passengers for which the vehicle is licensed and required to be exhibited under Section 52 of the Town Police Clauses Act 1847 (TPCA 1847) shall be securely fixed to the rear of the vehicle in a conspicuous position and in such a manner as to be easily removable by an authorised officer of the Council or a constable.

The proprietor or driver of the hackney carriage vehicle shall report the loss of the identification plate to the Council Offices as soon as the loss becomes known. A replacement plate shall be issued upon payment of the appropriate fee. On no account must a hackney carriage vehicle be used for hackney carriage purposes without displaying a hackney carriage identification plate (Section 52 TPCA 1847).

PLEASE NOTE: THE IDENTIFICATION PLATE REMAINS THE PROPERTY OF THE COUNCIL.

5. SECURITY

Where CCTV is installed in hackney carriage vehicles, the Council's CCTV Code of Practice in relation to licensed vehicles shall be followed. A copy can be obtained on request from the Council's Licensing Department.

6. SAFETY EQUIPMENT

Fire extinguisher.

- (a) The vehicle shall contain a fire extinguisher which shall meet the requirements of the European standard EN3, and be inside the vehicle when it is in use or available for hire.
- (b) Fire extinguisher shall be secured to the vehicle and be within reach of the driver. If the extinguisher is not so secured it must be located inside of the vehicle's boot compartment. A label shall be affixed inside of the vehicle indicating that a fire extinguisher is contained within.
- (c) The fire extinguisher shall be indelibly marked with the vehicle's hackney carriage plate number.
- (d) The fire extinguisher must be maintained in good working order, the operating instructions must be legible and the driver of the vehicle must be familiar with its use.

First aid kit

- (a) The proprietor of the vehicle shall provide a suitable first aid kit (see suggested list of contents below) in the vehicle at all times when it is in use or available for hire.
- (b) The first aid kit should be readily visible and available for immediate use in an emergency. If the design of the vehicle is such that a first aid kit cannot be carried in a position where it is easily visible, a sign shall be displayed on the vehicle dashboard indicating the position of the kit.
- (c) The first aid kit shall be indelibly marked with the vehicle's hackney carriage plate number.

THE COUNCIL'S HEALTH AND SAFETY OFFICER RECOMMENDS THAT A HACKNEY CARRIAGE VEHICLE'S FIRST AID KIT CONTAINS THE FOLLOWING ITEMS WHICH ARE REQUIRED BY THE HEALTH AND SAFETY (FIRST AID) REGULATIONS 1981 FOR TRAVEL FIRST AID KITS.

- First aid guidance leaflet
- 6 adhesive plasters
- 2 triangular bandages
- 1 large wound dressing 18 x 18 centimetres

- 2 individually wrapped wipes
- 1 pair of disposable gloves
- 6 safety pins

PLEASE NOTE: IN ADDITION TO THE ABOVE , THE PROPRIETOR OF THE VEHICLE IS ASKED TO CONSIDER CARRYING THE FOLLOWING ITEMS IN CASE OF EMERGENCIES.

- A torch and spare batteries
- Warning triangle
- Shriek alarm to disorientate any aggressor
- Detailed maps of areas in which the vehicle is travelling

7. CONVICTIONS, CAUTIONS, AND FIXED PENALTY NOTICES

The proprietor shall within 7 days disclose to the Council in writing details of any interview, arrest, conviction or caution by the Police in respect of any offence AND any fixed penalty notice (motoring or otherwise) imposed on him (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the hackney carriage vehicle licence.

8. MOTOR INSURANCE CERTIFICATE

The proprietor must at all times ensure that the vehicle is adequately insured for use as a hackney carriage and a copy of the insurance certificate must be available for inspection inside the vehicle whilst it is licensed as a hackney carriage.

9. PRESENTATION OF VEHICLE FOR INSPECTION

The proprietor, on reasonable notice, must present the vehicle for inspection at any time and at any place required by the Council, provided that such requirements for inspection shall not exceed more than 3 occasions per year (Section 50 LGMPA 1976). Failure to present a vehicle for inspection is an offence under the 1976 Act and will normally lead to the immediate suspension/revocation of a vehicle licence.

The requirement to present for inspection is in addition to the powers of an authorised Licensing officer or Police Constable to test and inspect a hackney carriage as to its fitness at any reasonable time. (Section 68 LGMPA 1976)

10. ROOF SIGNS

The proprietor shall comply with the following requirements on any vehicle used as a hackney carriage (with the exception of purpose built vehicles).

- (a) An illuminated sign of a type already approved must be fitted to or above the hackney carriage with the words "FOR HIRE" in block letters showing to the front and the words "CAB NO..." showing to the rear. At each end of the sign shall be the words "...SEATS".

- (b) The roof sign must be illuminated whilst plying for hire. Once hiring has commenced the roof sign must not be illuminated until the journey has ended.
- (c) The roof sign must be electronically connected so that its working is in conjunction with the fare meter, ie when the meter is not in use the sign is illuminated and when the meter is in use, the sign is not illuminated.

11. HACKNEY CARRIAGE TAXI METERS

- a) It will be the duty of the proprietor to ensure that an installed meter is of sufficient quality to display journey details to a high level of accuracy. The travelling public rely on the meter to show the precise cost of their journeys and to fit a defective meter would be a gross misconduct by the vehicle proprietor. It shall be fitted in such a position that the display is visible and will be illuminated at all times.
- b) Any meter found to be defective by the proprietor should be removed from the vehicle immediately.
- c) On purchase a vehicle proprietor will arrange for the meter to be programmed with the current North West Leicestershire District Council Hackney Carriage tariff.
- d) Once programmed the proprietor shall ensure that the meter is sealed with a tamper-evident seal in a way that prevents the tariff being altered without the seal being destroyed (the Council does not have its own sealing equipment).
- e) The use of an unsealed meter is prohibited and must be removed from the vehicle until the resealing process is completed.
- f) If the company sealing the meter can provide an authentication certificate it should be forwarded to the Licensing team as soon as possible and if accepted g) & h) below will not apply. If this is not possible the proprietor will contact the Council's Licensing Office and arrange for a licensing officer to test the machine. This will involve taking the officer on a short test drive which should take no longer than 30 minutes.
- g) If the officer is of the opinion that the meter is inaccurate, defective or programmed with wrong tariff prices they will remove the lead seal. The proprietor will then be responsible for correcting any defects (b) above may apply in these circumstances).
- h) A fee will be charged for the time spent by the officer checking the meter.
- i) A copy of the Council's fare chart must be clearly displayed in the vehicle so as to be plainly visible to passengers carried therein.
- j) If a meter is installed it will be used to determine the cost of the journey unless the cost has been agreed at the time of booking.

- (k) All hackney carriage vehicle taximeters shall be operated in accordance with the Council's Hackney Carriage Byelaws.

12. WINDSCREEN NOTICE

The proprietor of the vehicle shall cause the notice issued by the Council, and which gives details of the hackney carriage vehicle licence, to be affixed to the nearside of the windscreen in such a position that it shall be clearly readable at all times.

PLEASE NOTE: THE NOTICE REMAINS THE PROPERTY OF THE COUNCIL

13. USE OF TRAILERS

The proprietor shall comply with the following requirements in order for a hackney carriage to tow a trailer for the carriage of passengers' luggage.

- (a) The luggage trailer must be inspected and approved by the Council's authorised examiners.
- (b) The luggage trailer must meet the Construction and Use Regulations and where required the driver must hold the appropriate towing licence as issued by the DVLA.
- (c) No licensed vehicle may tow any trailer unless evidence of valid insurance to cover such use has been produced.
- (d) The identification plate, giving the hackney carriage vehicle licence number, must be clearly displayed on the rear of the trailer used in addition to the plate on the rear of the hackney carriage vehicle.
- (e) A spare wheel and tyre of the correct size shall be carried at all times when the trailer is in use.
- (f) The contents of such trailer must be secured and covered in a proper manner.

14. TINTED WINDOWS

The vehicle shall comply with the Construction and Use Regulations 1986 (as amended) with respect to the fitting of tinted, opaque, darkened or privacy glass windows.

15. ADVERTISEMENTS

Advertisements shall be allowed on hackney carriage vehicles without prior inspection, provided that:

- (a) They comply with the British Codes of Advertising and Sales Promotion.

- (b) The licence holder shall remove or amend any advertisement if the Advertising Standards Authority requests that this be done.
- (c) No advertisement shall be of a party political nature or advertise cigarettes or tobacco products.
- (d) Any advertisement must be below window level.
- (e) No advertisements are permitted on any glass areas of the vehicle.

16. CHANGE OF ADDRESS

The proprietor of the hackney carriage vehicle shall notify the Council in writing of any change of his address during the period of the licence within 7 days of such change. (Section 44 TPCA 1847) Upon receiving notification and relevant fees, an amended paper licence shall be issued by the Council.

17. DAMAGE TO VEHICLE

Any damage to the vehicle affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers carried therein shall be reported in writing to the Council as soon as is reasonably practical and in any event within 72 hours of the occurrence (Section 50(3) LGMPA 1976).

18. CHILD SAFETY

When any child is travelling in the vehicle the child lock on the doors if fitted should be used.

19. SIGNS AND NOTICES

- (a) Hackney carriage vehicles which can accommodate between 5 and 8 passengers should have suitable signage displayed in the vehicle directing passengers to and giving instruction in the operation and use of exit points i.e. slide door to open/push door to open.
- (b) A notice must be prominently displayed inside all hackney carriage vehicles and be visible to passengers in the rear of vehicles, stating the vehicle licence number and contact details of the Council's Licensing Section.

20. MINIBUSES

All mini-buses licensed by the Council as hackney carriage vehicles must comply with the MOT seat belt standards which apply to seat belts on mini-buses, buses and coaches (including those used for the transport of children).

21. RADIO EQUIPMENT

- (a) Any radio equipment fitted to the vehicle shall be kept in a safe condition and comply with statutory requirements.
- (b) Radio scanners are not permitted.

22. PASSENGER SAFETY

- (a) A proprietor or driver a hackney carriage vehicle shall not convey or permit to be conveyed in the hackney carriage vehicle a greater number of persons (regardless of the age or size of the passengers) than the number of persons prescribed in the licence for the vehicle and specified on the vehicle identification plate affixed to the rear of the vehicle.
- (b) The number of passengers must not exceed the number of restraints available in the vehicle.

PLEASE NOTE: IT IS THE DRIVER'S RESPONSIBILITY TO ENSURE THAT A PASSENGER IS USING THE CORRECT RESTRAINT.

It is acceptable to fit a customer's own child restraint provided that the restraint is of an approved design (i.e. BS Kite Mark) and in a serviceable condition.

23. ANIMALS

- (a) No animal belonging to the hackney carriage vehicle proprietor or the driver of the vehicle shall be conveyed in the vehicle.
- (b) Any animal belonging to or in the custody of a passenger, which in the driver's or proprietor's discretion may be conveyed in the hackney carriage vehicle must be conveyed in the rear of the vehicle and shall be contained so as not to present a nuisance or hazard to any occupants of the vehicle.
- (c) A proprietor or driver of a hackney carriage vehicle must carry a guide dog or assistance dog belonging to a passenger free of charge unless the driver has a proven medical condition that would preclude such action.

24. LUGGAGE

- (a) The proprietor of a vehicle shall provide the proper means for securing luggage if the vehicle is so constructed as to carry luggage. If the luggage is to be carried externally then the means for the carriage and securing of the luggage must provide adequate protection from inclement weather.
- (b) Any roof rack fitted to a vehicle must be the correct design and fitting for the type of vehicle and should be loaded in accordance with the manufacturer's instructions.
- (c) All vehicles shall be loaded with luggage in accordance with the vehicle manufacturer's weight and load specification.

- (d) Luggage shall not be carried or stored above the height of the rear seat or on the parcel shelf.

25. LOSS OF LICENCE

A replacement hackney carriage vehicle licence may be issued upon payment of the relevant fee.

26. RETURN OF IDENTIFICATION PLATE

On receipt of notice, the proprietor of a hackney carriage vehicle shall return the vehicle identification plate to the Council Offices in the event of the expiry (without immediate renewal), suspension or revocation of the licence (Section 58(2) LGMPA 1976).

27. TRANSFER OF VEHICLE

The proprietor of a hackney carriage vehicle must notify the Council in writing of any transfer in the ownership of a hackney carriage vehicle (Section 49 LGMPA 1976). Upon receiving written notification of transfer and relevant fee, an amended paper licence shall be issued by the Council.

28. PERMITTING OR EMPLOYING ANY OTHER PERSON TO DRIVE

Before a proprietor of a hackney carriage vehicle permits or employs a hackney carriage driver to drive the vehicle he shall ensure that the vehicle is adequately insured for that driver.

If you are aggrieved by any of the conditions attached to this licence you may appeal to a Magistrates' Court within 21 days of the service of the licence on you (Section 47(3) LGMPA 1976).

NOTES:

- (a) FAILURE TO COMPLY WITH ANY OF THE CONDITIONS ATTACHED TO THIS LICENCE MAY RESULT IN PROSECUTION AND THE SUSPENSION OR REVOCATION OF THE HACKNEY CARRIAGE VEHICLE LICENCE.**
- (b) IN ADDITION TO THE HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS, THE PROPRIETOR OF A HACKNEY CARRIAGE VEHICLE MUST HAVE REGARD TO ALL STATUTORY PROVISIONS WHICH RELATE TO HACKNEY CARRIAGE VEHICLES.**
- (c) This hackney carriage vehicle licence is not transferable to another vehicle.**
- (d) No person must act as a driver of a licensed hackney carriage vehicle unless he holds a hackney carriage driver's licence issued by the District Council.**

- (e) Application for renewal of this licence should be made to the Head of Community Services on the prescribed form which is available from the Council Offices, Coalville. All licence holders will be sent a reminder and the necessary forms for renewal in advance of the expiry of the licence. Please note, however, that the responsibility for renewal rests with the licence holder. Reminder letters are sent purely as a courtesy.

DOCUMENT HISTORY

Issue Number	Issue Date	Approved By	Nature of Amendment
1	1 August 2001	Executive Committee	Introduction of Policy
2	1 December 2009	Licensing Committee – 25 November 2009	Changes to safety equipment signage. Changes in requirement to install taxi meters. Changes to vehicle internal and external signage. Tinted window compliance.
3	18 January 2010	Commercial Services Manager	Minor amendment to wording of conditions 19 (b) and 12.
4	10 August 2011	Environmental Health Team Manager	Clarification of the term 'exceptionally well maintained vehicle' at condition 1(b)
5	24 November 2011	Licensing Committee – 23 November 2011	Introduce requirement for all hackney carriage vehicles to have a taxi meter fitted
6	1 April 2013	Licensing Committee – 21 March 2012	Reduction of vehicle age from 8 years to 7.
7	1 April 2014	1) Licensing Committee – 21 March 2012 2) Environmental Health Team Manager	1) Reduction of vehicle age from 7 years to 6. 2) Amendment to para 1(b)(ii) (addition of word 'continuing').

COUNCIL'S VISION

North West Leicestershire will be a place where people and businesses feel they belong and are proud to call home

PRIVATE HIRE VEHICLE LICENCE CONDITIONS

Issue 6 – 1 April 2014

PRIVATE HIRE VEHICLE LICENCE CONDITIONS OF LICENCE

Section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976 (LGMPA 1976) states that "A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this sub-section, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates."

1. VEHICLE AGE, DESIGN, TYPE, COLOUR, SEATING AND APPEARANCE

- (a) All private hire vehicles must meet the standards as laid down by the Council with regard to standard of appearance. Vehicles shall have a minimum of 4 doors and shall not have an engine capacity of less than 1250cc. Vehicles with any unrepaired accident damage, panels of a different colour to the rest of the vehicle, missing trims, dirty or damaged upholstery or generally shabby appearance will not be licensed.
- (b) Private hire vehicles must not be over 6 years old (from 1 April 2014) on the date of the first application, with the exception of vehicles in an exceptionally well-maintained condition, subject to inspection at continuing 6 monthly intervals.
 - (i) An exceptionally well maintained vehicle is one that:-
 - 1) Is expected to pass its Council depot examination on the first occasion. However, if the vehicle fails it will be allowed one retest. Failure of the retest will preclude the vehicle from being licensed.
 - 2) The bodywork should have no signs of panel deterioration due to age. It should not have unrepaired damage, dents, scratches or chipped paintwork. Any paint resprays should be of good quality and match the remainder of the paintwork.
 - 3) The exterior trim should be as per the manufacturer's original specification. No trim will be missing and all 4 hub caps (if part of original specification) will be present, matching and scuff free.
 - 4) The interior trim, panels, seating and carpets should be clean, free from damage and discolouration. Fabric must not be frayed, torn or threadbare. Seat covers will be permitted but the underlying seat will not have any of the previously mentioned faults.
 - 5) The boot or luggage compartment must have no loose padding or plastic trim. It must be clean and undamaged and fit for the purpose of carrying luggage.
 - 6) Passenger areas should be free from damp and odours that may cause passenger discomfort.

Maxim: A vehicle of 'Exceptional Condition' must give the impression that it is being cared for by its owner. If an 7 year old vehicle looks like an 7 year old vehicle it will not be of an 'Exceptional Condition'.

- (c) The age of the vehicle is to be taken from the vehicle registration document. Where the age of a "Q" registered vehicle is not identifiable the age will be

calculated as 3 years old at the date of “Q” registration in line with the policy of the DVLA and taken from the registration document.

- (d) With respect to seating, this should be padded. Slatted wooden seats are considered inadequate. Where seats are continuous, 1 foot 4 inches (approximately 41 centimetres) measured horizontally along the front of each seat, should be allowed for each passenger. Any vehicle which is constructed or adapted to seat more than 8 passengers cannot be licensed as a private hire vehicle.
- (e) The vehicle must not be left hand drive.
- (f) The vehicle must not be a convertible.
- (g) The vehicle must have EU Type Approval.
- (h) If (g) cannot be satisfied then a Department for Transport Certificate of Single Vehicle Approval must be produced.

2. MAINTENANCE OF VEHICLE

The private hire 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 shall be fully complied with.

3. ALTERATION OF VEHICLES

- (a) No material alteration or change in the specification, design, condition or appearance of the private hire vehicle shall be made without the written approval of the Council at any time while the licence is in force.
- (b) Any liquid petroleum gas (LPG) vehicle conversion must be carried out by an approved LPG installer. An LPG conversion certificate shall be supplied to the Council. Details of approved UK vehicle conversion companies can be obtained from the LP Gas Association.

4. IDENTIFICATION PLATE

The identification plate identifying the vehicle as a private hire vehicle and required to be exhibited on the vehicle pursuant to Section 48(6) LGMPA 1976 shall be securely fixed to the rear of the vehicle in a conspicuous position and in such a manner as to be easily removable by an authorised officer of the Council or a constable.

The proprietor or driver of the private hire vehicle shall report the loss of the identification plate to the Council Offices as soon as the loss becomes known. A replacement plate shall be issued upon payment of the appropriate fee.

PLEASE NOTE: THE IDENTIFICATION PLATE REMAINS THE PROPERTY OF THE COUNCIL.

5. SECURITY

Where CCTV is installed in private hire vehicles, the Council's CCTV Code of Practice in relation to licensed vehicles shall be followed. A copy can be obtained on request from the Council's Licensing Department.

6. SAFETY EQUIPMENT

Fire extinguisher

- (a) The vehicle shall contain a fire extinguisher which shall meet the requirements of the European standard EN3, and be in the vehicle at all times when it is in use or available for hire.
- (b) The fire extinguishers shall be secured to the vehicle and be within reach of the driver. If the extinguisher is not so secured it must be located inside of the vehicle's boot compartment. A label shall be affixed inside the vehicle indicating that a fire extinguisher is contained within.
- (c) The fire extinguisher shall be indelibly marked with the private hire vehicle's plate number.
- (d) The fire extinguisher must be maintained in good working order, the operating instructions must be legible and the driver of the vehicle must be familiar with its use.

First aid kit

- (a) The proprietor of the vehicle shall provide a suitable first aid kit (see suggested list of contents below) in the vehicle at all times when it is in use or available for hire.
- (b) The first aid kit should be readily visible and available for immediate use in an emergency. If the design of the vehicle is such that a first aid kit cannot be carried in a position where it is easily visible, a sign shall be displayed on the vehicle dashboard indicating the position of the kit.
- (c) The first aid kit shall be indelibly marked with the private hire vehicle's plate number.

THE COUNCIL'S HEALTH AND SAFETY OFFICER RECOMMENDS THAT A PRIVATE HIRE VEHICLE'S FIRST AID KIT CONTAINS THE FOLLOWING ITEMS WHICH ARE REQUIRED BY THE HEALTH AND SAFETY (FIRST AID) REGULATIONS 1981 FOR TRAVEL FIRST AID KITS.

- First aid guidance leaflet
- 1 large wound dressing 18 x 18 centimetres
- 6 adhesive plasters
- 2 triangular bandages
- 6 safety pins
- 2 individually wrapped wipes
- 1 pair of disposable gloves

PLEASE NOTE: IN ADDITION TO THE ABOVE 2 ITEMS OF SAFETY EQUIPMENT, IT IS RECOMMENDED THAT EACH VEHICLE SHOULD

CONSIDER CARRYING THE FOLLOWING ITEMS IN CASE OF EMERGENCIES.

- A torch and spare batteries
- Warning triangle
- Shriek alarm to disorientate any aggressor
- Detailed maps of areas in which the vehicle is travelling

7. CHANGE OF ADDRESS

The proprietor of the vehicle shall notify the Council in writing of any change of his address during the period of the licence within 7 days of such change. Upon receiving notification and relevant fees, an amended paper licence shall be issued by the Council's Licensing Section.

8. CONVICTIONS, CAUTIONS, AND FIXED PENALTY NOTICES

The proprietor of the vehicle shall within 7 days disclose to the Council in writing details of any interview, arrest conviction, or caution by the Police in respect of any matter AND any fixed penalty notice (motoring or otherwise) imposed on him (or if the proprietor is a company or partnership, on any of the directors or partners) during the period of the private hire vehicle licence.

9. MOTOR INSURANCE CERTIFICATE

The proprietor must at all times ensure that the vehicle is adequately insured for use as a private hire vehicle and a copy of the insurance certificate must be available for inspection inside the vehicle whilst it is licensed as a private hire vehicle.

10. PRESENTATION OF VEHICLE FOR INSPECTION

The proprietor, on reasonable notice, must present the vehicle for inspection at any time and at any place required by the Council, provided that such requirements for inspection shall not exceed more than 3 occasions per year (Section 50 LGMPA 1976). Failure to present a vehicle for inspection is an offence under the 1976 Act and will normally lead to the immediate suspension/revocation of a vehicle licence.

The requirement to present for inspection is in addition to the powers of an authorised Licensing officer or Police Constable to test and inspect a private hire vehicle as to its fitness at any reasonable time. (Section 68 LGMPA 1976)

11. DEPOSIT OF DRIVERS' LICENCES

If the proprietor of the vehicle permits or employs a private hire driver to drive the vehicle, he shall, before that person commences to drive the vehicle, cause the driver to deposit his private hire driver's licence with the proprietor for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of the proprietor.

12. SIGNS AND NOTICES

- (a) Private hire vehicles must display signage on the exterior of driver's door **AND** front nearside door which contains company identification, contact telephone numbers (including area code), vehicle licence number and the words **advanced booking only**.
- (b) Applications for exemption from displaying external signage as listed above will be considered for corporate business. Section 75(3) LGMPA 1976
- (c) No signs shall be displayed on or above the roof of the private hire vehicle.
- (d) Private hire vehicles are not permitted to display signage which includes the words 'taxi' or 'cab' whether in the singular or plural or the words 'for hire' or any other word of similar meaning or appearance likely to cause a person to believe the vehicle is a hackney carriage.
- (e) Private hire vehicles which can accommodate between 5 and 8 passengers should have suitable signage displayed inside the vehicle directing passengers to and giving instruction in the operation and use of exit points, i.e. slide door to open/push door to open.
- (f) A notice must be prominently displayed inside all private hire vehicles and be visible to passengers in the rear of vehicles, stating the vehicle licence number and contact details of the Council's Licensing section.

13. ADVERTISEMENTS

No third party advertising is permitted on private hire vehicles.

14. WINDSCREEN NOTICE

The proprietor of the vehicle shall cause the notice issued by the Council, and which gives details of the private hire vehicle licence, to be affixed to the nearside of the windscreen in such a position that it shall be clearly readable at all times.

PLEASE NOTE: THE NOTICE REMAINS THE PROPERTY OF THE COUNCIL

15. USE OF TRAILERS

The proprietor of the vehicle shall comply with the following requirements in order for the vehicle to tow a trailer for the carriage of passengers' luggage.

- (a) The luggage trailer must be inspected and approved by the Council's authorised examiners.
- (b) The luggage trailer must meet the Construction and Use Regulations and where required the driver must hold the appropriate towing licence as issued by the DVLA.
- (c) No licensed vehicle may tow any trailer unless evidence of valid insurance to cover such use has been produced.

- (d) The identification plate, giving the private hire vehicle licence number, must be clearly displayed on the rear of the trailer used in addition to the plate on the rear of the private hire vehicle.
- (e) A spare wheel and tyre of the correct size shall be carried at all times when the trailer is in use.
- (f) The contents of the trailer must be secured and covered in a proper manner.

16. TINTED WINDOWS

The vehicle shall comply with the Construction and Use Regulations 1986 (as amended) with respect to the fitting of tinted, opaque, darkened or privacy glass windows.

17. DAMAGE TO VEHICLE

Any damage to the vehicle affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers carried therein shall be reported in writing to the Council as soon as is reasonably practical and in any event within 72 hours of the occurrence (Section 50(3) of the 1976 Act).

18. CHILD SAFETY

When any child is travelling in the vehicle the child lock on the doors (if fitted) should be used.

19. MINI-BUSES

All mini-buses licensed by the Council as private hire vehicles must comply with the MOT seat belt standards which apply to seat belts on mini-buses, buses and coaches (including those used for the transport of children).

20. RADIO EQUIPMENT

- (a) Any radio equipment fitted to the vehicle shall be kept in a safe condition and comply with statutory requirements.
- (b) Radio scanners are not permitted.

21. PASSENGER SAFETY

- (a) A proprietor or driver of a private hire vehicle shall not convey or permit to be conveyed in the private hire vehicle a greater number of persons (regardless of the age or size of the passengers) than the number of persons prescribed in the licence for the vehicle and specified on the vehicle identification plate affixed to the rear of the vehicle.

- (b) The number of passengers must not exceed the number of restraints available in the vehicle.

PLEASE NOTE: IT IS THE DRIVER'S RESPONSIBILITY TO ENSURE THAT A PASSENGER IS USING THE CORRECT RESTRAINT.

It is acceptable to fit a customer's own child restraint provided that the restraint is of an approved design (i.e. BS Kite Mark) and is in a serviceable condition.

22. ANIMALS

- (a) No animal belonging to the private hire vehicle proprietor or private hire operator or the driver of the vehicle shall be conveyed in the vehicle.
- (b) Any animal belonging to or in the custody of a passenger, which in the driver's or proprietor's discretion may be conveyed in the private hire vehicle must be conveyed in the rear of the vehicle and shall be contained so as not to present a nuisance or hazard to any occupants of the vehicle.
- (c) A proprietor or driver of a vehicle **must** carry a guide dog or assistance dog belonging to a passenger free of charge unless the driver has a proven medical condition that would preclude such action.

23. LUGGAGE

- (a) The proprietor of a vehicle shall provide the proper means for securing luggage if the vehicle is so constructed as to carry luggage. If the luggage is to be carried externally then the means for the carriage and securing of the luggage must provide adequate protection from inclement weather.
- (b) Any roof racks fitted to a vehicle must be the correct design and fitting for the type of vehicle and should be loaded in accordance with the manufacturer's instructions.
- (c) All vehicles shall be loaded with luggage in accordance with the vehicle manufacturer's weight and load specification.
- (d) Luggage shall not be carried or stored above the height of the rear seat or on the parcel shelf.

24. LOSS OF LICENCE

A replacement private hire vehicle licence may be issued upon payment of the relevant fee. A request should be made to the Council's Licensing Section.

25. RETURN OF IDENTIFICATION PLATE

The proprietor of a private hire vehicle shall on receipt of a notice, return the vehicle identification plate to the Council Offices in the event of the expiry (without immediate renewal), suspension or revocation of the licence (Section 58(2) LGMPA 1976).

26. TRANSFER OF VEHICLE

The proprietor of a licensed private hire vehicle must notify the Council's Licensing Section in writing of any transfer in the ownership of a vehicle within 14 days of the transfer taking place (Section 49 LGMPA 1976). Upon receiving the written notification of transfer and relevant fee, an amended paper licence shall be issued by the Council.

27. PERMITTING OR EMPLOYING ANY OTHER PERSON TO DRIVE

Before a proprietor of a private hire vehicle permits or employs a private hire driver to drive the vehicle he shall ensure that the vehicle is adequately insured for that driver.

If you are aggrieved by any of the conditions specified in this licence you may appeal to a Magistrates Court within 21 days of the service of the licence on you (Section 48(7) LGMPA 1976).

NOTES:

- (a) FAILURE TO COMPLY WITH ANY OF THE CONDITIONS SPECIFIED IN THIS LICENCE MAY RESULT IN THE SUSPENSION OR REVOCATION OF THE PRIVATE HIRE VEHICLE LICENCE.**
- (b) ANY BREACH OF A SPECIFIC PROVISION OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 MAY RESULT IN PROSECUTION**
- (c) IN ADDITION TO THE PRIVATE HIRE VEHICLE LICENCE CONDITIONS, THE PROPRIETOR OF A PRIVATE HIRE VEHICLE MUST HAVE REGARD TO ALL STATUTORY PROVISIONS WHICH RELATE TO PRIVATE HIRE VEHICLES.**
- (d) This private hire vehicle licence is not transferable to another vehicle.**
- (e) No person can drive a private hire car unless he holds a private hire driver's licence issued by the District Council.**
- (f) A vehicle which stands or plies for hire in a street or at a railway station or railway premises requires a hackney carriage licence.**
- (g) Application for renewal of this licence should be made to the Head of Environmental Health on the prescribed form which is available from the Council Offices, Coalville. All licence holders will be sent a reminder and the necessary forms for renewal in advance of the expiry of the licence.**
Please note, however, that the responsibility for renewal rests with the licence holder. Reminder letters are sent purely as a courtesy.

DOCUMENT HISTORY

Issue Number	Issue Date	Approved By	Nature of Amendment
1	1 August 2001	Executive Committee	Introduction of Policy
2	1 December 2009	Licensing Committee – 25 November 2009	Changes to safety equipment signage. Changes to vehicle internal and external signage. Withdrawal of third party advertisements. Tinted window compliance.
3	18 January 2010	Commercial Services Manager	Minor amendment to wording of conditions 12 (a), 12 (f) and 14.
4	10 August 2011	Environmental Health Team Leader	Clarification of the term 'exceptionally well maintained vehicle' at condition 1(b)
5	1 April 2013	Licensing Committee – 21 March 2012	Reduction of vehicle age from 8 years to 7.
6	1 April 2014	1) Licensing Committee – 21 March 2012 2) Environmental Health Team Manager	1) Reduction of vehicle age from 7 years to 6. 2) Amendment to para 1(b)(ii) (addition of word 'continuing').

COUNCIL'S VISION

North West Leicestershire will be a place where people and businesses feel they belong and are proud to call home

North West Leicestershire

District Council

Hackney Carriage

Policy & Conditions

LICENSING POLICY

INTRODUCTION

North West Leicestershire District Council is committed to achieving the highest standards with regards to the vehicles it licenses as hackney carriages. The District's travelling public should be confident that licensed vehicles are safe and comfortable and will not breakdown. The Council expects licence holders to regularly check and maintain their vehicles to the highest standards. It should be presumed that all vehicles presented to the Council's depot for inspection will pass first time without the need for any retests. Any repeated failure by licence holders to maintain their vehicles to that required standard may result in a vehicle licence being revoked or not being renewed.

VEHICLE DESIGN, TYPE AND SEATING

All hackney carriage vehicles must meet the standards as laid down by the Council. Vehicles shall have:

- (i) a minimum of 4 doors
- (ii) an engine capacity exceeding 1250cc or equivalent powered electric vehicle

With respect to seating, this should be padded. Slatted wooden seats are considered inadequate. Where seats are continuous, 1 foot 4 inches (approximately 41 centimetres) measured horizontally along the front of each seat, should be allowed for each passenger. Any vehicle which is constructed or adapted to seat more than 8 passengers cannot be licensed as a hackney carriage vehicle.

The vehicle must not be left hand drive.

The vehicle must not be a convertible.

The vehicle must have EU Type Approval but if not then a Department for Transport Certificate of Single Vehicle Approval must be produced.

From 1 January 2018 all new applications will include a requirement that the vehicle to be licensed will be subject of a livery condition. From this date the Council's livery for its hackney carriages will be all INSERT COLOUR. There will be no restriction on the shade of COLOUR but the Council's licensing enforcement officers will be the final arbiters should the vehicle's colour be in doubt. The colour will be the manufacturers original colour and not a respray over another colour.

VEHICLE AGE AND CONDITION

The age of the vehicle is to be taken from the vehicle registration document. Where the age of a "Q" registered vehicle is not identifiable the age will be calculated as 3 years old at the date of "Q" registration in line with the policy of the DVLA and taken from the registration document.

From 1 January 2021 all vehicles will be fitted with a Euro6 compliant engine or newer.

Or

From 1 January 2017 all vehicles will be fitted with a Euro4 compliant engine or newer;
From 1 January 2021 all vehicles will be fitted with a Euro5 compliant engine or newer;
From 1 January 2025 all vehicles will be fitted with a Euro6 compliant engine or newer;

Applicants will be required to prove that the engine is suitable. From this date, any vehicle found with an engine older than euro6 will not be licensed at the time of renewal.

Hackney carriage vehicles must be less than 6 years old on the date of submission of the first application. However, the following exceptions apply:

- (i)
- (ii) Other vehicles which are in an exceptionally well maintained condition, subject to their being inspected with regard to mechanical fitness and appearance at continuing 6 monthly intervals.
- (iii) Ultra low emission vehicles (emissions of less than 75 grams of CO2 per km)

Mechanical Inspection

In order to be licensed or remain licensed a vehicle has to undergo a Council depot inspection. Vehicles under 6 years of age at the time of an initial application or, if currently licensed, at the date of the expiry of their current licence will undergo **one** depot inspection per year. Normally this will be just prior to the renewal of the vehicle licence or if a new application shortly after the submission of the application documentation.

Vehicles 6 years or older will be required to undergo **two** depot inspections per year. Normally this will be just prior to the renewal of the vehicle licence and 6 months after the renewal or if a new application shortly after the submission of the application documentation and if the licence is granted 6 months thereafter. Vehicles in this age group will have to be of exceptional condition (see below).

The licensing authority expects the licence holder to undertake a regular regime of daily, weekly and monthly checks with an in depth inspection by a trained mechanic at regular intervals especially immediately before the Council's depot inspection.

Visual Inspection

An officer of the Council will visually inspect all vehicles subject of a new application and vehicles aged 6 years or older at the time of renewal.

The visual inspection will have one of three outcomes:-

- (i) the vehicle will be accepted as being suitable and as such will be given an appointment for the Council's depot inspection. A successful visual examination is no guarantee that the vehicle will be licensed.
- (ii) there will be a requirement to have repairs completed to the bodywork or interior. Any work carried out will have to be completed to the satisfaction of the licensing authority otherwise the application may be refused
- (iii) the vehicle licence application will be refused.

Required Standard

The bodywork should have no signs of panel deterioration due to age. It should not have unrepaired damage, dents, scratches or chipped paintwork. Any paint re-sprays should be of good quality and match the remainder of the paintwork.

The exterior trim should be as per the manufacturer's original specification. No trim will be missing and all 4 hub caps (if part of original specification) will be present, matching and scuff free.

The interior trim, panels, seating and carpets should be clean, free from damage and discolouration. Fabric must not be frayed, torn or threadbare. Seat covers will be permitted but the underlying seat will not have any of the previously mentioned faults.

The boot or luggage compartment must have no loose padding or plastic trim. It must be clean and undamaged and fit for the purpose of carrying luggage.

Passenger areas should be free from damp and odours that may cause passenger discomfort.

Exceptional Condition & Enforcement Approach

A vehicle of exceptional condition is one that:-

- 1) Passes the Council visual inspection. ~~on the first occasion. However, if the vehicle fails it will be allowed one retest. Failure of the retest will preclude the vehicle from being licensed.~~
- 2) Passes the Council depot inspection (assessing the mechanical fitness of a vehicle).

Should a vehicle of 6 years or older fail a mechanical (depot) inspection with defects in more than one of the areas listed below it will be deemed not to be of exceptional condition, and consequently will not be licensed. Vehicles under 6 years will be permitted ONE retest.

If the vehicle is already licensed, the licence will be revoked at the end of the inspection.

- (i) Engine
- (ii) Brakes
- (iii) Suspension
- (iv) Steering
- (v) Tyres

Should a vehicle of 6 years or older fail a visual inspection a second inspection will be permitted. Should the vehicle fail to meet the required standards at the second visual inspection it will be deemed not to be of exceptional condition, and consequently will not be licensed.

IDENTIFICATION PLATES

The identification plate showing the number of the licence and the number of passengers for which the vehicle is licensed and required to be exhibited under Section 52 of the Town Police Clauses Act 1847 (TPCA 1847) shall be securely fixed to the rear of the vehicle in a conspicuous position and in such a manner as to be easily removable by an authorised officer of the Council or a constable. It shall not be displayed inside the vehicle.

The proprietor or driver of the hackney carriage vehicle shall report the loss of the identification plate to the Council Offices as soon as the loss becomes known. A replacement plate shall be issued upon payment of the appropriate fee. On no account must a hackney carriage vehicle be used for hackney carriage purposes without displaying a hackney carriage identification plate (Section 52 TPCA 1847).

PLEASE NOTE: THE IDENTIFICATION PLATE REMAINS THE PROPERTY OF THE COUNCIL.

SECURITY

Where CCTV is installed in hackney carriage vehicles, the Council's CCTV Code of Practice in relation to licensed vehicles shall be followed:-.

1.0 Introduction

This code of practice has been written for the purpose of regulating the use of CCTV systems in Private Hire vehicles and Hackney Carriages in North West Leicestershire.

- 1.1 This code of practice sets out to ensure that in-car camera systems in hackney carriages and private hire vehicles licensed by North West Leicestershire District Council are used to prevent crime, identify the perpetrators of crime enhance the health and safety of drivers and reduce the fear of crime.

2.0 The purpose of in-car camera systems

- 2.1 The purpose of in-car camera systems shall be to provide a safer environment for the benefit of hire vehicle drivers and passengers by:

- Deterring and preventing the occurrence of crime;
- Reducing the fear of crime;
- Assisting the police in investigating incidents of crime;
- Assisting the police in identifying missing persons.

3.0 Installation and operation of in-car camera systems in Private Hire and Hackney Carriage vehicles

- 3.1 An approved installer shall carry out the installation in accordance with the manufacturer's instructions. A certificate of installation shall be provided to the Licensing Authority within 7 days of installation.

- 3.2 All private hire and hackney carriage vehicles with in-car camera systems installed shall display prominent notices visible from outside the vehicle and also within the vehicle at a point readily visible to passengers, declaring that there is an in-car camera system in operation within the vehicle. Signage is to be in accordance with Hackney Carriage and private Hire conditions.

- 3.3 All cameras shall be installed above the level of the dashboard within the hire vehicle.

- 3.4 Any proprietor-owner wishing to install additional cameras or make changes to the installation shall obtain consent from the Licensing Enforcement Officer of North West Leicestershire District Council prior to doing so.

4.0 Use of information recorded on in-car camera systems

- 4.1 It is important that any person, who suspects that a crime has been committed and that an in-car camera system may contain relevant information to the crime, should report that suspected crime to the police as soon as possible.

- 4.2 Maintenance shall be carried out on the CCTV system and a certificate of maintenance shall be provided to the Licensing Authority at the time of the renewal of a vehicle licence.
- 5.0 Data protection Act (1998) and Codes of Practice
- 5.1 The owner/proprietor shall ensure that the storage and use of images complies with the requirements of the Data Protection Act (1998) and the information Commissioners Codes of Practice at all times.
- 6.0 Monitoring the use of in-car camera equipment
- 6.1 Any duly authorised Officer of North West Leicestershire District Councils Environmental Health and Licensing team can at any reasonable time and on the production of a warrant card, if requested, examine any in-car camera installation for the purpose of monitoring compliance with the Data Protection Act and Codes of Practice.
- 6.2 In the event of any potential breach being identified, the information commissioner will be informed.
- 6.3 Failure to comply with this code of practice may result in the suspension or revocation of a hackney carriage or private hire vehicle licence.

SAFETY EQUIPMENT

Fire extinguisher.

The vehicle shall contain a fire extinguisher which shall meet the requirements of the European standard EN3, and be inside the vehicle when it is in use or available for hire.

Fire extinguisher shall be secured to the vehicle and be within reach of the driver. If the extinguisher is not so secured it must be located inside of the vehicle's boot compartment. A label shall be affixed inside of the vehicle indicating that a fire extinguisher is contained within.

The fire extinguisher shall be indelibly marked with the vehicle's hackney carriage plate number.

The fire extinguisher must be maintained in good working order, the operating instructions must be legible and the driver of the vehicle must be familiar with its use.

First aid kit

The proprietor of the vehicle shall provide a suitable first aid kit (see suggested list of contents below) in the vehicle at all times when it is in use or available for hire.

The first aid kit should be readily visible and available for immediate use in an emergency. If the design of the vehicle is such that a first aid kit cannot be carried in a position where it is easily visible, a sign shall be displayed on the vehicle dashboard indicating the position of the kit.

The first aid kit shall be indelibly marked with the vehicle's hackney carriage plate number.

THE COUNCIL'S HEALTH AND SAFETY OFFICER RECOMMENDS THAT A HACKNEY CARRIAGE VEHICLE'S FIRST AID KIT CONTAINS THE FOLLOWING ITEMS WHICH ARE REQUIRED BY THE HEALTH AND SAFETY (FIRST AID) REGULATIONS 1981 FOR TRAVEL FIRST AID KITS.

- First aid guidance leaflet
- 6 adhesive plasters
- 2 triangular bandages
- 1 large wound dressing 18 x 18 centimetres
- 2 individually wrapped wipes
- 1 pair of disposable gloves
- 6 safety pins

PLEASE NOTE: IN ADDITION TO THE ABOVE , THE PROPRIETOR OF THE VEHICLE IS ASKED TO CONSIDER CARRYING THE FOLLOWING ITEMS IN CASE OF EMERGENCIES.

- A torch and spare batteries
- Warning triangle
- Shriek alarm to disorientate any aggressor
- Detailed maps of areas in which the vehicle is travelling

CONVICTIONS, CAUTIONS, AND FIXED PENALTY NOTICES

The proprietor shall within 7 days disclose to the Council in writing details of any interview, arrest, conviction or caution by the Police in respect of any offence AND any fixed penalty notice (motoring or otherwise) imposed on him (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the hackney carriage vehicle licence.

MOTOR INSURANCE CERTIFICATE

The proprietor must at all times ensure that the vehicle is adequately insured for use as a hackney carriage and a copy of the insurance certificate must be available for inspection inside the vehicle whilst it is licensed as a hackney carriage.

At the time of the grant of a hackney carriage licence evidence of adequate insurance is required. In the event that a short term cover is in place at the time of grant the licence holder must present a further insurance certificate to the licensing team before the expiry of the cover note. Failure to present an insurance certificate before the expiry of the cover note will result in the licensing team contacting the licence holder requiring evidence of insurance to be produced. This service will be chargeable.

PRESENTATION OF VEHICLE FOR INSPECTION

The proprietor, on reasonable notice, must present the vehicle for inspection at any time and at any place required by the Council, provided that such requirements for inspection shall not exceed more than 3 occasions per year (Section 50 LGMPA 1976). Failure to present a vehicle for inspection is an offence under the 1976 Act and will normally lead to the immediate suspension/revocation of a vehicle licence.

The requirement to present for inspection is in addition to the powers of an authorised Licensing officer or Police Constable to test and inspect a hackney carriage as to its fitness at any reasonable time. (Section 68 LGMPA 1976)

HACKNEY CARRIAGE TAXI METERS

It will be the duty of the proprietor to ensure that an installed meter is of sufficient quality to display journey details to a high level of accuracy. The travelling public rely on the meter to show the precise cost of their journeys and to fit a defective meter would be a gross misconduct by the vehicle proprietor. It shall be fitted in such a position that the display is visible and will be illuminated at all times.

Any meter found to be defective by the proprietor should be removed from the vehicle immediately.

On purchase a vehicle proprietor will arrange for the meter to be programmed with the current North West Leicestershire District Council Hackney Carriage tariff.

Once programmed the proprietor shall ensure that the meter is sealed with a tamper-evident seal in a way that prevents the tariff being altered without the seal being destroyed (the Council does not have its own sealing equipment).

The use of an unsealed meter is prohibited and must be removed from the vehicle until the resealing process is completed.

If the company sealing the meter can provide an authentication certificate it should be forwarded to the Licensing team as soon as possible and if accepted g) & h) below will not apply. If this is not possible the proprietor will contact the Council's Licensing Office and arrange for a licensing officer to test the machine. This will involve taking the officer on a short test drive which should take no longer than 30 minutes.

If the officer is of the opinion that the meter is inaccurate, defective or programmed with wrong tariff prices they will remove the lead seal. The proprietor will then be responsible for correcting any defects (b) above may apply in these circumstances).

A fee will be charged for the time spent by the officer checking the meter.

A copy of the Council's fare chart must be clearly displayed in the vehicle so as to be plainly visible to passengers carried therein.

If a meter is installed it will be used to determine the cost of the journey unless the cost has been agreed at the time of booking.

All hackney carriage vehicle taximeters shall be operated in accordance with the Council's Hackney Carriage Byelaws.

USE OF TRAILERS

The proprietor shall comply with the following requirements in order for a hackney carriage to tow a trailer for the carriage of passengers' luggage.

The luggage trailer must be inspected and approved by the Council's authorised examiners.

The luggage trailer must meet the Construction and Use Regulations and where required the driver must hold the appropriate towing licence as issued by the DVLA.

No licensed vehicle may tow any trailer unless evidence of valid insurance to cover such use has been produced.

The identification plate, giving the hackney carriage vehicle licence number, must be clearly displayed on the rear of the trailer used in addition to the plate on the rear of the hackney carriage vehicle.

A spare wheel and tyre of the correct size shall be carried at all times when the trailer is in use.

The contents of such trailer must be secured and covered in a proper manner.

TINTED WINDOWS

The vehicle shall comply with the Construction and Use Regulations 1986 (as amended) with respect to the fitting of tinted, opaque, darkened or privacy glass windows.

CHILD SAFETY

When any child is travelling in the vehicle the child lock on the doors if fitted should be used. The correct child seat will be used.

SIGNS AND NOTICES

Hackney carriage vehicles which can accommodate between 5 and 8 passengers should have suitable signage displayed in the vehicle directing passengers to and giving instruction in the operation and use of exit points i.e. slide door to open/push door to open.

A notice must be prominently displayed inside all hackney carriage vehicles and be visible to passengers in the rear of vehicles, stating the vehicle licence number and contact details of the Council's Licensing Section.

MINIBUSES

All mini-buses licensed by the Council as hackney carriage vehicles must comply with the MOT seat belt standards which apply to seat belts on mini-buses, buses and coaches (including those used for the transport of children).

RADIO EQUIPMENT

Any radio equipment fitted to the vehicle shall be kept in a safe condition and comply with statutory requirements.

Radio scanners are not permitted.

PASSENGER SAFETY

A proprietor or driver a hackney carriage vehicle shall not convey or permit to be conveyed in the hackney carriage vehicle a greater number of persons (regardless of the age or size of the passengers) than the number of persons prescribed in the licence for the vehicle and specified on the vehicle identification plate affixed to the rear of the vehicle.

The number of passengers must not exceed the number of restraints available in the vehicle.

PLEASE NOTE: IT IS THE DRIVER'S RESPONSIBILITY TO ENSURE THAT A PASSENGER IS USING THE CORRECT RESTRAINT.

It is acceptable to fit a customer's own child restraint provided that the restraint is of an approved design (i.e. BS Kite Mark) and in a serviceable condition.

ANIMALS

No animal belonging to the hackney carriage vehicle proprietor or the driver of the vehicle shall be conveyed in the vehicle.

Any animal belonging to or in the custody of a passenger, which in the driver's or proprietor's discretion may be conveyed in the hackney carriage vehicle must be conveyed in the rear of the vehicle and shall be contained so as not to present a nuisance or hazard to any occupants of the vehicle.

A proprietor or driver of a hackney carriage vehicle must carry a guide dog or assistance dog belonging to a passenger free of charge unless the driver has a proven medical condition that would preclude such action.

LUGGAGE

The proprietor of a vehicle shall provide the proper means for securing luggage if the vehicle is so constructed as to carry luggage. If the luggage is to be carried externally then the means for the carriage and securing of the luggage must provide adequate protection from inclement weather.

Any roof rack fitted to a vehicle must be the correct design and fitting for the type of vehicle and should be loaded in accordance with the manufacturer's instructions.

All vehicles shall be loaded with luggage in accordance with the vehicle manufacturer's weight and load specification.

Luggage shall not be carried or stored above the height of the rear seat or on the parcel shelf.

LOSS OF LICENCE

A replacement hackney carriage vehicle licence may be issued upon payment of the relevant fee.

RETURN OF IDENTIFICATION PLATE

On receipt of notice, the proprietor of a hackney carriage vehicle shall return the vehicle identification plate to the Council Offices in the event of the expiry (without immediate renewal), suspension or revocation of the licence (Section 58(2) LGMPA 1976).

TRANSFER OF VEHICLE

The proprietor of a hackney carriage vehicle must notify the Council in writing of any transfer in the ownership of a hackney carriage vehicle (Section 49 LGMPA 1976). Upon receiving written notification of transfer and relevant fee, an amended paper licence shall be issued by the Council.

PERMITTING OR EMPLOYING ANY OTHER PERSON TO DRIVE

Before a proprietor of a hackney carriage vehicle permits or employs a hackney carriage driver to drive the vehicle he shall ensure that the vehicle is adequately insured for that driver.

NOTES:

- (a) FAILURE TO COMPLY WITH ANY OF THE CONDITIONS ATTACHED TO THIS LICENCE MAY RESULT IN PROSECUTION AND THE SUSPENSION OR REVOCATION OF THE HACKNEY CARRIAGE VEHICLE LICENCE.**
- (b) IN ADDITION TO THE HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS, THE PROPRIETOR OF A HACKNEY CARRIAGE VEHICLE MUST HAVE REGARD TO ALL STATUTORY PROVISIONS WHICH RELATE TO HACKNEY CARRIAGE VEHICLES.**
- (c) A hackney carriage vehicle licence is not transferable to another vehicle.**
- (d) No person must act as a driver of a licensed hackney carriage vehicle unless he holds a hackney carriage driver's licence issued by the District Council.**

APPLICATION PROCESS

The Council's licensing team is committed to providing a problem free, speedy application process to all its applicants. The following paragraphs will be of assistance.

Hackney carriage application forms as well as other useful information can be found on the licensing pages of the Council's web site. Application forms can be printed off, manually completed and sent to the Council with the respective fee.

Applications for hackney carriage vehicle licences will only be accepted from licensed hackney carriage drivers or known operators.

As stated previously the vehicle subject of the application will be visually examined by a licensing enforcement officer. If the vehicle is of sufficient visual quality an appointment will be made for a mechanical inspection at the Council's depot on Linden Way, Coalville. Appointments can only be made by licensing staff – applicants must not approach the depot directly.

Currently only 13 appointment slots are allocated to vehicle inspections per week and those slots tend to be fully booked towards the end of the month.

All vehicle licences start on the first day of the month and end on the last day, 12 months later. If you submit an application towards the middle of the month you must make staff aware if you want the licence to start on the month following the application otherwise it will start on the first of the month prior to the application.

Staff will deal with all new applications expeditiously but there may be occasions when licences and plates will not be available for collection until the day after an application is determined. An application can only be determined (ie granted or refused) once all the supporting documentation (eg insurance, MOT certificate etc) received and inspections completed.

A vehicle must not be used as a hackney carriage until it is fully licensed and the applicant is in possession of the plate.

HACKNEY CARRIAGE VEHICLE – CONDITIONS OF LICENCE

Section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976, (LGMPA 1976) states that “A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary”.

The following list of Conditions will apply to your hackney carriage licence unless otherwise stated. If you contravene any of the conditions it may result in the licence being suspended until the matter is rectified.

If you are aggrieved by any of the conditions attached to this licence you may appeal to a Magistrates’ Court within 21 days of the service of the licence on you (Section 47(3) LGMPA 1976).

1. ADVERTISEMENTS

Advertisements shall be allowed on hackney carriage vehicles without prior inspection, provided that:

- (a) They comply with the British Codes of Advertising and Sales Promotion.
- (b) The licence holder shall remove or amend any advertisement if the Advertising Standards Authority requests that this be done.
- (c) No advertisement shall be of a party political nature or advertise cigarettes or tobacco products.
- (d) Any advertisement must be below window level.
- (e) No advertisements are permitted on any glass areas of the vehicle.

2. CHANGE OF ADDRESS

The proprietor of the hackney carriage vehicle shall notify the Council in writing of any change of their address during the period of the licence within 7 days of such change. (Section 44 TPCA 1847) Upon receiving notification and relevant fees, an amended paper licence shall be issued by the Council.

3. HACKNEY CARRIAGE TAXI METERS

- a) A taxi meter will be installed in the vehicle during the life of its hackney carriage licence. It will be used to record the details of a fare and will not be used if it is known to be defective. It will be fitted in such a position that the display is visible and will be illuminated at all time.
- b) any meter found to be defective by the proprietor should be removed from the vehicle immediately.
- c) the meter is sealed with a tamper-evident seal in a way that prevents the tariff being altered without the seal being destroyed.
- d) The use of an unsealed meter is prohibited and must be removed from the vehicle until the resealing process is completed.
- e) A copy of the Council's fare chart must be clearly displayed in the vehicle so as to be plainly visible to passengers carried therein.

4. ROOF SIGNS

An illuminated sign of a type already approved must be fitted to or above the hackney carriage with the words "FOR HIRE" in block letters showing to the front and the words "CAB NO..." showing to the rear. At each end of the sign shall be the words "...SEATS".

The roof sign must be illuminated whilst plying for hire. Once hiring has commenced the roof sign must not be illuminated until the journey has ended.

The roof sign must be electronically connected so that its working is in conjunction with the fare meter, ie when the meter is not in use the sign is illuminated and when the meter is in use, the sign is not illuminated.

5. SAFETY EQUIPMENT

Fire extinguisher.

The vehicle shall contain a fire extinguisher which shall meet the requirements of the European standard EN3, and be inside the vehicle when it is in use or available for hire.

The fire extinguisher shall be secured to the vehicle and be within reach of the driver. If the extinguisher is not so secured it must be located inside of the vehicle's boot compartment. A label shall be affixed inside of the vehicle indicating that a fire extinguisher is contained within.

The fire extinguisher shall be indelibly marked with the vehicle's hackney carriage plate number.

The fire extinguisher must be maintained in good working order, the operating instructions must be legible and the driver of the vehicle must be familiar with its use.

First aid kit

The proprietor of the vehicle shall provide a suitable first aid kit in the vehicle at all times.

The first aid kit should be readily visible and available for immediate use in an emergency. If the design of the vehicle is such that a first aid kit cannot be carried in a position where it is easily visible, a sign shall be displayed on the vehicle dashboard indicating the position of the kit.

The first aid kit shall be indelibly marked with the vehicle's hackney carriage plate number.

6. IDENTIFICATION PLATES

The identification plate showing the number of the licence and the number of passengers for which the vehicle is licensed shall be securely fixed to the rear of the vehicle in a conspicuous position. It shall not be displayed inside the vehicle.

The licence holder or driver of the hackney carriage vehicle shall report the loss of the identification plate to the Council Offices as soon as the loss becomes known.

7. ALTERATION OF VEHICLES

- (a) No material alteration or change in the specification, design, condition or appearance of the hackney carriage vehicle shall be made without the approval of the Council at any time while the licence is in force.
- (b) Any liquid petroleum gas (LPG) vehicle conversion must be carried out by an approved LPG installer. An LPG conversion certificate shall be supplied to the council. Details of approved UK vehicle conversion companies can be obtained from the LP Gas Association.

8. DAMAGE TO VEHICLE

Any damage to the vehicle, including any resulting from a road traffic collision, affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers carried therein shall be reported to the Council as soon as is reasonably practical and in any event within 72 hours of the occurrence (Section 50(3) LGMPA 1976).

The matter must be reported on a Council form provided for that purpose.

9. CUSTOMER SERVICE SIGNAGE (INTERNAL)

A sign (internal plate) showing the number of the licence and 01530 454545 the contact number for the council shall be securely displayed inside the vehicle. A sign must be displayed in a conspicuous position visible to passengers in the front and rear of the vehicle.

The following wording must be included:

You can provide feedback on the vehicle condition or service from the driver by calling North West Leicestershire District Council 01530 454545. Please quote the vehicle licence number.

DOCUMENT HISTORY

Issue Number	Issue Date	Approved By	Nature of Amendment
1	1 August 2001	Executive Committee	Introduction of Policy
2	1 December 2009	Licensing Committee – 25 November 2009	Changes to safety equipment signage. Changes in requirement to install taxi meters. Changes to vehicle internal and external signage. Tinted window compliance.
3	18 January 2010	Commercial Services Manager	Minor amendment to wording of conditions 19 (b) and 12.
4	10 August 2011	Environmental Health Team Manager	Clarification of the term 'exceptionally well maintained vehicle' at condition 1(b)
5	24 November 2011	Licensing Committee – 23 November 2011	Introduce requirement for all hackney carriage vehicles to have a taxi meter fitted
6	1 April 2013	Licensing Committee – 21 March 2012	Reduction of vehicle age from 8 years to 7.
7	1 April 2014	1) Licensing Committee – 21 March 2012 2) Environmental Health Team Manager	1) Reduction of vehicle age from 7 years to 6. 2) Amendment to para

			1(b)(ii) (addition of word 'continuing').
8	DD/MMMM/YYYY	Licensing Committee – DD/MMM/YYYY	Policy Review

DRAFT

North West Leicestershire

District Council

Private Hire Vehicle

Policy & Conditions

DRAFT

PRIVATE HIRE VEHICLE LICENCE

LICENSING POLICY

INTRODUCTION

North West Leicestershire District Council is committed to achieving the highest standards with regards to the vehicles it licenses as private hire vehicles. The District's travelling public should be confident that licensed vehicles are safe and comfortable and will not breakdown. The Council expects licence holders to regularly check and maintain their vehicles to the highest standards. It should be presumed that all vehicles presented to the Council's depot for inspection will pass first time without the need for any retests. Any repeated failure by licence holders to maintain their vehicles to that required standard may result in a vehicle licence being revoked or not being renewed.

VEHICLE DESIGN, TYPE AND SEATING

All private hire vehicles must meet the standards as laid down by the Council. Vehicles shall have:

- (i) a minimum of 4 doors
- (ii) an engine capacity exceeding 1250cc or equivalent powered electric vehicle

With respect to seating, this should be padded. Slatted wooden seats are considered inadequate. Where seats are continuous, 1 foot 4 inches (approximately 41 centimetres) measured horizontally along the front of each seat, should be allowed for each passenger. Any vehicle which is constructed or adapted to seat more than 8 passengers cannot be licensed as a private hire vehicle.

The vehicle must not be left hand drive.

The vehicle must not be a convertible.

The vehicle must have EU Type Approval but if not then a Department for Transport Certificate of Single Vehicle Approval must be produced.

VEHICLE AGE AND CONDITION

The age of the vehicle is to be taken from the vehicle registration document. Where the age of a "Q" registered vehicle is not identifiable the age will be calculated as 3 years old at the date of "Q" registration in line with the policy of the DVLA and taken from the registration document.

From 1 January 2021 all vehicles will be fitted with a Euro6 compliant engine or newer.

Or

From 1 January 2017 all vehicles will be fitted with a Euro4 compliant engine or newer;
From 1 January 2021 all vehicles will be fitted with a Euro5 compliant engine or newer;
From 1 January 2025 all vehicles will be fitted with a Euro6 compliant engine or newer;

Applicants will be required to prove that the engine is suitable. From this date, any vehicle found with an engine older than euro6 will not be licensed at the time of renewal.

Private hire vehicles must be less than 6 years old on the date of submission of the first application. However, the following exceptions apply:

- (i) Other vehicles which are in an exceptionally well maintained condition, subject to their being inspected with regard to mechanical fitness and appearance at continuing 6 monthly intervals.
- (ii) Ultra low emission vehicles (emissions of less than 75 grams of CO2 per km)

Mechanical Inspection

In order to be licensed or remain licensed a vehicle has to undergo a Council depot inspection. Vehicles under 6 years of age at the time of an initial application or, if currently licensed, at the date of the expiry of their current licence will undergo **one** depot inspection per year. Normally this will be just prior to the renewal of the vehicle licence or if a new application shortly after the submission of the application documentation.

Vehicles 6 years or older will be required to undergo **two** depot inspections per year. Normally this will be just prior to the renewal of the vehicle licence and 6 months after the renewal or if a new application shortly after the submission of the application documentation and if the licence is granted 6 months thereafter. Vehicles in this age group will have to be of exceptional condition (see below).

The licensing authority expects the licence holder to undertake a regular regime of daily, weekly and monthly checks with an in depth inspection by a trained mechanic at regular intervals especially immediately before the Council's depot inspection.

Visual Inspection

An officer of the Council will visually inspect all vehicles subject of a new application and vehicles aged 6 years or older at the time of renewal.

The visual inspection will have one of three outcomes:-

- (i) the vehicle will be accepted as being suitable and as such will be given an appointment for the Council's depot inspection. A successful visual examination is no guarantee that the vehicle will be licensed.
- (ii) there will be a requirement to have repairs completed to the bodywork or interior. Any work carried out will have to be completed to the satisfaction of the licensing authority otherwise the application may be refused
- (iii) the vehicle licence application will be refused.

Required Standard

The bodywork should have no signs of panel deterioration due to age. It should not have unrepaired damage, dents, scratches or chipped paintwork. Any paint re-sprays should be of good quality and match the remainder of the paintwork.

The exterior trim should be as per the manufacturer's original specification. No trim will be missing and all 4 hub caps (if part of original specification) will be present, matching and scuff free.

The interior trim, panels, seating and carpets should be clean, free from damage and discolouration. Fabric must not be frayed, torn or threadbare. Seat covers will be permitted but the underlying seat will not have any of the previously mentioned faults.

The boot or luggage compartment must have no loose padding or plastic trim. It must be clean and undamaged and fit for the purpose of carrying luggage.

Passenger areas should be free from damp and odours that may cause passenger discomfort.

Exceptional Condition & Enforcement Approach

A vehicle of exceptional condition is one that:-

- 1) Passes the Council visual inspection.
- 2) Passes the Council depot inspection (assessing the mechanical fitness of a vehicle).

Should a vehicle of 6 years or older fail a mechanical (depot) inspection with defects in more than one of the areas listed below it will be deemed not to be of exceptional condition, and consequently will not be licensed. Vehicles under 6 years will be permitted ONE retest.

If the vehicle is already licensed, the licence will be revoked at the end of the inspection.

- (i) Engine
- (ii) Brakes
- (iii) Suspension
- (iv) Steering
- (v) Tyres

Should a vehicle of 6 years or older fail a visual inspection a second inspection will be permitted. Should the vehicle fail to meet the required standards at the second visual inspection it will be deemed not to be of exceptional condition, and consequently will not be licensed.

IDENTIFICATION PLATES

The identification plate identifying the vehicle as a private hire vehicle and required to be exhibited on the vehicle pursuant to Section 48(6) LGMPA 1976 shall be securely fixed to the rear of the vehicle in a conspicuous position and in such a manner as to be easily removable by an authorised officer of the Council or a constable.

The proprietor or driver of the private hire vehicle shall report the loss of the identification plate to the Council Offices as soon as the loss becomes known. A replacement plate shall be issued upon payment of the appropriate fee.

PLEASE NOTE: THE IDENTIFICATION PLATE REMAINS THE PROPERTY OF THE COUNCIL.

SECURITY

Where CCTV is installed in private hire vehicles, the Council's CCTV Code of Practice in relation to licensed vehicles shall be followed:-.

Introduction

This code of practice has been written for the purpose of regulating the use of CCTV systems in Private Hire vehicles in North West Leicestershire.

This code of practice sets out to ensure that in-car camera systems in private hire vehicles licensed by North West Leicestershire District Council are used to prevent crime, identify the perpetrators of crime enhance the health and safety of drivers and reduce the fear of crime.

The purpose of in-car camera systems

The purpose of in-car camera systems shall be to provide a safer environment for the benefit of hire vehicle drivers and passengers by:

- Deterring and preventing the occurrence of crime;
- Reducing the fear of crime;
- Assisting the police in investigating incidents of crime;
- Assisting the police in identifying missing persons.

Installation and operation of in-car camera systems in Private Hire vehicles

An approved installer shall carry out the installation in accordance with the manufacturer's instructions. A certificate of installation shall be provided to the Licensing Authority within 7 days of installation.

All private hire vehicles with in-car camera systems installed shall display prominent notices visible from outside the vehicle and also within the vehicle at a point readily visible to passengers, declaring that there is an in-car camera system in operation within the vehicle. Signage is to be in accordance with private Hire conditions.

All cameras shall be installed above the level of the dashboard within the hire vehicle.

Any proprietor-owner wishing to install additional cameras or make changes to the installation shall obtain consent from the Licensing Enforcement Officer of North West Leicestershire District Council prior to doing so.

Use of information recorded on in-car camera systems

It is important that any person, who suspects that a crime has been committed and that an in-car camera system may contain relevant information to the crime, should report that suspected crime to the police as soon as possible.

Maintenance shall be carried out on the CCTV system and a certificate of maintenance shall be provided to the Licensing Authority at the time of the renewal of a vehicle licence.

Data protection Act (1998) and Codes of Practice

The owner/proprietor shall ensure that the storage and use of images complies with the requirements of the Data Protection Act (1998) and the information Commissioners Codes of Practice at all times.

Monitoring the use of in-car camera equipment

Any duly authorised Officer of North West Leicestershire District Councils Environmental Health and Licensing team can at any reasonable time and on the production of a warrant card, if requested, examine any in-car camera installation for the purpose of monitoring compliance with the Data Protection Act and Codes of Practice.

In the event of any potential breach being identified, the information commissioner will be informed.

Failure to comply with this code of practice may result in the suspension or revocation of a private hire vehicle licence.

CONVICTIONS, CAUTIONS, AND FIXED PENALTY NOTICES

The proprietor shall within 7 days disclose to the Council in writing details of any interview, arrest, conviction or caution by the Police in respect of any offence AND any fixed penalty notice (motoring or otherwise) imposed on him (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the private hire vehicle licence.

MOTOR INSURANCE CERTIFICATE

The proprietor must at all times ensure that the vehicle is adequately insured for use as a Private hire vehicle and a copy of the insurance certificate must be available for inspection inside the vehicle whilst it is licensed as a private hire vehicle.

At the time of the grant of a private hire vehicle licence evidence of adequate insurance is required. In the event that a short term cover is in place at the time of grant the licence holder must present a further insurance certificate to the licensing team before the expiry of the cover note. Failure to present an insurance certificate before the expiry of the cover note will result in the licensing team contacting the licence holder requiring evidence of insurance to be produced. This service will be chargeable.

PRESENTATION OF VEHICLE FOR INSPECTION

The proprietor, on reasonable notice, must present the vehicle for inspection at any time and at any place required by the Council, provided that such requirements for inspection shall not exceed more than 3 occasions per year (Section 50 LGMPA 1976). Failure to present a vehicle for inspection is an offence under the 1976 Act and will normally lead to the immediate suspension/revocation of a vehicle licence.

The requirement to present for inspection is in addition to the powers of an authorised Licensing officer or Police Constable to test and inspect a private hire vehicle as to its fitness at any reasonable time. (Section 68 LGMPA 1976)

USE OF TRAILERS

The proprietor shall comply with the following requirements in order for a private hire vehicle to tow a trailer for the carriage of passengers' luggage.

The luggage trailer must be inspected and approved by the Council's authorised examiners.

The luggage trailer must meet the Construction and Use Regulations and where required the driver must hold the appropriate towing licence as issued by the DVLA.

No licensed vehicle may tow any trailer unless evidence of valid insurance to cover such use has been produced.

The identification plate, giving the private hire vehicle licence number, must be clearly displayed on the rear of the trailer used in addition to the plate on the rear of the private hire vehicle.

A spare wheel and tyre of the correct size shall be carried at all times when the trailer is in use.

The contents of such trailer must be secured and covered in a proper manner.

TINTED WINDOWS

The vehicle shall comply with the Construction and Use Regulations 1986 (as amended) with respect to the fitting of tinted, opaque, darkened or privacy glass windows.

CHILD SAFETY

When any child is travelling in the vehicle the child lock on the doors if fitted should be used. The correct child seat will be used.

SIGNS AND NOTICES

Private hire vehicles which can accommodate between 5 and 8 passengers should have suitable signage displayed in the vehicle directing passengers to and giving instruction in the operation and use of exit points i.e. slide door to open/push door to open.

A notice must be prominently displayed inside all private hire vehicles and be visible to passengers in the rear of vehicles, stating the vehicle licence number and contact details of the Council's Licensing Section.

MINIBUSES

All mini-buses licensed by the Council as private hire vehicles must comply with the MOT seat belt standards which apply to seat belts on mini-buses, buses and coaches (including those used for the transport of children).

RADIO EQUIPMENT

Any radio equipment fitted to the vehicle shall be kept in a safe condition and comply with statutory requirements.

Radio scanners are not permitted.

PASSENGER SAFETY

A proprietor or driver a private hire vehicle shall not convey or permit to be conveyed in the private hire vehicle a greater number of persons (regardless of the age or size of the passengers) than the number of persons prescribed in the licence for the vehicle and specified on the vehicle identification plate affixed to the rear of the vehicle.

The number of passengers must not exceed the number of restraints available in the vehicle.

PLEASE NOTE: IT IS THE DRIVER'S RESPONSIBILITY TO ENSURE THAT A PASSENGER IS USING THE CORRECT RESTRAINT.

It is acceptable to fit a customer's own child restraint provided that the restraint is of an approved design (i.e. BS Kite Mark) and in a serviceable condition.

ANIMALS

No animal belonging to the private hire vehicle proprietor or the driver of the vehicle shall be conveyed in the vehicle.

Any animal belonging to or in the custody of a passenger, which in the driver's or proprietor's discretion may be conveyed in the private hire vehicle must be conveyed in the rear of the vehicle and shall be contained so as not to present a nuisance or hazard to any occupants of the vehicle.

A proprietor or driver of a private hire vehicle must carry a guide dog or assistance dog belonging to a passenger free of charge unless the driver has a proven medical condition that would preclude such action.

LUGGAGE

The proprietor of a vehicle shall provide the proper means for securing luggage if the vehicle is so constructed as to carry luggage. If the luggage is to be carried externally then the means for the carriage and securing of the luggage must provide adequate protection from inclement weather.

Any roof rack fitted to a vehicle must be the correct design and fitting for the type of vehicle and should be loaded in accordance with the manufacturer's instructions.

All vehicles shall be loaded with luggage in accordance with the vehicle manufacturer's weight and load specification.

Luggage shall not be carried or stored above the height of the rear seat or on the parcel shelf.

LOSS OF LICENCE

A replacement private hire vehicle licence may be issued upon payment of the relevant fee.

RETURN OF IDENTIFICATION PLATE

On receipt of notice, the proprietor of a private hire vehicle shall return the vehicle identification plate to the Council Offices in the event of the expiry (without immediate renewal), suspension or revocation of the licence (Section 58(2) LGMPA 1976).

TRANSFER OF VEHICLE

The proprietor of a private hire vehicle must notify the Council in writing of any transfer in the ownership of a private hire vehicle (Section 49 LGMPA 1976). Upon receiving written notification of transfer and relevant fee, an amended paper licence shall be issued by the Council.

PERMITTING OR EMPLOYING ANY OTHER PERSON TO DRIVE

Before a proprietor of a private hire vehicle permits or employs a private hire vehicle driver to drive the vehicle he shall ensure that the vehicle is adequately insured for that driver.

NOTES:

- (a) FAILURE TO COMPLY WITH ANY OF THE CONDITIONS ATTACHED TO THIS LICENCE MAY RESULT IN PROSECUTION AND THE SUSPENSION OR REVOCATION OF THE PRIVATE HIRE VEHICLE LICENCE.**
- (b) IN ADDITION TO THE PRIVATE HIRE VEHICLE LICENCE CONDITIONS, THE PROPRIETOR OF A PRIVATE HIRE VEHICLE MUST HAVE REGARD TO ALL STATUTORY PROVISIONS WHICH RELATE TO PRIVATE HIRE VEHICLES.**
- (c) A private hire vehicle licence is not transferable to another vehicle.**
- (d) No person must act as a driver of a licensed private hire vehicle unless he holds a private hire driver's licence issued by the District Council.**

APPLICATION PROCESS

The Council's licensing team is committed to providing a problem free, speedy application process to all its applicants. The following paragraphs will be of assistance.

Private hire application forms as well as other useful information can be found on the licensing pages of the Council's web site. Application forms can be printed off, manually completed and sent to the Council with the respective fee.

Applications for private hire vehicle licences will only be accepted from licensed private hire drivers or private hire operators.

As stated previously the vehicle subject of the application will be visually examined by a licensing enforcement officer. If the vehicle is of sufficient visual quality an appointment will be made for a mechanical inspection at the Council's depot on Linden Way, Coalville. Appointments can only be made by licensing staff – applicants must not approach the depot directly.

Currently only 13 appointment slots are allocated to vehicle inspections per week and those slots tend to be fully booked towards the end of the month.

All vehicle licences start on the first day of the month and end on the last day, 12 months later. If you submit an application towards the middle of the month you must make staff aware if you want the licence to start on the month following the application otherwise it will start on the first of the month prior to the application.

Staff will deal with all new applications expeditiously but there may be occasions when licences and plates will not be available for collection until the day after an application is determined. An application can only be determined (ie granted or refused) once all the supporting documentation (eg insurance, MOT certificate etc) is received and inspections completed.

A vehicle must not be used as a private hire vehicle until it is fully licensed and the applicant is in possession of the plate.

PRIVATE HIRE VEHICLE – CONDITIONS OF LICENCE

Section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976 (LGMPA 1976) states that “A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this sub-section, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.”

The following list of Conditions will apply to your private hire vehicle licence unless otherwise stated. If you contravene any of the conditions it may result in the licence being suspended until the matter is rectified.

If you are aggrieved by any of the conditions attached to this licence you may appeal to a Magistrates’ Court within 21 days of the service of the licence on you (Section 47(3) LGMPA 1976).

1. ADVERTISEMENTS

No third party advertising is permitted on private hire vehicles.

2. CHANGE OF ADDRESS

The proprietor of the vehicle shall notify the Council in writing of any change of his address during the period of the licence within 7 days of such change. Upon receiving notification and relevant fees, an amended paper licence shall be issued by the Council’s Licensing Section.

3. EXTERNAL SIGNS AND NOTICES

(a) Private hire vehicles must display signage on the exterior of driver’s door **AND** front nearside door which contains company identification, contact telephone numbers (including area code), vehicle licence number and the words **advanced booking only**.

(b) Applications for exemption from displaying external signage as listed above will be considered for corporate business. Section 75(3) LGMPA 1976.

(c) No signs shall be displayed on or above the roof of the private hire vehicle.

(d) Private hire vehicles are not permitted to display signage which includes the words ‘taxi’ or ‘cab’ whether in the singular or plural or the words ‘for hire’ or any other word of similar meaning or appearance likely to cause a person to believe the vehicle is a hackney carriage.

(e) Private hire vehicles which can accommodate between 5 and 8 passengers should have suitable signage displayed inside the vehicle directing passengers to and giving instruction in the operation and use of exit points, i.e. slide door to open/push door to open.

4. SAFETY EQUIPMENT

Fire extinguisher.

The vehicle shall contain a fire extinguisher which shall meet the requirements of the European standard EN3, and be inside the vehicle when it is in use or available for hire.

The fire extinguisher shall be secured to the vehicle and be within reach of the driver. If the extinguisher is not so secured it must be located inside of the vehicle's boot compartment. A label shall be affixed inside of the vehicle indicating that a fire extinguisher is contained within.

The fire extinguisher shall be indelibly marked with the vehicle's private hire plate number.

The fire extinguisher must be maintained in good working order, the operating instructions must be legible and the driver of the vehicle must be familiar with its use.

First aid kit

The proprietor of the vehicle shall provide a suitable first aid kit in the vehicle at all times.

The first aid kit should be readily visible and available for immediate use in an emergency. If the design of the vehicle is such that a first aid kit cannot be carried in a position where it is easily visible, a sign shall be displayed on the vehicle dashboard indicating the position of the kit.

The first aid kit shall be indelibly marked with the vehicle's private hire carriage plate number.

5. IDENTIFICATION PLATES

The identification plate identifying the vehicle as a private hire vehicle and required to be exhibited on the vehicle pursuant to Section 48(6) LGMPA 1976 shall be securely fixed to the rear of the vehicle in a conspicuous position and in such a manner as to be easily removable by an authorised officer of the Council or a constable.

The proprietor or driver of the private hire vehicle shall report the loss of the identification plate to the Council Offices as soon as the loss becomes known. A replacement plate shall be issued upon payment of the appropriate fee.

PLEASE NOTE: THE IDENTIFICATION PLATE REMAINS THE PROPERTY OF THE COUNCIL.

6. ALTERATION OF VEHICLES

- (a) No material alteration or change in the specification, design, condition or appearance of the private hire vehicle shall be made without the approval of the Council at any time while the licence is in force.
- (b) Any liquid petroleum gas (LPG) vehicle conversion must be carried out by an approved LPG installer. An LPG conversion certificate shall be supplied

to the council. Details of approved UK vehicle conversion companies can be obtained from the LP Gas Association.

7. DAMAGE TO VEHICLE

Any damage to the vehicle, including any resulting from a road traffic collision, affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers carried therein shall be reported to the Council as soon as is reasonably practical and in any event within 72 hours of the occurrence (Section 50(3) LGMPA 1976).

The matter must be reported on a Council form provided for that purpose.

8. CUSTOMER SERVICE SIGNAGE (INTERNAL)

A sign (internal plate) showing the number of the licence and 01530 454545 the contact number for the council shall be securely displayed inside the vehicle. A sign must be displayed in a conspicuous position visible to passengers in the front and rear of the vehicle.

The following wording must be included:

You can provide feedback on the vehicle condition or service from the driver by calling North West Leicestershire District Council 01530 454545. Please quote the vehicle licence number.

DOCUMENT HISTORY

Issue Number	Issue Date	Approved By	Nature of Amendment
1	1 August 2001	Executive Committee	Introduction of Policy
2	1 December 2009	Licensing Committee – 25 November 2009	Changes to safety equipment signage. Changes to vehicle internal and external signage. Withdrawal of third party advertisements. Tinted window compliance.
3	18 January 2010	Commercial Services Manager	Minor amendment to wording of conditions 12 (a), 12 (f) and 14.
4	10 August 2011	Environmental Health Team Leader	Clarification of the term 'exceptionally well maintained vehicle' at condition 1(b)
5	1 April 2013	Licensing Committee – 21 March 2012	Reduction of vehicle age from 8 years to 7.
6	1 April 2014	1) Licensing Committee – 21 March 2012 2) Environmental Health Team Manager	1) Reduction of vehicle age from 7 years to 6. 2) Amendment to para 1(b)(ii) (addition of word 'continuing').

Objective 1 – Vehicle conditions are further improved

Vehicles must be less than 6 years old on the date of the first application, unless they are in an 'exceptionally well maintained condition, subject to inspection at continuing 6 monthly intervals'. A vehicle of 6 years and older has to undergo and pass a visual check and mechanical check before it is licensed.

Currently a vehicle is permitted an unlimited number of attempts to pass these checks. It is proposed to limit the number of attempts. Amendments have been made to the definition of a vehicle that is 'exceptionally well maintained'.

Proposal 1 - Should a vehicle fail a visual inspection a second inspection will be permitted. Should a vehicle fail the second visual inspection it will be deemed not to be of exceptional condition and consequently will not be licensed.

Do you consider this approach to be proportionate?

Detail any other comments or suggestions for amendment

Proposal 2 - Should a vehicle of 6 years or older fail a mechanical inspection with defects in more than one critical area (listed below), it will be deemed not to be of exceptional condition and consequently will not be licensed.

Critical areas covered by the inspection: engine; brakes; suspension; steering, tyres

Do you consider this approach to be proportionate?

Detail any other comments or suggestions for amendment

Proposal 3 - Should a vehicle of less than 6 years old fail a mechanical inspection, one retest will be available. Should the vehicle fail the inspection at the second attempt with defects in more than one critical area the vehicle will not be licensed.

Do you consider this approach to be proportionate?

Detail any other comments or suggestions for amendment

Objective 2 – Vehicle emissions are reduced

Vehicle Age – Vehicles must be less than 6 years old on the date of the first application with exception of purpose-built London style cabs.

<p>Proposal 4 – To remove purpose built London style cabs from the list of exceptions.</p> <p>Do you consider this approach to be proportionate?</p> <p>Detail any other comments or suggestions for amendment</p>
<p>Proposal 5 – To add ultra low emission vehicles to the list of exceptions, permitting vehicles 6 years and over on the first application</p> <p>Detail any other comments or suggestions for amendment</p>
<p>Vehicle emissions – Currently vehicle emission standards are regulated through the MOT.</p> <p>Proposal 6 – The following suggestions are suggested: To require vehicles to be fitted with a Euro 6 compliant engine, from January 2021; or To require vehicles to be fitted with a Euro 4 compliant engine (registered since January 2005), from 1 January 2017 To require vehicles to be fitted with a Euro 5 compliant engine (registered since September 2009), from 1 January 2021 To require vehicles to be fitted with a Euro 6 compliant engine (registered since September 2014), from 1 January 2025</p> <p>Euro emissions standards were first introduced in 1992 (Euro 1) with the aim of making cars cleaner. For diesel cars, the new Euro 6 standards, introduced in September 2014 dramatically dropped the permitted level of nitrogen oxide emitted down to a maximum of 80mg/km compared to the 180mg/km set by the Euro 5 standard. The limit for nitrogen oxide from petrol cars remains unchanged from the Euro 5 standard at 60mg/km. The permitted levels of carbon monoxide and particulate matter remain unchanged from the Euro 5 standard.</p> <p>Would a reduced licensing fee for ultra low emission vehicles be a better approach to reducing vehicle emissions?</p> <p>Detail any other comments or suggestions for amendment</p>
<p>Objective 3 - Licensed taxi vehicles are more easily recognisable</p> <p>Vehicle Design, colour – Currently there are no restrictions on the exterior colour of a hackney carriage.</p> <p>Members of the public can often confuse private hire vehicles with taxi, failing to realise that private hire vehicles are not available for immediate hire. So it is important to distinguish between the two types of vehicle.</p> <p>Proposal 7 - To introduce a livery colour for hackney carriages, making the vehicles more recognisable to the public. From 1 January 2018 all vehicles relating to new applications for a</p>

<p>hackney carriage licence must be the livery colour agreed by the council.</p> <p>Do you consider this approach to be proportionate?</p> <p>What should the livery colour be?</p> <p>Detail any other comments or suggestions for amendment</p>
<p>Objective 4 - Customers of the service feel the council is spending money well</p> <p>Motor insurance certificate – Currently there is not a policy relating to the length of cover notes or insurance certificates. It is not currently the case, however should drivers choose to submit short term cover notes throughout the term of the licence this would create an administrative burden.</p> <p>Proposal 8 – To continue to require evidence of adequate insurance at the time of granting the licence. In the event that a short term cover note is in place at the time of grant, to require the licence holder to present a further insurance certificate to the licensing team before the expiry of the cover note. Failure to present an insurance certificate before the expiry of the cover note will result in the licensing team contacting the licence holder requiring evidence of insurance to be produced. This service will be chargeable.</p> <p>Do you consider this approach to be proportionate?</p> <p>Detail any other comments or suggestions for amendment</p>
<p>Customer feedback – Currently it is not a requirement to display a sign or notice informing customers how they can give feedback relating to the service provided.</p> <p>Proposal 9 - To introduce a requirement to display a notice within the vehicle explaining to a passenger how they can provide feedback to the council.</p> <p>Do you consider this approach to be proportionate?</p> <p>Detail any other comments or suggestions for amendment</p>

All feedback should be handed to a member of the licensing team at the conclusion of the Licensing Committee meeting or sent to the licensing team licensing@nwleicestershire.gov.uk before 17 June

This page is intentionally left blank