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Meeting	<b>LICENSING COMMITTEE</b>
Time/Day/Date	6.30 pm on Wednesday, 19 February 2020
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454512)

## AGENDA

Item	Pages
<b>1. APOLOGIES FOR ABSENCE</b>	
<b>2. DECLARATIONS OF INTEREST</b>	
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'.	
<b>3. MINUTES OF PREVIOUS MEETING</b>	
To confirm and sign the minutes of the meeting held on 6 November 2019.	<b>3 - 4</b>
<b>4. REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE POLICY AND CONDITIONS</b>	
The report of the Environmental Health Team Manager	<b>5 - 62</b>
<b>5. LICENSING UPDATE REPORT</b>	
Report of the Environmental Health Team Manager	<b>63 - 70</b>

### Circulation:

Councillor J Clarke (Chairman)  
Councillor N Smith (Deputy Chairman)  
Councillor E G C Allman  
Councillor D Everitt  
Councillor T Eynon  
Councillor M French  
Councillor D Harrison  
Councillor B Harrison-Rushton  
Councillor M D Hay  
Councillor G Hoult  
Councillor J Hoult  
Councillor K Merrie MBE

Councillor V Richichi  
Councillor A C Saffell  
Councillor S Sheahan  
Councillor M B Wyatt

MINUTES of a meeting of the LICENSING COMMITTEE held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 6 NOVEMBER 2019

Present: Councillor J Clarke (Chairman)

Councillors N Smith, E G C Allman, D Everitt, T Eynon, B Harrison-Rushton, M D Hay, G Houlst, J Houlst, K Merrie MBE, V Richichi, A C Saffell, S Sheahan, M B Wyatt and R Boam (Substitute for Councillor D Harrison)

Officers: Mr L Mansfield, Mr A Cooper, Mrs M Long and Mr L Sebastian

## **5. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors M French and D Harrison.

The Chairman informed the Committee that Councillor D J Stevenson was very ill and had been admitted to LOROS Hospice. Members agreed that a letter of support be sent on behalf of the Committee.

## **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 11 September 2019.

RESOLVED THAT:

The minutes of the meeting held on 11 September 2019 be approved and signed by the Chairman as a correct record.

## **8. REVIEW OF POLICY AND LICENCE CONDITIONS RELATING TO PRIVATE HIRE OPERATORS**

The Environmental Health Team Manager presented the report to Members setting out the proposed changes to the policy and licensing conditions to private hire operators following the review.

In response to a question from Councillor S Sheahan, it was recognised that five from 33 private hire operators was a small sample size; however, it did suggest that the lack of response demonstrated that there was no objection. Councillor D Everitt urged caution in the assumption as he had experienced the opposite during a past consultation in relation to a housing matter. Councillor S Sheahan felt he would have more confidence if the sample size had been larger.

Following a further question from Councillor S Sheahan with regard to nuisance parking and how this would be identified and enforced, it was noted that any allegations of nuisance parking would be investigated over a period of time in order that an assessment be made. Any resultant actions taken would be proportionate to the offence. Councillor M B Wyatt welcomed the inclusion of this in the policy as he had witnessed such offences on a daily basis and it often caused congestion and potential hazards.

Councillor T Eynon asked for details of the source and costs of the proposed training on child exploitation and was reassured to learn that the training would be provided in house with the support of an external trainer and the cost to each trainee was just £18 per session.

Councillor M D Hay sought clarification on the vetting procedures for staff and was reassured that the policy would ensure that proper procedures were in place for dealing with any complaints brought to the attention of operators.

It was moved by Councillor J Hault, seconded by Councillor M B Wyatt and

RESOLVED THAT:

- 1) The Draft Private Hire Operator Licence Conditions as set out in appendix 1 be approved.
- 2) The Draft Hackney Carriage and Private Hire Licensing Fit and Proper Policy be approved.
- 3) Authority to make amendments to the Hackney Carriage and Private Hire Licensing Policy and Private Hire Operator Licence Conditions to reflect changes in legislation and central government policy and guidance, be delegated to the Environmental Health Team Manager.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.00 pm

<b>Title of Report</b>	<b>REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE POLICY AND CONDITIONS</b>	
<b>Presented by</b>	Lee Mansfield Environmental Health Team Manager 01530 454610 <a href="mailto:lee.mansfield@nwleicestershire.gov.uk">lee.mansfield@nwleicestershire.gov.uk</a>	
<b>Background Papers</b>	<a href="#">NWLDC Hackney Carriage and Private Hire Driver Fit &amp; Proper Person Policy Issue 16</a> <a href="#">Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guide</a> <a href="#">Department for Transport Statutory Guidance for Licensing Authorities; Taxi and Private Hire Vehicle Licensing: Protecting Users</a> <a href="#">NWLDC Hackney Carriage Conditions – Issue 8</a> <a href="#">NWLDC Private Hire Vehicle Conditions – Issue 7</a>	<b>Public Report:</b> Yes
		<b>Key Decision:</b> Yes
<b>Financial Implications</b>	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 budget	
	<b>Signed off by the Section 151 Officer:</b> Yes	
<b>Legal Implications</b>	Detailed at paragraph 1.1 of report	
	<b>Signed off by the Monitoring Officer:</b> Yes	
<b>Staffing and Corporate Implications</b>	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	
	<b>Signed off by the Head of Paid Service:</b> Yes	
<b>Purpose of Report</b>	To present a draft hackney carriage and private hire vehicle policy and conditions, for approval	
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. THAT LICENSING COMMITTEE CONSIDERS AND APPROVES THE DRAFT HACKNEY CARRIAGE VEHICLE POLICY AND CONDITIONS (APPENDIX 1)</li> <li>2. THAT LICENSING COMMITTEE CONSIDERS AND APPROVES THE DRAFT PRIVATE HIRE VEHICLE POLICY AND CONDITIONS (APPENDIX 2)</li> <li>3. THAT <sup>5</sup>AMENDMENTS TO THE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE POLICY AND</li> </ol>	

	<b>CONDITIONS TO REFLECT CHANGES IN LEGISLATION AND CENTRAL GOVERNMENT POLICY IS DELEGATED TO THE ENVIRONMENTAL HEALTH TEAM MANAGER FOLLOWING CONSULTATION WITH THE PORTFOLIO HOLDER</b>
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## **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 review of vehicle policy was carried out in 2016 with a new policy and set of conditions being introduced on 1 January 2017.

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 and the Department for Transport Statutory Guidance for Licensing Authorities; Taxi and Private Hire Vehicle Licensing: Protecting Users

### **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 further reduced;
3. Licensed taxi vehicles are more easily recognisable;
4. Driver and passenger safety is further improved.

1.5 The draft Hackney Carriage and Private Hire Vehicle Policy and conditions are located at Appendix 1 (Hackney Carriage) and Appendix 2 (Private Hire). Tracked changes show the amendments made to existing policy and conditions.

## **2.0 Consultation**

2.1 Comments made by Licensing Committee on 11 September were used to shape the final draft sent out for wider consultation.

2.2 A consultation period commenced on 20 September 2019 and ended on 15 December 2019. The following individuals and groups were consulted:

- All current driver licence holders;
- All current vehicle proprietors;
- Leicestershire police;
- Leicestershire County Council;
- Licensing Committee
- Department for Transport
- CCTV System Providers
- Public and passengers (public consultation on council webpage)

2.3 A total of 18 responses were received from licence holders. In addition, Safe Systems CCTV Ltd commented specifically on the proposed CCTV policy and conditions.

### **3.0 Response to consultee feedback / final proposals for change**

3.1 Vehicle age (paragraph 4 of the policy)

#### **Proposed Change**

Requirement for all new vehicles (upon initial application) to be less than 6 years old from the date of first registration.

Supportive	8
Not supportive	10

#### **Response / Revised proposal**

The proposal was not supported by the trade due to the additional cost associated with the purchase of newer vehicles. The proposal has been revised:

Requirement for all new vehicles (upon initial application) to be less than 10 years old from the date of first registration.

3.2 Vehicle age (paragraph 4 of the policy)

#### **Proposed Change**

No vehicle licence will be renewed on a vehicle that is 6 years of age or more, unless that vehicle is in an exceptionally well-maintained condition. The definition of exceptionally well-maintained condition has been amended. Vehicles failing 3 consecutive inspections will fall outside of the definition.

Supportive	11
Not supportive	7

#### **Response**

No amendments have been made to the proposed changes.

3.3 Vehicle age (paragraph 4 of the policy)

#### **Proposed Change**

For vehicles 10 years and older to increase the number of mechanical inspections from 2 to 3 per year.

Supportive	7
Not supportive	11

#### **Response / Revised proposal**

The trade did not support the proposal. The proposed change has been removed from the draft policy.

### 3.4 Reporting of accidents / damage to vehicles / replacement vehicles (paragraph 9 of draft policy)

#### Proposed Changes

Amendment to policy relating to the reporting of accidents.

New policy relating to vehicle applications from hire companies.

New policy relating to insurance 'write-off' and damaged vehicles.

Minor amendment made to licence condition relating to the maintenance of vehicles (condition1).

Supportive	15
Not supportive	3

#### Response

No amendments have been made to the proposed changes.

### 3.5 Vehicle emissions (paragraph 3.0 of draft policy)

#### Proposed Changes

To remove the exemption for vehicles licensed by NWLDC before 1 January 2017.

To bring forward the implementation date for policy requiring all vehicles to be fitted with at least a Euro 5 compliant engine from 1 January 2022 to 1 July 2020.

To bring forward the implementation date for policy requiring all vehicles to be fitted with at least a Euro 6 compliant engine from 1 January 2026 to 1 January 2025.

Supportive	10
Not supportive	8

#### Response / Revised proposal

The proposal received a lack of support from the trade. The following revisions have been made to the proposed policy changes:

To delay the implementation date by 2 months, allowing vehicle owners between 6 and 18 months to purchase a replacement vehicle if required to do so. At the time of print 35 licensed vehicles are fitted with a Euro 4 compliant engine. The retro fitting of a system to reduce emissions to equivalent of Euro 5 will also be permitted.

To permit the use of retrofit technology to reduce vehicle emissions to the required standard. The cost of retrofit technology is approximately £550. The technology can be removed from a vehicle and refitted to a replacement vehicle. This would be an alternative resolution for those vehicle owners not wishing to purchase a replacement vehicle.

#### Revised wording of emissions policy:

From 1 September 2020 all hackney carriages and private hire vehicles must be fitted with at least a Euro 5 compliant engine or equivalent using retrofit technology (registered since September 2009) Euro 4 compliant engines or older will not be permitted. Any vehicle with a Euro 4 compliant engine or older will not be licensed at the time of renewal.



From 1 January 2025 all hackney carriages and private hire vehicles must be fitted with at least a Euro 6 compliant engine or equivalent using retrofit technology (registered since September 2014) Euro 5 compliant engines or older will not be permitted. Any vehicle with a Euro 5 compliant engine or older will not be licensed at the time of renewal.

### 3.6 Identification of licensed vehicles (paragraph 8.0 of draft policy)

#### Proposed changes to Licence plates and roof signs

New policy and licence condition requiring the display of the internal vehicle plate. The practice of issuing internal plates began in April 2019. The plate, to be displayed in the front windscreen identifies the vehicle as being licensed for anyone approaching the vehicle from the front. All vehicles will continue to be required to display an external licence plate on the rear of the vehicle. (licence condition 3)

Amendment to policy and licence condition relating to the permitted wording on roof signs. 'Taxi' will be permitted in addition to current policy permitting 'For Hire'. Removal of the requirement to display the maximum number of persons carried on the side of the roof sign. (Paragraph 8 of draft policy and hackney carriage condition 10)

New policy relating to the processing of requests for an exemption from displaying licence plates (paragraph 10 of draft policy).

Supportive	15
Not supportive	3

#### Response

No amendments have been made to the proposed changes.

### 3.7 Vehicle specification (paragraph 2.0 of draft policy)

#### Proposed Changes

Minor change to minimum engine capacity

More detail added to specification (windows, floor covering, wheels and tyres)

Supportive	16
Not supportive	2

#### Response / Revised proposal

No amendments have been made to the proposed changes.

### 3.8 CCTV (in-car cameras) (paragraph 6 of draft policy)

#### Proposed Changes

To retain a policy whereby the installation of CCTV in licensed vehicles is discretionary.

Amendments to policy providing more detail covering system installation, specification, activation, audio recording, security and retention of images, making use of images and signage.

New licence conditions relating to system maintenance, retrieval of data, instruction to drivers and signage. (private hire condition 5, hackney carriage condition 4)

Supportive	14
Not supportive	4

Comments were received from a reputable in-car CCTV system provider

Response

Minor amendments have been made to the proposed changes.

### 3.9 Motor insurance (paragraph 7.0 of draft policy)

Proposed Changes

More detail added to policy relating to motor insurance cover

Supportive	15
Not supportive	3

Response / Revised proposal

No amendments have been made to the proposed changes.

### 3.10 Tinted windows (private hire condition 14, hackney carriage condition 13)

Proposed Changes

More detail added to licence conditions relating to minimum light transmission

Supportive	12
Not supportive	6

Response

No amendments have been made to the proposed changes.

### 3.11 Safety equipment (private hire condition 6, hackney carriage condition 5)

Proposed Changes

Minor changes made to the requirement to have a fire extinguisher

Supportive	13
Not supportive	5

Response

No amendments have been made to the proposed changes.

### 3.12 Absence of vehicle proprietor (private hire condition 7, hackney carriage condition 6)

Proposed Changes

New condition requiring the appointment of a responsible person where the vehicle proprietor is not available

Supportive	16
Not supportive	2

Response

No amendments have been made to the proposed changes.

## 4.0 Future Amendments to Vehicle Policy and Conditions

### 4.1 This and future issues of the 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

All licence holders will be notified of the revised vehicles policy and conditions.

The new policy and conditions will commence on 1 March 2020.

Policies and other considerations, as appropriate	
Council Priorities:	Our communities are safe, healthy and connected
Policy Considerations:	See background papers
Safeguarding:	Positive impact on safeguarding through regulated in-car CCTV
Equalities/Diversity:	No implications
Customer Impact:	Positive impact on public safety
Economic and Social Impact:	Positive impact on public safety
Environment and Climate Change:	A reduction in vehicle emissions from licensed hackney carriage and private hire vehicles
Consultation/Community Engagement:	See body of report
Risks:	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.
Officer Contact	Lee Mansfield Environmental Health Team Manager <a href="mailto:lee.mansfield@nwleicestershire.gov.uk">lee.mansfield@nwleicestershire.gov.uk</a>  Andy Cooper Licensing Team Leader <a href="mailto:andy.cooper@nwleicestershire.gov.uk">andy.cooper@nwleicestershire.gov.uk</a>

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North West Leicestershire District Council

## **Hackney Carriage Vehicle Licence Policy**

## **Hackney Carriage Vehicle Conditions of Licence**

Issue 9 DRAFT

## HACKNEY CARRIAGE VEHICLE LICENCE LICENSING POLICY

### 1.0 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.

### 2.0 VEHICLE DESIGN, TYPE AND SEATING

Hackney carriage vehicles shall be of the following type and specification:

The vehicle must be right hand drive.

The vehicle must not be a convertible. The vehicle must have a permanent roof that is watertight.

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

~~A~~ minimum engine capacity ~~of exceeding~~ 1250cc or equivalent powered electric vehicle. Engines less than 1250cc will be considered provided that they are at least 105bhp or 106ps.

A minimum of 4 ~~doors~~ doors including the driver's door, except for purpose built vehicles.

Seating must be padded or covered. 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 have at least one window on each side capable of being opened and closed.

The floor must be covered with a suitable carpet, mat or other floor covering.

Wheels and tyres:

Vehicles must have four road wheels fitted with tyres of the same size as were originally fitted to the vehicle when new.

A spare tyre of the same type as fitted to the road wheels, or a manufacturer's space saver (emergency tyre inflation kits WILL NOT be accepted, unless supplied by the vehicle manufacturer when first registered or supplied as a result of an LPG conversion

Seat belts must be fitted for all seats.

Nearside and offside exterior rear view mirrors.

### 3.0 VEHICLE EMISSIONS

~~The policy below applies to new vehicle applications granted on and after 1 January 2017. Any vehicle with a licence issued by NWLDC before 1 January 2017 is exempt.~~

- ~~• From 1 January 2018 all hackney carriage vehicles must be fitted with at least a Euro 4 compliant engine (registered since January 2005). Euro 3 compliant engines or older will not be permitted.~~
- From 1 ~~September~~January 2020<sup>2</sup> all hackney carriage vehicles must be fitted with at least a Euro 5 compliant engine or equivalent using retrofit technology (registered since September 2009). Euro 4 compliant engines or older will not be permitted. Any vehicle with a Euro 4 compliant engine or older will not be licensed at the time of renewal.
- From 1 January ~~2022~~<sup>2025</sup><sup>6</sup> all hackney carriage vehicles must be fitted with at least a Euro 6 compliant engine or equivalent using retrofit technology (registered since September 2014). Euro 5 compliant engines or older will not be permitted. Any vehicle with a Euro 5 compliant engine or older will not be licensed at the time of renewal.

Applicants will be required to prove that the engine is suitable. Any vehicle with an engine older than the required euro emissions standard will not be licensed at the time of renewal unless it can be verified that the emissions have been suitably lowered using approved retrofit technology.

The fee for a licence for an ultra low emission vehicle (both new and renewal application) is discounted by 15% (compared with a standard vehicle licence (new application and renewal) ~~Commencement Date: 1 April 2017~~

### 4.0 VEHICLE AGE AND CONDITION

A policy relating to vehicle age was introduced with the aim of improving the condition of licensed vehicles. Since introducing the policy, the percentage of vehicles passing an inspection at the first attempt has increased.

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.

Definitions:

Vehicle inspection: An inspection of a vehicle carried out by NWLDC appointed mechanics, relating to: (a) 12 monthly check; (b) 6 monthly check; (c) spot check at any point during the term of the licence

Visual inspection: A visual inspection of a vehicle carried out by NWLDC appointed officers, relating to: (a) new applications; (b) renewal applications; (c) spot checks at any point during the term of the licence

Safety critical areas: All areas of a vehicle inspected during a vehicle inspection except the following items: bulbs, windscreen wipers, customer feedback notice, condition of luggage / load space, jack, fire extinguisher, first-aid kit, taximeter, roof sign

#### Vehicle Age Policy

~~Hackney carriage vehicles must be less than 6 years old.~~

#### New applications

All new Hackney Carriage vehicles must be less than ten years old from the date of first registration on initial application. No exceptions apply.

#### Renewals

No Hackney Carriage vehicle licence will be renewed on any vehicle that is 6 years of age or more. The following exceptions apply:

- (a) Vehicles which are in an exceptionally well maintained condition, (defined below), or
- (b) Ultra low emission vehicles (emissions of less than 75 grams of CO2 per km)

#### 4.1 Definition - Exceptionally Well Maintained Condition

#### Visual Inspection

Should a vehicle fail a visual inspection a second inspection will be permitted. Any vehicle failing a second visual inspection will be deemed not to be of exceptionally well maintained condition.

#### Vehicle Inspection (mechanical)

~~Where a vehicle of 6 years or older fails a vehicle inspection a second inspection (retest) will be permitted.~~

~~Where a vehicle fails the second vehicle inspection (retest) with any defect relating to a safety critical area, the vehicle will not be deemed to be in an exceptionally well maintained condition, resulting in either the application being refused or licence being revoked.~~

~~Where a vehicle of 6 years or older fails 3 consecutive mechanical inspections, the vehicle will not be deemed to be in an exceptionally well maintained condition, resulting in either the application being refused or licence being revoked. Mechanical inspections include annual, 6 monthly and on the spot checks (full inspection).~~

~~For new and renewal applications this will result in the application being refused. For inspections carried out at any other point during the term of the licence, the licence will be revoked.~~

Mechanical inspections are defined as include annual, 6 monthly and spot checks.



Where a vehicle fails an inspection a second inspection (retest) will be permitted.

If the vehicle fails its retest on a safety critical ground the vehicle will be deemed to not be exceptionally well maintained. The licence will be refused / revoked.

If a vehicle fails 3 consecutive **mechanical inspections** (see definition of mechanical inspection above) the vehicle will be deemed to not be exceptionally well maintained. The licence will be refused / revoked.

#### 4.2 Mechanical Inspection (frequency)

Vehicles less than 6 years of age at the time of a first 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 within this age group will have to be of exceptionally well-maintained condition defined at 4.1

The licensing authority requires 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.

#### 4.3 Visual Inspection

All vehicles will undergo a visual inspection at the time of an initial (first) application.

Vehicles 6 years or older will be required to undergo a visual inspection at the time of the renewal of the licence.

The visual inspection will have one of two outcomes:-

- (i) Pass - the vehicle 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) Fail - 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.

#### 4.4 Visual Inspection

Officers do look for evidence that the vehicle is well maintained and in good condition. The inspection will include the following:

- Bodywork - damage, dents, scratches, fading, chipped or poor quality paintwork.
- Exterior trim, hub caps, alloy wheels
- Interior trim, panels, seating, carpets, cleanliness, damp, odour

- Boot or luggage compartment
- Passenger notices – customer feedback and no smoking signage

## 5.0 RE-TEST FEES

Any retest fee that applies will be payable by the driver or vehicle owner. The full fee must be received before a retest is carried out.

A vehicle inspection retest fee will apply when:

A vehicle (of any age) fails a vehicle inspection with more than one defect relating to a safety critical area.

Any vehicle failing a vehicle inspection with either one critical safety defect or minor defects (not requiring a further full inspection) will not attract a retest fee.

## 6.0 SECURITY & CCTV SYSTEMS IN LICENSED PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLES

Where CCTV is installed in private hire or hackney carriage vehicles, the following shall be followed.

### 6.1 Introduction

This policy has been written for the purpose of regulating the use of CCTV systems including event recorders in both Private Hire vehicles and Hackney Carriages in North West Leicestershire.

This ~~policy~~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 properly managed whilst being used to prevent crime, identify the perpetrators of crime enhance the health and safety of drivers and passengers and reduce the fear of crime.

Any CCTV system to be fitted must, as a minimum, meet the requirements set out in this policy. Only CCTV systems meeting these requirements can be installed into licensed vehicles.

Vehicle owners, who may also be the driver and/or operator, installing CCTV systems must fully comply with the requirements set out in this policy.

### 6.2 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 insurance companies in investigating motor vehicle accidents~~the police in identifying missing persons.~~

### 6.3 Installation and ~~maintenance operation~~ of in-car camera systems in Private Hire and Hackney Carriage vehicles

The installation and operation of CCTV must comply with the requirements of the <https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf>

All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations.

All equipment must meet all requirements as regards safety, technical acceptability and operational/data integrity.

All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear.

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 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.~~

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

It is contrary to the Motor Vehicle (Construction and Use) Regulations, 1986, for equipment to obscure the view of the road through the windscreen.

Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, i.e. not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems, such as autonomous braking systems, which may cause degradation in performance or functionality of such safety systems. Viewing screens within the vehicle for the purposes of viewing captured images are not permitted. Live feed may only be displayed in accordance with ICO regulations.

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. The location of a camera must be specific for purpose i.e. to provide a safer environment for the benefit of the driver and passengers.

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.

### 6.4 Activation of in-car camera systems in Private Hire and Hackney Carriage vehicles

Continuous operation of CCTV is not permitted.

Activation of the equipment (camera) may be via a number and combination of options, including:

- door switches;
- time delay;
- drivers' panic button;
- or, in the case of an incident/event recorder, predetermined G-Force parameters set on one or more axis (i.e. braking, acceleration, lateral forces)
- ignition supply

The CCTV system may be configured to record images for a short period of time before the trigger event, during the related incident and a short period following the related incident.

A direct wired link to the vehicle's taximeter, in the case of a Taxi, will not be acceptable.

#### 6.5 Audio Recording

CCTV systems must not be used to record conversations between members of the public, as this is highly intrusive and unlikely to be justified except in very exceptional circumstances. You must choose a system without this facility wherever possible; however, if the system comes equipped with sound recording facility then this functionality should be permanently disabled.

There are limited circumstances in which audio recording may be justified due to a specific threat to an individual's personal safety, e.g. when a 'panic button' is utilised in response to a threat of physical violence. Where this audio recording facility is utilised it must only be used where there is a specific threat and deactivated once that threat is no longer present (the ICO have no preference as to which type of panic switch is used, merely that there must be one.

In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.

#### ~~6.4 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.~~

#### 6.65 Data Protection ~~Laws~~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 ~~legislation~~Act (1998) and the information Commissioners Codes of Practice at all times.

#### 6.7 Image Security

Images captured must remain secure at all times.

The system must be capable of storing images in a manner, which prevents them being removed, downloaded or viewed by the driver or any other person travelling in the vehicle.

The system must provide that images are only capable of being downloaded by the registered data controller.

The captured images must be protected using approved encryption software that is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen. All storage devices must be encrypted to the camera device. All images may only be reviewed via a secure network or decryption software i.e. images should not be available to view via an MP3/MP4 player or equivalent.

The Information Commissioner's Office has published guidance on how to keep personal data secure (including personal data contained in CCTV images), on their website.

#### 6.8 Retention of CCTV images

The CCTV equipment selected for installation must have the capability of retaining images either:

- o within its own secure, encrypted hard drive;
- o using a fully secured and appropriately encrypted detachable mass storage device, for example, a compact flash solid state card;
- o or, where a service provider is providing additional storage facilities, transferred in real time using fully secured and appropriately encrypted GPRS (GSM telephone) signalling to a secure server within the service provider's monitoring centre.

Images must not be downloaded onto any kind of portable media device (e.g. CDs or memory sticks) for the purpose of general storage outside the vehicle.

CCTV equipment selected for installation must include an automatic overwriting function, so that images are only retained within the installed system storage device for an average period of 28 days from the date of capture. Where a service provider is used to store images on a secure server, the specified retention period must also only be for a maximum period of 28 days from the date of capture. Data may be retained for longer periods in exceptional circumstances, i.e. insurance claims, criminal investigations etc. However, once a relevant case is concluded all data must be deleted.

Where applicable, these provisions shall also apply to audio recordings.

#### 6.9 Payment of the data protection fee to the Information Commissioner's Office

The Information Commissioner's Office (ICO) is the official regulatory body responsible for enforcing compliance with privacy and data protection legislation.

The law defines a "data controller" as the individual or organisation that has ultimate responsibility for how personal data is collected and processed. For the purpose of

the installation and operation of in-vehicle CCTV, the “data controller” is the company, organisation or individual that has decided to have a CCTV system installed and operating within the vehicle. The data controller is ultimately responsible for how the images are stored and used and determines in what circumstances the images should be disclosed. If a third party is nominated for this role as opposed to the vehicle owner, then the data must not be accessible by anyone other than the registered data controller.

It is a legal requirement for organisations and businesses that process personal information to pay a data protection fee to the ICO every year whilst data is being stored, failure to maintain this registration is a criminal offence. The ICO publishes an online register of the organisations and businesses that have paid the fee.

You can find out more about the process by reading the ICO guide to the data protection fee here <https://ico.org.uk/registration/new->. The level of fee you have to pay varies according to the turnover of your business and the number of employees you have.

Documentary evidence such as a certificate of registration with the ICO that the data protection fee has been paid must be presented to the licensing team.

#### 6.10 Using a third party service provider (data processor)

Where a service provider is used for the remote storage and/or management of CCTV data they will act as a ‘data processor’. A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions. The data controller retains full responsibility for the actions of the data processor.

There must be a formal written contract between the data controller and data processor (service provider). The contract must contain provisions covering security arrangements, retention/deletion instructions, access requests and termination arrangements.

Documentary evidence of the contractual arrangements may be required to be presented to the Licensing Authority at any time during the term of the vehicle licence.

#### 6.11 Using recorded CCTV images

The data controller is responsible for complying with all relevant data protection legislation, as well as being legally responsible for the use of all images including any breaches of privacy and data protection legislation.

Any images and/or audio recordings should only be used for the purposes described earlier in these guidelines

Requests to view captured images may be submitted to the data controller by the Police or other statutory law enforcement agencies; North West Leicestershire District Council; insurance companies/brokers/loss adjusters; or exceptionally other appropriate bodies. The data controller is responsible for responding to these requests in accordance with the law. Police or other law enforcement agencies

should produce a standard template request form, setting out the reasons why the disclosure is required. Alternatively, a signed statement may be accepted.

All requests should only be accepted where they are in writing, and specify the reasons why disclosure is required.

Under the data protection legislation, members of the public may also make a request for the disclosure of images, but only where they have been the subject of a recording. This is known as a 'Subject Access request'. Such requests must only be accepted where they are in writing and include sufficient proof of identity (which may include a photograph to confirm they are in fact the person in the recording). Data Controllers are no longer entitled to charge a fee for a subject access request and must process the request for free.

More guidance on handling Subject Access requests can be found in the ICO's code of practice <https://ico.org.uk/media/2259722/subject-access-code-of-practice.pdf>, which is available on their website.

## 6.12 Signage

All Taxis and PHVs fitted with a CCTV system must display signage in prominent positions. The driver may also verbally bring to the attention of the passengers that CCTV equipment is in operation within the vehicle, if it is felt necessary or appropriate.

The signage must be displayed in such positions to minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle.

The name and contact details of the Data Controller where it is not obvious must be provided within the design of the sign, where it is not obvious. The contact details can be in the form of either telephone number, email address or website URL.

### Signage for external facing dashcams

Where a dashcam is installed in order to record incidents outside the vehicle it must NOT record audio, you should also display a warning sign wherever practical. In addition, when the device is activated in response to an incident, the driver of the vehicle must inform the person(s) recorded that their personal data was captured - as soon as practicable after the incident. They should also be informed the purpose for which the device has been installed, for example to facilitate their insurance company's investigation of insurance claims.

## ~~6.6 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 law.~~

~~In the event of any potential breach being identified, the relevant authority will be informed.~~



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

## **7.0 MOTOR INSURANCE CERTIFICATE**

At the time of the grant of a hackney carriage licence evidence of adequate insurance is required. A valid certificate of insurance or cover note confirming that insurance is on place for each driver of the vehicles and specifying use as a hackney carriage vehicle.

### **Cover Notes**

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. Weekly cover notes will only be accepted for a maximum of eight concurrent weeks, after which a cover note only for a longer period will be accepted in the event that a full motor insurance certificate cannot be provided. Failure to present an insurance certificate before the expiry of the cover note will result in the licence being suspended until evidence of insurance is produced.

The Licensing Authority will undertake periodic audits of licensed vehicles to ensure that the vehicle is insured.

For a hackney carriage vehicle, the certificate of insurance must cover for hire or reward.

## **8.0 IDENTIFICATION OF VEHICLES AS HACKNEY CARRIAGE VEHICLES**

The Licensing Authority requires it to be clear to the public that a hackney carriage vehicle is licensed. Consequently, a hackney carriage vehicle cannot have the appearance of a private hire vehicle. The vehicle must have:  
An illuminated taximeter of an approved type.

- (a) All Hackney Carriages must be fitted with a working meter, which is programmed with the current North West Leicestershire District Council Hackney Carriage tariff.
- (b) The proprietor must ensure that the meter displays the journey details to a high level of accuracy. The meter shall be fitted in such a position that the display is visible and will be illuminated at all times.
- (c) 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).

If the company sealing the meter can provide an authentication certificate, it should be forwarded to the Licensing team as soon as possible. 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 that should take no longer than 30 minutes. A fee will apply.

- (d) 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



- (e) A fee will be charged for the time spent by the officer checking the meter.
- (f) A copy of the Council's fare chart must be clearly displayed in the vehicle so as to be plainly visible to passengers.
- (g) 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.
- (h) All hackney carriage vehicle taximeters shall be operated in accordance with the Council's Hackney Carriage Byelaws.

#### An illuminated "Taxi" sign

- a) An illuminated sign of a type already approved must be fitted to or above the hackney carriage with the words "TAXI" or "FOR HIRE" in block letters showing to the front and the words "CAB NO..." showing to the rear.
- 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 operation is linked to the fare meter, so that when the meter is not in use the sign is illuminated and when the meter is in use, the sign is not illuminated.

#### A current fare table available

### **9.0 REPORTING ACCIDENTS / DAMAGE / REPLACEMENT VEHICLES**

If at any time the vehicle is involved in an accident/incident, however minor, the proprietor/driver must inform the Licensing Authority as soon as possible and in any event within 72 hours in writing or by email to [licensing@nwleicestershire.gov.uk](mailto:licensing@nwleicestershire.gov.uk)

Minor visual damage may not preclude the vehicle from remaining in service, however this will be at the discretion of the Licensing Officer. Vehicle proprietors are advised to contact the Licensing team to arrange a visual inspection of any damage before continuing to use the vehicle to carry fare-paying passengers.

The vehicle must be presented for mechanical inspection at the council depot as soon as possible after the accident, and in any event within 5 days. The vehicle should not be used for hire or reward until the garage has confirmed that the vehicle is safe. The licence may be suspended in the interim. If, following an inspection, it is deemed that the vehicle is not fit/roadworthy then the vehicle licence may be suspended.

If the vehicle is significantly damaged/not roadworthy, or is being assessed by an insurance company/third party, then the vehicle proprietor must provide photographic or other evidence to justify why the vehicle is unable to be presented for examination. Failure to do so may result in the licence being suspended and/or revoked.

#### **Applications from hire companies**

A hire management company can only licence a vehicle if the accident vehicle is not roadworthy and has been suspended by the licensing team or the vehicle is off the road due to accident repair work being carried out (proof from the garage will be required).

The application and all necessary documents must be in the name of the vehicle proprietor (hire management company). The licence and plate will only be issued for a maximum period of 8 weeks. The vehicle licence will lapse once the vehicle is handed back to the hire management company.

A replacement vehicle will only be issued on a like to like basis i.e. the number of seats.

### **Insurance 'Write-Off' Vehicles and Damaged Vehicles**

Vehicles that have been declared to be an insurance 'write-off' will not normally be licensed. Vehicles that have been written off under Category A and B for insurance purposes will not be considered for licensing.

Vehicles that have been written off under Category S (structural) and Category N (non-structural) would not be considered for hackney carriage or private hire work unless they have been inspected by a member of the Institute of Automotive Engineer Assessors (IAEA) and that their report which must accompany the application indicates that the repairs to the vehicle have been undertaken satisfactorily and that the vehicle is safe. Any inspection and report carried out will be at the proprietor's expense.

#### **Notes:**

- (a) Failure to comply with any of the policies and/or conditions specified may result in the suspension and/or revocation of the hackney carriage 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 hackney carriage vehicle licence conditions, the proprietor of a hackney carriage vehicle must have regard to all statutory provisions that relate to private hire vehicles.**
- (d) This hackney carriage vehicle licence is not transferable to another vehicle.**
- (e) No person can drive a hackney carriage vehicle unless he holds a hackney carriage or dual driver's licence issued by the District Council.**
- (f) A vehicle that 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 Community Services using the prescribed process and form. 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.**

## 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”.

### 1. 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. If vehicles are not kept in a sound condition internally as well as externally, the vehicle proprietor may be issued with a warning.

### 2. 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.

### 3. IDENTIFICATION PLATES

A vehicle is issued with two identification plates, 1 external and 1 internal. Both~~The~~ identification plates~~s~~ showing the number of the licence and the number of passengers for which the vehicle is licensed ~~are~~and required to be exhibited under Section 52 of the Town Police Clauses Act 1847 (TPCA 1847).

The external identification plate 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 police officer.

The internal identification plate shall be securely fixed to the front windscreen of the vehicle with the vehicle identification information facing outwards.

The proprietor or driver of the hackney carriage vehicle shall report the loss of the identification plate~~s~~ 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~~S~~ REMAINS~~S~~ THE PROPERTY OF THE COUNCIL.

### 4. CCTV SYSTEMS~~SECURITY~~

Where CCTV is installed in hackney carriage vehicles, the Council's CCTV policy in relation to licensed vehicles shall be followed.

Advisory signage shall be displayed inside the vehicle on ~~the front windscreen and on each of the rear side~~ passenger windows. The proprietor shall ensure that the notices are maintained in a clean and legible condition.

The proprietor shall ensure that the system is properly and regularly maintained in accordance with the manufacturer's instructions by a suitably qualified person.

Upon request for image retrieval by an officer of the Council or a police officer the proprietor shall ensure that the CCTV system is made available to the ~~system administrator~~ data controller, as soon as reasonably practicable, and in any event within 7 days of the request.

The proprietor of the vehicle shall take all reasonable steps to ensure that any driver of the vehicle is made aware of every condition in relation to any installed CCTV system and has been given adequate instruction regarding the need for the system to be made available as soon as reasonably practicable, and in any event within 7 days of any authorised request for any image retrieval.

The proprietor shall ensure that there is a data controller registered with ~~notification is lodged with~~ the Information Commissioner to cover the ~~purposes for which the use of CCTV system is used.~~

## 5. SAFETY EQUIPMENT

### Fire extinguisher.

- (a) When the vehicle is in use or available for hire a suitable and efficient ~~The vehicle shall contain a fire~~ extinguisher ~~must be provided and maintained at all times.~~ 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 or. ~~If the extinguisher is not so secured it~~ must be located inside of the vehicle's boot compartment. The fire extinguisher must not be located within easy reach of a passenger. 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.

(d) The contents of the first aid kit shall be replenished as required.

(e) In addition to the above a warning triangle must be carried within the vehicle in case of emergencies.—

THE COUNCIL RECOMMENDS THAT A HACKNEY CARRIAGE VEHICLE'S FIRST AID KIT CONTAIN AT LEAST THE FOLLOWING ITEMS WHICH ARE REQUIRED BY THE HEALTH AND SAFETY (FIRST AID) REGULATIONS 1981 (APPROVED CODE OF PRACTICE) FOR TRAVEL FIRST AID KITS

First aid guidance leaflet

6 individually wrapped sterile adhesive plasters

2 individually wrapped sterile triangle bandages

1 large, sterile, individually wrapped unmedicated large-wound dressing—18 x 18 centimetres

2 individually wrapped moist cleaning wipes

24 pairs of disposable gloves

26 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~~

## **6. ABSENCE OF PROPRIETOR / 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.

The proprietor must ensure that if they intend to be absent i.e. leaving the country, go on holiday etc. they appoint someone who will take responsibility for the vehicle or ensure the vehicle is kept off the road. Failure to comply with this condition will result in the vehicle automatically being suspended.

## **76. CONVICTIONS, CAUTIONS, AND FIXED PENALTY NOTICES**

The proprietor shall without delay notify the Council of any interview under caution, arrest, charge, summons, single justice procedure note, conviction, caution and/or fixed penalty notice by the Police or any other agency in respect of any offence 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.

#### **87. 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.

#### **98. 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)

#### **109. 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 "TAXI" or "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 operation is linked to the fare meter, so that when the meter is not in use the sign is illuminated and when the meter is in use, the sign is not illuminated.

#### **110. HACKNEY CARRIAGE TAXI METERS**

- a. All Hackney Carriages must be fitted with a working meter, which is programmed with the current North West Leicestershire District Council Hackney Carriage tariff.
- b. The proprietor must ensure that the meter displays the journey details to a high level of accuracy. The meter shall be fitted in such a position that the display is visible and will be illuminated at all times.
- c. 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). If the company sealing the meter can provide an authentication certificate it

should be forwarded to the Licensing team as soon as possible. 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. A fee will apply.

- d. 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
- e. A fee will be charged for the time spent by the officer checking the meter.
- f. A copy of the Council's fare chart must be clearly displayed in the vehicle so as to be plainly visible to passengers.
- g. 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.
- h. All hackney carriage vehicle taximeters shall be operated in accordance with the Council's Hackney Carriage Byelaws.

#### **121. 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.

#### **132. TINTED WINDOWS**

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

Windows must not be tinted to the extent that the passengers cannot be seen clearly from the outside of the vehicle. No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.



## **143. 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 (including e-cigarettes) or tobacco products.
- (d) Any advertisement must be below window level.
- (e) No advertisements are permitted on any glass areas of the vehicle.

## **~~14. 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.~~

## **15. 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 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).

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

## **16. CHILD SAFETY**

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

## **17. SIGNS AND NOTICES**

- (a) Hackney carriage vehicles that 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 sign(s)/notice(s) showing the number of the licence and 01530 454545 the contact number for the council must be displayed inside the vehicle. The sign(s)/notice(s) must be displayed in a conspicuous position visible to passengers in the front and rear of the vehicle. These details are provided on the reverse of the internal vehicle plate.

## **18. MINIBUSES**

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

**19. 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.

**20. 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.

**21. 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 – exemption certificate

**22. 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.

**23. LOSS OF LICENCE**

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

**24. RETURN OF IDENTIFICATION PLATE**

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

**25. 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.

**26. 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 policies and/or conditions specified may result in the suspension and/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 that relate to private hire 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 or dual 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 and process. All licence**

holders will be sent a reminder 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 taximeters. 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	Licensing Committee – 21 March 2012  Environmental Health Team Manager	Reduction of vehicle age from 7 years to 6.  Amendment to para 1(b)(ii) (addition of word 'continuing').
8	1 January 2017	Licensing Committee – 23 November 2016	Vehicle Age and Condition Vehicle Emissions Re-test fee Customer feedback notice
<u>9</u>	<u>1 March 2020</u>	<u>Licensing Committee – 19 February 2020</u>	<u>Vehicle age and condition</u> <u>Vehicle Emissions</u> <u>Internal identification plate</u> <u>Tinted windows</u> <u>Absence of proprietor</u> <u>Accident reporting</u> <u>Applications from hire companies</u> <u>Insurance 'write-offs'</u> <u>Exemption from displaying plates</u> <u>CCTV</u>



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North West Leicestershire District Council

## **Private Hire Vehicle Licence Policy**

## **Private Hire Vehicle Conditions of Licence**

Issue 8 DRAFT

## PRIVATE HIRE VEHICLE LICENCE LICENSING POLICY

### 1.0 INTRODUCTION

North West Leicestershire District Council is committed to achieving the highest standards with regards to the vehicles it licenses as private hire. 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.

### 2.0 VEHICLE SPECIFICATION

Vehicles shall be of the following type and specification:

The vehicle must be right hand drive.

The vehicle must not be a convertible. The vehicle must have a permanent roof that is watertight.

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

A minimum engine capacity exceeding 1250cc or equivalent powered electric vehicle. Engines less than 1250cc will be considered provided that they are at least 105bhp or 106ps.

A minimum of 4 doors including the driver's door, except for purpose built vehicles

Seating must be padded or covered. 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 have at least one window on each side capable of being opened and closed.

The floor must be covered with a suitable carpet, mat or other floor covering.

Wheels and tyres:

Vehicles must have four road wheels fitted with tyres of the same size as were originally fitted to the vehicle when new.

A spare tyre of the same type as fitted to the road wheels, or a manufacturer's space saver (emergency tyre inflation kits WILL NOT be accepted, unless supplied by the vehicle manufacturer when first registered or as a result of an LPG conversion



Seat belts must be fitted for all seats.

Nearside and offside exterior rear view mirrors.

### 3.0 VEHICLE EMISSIONS

~~The policy below applies to new vehicle applications granted on and after 1 January 2017. Any vehicle with a licence issued by NWLDC before 1 January 2017 is exempt.~~

- ~~• From 1 January 2018 all private hire vehicles must be fitted with at least a Euro 4 compliant engine (registered since January 2005). Euro 3 compliant engines or older will not be permitted.~~
- From 1 ~~September~~January 2020~~2~~ all private hire vehicles must be fitted with at least a Euro 5 compliant engine or equivalent using retrofit technology (registered since September 2009). Euro 4 compliant engines or older will not be permitted. Any vehicle with a Euro 4 compliant engine or older will not be licensed at the time of renewal.
- From 1 January ~~2022~~2025,~~6~~ all private hire vehicles must be fitted with at least a Euro 6 compliant engine or equivalent using retrofit technology (registered since September 2014). Euro 5 compliant engines or older will not be permitted. Any vehicle with a Euro 5 compliant engine or older will not be licensed at the time of renewal.

Applicants will be required to prove that the engine is suitable. Any vehicle with an engine older than the required euro emissions standard will not be licensed at the time of renewal unless it can be verified that the emissions have been suitably lowered using approved retrofit technology

The fee for a licence for an ultra low emission vehicle (both new and renewal application) is discounted by 15% (compared with a standard vehicle licence (new application and renewal) ~~Commencement Date: 1 April 2017~~

### 4.0 VEHICLE AGE AND CONDITION

A policy relating to vehicle age was introduced with the aim of improving the condition of licensed vehicles. Since introducing the policy, the percentage of vehicles passing an inspection at the first attempt has increased.

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.

Definitions:

Vehicle inspection: An inspection of a vehicle carried out by NWLDC appointed mechanics, relating to: (a) 12 monthly check; (b) 6 monthly check; (c) spot check at any point during the term of the licence

Visual inspection: A visual inspection of a vehicle carried out by NWLDC appointed officers, relating to: (a) new applications; (b) renewal applications; (c) spot checks at any point during the term of the licence

Safety critical areas: All areas of a vehicle inspected during a vehicle inspection except the following items: bulbs, windscreen wipers, customer feedback notice, condition of luggage / load space, jack, fire extinguisher, first-aid kit, taximeter, roof sign

#### Vehicle Age Policy

##### New applications

All new Private Hire Vehicles must be less than ten years old from date of first registration on initial application.

##### Renewal applications

No Private Hire vehicle licence will be renewed on any vehicle that is 6 years of age or more. The following exceptions apply:

- (a) Vehicles which are in an exceptionally well maintained condition, (defined below), or
- (b) Ultra low emission vehicles (emissions of less than 75 grams of CO2 per km)

#### 4.1 Definition - Exceptionally Well Maintained Condition

##### Visual Inspection

Should a vehicle fail a visual inspection a second inspection will be permitted. Any vehicle failing a second visual inspection will be deemed not to be of exceptionally well maintained condition.

##### Vehicle Inspection (mechanical)

~~Where a vehicle of 6 years or older fails a vehicle inspection a second inspection (retest) will be permitted.~~

~~Where a vehicle fails the second vehicle inspection (retest) with any defect relating to a safety critical area, the vehicle will not be deemed to be in an exceptionally well maintained condition, resulting in either the application being refused or licence being revoked.~~

~~Where a vehicle of 6 years or older fails 3 consecutive mechanical inspections, the vehicle will not be deemed to be in an exceptionally well maintained condition, resulting in either the application being refused or licence being revoked. Mechanical inspections include annual, 6 monthly and on the spot checks (full inspection).~~

~~For new and renewal applications this will result in the application being refused. For inspections carried out at any other point during the term of the licence, the licence will be revoked.~~

Mechanical inspections are defined as include annual, 6 monthly and spot checks.

Where a vehicle fails an inspection a second inspection (retest) will be permitted.

If the vehicle fails its retest on a safety critical ground the vehicle will be deemed to not be exceptionally well maintained. The licence will be refused / revoked.

If a vehicle fails 3 consecutive mechanical inspections (see definition of mechanical inspection above) the vehicle will be deemed to not be exceptionally well maintained. The licence will be refused / revoked.

#### 4.2 Mechanical Inspection (frequency)

Vehicles less than 6 years of age at the time of a first 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 within this age group will have to be of exceptionally well-maintained condition defined at 4.1

The licensing authority requires 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.

#### 4.3 Visual Inspection

All vehicles will undergo a visual inspection at the time of an initial (first) application.

Vehicles 6 years or older will be required to undergo a visual inspection at the time of the renewal of the licence.

The visual inspection will have one of two outcomes:-

- (i) Pass - the vehicle 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) Fail - 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.

#### 4.4 Visual Inspection

Officers do look for evidence that the vehicle is well maintained and in good condition. The inspection will include the following:

- Bodywork - damage, dents, scratches, fading, chipped or poor quality paintwork.
- Exterior trim, hub caps, alloy wheels
- Interior trim, panels, seating, carpets, cleanliness, damp, odour
- Boot or luggage compartment
- Passenger notices – customer feedback and no smoking signage

#### 5.0 RE-TEST FEES

Any retest fee that applies will be payable by the driver or vehicle owner. The full fee must be received before a retest is carried out.

A vehicle inspection retest fee will apply when:

A vehicle (of any age) fails a vehicle inspection with more than one defect relating to a safety critical area.

Any vehicle failing a vehicle inspection with either one critical safety defect or minor defects (not requiring a further full inspection) will not attract a retest fee.

## 6.0 **SECURITY & CCTV SYSTEMS IN LICENSED PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLES**

Where CCTV is installed in private hire or hackney carriage vehicles, the following policy shall be followed.

### 6.1 Introduction

This policy has been written for the purpose of regulating the use of CCTV systems including event recorders in both Private Hire vehicles and Hackney Carriages in North West Leicestershire.

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

Any CCTV system to be fitted must, as a minimum, meet the requirements set out in this policy. Only CCTV systems meeting these requirements can be installed into licensed vehicles.

Vehicle owners, who may also be the driver and/or operator, installing CCTV systems must fully comply with the requirements set out in this policy.

### 6.2 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 insurance companies in investigating motor vehicle accidents.~~the police in identifying missing persons.~~

### 6.3 Installation and maintenance ~~operation~~ of in-car camera systems in Private Hire and Hackney Carriage vehicles

The installation and operation of CCTV must comply with the requirements of the <https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf>

All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations.

All equipment must meet all requirements as regards safety, technical acceptability and operational/data integrity.

All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear.

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 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.~~

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

It is contrary to the Motor Vehicle (Construction and Use) Regulations, 1986, for equipment to obscure the view of the road through the windscreen.

Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, i.e. not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems, such as autonomous braking systems, which may cause degradation in performance or functionality of such safety systems. Viewing screens within the vehicle for the purposes of viewing captured images are not permitted. Live feed may only be displayed in accordance with ICO regulations.

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. The location of a camera must be specific for purpose i.e. to provide a safer environment for the benefit of the driver and passengers.

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.

#### 6.4 Activation of in-car camera systems in Private Hire and Hackney Carriage vehicles

Continuous operation of CCTV is not permitted.

Activation of the equipment (camera) may be via a number and combination of options, including:

- door switches;
- time delay;
- drivers' panic button;
- or, in the case of an incident/event recorder, predetermined G-Force parameters set on one or more axis (i.e. braking, acceleration, lateral forces)
- ignition supply

The CCTV system may be configured to record images for a short period of time before the trigger event, during the related incident and a short period following the related incident.

#### 6.5 Audio Recording

CCTV systems must not be used to record conversations between members of the public, as this is highly intrusive and unlikely to be justified except in very exceptional circumstances. You must choose a system without this facility wherever possible; however, if the system comes equipped with sound recording facility then this functionality should be permanently disabled.

There are limited circumstances in which audio recording may be justified due to a specific threat to an individual's personal safety, e.g. when a 'panic button' is utilised in response to a threat of physical violence. Where this audio recording facility is utilised it must only be used where there is a specific threat and deactivated once that threat is no longer present (the ICO have no preference as to which type of panic switch is used, merely that there must be one).

In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.

#### ~~6.4 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.~~

#### 6.65 Data Protection ~~Laws 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 ~~legislation Act (1998)~~ and the information Commissioners Codes of Practice at all times.

#### 6.7 Image Security

Images captured must remain secure at all times.

The system must be capable of storing images in a manner, which prevents them being removed, downloaded or viewed by the driver or any other person travelling in the vehicle.

The system must provide that images are only capable of being downloaded by the registered data controller

The captured images must be protected using approved encryption software that is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen. All storage devices must be encrypted to the camera device. All images may only be reviewed via a secure network or decryption software i.e. images should not be available to view via an MP3/MP4 player or equivalent.

The Information Commissioner's Office has published guidance on how to keep personal data secure (including personal data contained in CCTV images), on their website.

## 6.8 Retention of CCTV images

The CCTV equipment selected for installation must have the capability of retaining images either:

- within its own secure, encrypted hard drive;
- using a fully secured and appropriately encrypted detachable mass storage device, for example, a compact flash solid state card;
- or, where a service provider is providing additional storage facilities, transferred in real time using fully secured and appropriately encrypted GPRS (GSM telephone) signalling to a secure server within the service provider's monitoring centre.

Images must not be downloaded onto any kind of portable media device (e.g. CDs or memory sticks) for the purpose of general storage outside the vehicle.

CCTV equipment selected for installation must include an automatic overwriting function, so that images are only retained within the installed system storage device for an average period of 28 days from the date of capture. Where a service provider is used to backup images on a secure server, the specified retention period must also only be for a maximum period of 28 days from the date of capture. Data may be retained for longer periods in exceptional circumstances, i.e. insurance claims, criminal investigations etc. However, once a relevant case is concluded all data must be deleted.

Where applicable, these provisions shall also apply to audio recordings.

## 6.9 Payment of the data protection fee to the Information Commissioner's Office

The Information Commissioner's Office (ICO) is the official regulatory body responsible for enforcing compliance with privacy and data protection legislation.

The law defines a "data controller" as the individual or organisation that has ultimate responsibility for how personal data is collected and processed. For the purpose of the installation and operation of in-vehicle CCTV, the "data controller" is the company, organisation or individual that has decided to have a CCTV system installed and operating within the vehicle. The data controller is ultimately responsible for how the images are stored and used and determines in what circumstances the images should be disclosed. If a third party is nominated for this role as opposed to the vehicle owner, then the data must not be accessible by anyone other than the registered data controller.

It is a legal requirement for organisations and businesses that process personal information to pay a data protection fee to the ICO every year whilst data is being stored, failure to maintain this registration is a criminal offence. The ICO publishes an online register of the organisations and businesses that have paid the fee.

You can find out more about the process by reading the ICO guide to the data protection fee here <https://ico.org.uk/registration/new> The level of fee you have to pay varies according to the turnover of your business and the number of employees you have.



Documentary evidence such as a certificate of registration with the ICO that the data protection fee has been paid must be presented to the licensing team.

#### 6.10 Using a third party service provider (data processor)

Where a service provider is used for the remote storage and/or management of CCTV data they will act as a 'data processor'. A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions. The data controller retains full responsibility for the actions of the data processor.

There must be a formal written contract between the data controller and data processor (service provider). The contract must contain provisions covering security arrangements, retention/deletion instructions, access requests and termination arrangements.

Documentary evidence of the contractual arrangements may be required to be presented to the Licensing Authority at any time during the term of the vehicle licence.

#### 6.11 Using recorded CCTV images

The data controller is responsible for complying with all relevant data protection legislation, as well as being legally responsible for the use of all images including any breaches of privacy and data protection legislation.

Any images and/or audio recordings should only be used for the purposes described earlier in these guidelines

Requests to view captured images may be submitted to the data controller by the Police or other statutory law enforcement agencies; North West Leicestershire District Council; insurance companies/brokers/loss adjusters; or exceptionally other appropriate bodies. The data controller is responsible for responding to these requests in accordance with the law. Police or other law enforcement agencies should produce a standard template request form, setting out the reasons why the disclosure is required. Alternatively, a signed statement may be accepted.

All requests should only be accepted where they are in writing, and specify the reasons why disclosure is required.

Under the data protection legislation, members of the public may also make a request for the disclosure of images, but only where they have been the subject of a recording. This is known as a 'Subject Access request'. Such requests must only be accepted where they are in writing and include sufficient proof of identity (which may include a photograph to confirm they are in fact the person in the recording). Data Controllers are no longer entitled to charge a fee for a subject access request and must process the request for free.

More guidance on handling Subject Access requests can be found in the ICO's code of practice <https://ico.org.uk/media/2259722/subject-access-code-of-practice.pdf>, which is available on their website.

#### 6.12 Signage



All Taxis and PHVs fitted with a CCTV system must display signage in prominent positions. The driver may also verbally bring to the attention of the passengers that CCTV equipment is in operation within the vehicle, if it is felt necessary or appropriate.

The signage must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle.

The name and contact details of the Data Controller must be provided within the design of the sign, where it is not obvious. The contact details can be in the form of either telephone number, email address or website URL.

#### Signage for external facing dashcams

Where a dashcam is installed in order to record incidents outside the vehicle it must NOT record audio, you should also display a warning sign wherever practical. In addition, when the device is activated in response to an incident, the driver of the vehicle must inform the person(s) recorded that their personal data was captured - as soon as practicable after the incident. They should also be informed the purpose for which the device has been installed, for example to facilitate their insurance company's investigation of insurance claims.

#### ~~6.6 — 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 law.~~

~~In the event of any potential breach being identified, the relevant authority will be informed.~~

~~Failure to comply with this policy may result in the suspension or revocation of a hackney carriage or private hire vehicle licence.~~

#### 7.0 **MOTOR INSURANCE CERTIFICATE**

At the time of the grant of a private hire licence evidence of adequate insurance is required. A valid certificate of insurance or cover note confirming that insurance is in place for each driver of the vehicles and specifying use as a private hire vehicle.

##### Cover Notes

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. Weekly cover notes will only be accepted for a maximum of eight concurrent weeks, after which a cover note only for a longer period will be accepted in the event that a full motor insurance certificate cannot be provided. Failure to present an insurance certificate before the expiry of the cover note will result in the licence being suspended until evidence of insurance is produced.

The Licensing Authority will undertake periodic audits of licensed vehicles to ensure that the vehicle is insured.

For a private hire vehicle, the certificate of insurance must cover for private hire.

## **8.0 IDENTIFICATION OF VEHICLES AS PRIVATE HIRE VEHICLES**

The Licensing Authority requires it to be clear to the public that a Private Hire vehicle is licensed. Consequently, a private hire vehicle cannot have the appearance of a Hackney Carriage vehicle, and:

- Must not have a top sign/light; and
- Must display signs on the front doors of the vehicle identifying the private hire company giving name and contact number; and
- Must display a sign indicating 'advanced bookings only'.

## **9.0 REPORTING ACCIDENTS / DAMAGE / REPLACEMENT VEHICLES**

If at any time the vehicle is involved in an accident/incident, however minor, the proprietor/driver must inform the Licensing Authority as soon as possible and in any event within 72 hours in writing or by email to [licensing@nwleicestershire.gov.uk](mailto:licensing@nwleicestershire.gov.uk)

Minor visual damage may not preclude the vehicle from remaining in service, however this will be at the discretion of the Licensing Officer. Vehicle proprietors are advised to contact the Licensing team to arrange a visual inspection of any damage before continuing to use the vehicle to carry fare-paying passengers.

The vehicle must be presented for mechanical inspection at the council depot as soon as possible after the accident, and in any event within 5 days. The vehicle should not be used for hire or reward until the garage has confirmed that the vehicle is safe. The licence may be suspended in the interim. If, following an inspection, it is deemed that the vehicle is not fit/roadworthy then the vehicle licence may be suspended.

If the vehicle is significantly damaged/not roadworthy, or is being assessed by an insurance company/third party, then the vehicle proprietor must provide photographic or other evidence to justify why the vehicle is unable to be presented for examination. Failure to do so may result in the licence being suspended and/or revoked.

### **Applications from hire companies**

A hire management company can only licence a vehicle if the accident vehicle is not roadworthy and has been suspended by the licensing team or the vehicle is off the road due to accident repair work being carried out (proof from the garage will be required).

The application and all necessary documents must be in the name of the vehicle proprietor (hire management company). The licence and plate will only be issued for a maximum period of 8 weeks. The vehicle licence will lapse once the vehicle is handed back to the hire management company.

A replacement vehicle will only be issued on a like to like basis i.e. the number of seats.

### **Insurance 'Write-Off' Vehicles and Damaged Vehicles**

Vehicles that have been declared an insurance 'write-off' will not normally be licensed. Vehicles that have been written off under Category A and B for insurance purposes will not be considered for licensing.

Vehicles that have been written off under Category S (structural) and Category N (non-structural) would not be considered for hackney carriage or private hire work unless they have been inspected by a member of the Institute of Automotive Engineer Assessors (IAEA) and that their report which must accompany the application indicates that the repairs to the vehicle have been undertaken satisfactorily and that the vehicle is safe. Any inspection and report carried out will be at the proprietor's expense.

#### **10.0 EXEMPTION FROM DISPLAYING LICENCE PLATES AND DOOR PANELS ON LICENSED VEHICLES – EXECUTIVE HIRE VEHICLES**

The Council has the discretion to grant a proprietor an exemption from displaying the licence plate on their private hire vehicle. Each application for an executive hire vehicle (exemption) will be considered on its own merits. The overriding consideration will be public safety. The clear identification of a licensed vehicle is considered such a safety aspect, particularly when visiting such places as airports, seaports and the centre of large towns.

Exemptions will not be granted as a matter of course. A clear case for the exemption will have to be made by the proprietor to the authority. In determining an application, it will normally be the executive nature of the work that will indicate whether the exemption should be granted, as well as the specification and high quality of the vehicle being used.

If the applicant for an executive hire exemption has ever been cautioned or convicted by any authority of unlawfully plying for hire, the council may refuse the application for an exemption.

Executive hire vehicles are of high value, prestige vehicles that are used by companies for transporting special guests or senior members of staff in luxury. Executive hire vehicles are styled more as chauffeur driven vehicles than standard private hire vehicles.

On the grant of an executive hire exemption, the vehicles are exempt from the requirement to display the plates. However, the council will still issue the vehicle external and internal plate, which should be available for inspection by an authorised officer of the council or a police officer.

The drivers of executive hire vehicles are exempt from the requirement to wear a drivers badge. However, the Council would expect the badge to be carried in the vehicle and to be available for inspection by an authorised officer of the council or a police officer.

#### **Notes:**

- (a) Failure to comply with any of the policies and/or conditions specified may result in the suspension and/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 that 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 or dual driver's licence issued by the District Council.**
- (f) A vehicle that 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 Community Services using the prescribed process and forms. 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.**

## 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 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. If vehicles are not kept in a sound condition internally as well as externally, the vehicle proprietor may be issued with a warning.

### 2. 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.

### 3. IDENTIFICATION PLATE

A vehicle is issued with two identification plates, 1 external and 1 internal. Both identification plates identifying the vehicle as a private hire vehicle are required to be exhibited on the vehicle pursuant to Section 48(6) LGMPA 1976.

The external identification plate 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 police officer.

The internal identification plate shall be securely fixed to the front windscreen of the vehicle with the vehicle identification information facing outwards.

Where a proprietor has been granted a plate exemption, both the external and internal plates are not required to be displayed. -Both the internal and external must be kept within the vehicle and be available to inspection by an authorised officer of the council or a police officer.

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 S REMAINS THE PROPERTY OF THE COUNCIL.

### 4. SIGNS AND NOTICES

- (a) Private hire vehicles must display signage on the exterior of driver's door AND front nearside door that 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 that 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 customer feedback sign(s)/notice(s) showing the contact details for the council will be displayed inside the vehicle. The sign(s)/notice(s) must be displayed in a conspicuous position visible to passengers in the front and rear of the vehicle. These details are provided on the reverse of the internal vehicle plate

#### **54. CCTV SYSTEMS SECURITY**

Where CCTV is installed in private hire vehicles, the Council's CCTV policy in relation to licensed vehicles shall be followed.

Advisory signage shall be displayed inside the vehicle on each of the passenger windows. The proprietor shall ensure that the notices are maintained in a clean and legible condition.

The proprietor shall ensure that the system is properly and regularly maintained in accordance with the manufacturer's instructions by a suitably qualified person.

Upon request for image retrieval by an officer of the Council or a police officer the proprietor shall ensure that the CCTV system is made available to the data controller , as soon as reasonably practicable, and in any event within 7 days of the request.

The proprietor of the vehicle shall take all reasonable steps to ensure that any driver of the vehicle is made aware of every condition in relation to any installed CCTV system and has been given adequate instruction regarding the need for the system to be made available as soon as reasonably practicable, and in any event within 7 days of any authorised request for any image retrieval.

The proprietor shall ensure that a data controller is registered with the Information Commissioner to cover the use of CCTV.

#### **65. SAFETY EQUIPMENT**

##### **Fire extinguisher**

(a) When the vehicle is in use or available for hire a suitable and ~~The vehicle shall contain a fire~~ efficient fire extinguisher must be provided and maintained

~~at all times. 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~~ must be located inside of the vehicle's boot compartment. The fire extinguisher must not be located within easy reach of a passenger. 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 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.

(d) The contents of the first aid kit shall be replenished as required.

(e) In addition to the above, a warning triangle must be carried within the vehicle in case of emergencies.

THE COUNCIL RECOMMENDS THAT A VEHICLE'S FIRST AID KIT CONTAIN AT LEAST THE FOLLOWING ITEMS WHICH ARE REQUIRED BY THE HEALTH AND SAFETY (FIRST AID) REGULATIONS 1981 (APPROVED CODE OF PRACTICE) FOR TRAVEL FIRST AID KITS

First aid guidance leaflet

6 individually wrapped sterile plasters

2 individually wrapped sterile triangle bandages

1 large, sterile, individually wrapped unmedicated wound dressing  
individually wrapped moist cleaning wipes

2 pairs of disposable gloves

2 safety pins

~~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~~

## **76. ABSENCE OF PROPRIETOR / 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.

The proprietor must ensure that if they intend to be absent i.e. leaving the country, go on holiday etc. they appoint someone who will take responsibility for the vehicle or ensure the vehicle is kept off the road. Failure to comply with this condition will result in the vehicle automatically being suspended.

## **87. CONVICTIONS, CAUTIONS, AND FIXED PENALTY NOTICES**

The proprietor shall without delay notify the Council of any interview under caution, arrest, charge, summons, single justice procedure notice, conviction, caution and/or fixed penalty notice by the Police or any other agency in respect of any offence 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.

## **98. 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.

## **109. 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.

## **~~11. 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 sign(s)/notice(s) showing the number of the licence and 01530 454545 the contact number for the council will be displayed inside the vehicle. The sign(s)/notice(s) must be displayed in a conspicuous position visible to passengers in the front and rear of the vehicle.~~

~~The wording of the notice must be agreed with the Councils licensing team. The following wording is considered to be acceptable:~~

~~You can provide feedback on the vehicle condition or service received from the driver by calling North West Leicestershire District Council 01530 454545. Please ensure that you quote the vehicle licence number with your feedback~~

## **12. ADVERTISEMENTS**

No third party advertising is permitted on private hire vehicles.

## **13. 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.

#### **14. TINTED WINDOWS**

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

Windows must not be tinted to the extent that the passengers cannot be seen clearly from the outside of the vehicle. No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.

#### **15. 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 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).

Details of the accident/incident must be report to the councils licensing team. A process explained by the licensing team must be followed.

#### **16. CHILD SAFETY**

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

#### **17. MINI-BUSES**

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

#### **18. 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.

#### **19. 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.

**20. 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. – exemption certificate

**21. 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.

**22. 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 Team.

**23. RETURN OF IDENTIFICATION PLATE**

The proprietor of a private hire vehicle must 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).

**24. TRANSFER OF VEHICLE**

The proprietor of a licensed private hire vehicle must notify the Council's Licensing Team 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.

**25. 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 policies and/or conditions specified may result in the suspension and/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 that 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 that 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 Community Services using the prescribed form and process. 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	Licensing Committee – 21 March 2012  Environmental Health Team Manager	Reduction of vehicle age from 7 years to 6.  Amendment to para 1(b) (addition of word 'continuing').
7	1 January 2017	Licensing Committee – 23	Vehicle Age and Condition

		November 2017	Vehicle Emissions Re-test fee Customer feedback notice
8 DRAFT	<u>1 March 2020</u>	<u>Licensing Committee – 19 February 2020</u>	<u>Vehicle age and condition</u> <u>Vehicle Emissions</u> <u>Internal identification plate</u> <u>Tinted windows</u> <u>Absence of proprietor</u> <u>Accident reporting</u> <u>Applications from hire companies</u> <u>Insurance 'write-offs'</u> <u>Exemption from displaying plates</u> <u>CCTV</u>

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Title of Report	LICENSING SERVICE UPDATE REPORT	
Presented by	Andrew Cooper Licensing Team Leader 01530 454844 <a href="mailto:andy.cooper@nwleicestershire.gov.uk">andy.cooper@nwleicestershire.gov.uk</a>	
Background Papers	None	Public Report: Yes
		Key Decision: No
Financial Implications	None	
	Signed off by the Section 151 Officer:	
Legal Implications	None	
	Signed off by the Monitoring Officer:	
Staffing and Corporate Implications	None	
	Signed off by the Head of Paid Service:	
Purpose of Report	To present an update to the Licensing Committee on activities carried out by the Licensing Team	
Recommendations	THAT THE LICENSING COMMITTEE NOTE THE DETAILS CONTAINED WITHIN THE REPORT	

## 1. BACKGROUND

- 1.1 The report highlights significant activities and performance of the licensing team during the current financial year to date.

## 2. PREMISES LICENSED UNDER THE LICENSING ACT 2003 (PUBS, CLUBS AND TAKEAWAYS)

- 2.1 The following table highlights complaints received relating to licensed premises during the current financial year.

Date	Type of premises	Location	Nature of complaint	Resolved/actions
10.05.2019	Public house/bar	Coalville	Drugs	Referred to police licensing for investigation.
21.06.2019	Public house	Ashby	Noise and vibration	Joint investigation with licensing and environmental protection. Voluntary agreement with the premises licence holder to adhere to additional licence conditions – Resolved.
03.07.2019	Public house	Ashby	Noise	Advisory visit and additional monitoring –

				Resolved.
04.07.2019	Late night refreshment venue/take-away	Ashby	Breach of licence - permitted hours	Visits made by licensing and police to seize CCTV evidence from the premises. Shortly after, the premises ceased trading.
28.07.2019	Public house	Castle Donington	Permitted hours	Long standing matter concerning permitted hours, noise and fire safety. Licence reviewed by Licensing Sub-Committee on 14.08.2019 following application from Leicestershire Fire and Rescue Service – Resolved – licence conditions amended.
05.10.2019	Public house	Castle Donington	Alleged breach of permitted hours and noise	Advice visit and letter to premises. No further action due to lack of evidence.
13.10.2019	Public house	Heather	Allegation of assault	Advised complainant and referred to police.
14.11.2019	Public house	Castle Donington	Noise and permitted hours	Visits carried out and warning issued.
18.12.2019	Public house	Castle Donington	Noise from customers leaving the premises, noise from emptying bottles in early hours	Visits carried out by Licensing and advice given. Further monitoring being undertaken.

### 3. NATIONAL LICENSING WEEK

- 3.1 The 2019 National Licensing week ran from 17<sup>th</sup> – 21<sup>st</sup> June and was an opportunity to raise awareness of licensing and its role in everyday lives. The council took the opportunity to promote our licensing activities and initiatives and the positive impact they have on the community.
- 3.2 Officers publicised the team's work via social media tweets, which included the following;
- Regular inspections on pubs and clubs within the district. Officers worked with licensees and put policies in place to keep the public safe.
  - A taxi enforcement inspection initiative with Leicestershire County Council transport team at Forest Way School. Officers spot-checked taxis that are contracted to transport children to and from school. Thirteen taxis were inspected and all passed with no issues.
  - A training session at Linden Way depot to give drivers a better understanding of taxi vehicle compliance testing and safety standards to be able to support and promote the Council Vehicle Conditions.
  - Demonstrated and tested the new digital forms with the taxi and private hire trade.
  - Significant monitoring and enforcement exercises at the annual Download festival

### 4. CELEBRATE SAFELY CAMPAIGN



- 4.1 Celebrate Safely is an annual campaign across the county and is held during the lead up to the festive season. This year's campaign within North West Leicestershire was launched in September 2019. It involved the Councils Licensing and Community Safety teams, Leicestershire Fire and Rescue Service, Leicestershire Police, and East Midlands Ambulance Service.
- 4.2 Licensing officers and police personally delivered key safety messages and advice focusing on the licensable activities to promote the licensing objectives in joint operations where 20 licensed premises were visited and inspected in the district.
- 4.3 Officers and partners promoted the campaign by producing joint broadcasts on Hermitage FM along with social media tweets to ensure people consider their own safety and that of their friends and family and enjoy the festive celebrations.
- 4.4 A taxi enforcement initiative was organised by licensing officers along with the council vehicle mechanics and police with 12 vehicles receiving full vehicle examinations. Only two vehicles passed the inspection. One vehicle had its plate suspended. All vehicles were re-inspected and found to be compliant with vehicle conditions within 7 days.

## **5. LICENSED PREMISES AND WORKING WITH LEICESTERSHIRE POLICE**

- 5.1 Leicestershire Police are the key responsible authority relating to the licensing objective of reducing crime and disorder under the Licensing Act. From time to time, the police will be contacted to respond to an alleged crime or an instance of disorder at a licensed public house or club. Crime reports relating to licensed premises are recorded by Leicestershire Police and referred to the Police Licensing Sergeant.
- 5.2 On a weekly basis, the Police Licensing Sergeant shares data relating to incidents with the council's licensing team. Any concerns relating to licensed premises are discussed at a fortnightly meeting with the police. Both agencies will agree an approach to address any concerns and secure compliance with licence conditions.
- 5.3 Over the Christmas period the police responded to three linked incidents at an Ashby nightclub, and an incident at a public house in Coalville. Leicestershire Police are investigating the incidents and liaising with the council's licensing team.

## **6. LICENSING AUDIT**

- 6.1 An internal audit review of the licensing system has been completed in accordance with the agreed 2019/20 audit plan during the period 8 July 2019 to 19 August 2019. The scope of the audit was to evaluate the adequacy of the licensing system and the extent to which controls have been applied.
- 6.2 The audit team's findings concluded that internal controls are adequate in all important aspects and accordingly achieved a grade 1 result that internal controls are adequate in all important aspects. Any recommendations made by the audit have also been carried out.

## **7. ASHBY DE LA ZOUCH AND COALVILLE PUBWATCH**

- 7.1 Both Ashby De La Zouch and Coalville towns are members of the national pubwatch scheme. Both pubwatch groups have been in operation for some time and operate consistently with local premises to help encourage an enjoyable, safe drinking environment for visitors and locals.
- 7.2 Over recent years, member numbers did drop at both groups to the point where the schemes were under threat, however, after a change in leadership and recent revival, the schemes now thrive. Regular attendees of the monthly Coalville pubwatch include White Horse, Three Crowns, Kings Arms, Whitwick, The Monkey Walk, Emporium/Bar X, Engineers,

Snibston New Inn, Labour Club, West End Club, The Victoria. The monthly or bi-monthly meeting in Ashby de la Zouch is regularly attended by The Shoulder of Mutton, La Zouch, The Plough, Bowling Green, Bluebell, White Hart, Bulls Head, Lamb Inn, The Vine, Tap@76, Ciro's/Queens Head and Manhattans. Ashby Town Council and Ashby street pastors also attend and contribute to the meetings.

- 7.3 Pubwatch members share information and intelligence, ensuring that any incidents including violent behaviour, drunk and disorderly behaviour or matters concerning drugs misuse are discussed and action is taken accordingly. The members have been very proactive recently, ejecting and banning persons associated to these matters, implementing banning notices for significant amounts of time from member premises. Members also share good practice amongst themselves and are supported at meetings by the local police and the council's licensing team.
- 7.4 The council has taken a supportive role to ensure the scheme continues and will often assist members by writing to other premises encouraging them to join the scheme. Pubwatch premises were also visited as part of the Celebrate Safely campaign in November 2019. There were no significant issues identified.

## **8. NATIONAL REGISTER OF HACKNEY CARRIAGE AND PHV DRIVER LICENCE REFUSALS AND REVOCATIONS (NR3)**

- 8.1 In April 2019, the council adopted the national register of taxi and private hire licence revocations and refusals (NR3).
- 8.2 The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or private hire vehicle licence revoked, or an application for one refused. This check is necessary when assessing whether an individual is a fit and proper person to hold a hackney carriage or private hire licence.
- 8.3 North West Leicestershire District Council was the first licensing authority to adopt the scheme in Leicestershire and Rutland. We support the scheme and promote the use of it to other licensing authorities. Officers have also provided advice and support to other authorities that are in the process of adopting the scheme.

## **9. FIRST ELECTRIC VEHICLE LICENSED IN NORTH WEST LEICESTERSHIRE**

- 9.1 North West Leicestershire had its first electric private hire vehicle after CK Cars' new Tesla was officially licensed by the district council. The Ellistown firm invested £50,000 in the new car as it looks to adopt a greener and more environmentally friendly business model fit for the future. Kelly Hagger, owner of CK Cars, brought the new Tesla Model 3 to the council offices in Coalville where it was officially licensed.
- 9.2 Vehicle proprietors that licence an ultra-low emission vehicle currently receive a 15% discount on vehicle licensing fees. This development is very much in line with the council's emerging aim to ensure that the district as a whole is carbon neutral by 2050.

## **10. DIGITAL TRANSFORMATION**

- 10.1 The licensing team continue to work closely with the council's digital transformation team and in October 2019 launched a number of live digital forms. This not only makes it an easier and more streamlined application process for the customers, it also benefits the licensing team as some applications are now integrating with our databases, eliminating the need for manual data entry. The current live digital forms are;
- Street trading
  - House to house collections
  - Street collections

- Temporary event notices (TEN's)/Late Tens
- Application to vary the designated premises supervisor (DPS) and consent
- Personal licence
- Premises licence (New)
- Transfer of premises licence
- Licensing Act 2003 premises inspections

Various other application forms including taxi and private hire licensing are in the process of being digitalised.

## **11. SAFEGUARDING AND CHILD SEXUAL EXPLOITATION AWARENESS TRAINING (CSE)**

- 11.1 In 2017, The Licensing Committee approved the implementation of safeguarding and child sexual exploitation awareness training. All licensed drivers have been trained to understand the need to protect vulnerable adults, young people and children, identify possible victims of abuse and exploitation by understanding indicators of risk, identify sources of advice and pathways for reporting concerns and understand their roles and responsibilities in relation to personal safety and security. Any new drivers must also undertake the training within 12 months of being granted a licence. In 2019, our licensing officers began to assist in the delivery of the training.

## **12. MULTI AGENCY TAXI AND PRIVATE HIRE ENFORCEMENT INITIATIVES**

- 12.1 Throughout 2019, the licensing team have conducted two multi-agency enforcement initiatives with other neighbouring councils, Leicestershire Police, Driver Vehicle Standards Agency (DVSA) and Her Majesty's Revenue and Customs (HMRC).

On 30<sup>th</sup> April 2019, the results of the initiative were:

- 84 vehicles inspected.
- DVSA - 11 prohibitions issued 4 delayed and 4 immediate (tyres and brake related), 3 immediate prohibitions for defective tyres.
- Police – penalty notices issued for 3 x seatbelt offences and 2 tyre offences. One vehicle had no vehicle road fund licence, one breath/drug test passed, other vehicles inspected for window tints and number plate issues.
- One licensing authority suspended four of its vehicle licenses whilst a further authority also suspended a vehicle licence, and another authority looked to issue internal penalty points for driver failing to wear his driver's badge.
- HMRC – dip tested the majority of vehicles for fuel duty evasion. There were no positive samples.

On 20<sup>th</sup> September 2019 the results of the initiative were:

- 135 vehicles inspected.
- DVSA - 6 prohibitions issued: 2 delayed and 4 immediate all for defective tyres (others included minor issues).
- HMRC – dip tested the majority of vehicles for fuel duty evasion. There were no positive samples.

## **13. REVOCATIONS/REFUSALS/PROSECUTIONS**

The following tables detail revocation and refusal decisions made by the Licensing Team Leader or Licensing Sub-Committee.

Date	Licence type	Decision	Decision by
21.05.2019	Private Hire	Refused	Licensing Team

			Leader (Delegated)
14.08.2019	Dual	Revoked	Licensing Sub-Committee
23.08.2019	Private Hire	Revoked	Licensing Team Leader (Delegated)
23.08.2019	Private Hire	Refused	Licensing Team Leader (Delegated)
16.12.2019	Dual	Refused	Licensing Sub-Committee

The following table highlights prosecutions carried out by the Licensing Team.

Name	Reason	Outcome/Sentence
McCausland	Unlicensed vehicle/operator and false booking records	Prosecuted for 3 offences, (total fines £400) Victim surcharge - £30 Council costs - £1000 Total: £1430
Griffin	Operating otherwise than in accordance with an operating licence	Prosecuted - Fine: £40 Councils costs - £850 Victims surcharge - £32 Total: £922
Download Driver 1 (Hussain)	Illegal plying for hire	Guilty plea – sentenced; fine £240 Council's costs - £500 Victim surcharge - £30. Six points on his driving licence which led to a disqualification from driving of six months due to points already accumulated.
Download Driver 2	Illegal Plying for hire	Awaiting trial in January 2020

Policies and other considerations, as appropriate	
Council Priorities:	Our communities are safe, healthy and connected
Policy Considerations:	Not applicable
Safeguarding:	Positive impact on safeguarding – Driver awareness and training
Equalities/Diversity:	Not applicable
Customer Impact:	Positive impact on public safety
Economic and Social Impact:	Positive impact on public safety
Environment and Climate Change:	Electric vehicle licensed as a private hire vehicle
Consultation/Community Engagement:	Not applicable
Risks:	No significant risks identified
Officer Contact	Lee Mansfield Environmental Health Team Manager <a href="mailto:lee.mansfield@nwleicestershire.gov.uk">lee.mansfield@nwleicestershire.gov.uk</a>  Andy Cooper Licensing Team Leader



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