



Licensing and Public Safety Committee

Agenda and Reports

For consideration on

Wednesday, 17th September
2008

In the Council Chamber, Town Hall, Chorley

At 1.30 pm



www.chorley.gov.uk

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8 September 2008

Dear Councillor

**LICENSING AND PUBLIC SAFETY COMMITTEE - WEDNESDAY, 17TH
SEPTEMBER 2008**

You are invited to attend a meeting of the Licensing and Public Safety Committee to be held in the Council Chamber, Town Hall, Chorley on Wednesday, 17th September 2008 commencing at 1.30 pm.

(Please note the earlier commencement time for the meeting)

AGENDA

1. **Apologies for absence**

2. **Declarations of Any Interests**

Members are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda. If the interest arises **only** as result of your membership of another public body or one to which you have been appointed by the Council then you only need to declare it if you intend to speak.

If the personal interest is a prejudicial interest, you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

3. **Minutes (Pages 1 - 2)**

To confirm as a correct record the Minutes of the meeting of the Licensing and Public Safety Committee held on 4 June 2008 (enclosed)

4. **Licensing Liaison Panel Minutes - 12 May 2008 (Pages 3 - 4)**

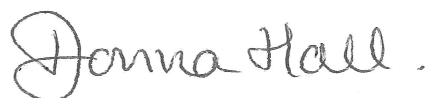
Report of Corporate Director (Governance) (enclosed)

5. **Licensing Liaison Panel Minutes - 7 July 2008 (Pages 5 - 8)**

Report of Corporate Director (Governance) (enclosed)

6. **Licensing and Registration - Summary of Activity from 17 May 2008 - 01 September 2008 (Pages 9 - 12)**
Report of Corporate Director (Governance)
7. **Allocation of Hackney Carriage Plate Number Nine.**
The Corporate Director (Governance) will report at the meeting.
8. **Hackney Carriage Proposed Fare Increase (Pages 13 - 16)**
Report of Corporate Director (Governance) (enclosed)
9. **Review of Hackney Carriage Vehicle Licences (Unmet demand)**
The Corporate Director (Governance) to report at the meeting.
10. **Chorley Council's Conditions for the Licensing of Hackney Carriage and Private Hire Vehicles (Pages 17 - 116)**
Report of Corporate Director (Governance) (enclosed)
11. **Any other item(s) that the Chair decides is/are urgent**

Yours sincerely



Donna Hall
Chief Executive

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Distribution

1. Agenda and reports to all Members of the Licensing and Public Safety Committee (Councillor Iris Smith (Chair), Councillor Edward Smith (Vice-Chair) and Councillors Judith Boothman, Magda Cullens, David Dickinson, Doreen Dickinson, Anthony Gee, Pat Haughton, Catherine Hoyle, Keith Iddon, Hasina Khan, Marion Lowe, Thomas McGowan, Debra Platt, Ralph Snape, John Walker and Stella Walsh for attendance.
2. Agenda and reports to Chris Moister (Head of Legal Services), Zeynab Patel (Solicitor), Stephen Culleton (Licensing Manager), Bob Beeston (Licensing Enforcement Officer), Janet Brereton (Legal Assistant (Licensing and Registration)) and Gordon Bankes (Democratic Services Officer) for attendance.

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આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون
کیجئے: 01257 515823

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Licensing and Public Safety Committee**Wednesday, 4 June 2008**

Present: Councillor Iris Smith (Chair), Councillor Edward Smith (Vice-Chair) and Councillors Magda Cullens, David Dickinson, Anthony Gee, Pat Haughton, Catherine Hoyle, Keith Iddon, Hasina Khan, Marion Lowe, Debra Platt, Ralph Snape, John Walker and Mrs Stella Walsh

08.LPS.01 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Judith Boothman, Mrs Doreen Dickinson and Thomas McGowan.

08.LPS.02 DECLARATIONS OF ANY INTERESTS

No declarations of interest were received.

08.LPS.03 MINUTES

RESOLVED – That the Minutes of the meeting of the Licensing and Safety Committee held on 2 April 2008 be confirmed as a correct record.

With regard to Minute 08.LS.29, the Committee was informed that a suitable company was being identified to carry out an independent survey on met demand.

With regard to Minute 08.LS.33 the Committee was informed that an opportunity had been given to the proprietor to produce records to collaborate the facts, but nothing had been received. A letter would be sent to the solicitor giving the proprietor another opportunity to produce the documents and asking whether the issue be taken to court.

08.LPS.04 LICENSING LIAISON PANEL - 31 MARCH 2008

The Committee received the Minutes of the meeting of the Licensing Liaison Panel held on 31 March 2008.

RESOLVED – That the minutes be noted.

08.LPS.05 REVIEW OF GUIDELINES ON THE RELEVANCE OF CONVICTIONS AND POLICE CAUTIONS FOR USE IN DETERMINATION OF APPLICATIONS FOR HACKNEY CARRIAGES AND PRIVATE HIRE DRIVERS LICENCES AND THE OPERATORS AND PROPRIETORS OF THOSE VEHICLES

Further to Minute 08.LS.30, the Committee received a report of the Corporate Director of Governance requesting the Committee to approve, following consultation, a draft Statement of policy and revised guidelines on the relevance of convictions and Police cautions for use in determining applications for Hackney Carriage and Private Hire Drivers' Licences.

RESOLVED – That the draft policy and revised guidelines attached at Appendix A to the submitted report be approved.

08.LPS.06 CHORLEY CONDITIONS FOR THE LICENSING OF HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

The Committee received a report of the Corporate Director of Governance on proposals to revise conditions for the purpose of licensing Hackney Carriages and Private Hire Vehicles to operate within the controlled district of Chorley.

The report indicated that Chorley Council was responsible to ensure that hackney carriages and private hire vehicles are suitable for use and that they meet conditions and road worthiness, suitable appearance and comfort. The Council also had power to require those vehicles to be submitted for inspection and testing and to impose conditions on licensees.

The Committee received at the meeting a 13 page submission on behalf of the Chorley Hackney Carriage Association which drew Members attention to several issues relating to the proposals.

RESOLVED – That this item be adjourned to a future meeting of the Committee.

08.LPS.07 LICENSING SUB COMMITTEE MEMBERSHIP

The Committee was requested to put forward 5 Members to each of the agreed dates for the Licensing Sub-Committee to consider either personal and premises or reviews under the Licensing Act 2003/Gambling Act 2005 (3 Members plus 1 reserve) or to consider hackney carriages/private hire licences or any other miscellaneous licences (5 members) depending on the business to be considered.

Members were requested to inform Democratic Services within a week, those meetings dates which they could not attend.

08.LPS.08 LICENSING AND REGISTRATION - SUMMARY OF ACTIVITY FROM 15 MARCH 2008 - 16 MAY 2008

The Committee received a report of the Corporate Director of Governance on the various licences and permits used, regulations effected and enforcement activity for by the Licensing Section between 15 March 2008 and 16 May 2008.

Members expressed concern at the proposal to transfer the Licensing Section to the Neighbourhoods Directorate and that the post of Licensing Enforcement Officer might be lost. A petition had been received from the Taxi trade in support of keeping the Licensing Enforcement Officer and the Committee **AGREED** to give support.

Chair

LICENSING LIAISON PANEL – 12 May 2008

PRESENT Councillor Iris Smith, Councillor Edward Smith, Bob Beeston, Janet Brereton, Conrad Heald, Sergeant Bushell, Sergeant Clitheroe, Yaqoob Illahi, Brian Crompton, Phil Cooper, Paul Clitheroe, Antony Price, Mazaffar Hussain, Peter Verhaege.

APOLOGIES: Stephen Culleton; Mohammed Amin

1. MATTERS ARISING FROM LAST MEETING

1.1 Parking Issues – Portland Street car park being used as shortcut through to Brown Street – this had been raised at the last Town Centre Forum and Janet Brereton was waiting for comments back from the Highways Section.

- 2. INTRODUCTION TO TOWN CENTRE MANAGER, CONRAD HEALD** - Councillor Iris Smith introduced Conrad Heald who explained his background and the experience he brought to the position of Town Centre Manager. He said he was the link between businesses and the Council and would welcome approaches from the licensed trade with any ideas, issues and initiatives. A discussion followed regarding the evening and leisure economies. Some panel members said that a number of their journeys were to take people out of the Chorley area at the weekend. Conrad explained the planned improvements to the Markets, Market Walk Phase 2 and the development of the Gillibrand Street/McDonald's site all contributed to encouraging more customers and visitors and investment which in turn improved the night-time economy. He continued to add that as a Council we would be focussing on the positive things about Chorley such as it being a safe town and said that he would be working on a Town Centre guide to show what is available and looking to develop events taking place during the day and night time. Conrad agreed to attend future meetings of the Licensing Liaison Panel.
- 3. VIOLENT CRIME IN CHORLEY TOWN CENTRE** - Sergeant Tony Bushell explained that violent crime covers a wide range of offences and that violent crime was not a major problem within Chorley. He said that he would be involved in any initiatives connected to this. Bob Beeston explained that MATAAC (Multi-Agency Tasking and Co-ordination) were looking to extend Pub Watch outside the Town Centre area with a view to possible inclusion of Chorley and South Ribble District Hospital. He asked for any information from taxi/private hire drivers regarding problem customers and said that the trial of the camera in the hackney carriage had been very useful. Bob said that he was looking to increase the trial to include private hire vehicles.
- 4. UPDATE ON NEW BADGES AND PHOTOGRAPHS** – Janet Brereton informed the panel that the new badges and photographs would be up and running by the 1 July 2008.
- 5. VEHICLE TESTING ARRANGEMENTS** – As requested, the hackney carriage/private hire trade provided written feedback on the proposals to vehicle testing. There was a full discussion, however, in the absence of the Licensing Manager, it was agreed that the feedback be looked at by him on his return from sick leave.

6. ANY OTHER BUSINESS

- 1 Smoking in Licensed Vehicles - Councillor Iris Smith reminded everyone that it was an offence to smoke in any licensed vehicles.
- 2 Licensed Vehicles dropping off/picking up at Aldi supermarket – Councillor Iris Smith said that she had noticed on occasion that licensed vehicles were not waiting in a sensible and considerate place when dropping off/picking up at Aldi supermarket. She just asked everyone to note this.
- 3 Parking on Taxi Rank, High Street – A panel member said that Parkwise was now enforcing the law regarding illegally parked vehicles on the Rank.
- 4 Unmet Demand Survey – A panel member queried the letters sent out by the Licensing Section regarding the unmet demand survey. He said that the date on the letter was November 2007 and asked that this typing error be noted.

7. **DATE AND TIME OF NEXT MEETING** – the next meeting will take place on Monday 7 July 2008 at 10.30am in the Committee Room, Town Hall, Chorley.

ALL THOSE WISHING TO RECEIVE THE AGENDA AND MEETING NOTES BY EMAIL, PLEASE LET ME HAVE YOUR EMAIL ADDRESS BY EMAILING ME ON janet.brereton@chorley.gov.uk

LICENSING LIAISON PANEL – 7 July 2008

PRESENT Councillor Iris Smith, Councillor Edward Smith, Councillor Pat Haughton, Councillor Judith Boothman, Chris Moister, Stephen Culleton, Janet Brereton, Bob Beeston, Conrad Heald, PC Herbert, Antony and Julie Price, Andrew Price, Paul and Ann Clitheroe, Yaqoob Illahi, Brian Crompton, Phil Cooper, Shak Ahmed, Hifzul Mala, Mohammed Sajid, Clyde and Sandra Crowther, Mazaffar Hussain, John and Debbie Grey, Rashid Sohail, Lee Williams, Peter Verhaege and David Hamer.

1 APOLOGIES: There were no apologies for absence.

2 MATTERS ARISING FROM LAST MEETING

2.1 Violent Crime in Chorley Town Centre – following on from the last Licensing Liaison Panel, Steve Culleton reported that he had met with the Ward Sister at the Accident and Emergency Department at Chorley Hospital with a view to linking any drunk/disorderly behaviour by persons attending the hospital with the Pub Watch scheme.

3 INTRODUCTION TO LEGAL SERVICES MANAGER – CHRIS MOISTER – Councillor Iris Smith introduced Chris Moister to the panel.

4 PUB WATCH ITEMS - The representative for Pub Watch said that he had no specific items, however, he pointed out that the town centre remained quiet. He added that the longer licensing hours had been successful for some but not for everyone. He would be happy to participate in ways to instil life in the town centre. Councillor Iris Smith asked for an update on the Best Bar None award and the representative said that some pubs had now received the award and the next set of assessments were about to commence.

5 POLICE ITEMS - The Town Centre Community Beat Manager reported that there were no problems at present within the town centre. There were no questions raised from panel members.

6 TOWN CENTRE ITEMS/TOWN CENTRE SURVEY - Conrad Heald informed everyone that there was a presentation on the Town Centre Design Audit taking place on Monday 14 July 2008 and there were invitations for people to take away with them. He said that the Audit identified 10 priorities and one of the top priorities is Market Street. He explained that there will be public consultation of the audit between 9 July and 9 August 2008, following which an Action Plan would be produced. Conrad Heald was currently working on the findings of a business questionnaire he had sent out and looking at a loyalty card scheme. One of the panel members said that the rise in rents/rates was an issue. The Town Centre Manager explained how the rents/rates system works.

7 TAXI/PRIVATE HIRE ITEMS

7.1 Parking on Rank – It was confirmed that Parkwise were now enforcing parking on the Rank on High Street.

7.2 Rank on High Street/Bus Station – Bob Beeston explained that with the enforcement carried out by Parkwise, hackney carriages were being moved on when parked outside the Tut 'n' Shive. Hackney carriages were now trying to use the rank at the bus station, however, this land is private land and there is an agreement in place to allow a rank to be there. As the bus station rank had not been used for some time the Bus Station Manager had allowed bus station staff to park there. It would appear that some drivers of

licensed vehicles have been using it as a parking area, leaving their vehicles unattended. The Bus Station Manager had said that he would make the space available for rank purposes for one month and monitor the situation. The Bus Station Manager had said that if the hackney carriage proprietors approached him, he would provide a list of times when coaches/buses arrived from destinations further afield so that the proprietors would know the best times to rank up.

7.3 New Livery update – Steve Culleton reported that the launch in the town centre had gone well and that two private hire companies had been involved. A questionnaire had been carried out at the time of the launch to engage with the public and it had received favourable press. A panel member asked whether the cost of the first set of livery could be met by the Council, but Steve Culleton explained that there was no provision in the budget to allow for this to take place. A general discussion took place and the following points were raised:

Position of the livery on vehicles already displaying company signage. Steve Culleton said that there had to be consistency of the vehicles displaying the livery.

Magnetic signs for licensed vehicles which were also used for chauffeuring/weddings. Steve Culleton agreed to look into this.

Costs of the livery – the costs would be as follows (all subject to VAT) – Rear plate £9, Door signs £16.50, Internal Sign £7.

There was a general view from the panel representatives that there had been a lack of consultation on this matter.

7.4 New badges/photographs update – Janet Brereton informed everyone that the new badges were now being issued. There was a question regarding the wording on the badges which stated that ‘it is an offence under the Town Police Clauses Act 1847 to refuse to take a fare.’ The panel representative said that there had been certain instances of refusing to take a fare such as when safety would have been an issue or a fare could not be paid up front. Steve Culleton said that this was a legal matter and agreed to look into it.

Another panel member asked about a licence to drive private hire vehicles which had lapsed and which the Council had not granted. Steve Culleton pointed out that if a licence expires there was nothing to renew and that the application becomes a grant of a licence with the additional information such as CRB and medical required. Steve Culleton agreed to look into this matter, but said that it would require the conditions which are already in place to be changed.

Fare sheets – a panel member raised a question regarding fare sheets and Steve Culleton confirmed that the fare sheets would be available free of charge.

7.5 Website for Licensing Liaison Panel Minutes – Janet Brereton said that future minutes of the Licensing Liaison Panel would be available on the Council’s website for anyone to view. To find them, visit www.chorley.gov.uk and click on Business (left hand side), then Licensing and scroll down to Licensing Liaison Panel. Free website access is available at libraries and the Council’s one stop shop.

7.6 Information sheets – Steve Culleton asked for feedback on the information sheet which had recently been sent out as a means to inform the licensed trade of changes within the licensing system. Whilst there were some concerns regarding the costs, it was generally accepted that all proprietors should receive a copy of the information sheet no more than quarterly.

7.7 Re-issue of Hackney Carriage Plate 9 - Steve Culleton informed everyone that all possibilities of a legal challenge had now been exhausted and that he would be looking to issue the plate in the near future.

7.8 Vehicle Testing Arrangements – Following the representations made by the trade and their legal representative, the Licensing Section worked at addressing the concerns of the proposed new vehicle testing arrangements. Another working party has been arranged for August to discuss the changes made. Once the conditions are finalised, they will be put on the Council's website to enable any representations to be made. There was a discussion concerning a previous working party which did not go ahead as there were no representatives available from the trade. One panel member raised concerns at the number of meetings he was being asked to attend. Councillor Iris Smith asked that anyone trying to contact her by telephone should leave a name and telephone number for her to return the call and deal with the matter.

8 UPDATE ON UMET DEMAND SURVEY - Out of the 5 invites which had been sent out only 2 proposals had been returned. Steve Culleton said that the costs were higher than he had anticipated and he was waiting to have a meeting with the Council's Corporate Director of Governance, Andy Docherty, to progress the matter. Discussion followed regarding how the information would be obtained and the Licensing Manager agreed that some information should be obtained by the surveyors coming on to the streets. The use of the CCTV camera was discussed to show unmet demand, but it was pointed out that the cameras were there to cover crime and there were legal implications for using them for other purposes. The Guidelines from the Office of Fair Trading were discussed and the view that a decision could be made by the Chief Executive regarding unmet demand, but the survey needed to be independent. It was agreed that the railway station should be included in the survey and someone raised an issue regarding fares booked with an operator being picked up by a hackney carriage. Bob Beeston said he would deal with such cases individually. A panel member asked for the minutes to record that the Licensing Section noted and accepted that the date on the letter regarding the survey was November 2007 when the letters were actually sent out in February 2008.

9 GUIDELINES ON CONVICTIONS – Steve Culleton said that the report giving guidelines to applicants relating to their convictions had now been passed by the relevant Committee.

10 PLANNING PERMISSION RELATING TO PRIVATE HIRE OPERATORS LICENCES - Steve Culleton said that he was currently looking at planning issues and working with the Council's Planning Section to ensure that the correct planning permission is in place. A letter will be sent to all operators reminding them of their obligations with regard to planning permission. A panel member asked for the opportunity to discuss planning issues with Bob Beeston and he agreed to do so.

11 ANY OTHER BUSINESS –

11.1 Costs re livery – There was a discussion concerning the cost of the livery.

11.2 Tariff increase – Representatives from the taxi trade handed a letter to the Council requesting a tariff increase due to the rising costs of fuel.

DATE AND TIME OF NEXT MEETING – the next meeting has been arranged for Monday 1 September 2008 at 10.30am in the Council Chamber, Town Hall, Chorley.

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Report of	Meeting	Date
Corporate Director of Governance	Licensing and Public Safety Committee	17 September 2008

LICENSING AND REGISTRATION – SUMMARY OF ACTIVITY FROM 17 MAY 2008 – 01 SEPTEMBER 2008

PURPOSE OF REPORT

1. To inform the Committee of the various licences and permits issued, registrations effected and enforcement activity for the above period.

RECOMMENDATION(S)

2. Members are asked to note the report.

EXECUTIVE SUMMARY OF REPORT

3. This report is for information only.

CORPORATE PRIORITIES

4. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	

BACKGROUND

5. This report is for information only.



LICENSING ACT 2003

6. The table below shows the number of licences/registrations issued during this period under the Licensing act 2003.

Number of	New	Variations	Change of Address	Transfer of Premises Licence	Change of DPS
Personal Licences	9	0	6	N/A	N/A
Premises Licences with alcohol	1	1	1	5	19
Premises Licences without alcohol	0	0	0	1	0
Club with alcohol	0	0	0	0	0
Club without alcohol	0	0	0	0	0
Temporary Event Notice with alcohol	33	0	0	0	0
Temporary Event Notice without alcohol	2	0	0	0	0
Interim Authority Notice	1	0	0	0	0

REVIEW OF PREMISES LICENCES

7. There have been no review applications during this period.

HEARINGS

8. No hearings have taken place during this period.

GAMBLING ACT 2005

9. The table below shows the number of licences/permits issued during this period under the Gambling Act 2005.

Number of	Conversion	New	Variations
Betting Premises Licence (other)	0	0	0
Bingo Premises Licence	0	0	0
Adult Gaming Centre	0	0	0
Family Entertainment Centre Premises Licence	0	0	0
PERMITS	0	0	0
Notification of Intent to have 2 Gaming Machines	0	10	0
Small Society Lottery Registration	0	1	0

HACKNEY CARRIAGES, PRIVATE HIRE REGISTRATIONS

10. The table below shows the number of licences/registrations issued during this period. Generally, renewal of Private Hire/Hackney Carriage Vehicle/Drivers Licences and renewal of Private Hire Operator Licences are now done by the One Stop Shop.

Number of	New	Renewals	Transfers	Vehicle Change
Private Hire Vehicles	12	54	1	3
Private Hire Drivers Licence	15	52	0	0
Private Hire Operator	2	7	0	0
Hackney Carriage Drivers Licence	9	20	0	0
Hackney Carriage Vehicle	0	12	2	1

SECOND HAND GOODS

11. There has been 1 application granted for second hand goods licence during this period.

HOUSE TO HOUSE COLLECTIONS

12. There has been 1 application made for a House to House Permit during this period for the following charities.

Name of Charity	Date of Collection
The Royal Society for Protection of Birds	2 June – 29 June 08

STREET COLLECTION PERMITS

13. There have been 9 applications granted for Street Collection Permits during this period for the following charities.

Name of Charity	Date of Street Collection
Cancer Research	24 June – 27 June 08
Chorley Lions	26 May 08
The Royal British Legion Poppy Appeal	31 October – 7 November 08
Guide Dogs for the Blind	6 June 09
Addiction Dependency Solutions	19 July 08
Derian House Children's Hospice	31 July 08
Adlington and District Carnival	9 August 08
Christies Charity Events	30 August 08

MOTOR SALVAGE OPERATOR

14. There have been no applications for Motor Salvage Operator Licences during this period.

UPDATE FOR COUNCILLORS

15. Mr Laurence Day appeared before Committee on 2 April 2008 and had his private hire drivers, vehicle and operators licences revoked, he appealed against the Committee's decision and appeared before South Ribble Magistrate's Court on 28 July 2008, the magistrates upheld the decision of the Committee to revoke Mr Day's licences.

- 16. Mr Kenneth Anthony Green appeared before South Ribble Magistrate’s Court on 23 July 2008, for offences committed on 6 February 2008, of permitting a vehicle to be used without a private hire vehicle licence, operating a private hire vehicle in a controlled district without an operator’s licence and permitting a vehicle to be used without a test certificate. He was fined £2000 and ordered to pay £326 prosecution costs, the case was heard in his absence.
- 17. An alleged offence of kidnapping and common assault took place on 16 May 2008, the accused and Mr Yasar Mahmood and Mr Rashid Sohail who both hold hackney carriage and private hire drivers licences. The case has been committed to Preston Crown Court on 1 November 2008.

ENFORCEMENT/INSPECTION VISITS FOR PERIOD FROM 17 MAY 2008 – 01 SEPTEMBER 2008

- 18. There have been 38 enforcement visits for private hire/hackney carriage vehicles and taxi premises. 55 visits/checks to licensed premises have also been made during the above period.

1 visit has been made to a gambling premises.

SUSPENSION OF VEHICLES

- 19. 14 suspension notices have been issued to taxis on the grounds of public safety.

JOINT OPERATIONS

- 20. There has been 1 joint operation on Saturday, 16 August with Chorley Council Licensing, the Police, VOSA vehicle operators and Chorley Council Benefit Fraud Investigators during this period.

COMPLAINTS

- 21. There have been 3 complaints received during this period.

IMPLICATIONS OF REPORT

- 22. There are no implications arising from this report.

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		No significant implications in this area	

ANDREW DOCHERTY
CORPORATE DIRECTOR OF GOVERNANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Jayne Day	5708	29 August 2008	LEGREP/2908LM1



Report of	Meeting	Date
Corporate Director of Governance	Licensing and Public Safety Committee	17/9/2008

HACKNEY CARRIAGE PROPOSED FARE INCREASE

PURPOSE OF REPORT

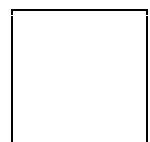
1. To bring to the attention of members a request from the Chorley Hackney Carriage Association for a hackney carriage fare increase (copy attached).

RECOMMENDATION(S)

2. That the committee considers the request for a fare increase and considers any representations the Chorley Hackney Carriage Association or their representatives may wish to make.

EXECUTIVE SUMMARY OF REPORT

3. A written request for an increase in hackney carriage fares was received by the councils licensing department on 13th July 2008 a copy of the letter is attached at appendix (A).
4. The reason for the request is the increase in fuel prices, which have increased by 25% over the last 18 months.
5. Under Section 65 of the Local Government (Miscellaneous Provisions Act) 1976. The council may fix fares for time and distance, and all other charges in connection with the hire of a hackney carriage.
6. When the council make or vary a table of fares they shall publish in at least one local newspaper a notice setting out the table of fares or variation thereof, and specifying the period, which shall not be less than fourteen days from the date of the first publication of the notice, within which and the manner in which objections to the table of fares or variation can be made. A copy of this notice shall for the period of fourteen days from the date of the first publication thereof be deposited at the offices of the council which published the notice, and shall at all reasonable hours be open to public inspection without payment.
7. If no objection to a table of fares or variations is made within the period specified in the notice, or if all objections made are withdrawn, the table of fares or variations shall come into operation on the date of the expiration of the period specified in the notice or the date of withdrawal of the objection.
8. Chorley Hackney Carriage Association have asked for an increase of 30 pence in the flat rate fare for the first 1/2 mile from £1.90 to £2.20 they are not asking for any increase in fares for any subsequent 1/16 of a mile travelled. In effect this means each fare, irrespective of the distance will be increased by 30 pence. A comparison table of current and proposed fares is attached to this report at appendix (B).



CORPORATE PRIORITIES

9. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances	X	Develop the Character and feel of Chorley as a good place to live	
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	

IMPLICATIONS OF REPORT

10. This report has implications in the following areas and the relevant Corporate Directors' comments are included:

Finance	X	Customer Services	
Human Resources		Equality and Diversity	
Legal	X	No significant implications in this area	

COMMENTS OF THE CORPORATE DIRECTOR OF GOVERNANCE

11. The power to fix hackney carriage fares lies with the District Council pursuant to section 65 of the Local Government (Miscellaneous Provisions) Act 1976. In reaching a decision on the correct level of fare the Council have a duty to act reasonably. The proposal, when considered in light of the level of fares for other local districts, would seem reasonable.

ANDREW DOCHERTY
CORPORATE DIRECTOR GOVERNANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Robert William Beeston	5726	17/7/2008	***

Comparison chart for proposed hackney carriage fare increase

Local Authority	Distance Not Exceeding	Each Subsequent	1 Mile	2 Miles	3 Miles	4 Miles	5 Miles	Waiting Time	Soiling Charge
Chorley Council Proposed	1/2 mile £2.20	1/16 mile 10p	£3.00	£4.60	£6.20	£7.80	£9.40	For each Period of 30 seconds Or part 10p	£45.00
Chorley Council Existing	1/2 mile £1.90	1/16 mile 10 pence	£2.70	£4.30	£5.90	£7.50	£9.10	For each Period of 30 seconds Or part 10p	£45.00
South Ribble Existing	1/4 mile £1.80	1/8 mile 20p	£3.00	£4.60	£6.20	£7.80	£9.40	For each Period of 30 seconds Or part 10p	£40.00
South Ribble Proposed	1/8 mile £2.10	1/8 mile 20p	£3.50	£5.10	£6.70	£8.30	£9.90	For each Period of 30 seconds Or part 10p	£100
Preston Existing	1/2 mile £2.00	1/15 mile 10p	£2.80	£4.30	£5.80	£7.30	£8.80	For each Period of 1 minute 20p	£30

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Report of	Meeting	Date
Corporate Director (Governance)	Licensing and Public Safety Committee	17 September 08

CHORLEY COUNCIL'S CONDITIONS FOR THE LICENSING OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

PURPOSE OF REPORT

1. To present members with revised conditions for the purpose of licensing Hackney Carriages and Private Hire vehicles to operate within the controlled district of Chorley.

RECOMMENDATION(S)

2. Members are recommended:
 - (a) to consider the contents of the report and any representations made by members of the Hackney Carriage (HC) & Private Hire (PH) trade who have been invited today.
 - (b) to ask the Corporate Director of Governance to implement new conditions with effect from 1st November 2008.

CORPORATE PRIORITIES

3. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	3

BACKGROUND

4. Members may recall that this item was attached as agenda item 6, at the meeting of the Licensing and Safety Committee on the 4 June 2008.

Prior to that meeting a number of meetings including a workshop had taken place between the Council and the taxi trade, as part of the consultation and development process for formulating the proposed conditions. It was understood by Officers at the conclusion of those meetings that an acceptable agreement had been reached with the taxi trade to the content of the proposed conditions. The agenda item was withdrawn at the 11th hour as a substantive representation was received via Allanson Solicitors shortly before that meeting.



Following the representation, further consultation by way of workshops and a Licensing Liaison meeting have taken place, and significant modifications have now addressed many of the issues raised.

Since that time members of the Hackney Carriage and Private Hire trade have joined the National Private Hire Association who now act on their behalf. A copy of a representation received by the Council toward this proposal is attached as appendix G2. This includes documents titled Age Policies, a view and alternative suggestions, Taxi and Private Hire vehicle Licensing: Best Practice Guidance; and submissions forwarded on behalf of Chorley Hackney Carriage Association by Allanson Solicitors dated June 2008.

The Licensing Manager has by way of consultation written to all licensed Hackney Carriage and Private Hire drivers and proprietors inviting representations to the proposed conditions, to which we have received one written representation which has concerns for fees, this is attached as appendix G1.

5. **THE NEED FOR CHANGE**

Members will be aware that Chorley Council has the responsibility to ensure that Hackney Carriages and Private Hire vehicles are suitable and fit for purpose. This means that they must meet conditions as to roadworthiness, suitability, appearance and comfort. The Council has power to require those vehicles to be submitted for inspection and testing and to impose conditions on licences to ensure vehicles are of a suitable standard.

It would appear that the last time the Council's "taxi" licensing conditions were reviewed, was in 1996, some 12 years ago. A number of factors suggest that it is now timely to review those conditions.

It is fair to say that motor vehicle use, the motor trade and the way in which vehicles are traded has changed significantly in the past 12 years. This would also include the expectations of the travelling public who may use 'taxis'.

It is fair to say that the administrative procedures providing the statutory functions for the licensing of vehicles has changed in recent years - notably through the introduction of the Council's One Stop Shop and computerised systems operated by both internal and external customers of the Council including Lalpac, VOSA and the Police automatic number plate recognition system.

Further, with the recent removal of the exemption from licensing under section 75 of the Local Government (Miscellaneous Provisions) Act 1976 which covered vehicles hired on contracts for seven or more days, this could lead to vehicles of a different type and class being presented for licensing. The present licensing conditions offer insufficient guidance to the owners of such vehicles or those charged with testing of such vehicles for the purposes of HC/PH suitability.

The present system operated by Chorley Council requires vehicles to be tested twice a year for the purposes of the taxi test. Under the current arrangements taxi tests are arranged through 4 local garages that are MOT approved. One of those garages has now withdrawn its services of providing taxi testing, as it is uneconomical for them to continue.

The current testing regime may or may not run in sequence with the Hackney Carriage or Private Hire licence or insurance for that vehicle. This factor increases the administrative and enforcement burden on the Council in ensuring vehicles are correctly licensed. More importantly the current conditions of the taxi test relating to roadworthiness have not necessarily kept pace with changes in the MOT testing regime. This means that newer vehicles are not being tested to current MOT standards and the present arrangements do not meet the minimum statutory criteria, they fall below current best practice. (A copy of the current taxi test is appendix A).

6. PROPOSED TESTING ARRANGEMENTS

It is proposed that the revised conditions will address the concerns highlighted above. Under the proposed new arrangements a vehicle will be primarily tested using the MOT test which is independent to, and controlled by Vehicle Operating Standards Agency (VOSA). The price for the test is set at a government maximum and should this maximum fee be adopted as a condition of the provision of licensing, then the matter of re-determining any fee will not ordinarily have to be reconsidered by the Council in the future as it would be adjusted by VOSA, in line with trade and industry requirements.

It is proposed that the Council will administer the testing arrangements for those vehicles applying for HC/PH vehicle licences, including the payment of testing fees, and the fee shall be payable upon application.

It is proposed that the Council's taxi test is conducted immediately after the conclusion of the MOT test, irrespective of whether that vehicle has passed or has not passed the MOT test. It will be a requirement that the Council's taxi test will be conducted by the same engineer/tester who conducted the MOT test, as this will lead to greater consistency and economies, and that with experience the Council's taxi test would not ordinarily take longer than 15 minutes. The contents of the taxi test are set out in appendix B1 - Report of Hackney Carriage and Private Hire Vehicle Inspection and B2 – Report on Hackney Carriage and Private Hire Vehicle Inspections Guidance. The vehicle will be required to pass both the MOT test and a taxi test as a condition of licensing.

The benefits of adopting the MOT test and revised Council taxi test include the following:

- a) The vehicle will be examined to existing independent testing standard 'MOT' tests that are robustly enforced and tested by VOSA.
- b) The MOT test is uninterrupted and controlled by a maximum fee. Therefore the test is not price led.
- c) Consistency of testing standards.
- d) MOT details are recorded nationally on a central computer.
- e) The revised testing procedure will allow and enhance the testers of vehicles to focus on the Council's taxi test as a separate consideration to the mechanical conditions of the vehicle.
- f) It will offer the vehicle owners the opportunity to have any remedial work carried out at any repair centre to existing standards for the purposes of the MOT test (note only appointed garages may issue MOT test certificates and taxi test reports).
- g) The MOT testing procedure allows for greater transparency for identifying problematic vehicles by the issue of failure notices and advice notes regarding vehicle condition. This will allow for improved targeted enforcement action towards those vehicles giving concerns for safety and condition.

7. CHANGES TO LICENSE PLATE ARRANGEMENTS

The Council's Hackney Carriage and Private Hire vehicle rear plate describes the vehicle by 1) registration number, 2) vehicle type, 3) expiry date, 4) number of people licensed to carry. Members are aware that new livery including new style plates is being introduced. The expiry date shown on the new plates will be the expiry date of either the vehicle license or the taxi test whichever comes first. This will make it much easier for the public

to see that a taxi meets the license conditions. Currently information as to the expiry of the test is shown on the far less visible windscreen disk.

8. VEHICLES OVER THREE YEARS OLD

Under the present system vehicles older than 4 years may enter the taxi industry under the discretion of the Licensing Officer if they are in exceptional condition with regard also being given to the age, service history, type, class and the colour of the vehicle. Any such vehicle must have a valid MOT certificate. The provisions at present provide for subjective decision making by officers, with no regard to the mechanical condition of the vehicle.

Private Hire and Hackney Carriage vehicles complete a significantly higher mileage than the majority of cars used for domestic purposes. It is therefore reasonable to expect that those vehicles to which the Council have under their control are tested more regularly and thoroughly.

It is proposed that the council introduce a Vehicle Safety Report (VSR) (Appendix C) to further assess the mechanical condition of a vehicle that has reached 3 years of age from date of first registration, (new at first UK registration) and annually thereafter. This will be in addition to two taxi tests (incorporating the MOT procedure) required each year for vehicles of that age.

In the case of a vehicle reaching six years of age or more from the date of first UK registration or at the next renewal application after that date, which fails any part of the taxi test (including the MOT) or the Vehicle Safety Report, there will be a requirement for the vehicle to be tested every four months.

Where a vehicle reaches eight years old from the date of first UK registration fails any part of the taxi test (including MOT) or has any advice note issued against it, it will not be eligible for licensing.

The VSR report will be required as a condition of licensing when:

- a) An application is made for the grant of a HC/PH vehicle licence and the vehicle is more than 3 years old.
- b) On the application for the renewal of a HC/PH vehicle licence where the vehicle is more than 3 years old from first registration or at the next licence application and annually thereafter.
- c) On the request of an authorised officer where the vehicle in question is licensed as a HC/PH vehicle and is subject to a suspension notice. The VSR shall be required to ascertain the vehicle's fitness to have the suspension notice removed, where the officer believes this to be necessary.

The document is designed to give a quantitative measure to the condition of a vehicle that is intended to be used as a Private Hire / Hackney Carriage that is three or more years old. The VSR is broadly based on existing MOT requirements in respect of mechanical items of testing however the report also examines other items not covered by the MOT standards.

However it must be noted that the VSR is not a guarantee that the proposed vehicle will pass the Council's Taxi Test, but gives an indication as to the vehicles overall condition and fitness for purpose to enter the trade and the vehicle will be viewed in conjunction with the Council's Private Hire Vehicle Licence / Hackney Carriage Vehicle Licence conditions of application (items D2 & D1).

It is believed that the Vehicle Safety Report will benefit both the Council and the proprietors of existing and proposed HC/PH vehicles in that:

9. BUYING A VEHICLE PRIVATELY

- a) The VSR document should aid proprietors when selecting / buying used vehicles intended for licensing throughout the UK as the document can be completed by any qualified person.
- b) A proprietor wishing to purchase a vehicle more than 3 years old will have a detailed check list to which the vehicle must comply with, he may insist this is met prior to purchase by the vendor.

10. BUYING A VEHICLE AT AUCTION

- c) Many auction houses now sell vehicles with an engineer's report, this is not dissimilar to the proposed VSR and may indicate a vehicles condition for use as a taxi prior to purchase.
- d) The VSR will ensure the Council's minimum standard for HC/PH vehicles is maintained on an annual basis and will help establish and maintain standards.
- e) A minimum condition for vehicles on entry to the system, will for the first time, be quantified for mechanical means in addition to the subjective criteria already established.
- f) Public confidence will be reassured as to the condition and appearance of licensed HC/PH vehicles through quantitative scrutiny of the vehicle type and condition.

It is expected that the requirement for a VSR will coincide with the renewal process for existing vehicles at its next renewal on or after the vehicles 3rd birthday.

11. LICENSING OF TESTERS

In order that appointed garages can undertake the requirement of the Council's Taxi Test and Vehicle safety Report adequately it will on occasions be necessary to road test the vehicles. In this instance the examiner shall be required to be licensed as a Hackney Carriage / Private Hire driver. The Licensing Manager seeks discretion to issue Hackney carriage / Private Hire drivers licences to named individuals at appointed garages for the purpose of Taxi testing, (a restricted Hackney Carriage and Private Hire drivers licence).

There would be no fees or requirements for the following checks, medical, criminal record check or knowledge test, attached to the issue of these licences. To qualify the person must be employed by the appointed garages, hold an appropriate driving licence with the relevant vehicles classes, hold the appropriate qualifications to test vehicles at MOT standards and declare a restricted use.

12. ESTABLISHING AGE/OWNERSHIP OF VEHICLES

The present conditions attached to licensing of Hackney Carriage and Private Hire vehicles do not prescribe that the vehicle registration documents commonly known as the DVLA 'V5' are presented to the Council. In order that the age of a vehicle can be accurately assessed, Officers believe that the V5 document is presented at the time of the Hackney carriage / Private Hire vehicle licence grant or renewal application is made, and presented at the appointed garage at the time of taxi testing.

The V5 shall bear the name or names of the proprietor / proprietors of that vehicle, and the address at which the vehicle will be kept shall be the same as when the proprietor shall be required to afford the Council reasonable facilities to inspect the vehicle.

13. VEHICLE CONDITIONS

In accepting that the motor industry has changed in many ways over the past 12 years and more recently the repeal of Local Government (Miscellaneous Provisions) Act 1976 Section 75 exemption, officers now believe it is appropriate to introduce minimum tolerances for vehicle type and construction. This is necessary to address the vast array of vehicles now on the market, that without controlled measures in place, the Council could not refuse a legitimate request to licence.

Examples of vehicles that would perhaps give concern would be vehicles with adjustable configuration for seating or vehicles offering little or no luggage space. It is intended that the conditions as attached at (Appendix D1 – Hackney Carriage Vehicle Licences, Conditions of Application and Appendix D2 – Private Hire Vehicle Licences, Conditions of Application) will address those concerns of vehicle suitability without fettering the discretion of the council by precluding a vehicle type. This will also be reflected in changes to the licensing conditions as attached in Appendix E1 – Conditions Attached to the Issue of a Hackney Carriage Vehicle Licence in Addition to the Statutory Byelaws and Appendix E2 – Conditions Attached to a Private Hire Vehicle Licence.

It would be impossible to envisage all the variants available on the vast number of vehicles in today's marketplace, it is therefore appropriate that all proposed vehicles are given consideration at the discretion of a Licensing Officer. Proprietors will be encouraged to consult with officers prior to purchasing vehicles, this would ensure vehicles will meet with the expectations with regards to design and lay out.

Areas giving concern include:

- Pop-up seats
- Maximum weight for seats
- Luggage room
- Luggage trailers/security (pick ups) SUV's MPVs
- Seating configuration/exit and entry of passengers
- Members will be aware that where differences of opinion exist final decisions will be at the discretion of the Licensing Committee.

14. LIQUID PETROLEUM GAS (LPG) CONVERTED VEHICLES

All Liquid Petroleum Gas (LPG) converted vehicles must produce an LPG Association Installation or Safety Certificate, at the time of application for a Hackney Carriage or Private Hire Licence, when the vehicle is presented for a test, or immediately after the vehicle is fitted with the LPG fuel option. To ensure the safety of vehicles that have been converted to LPG, the Licensing Manager would like to appoint a specialist LPG converter within the borough of Chorley to act upon its behalf in returning the status of any installation of a licensed vehicle, at the discretion of an officer. The cost of which shall be borne by the proprietor.

15. REVISED PROVISIONS TO THE COUNCIL'S DOOR SIGNS

Following consultation with the Hackney Carriage and Private Hire trade it is appropriate to review the requirement as set out in the report of 2 April 2008 relating to door signs.

In that report there was a requirement that no signs shall be placed on the front passenger and drivers doors other than the signs provided by the Council.

It is appropriate that other signs may be attached to the lower part of the door below any door bumper and not to extend more than twelve inches from the bottom of the door sill in any case.

16. FEES

The taxi licensing fees shall remain unchanged save that the proprietor will now pay the Council in respect of the new tests.

Proprietors will be responsible for the full cost of test fees as appropriate at the time of testing and those fees shall be payable to the Council at the time of application.

Where vehicles require re-testing with regards to conforming to MOT standards, the vehicles may be retested. Re-testing fees shall apply and these will be imposed by the testing garage.

The maximum MOT test fee is £50.35 at present. Through negotiation with the appointed garages, the Council's taxi test will be conducted immediately after the MOT test for a fixed fee of £9.65 inc VAT and, where appropriate, the annual Vehicle Safety Report (VSR) (for vehicles applying for a HC/PH vehicle licence over 3 years of age) will be conducted at the same time as the Council's taxi test for a fixed fee of £10.00 including VAT. To clarify, the Council's taxi test will consist of the Council's taxi test as at Appendix B1 and include the VOSA MOT, and vehicles over three years old the Vehicle Safety Report as at Appendix C.

Hence a vehicle under 3 years applying for the grant of a HC/PH vehicle licence for 12 months would incur a cost of:

Hackney Carriage		Private Hire	
Licence Fee	£416.00	Licence Fee	£220.00
MOT & taxi test	£60.00	MOT & taxi test	£60.00
Taxi Livery	£23.50 +VAT	Taxi Livery	£23.50 +VAT

It is envisaged that only vehicles under 3 years of age may apply for a HC/PH vehicle licence for a 12-month period. In all other cases where a vehicle is 3 years or older, vehicles will be required to undergo the Councils vehicle testing requirements and be licensed for a period not exceeding six months.

Vehicles applying for a grant of a licence of a HC/PH over 3 years of age will incur costs (for a six monthly licence) of:

Hackney Carriage		Private Hire	
Licence Fee	£216.00	Licence Fee	£125.00
MOT & taxi test VSR	£70.00	MOT & taxi test VSR	£70.00
Taxi Livery	£23.50 +VAT	Taxi Livery	£23.50 +VAT

Renewals will be as above less the cost of livery @ £23.50 plus VAT, plus £10.60 for the rear plate.

For vehicles reaching six years of age, testing will be required every four months and no licence shall be issued for a period of more than four months, as proposed in the summary of charges applicable as attached in Appendix F1.

It is appropriate to allow the proprietors of proposed vehicles to negotiate with a garage or appointed garages, any fee in undertaking the Council's VSR, where that report is used only to establish whether or not the vehicle is suitable to progress to an application for a HC or PH licence. The cost of the VSR is estimated at between £60-£70, when the report is completed in isolation. However it has been broadly agreed with garages that the VSR when conducted at the same time as the Council's taxi test will incur a further charge of £10.00.

17. **ALTERNATIVE OPTIONS**

The options are

- a) to approve the recommendations as presented in the report and approve as a condition of licensing the documents as given in

Appendix B1 – Report of Hackney Carriage / Private Hire Vehicle Inspection

Appendix C – Vehicle Safety Report

Appendix D1 – Hackney Carriage Vehicle Licences conditions of application

Appendix D2 – Private Hire Vehicle Licence conditions of application

Appendix E1 – Conditions attached to the issue of Hackney Carriage licence additional to the statutory byelaws.

Appendix E2 – Conditions attached to the issue of a private hire vehicle licence.

Appendix F1 – Proposed Hackney Carriage and Private Hire vehicle testing structure approximate costs; or

- b) to alter or reject any part of the proposed documents as members see fit.

REASONS

The reasons for the recommendations are fully explained within the report.

IMPLICATIONS OF REPORT

- 18. This report has implications in the following areas and the relevant Corporate Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	3	No significant implications in this area	

COMMENTS OF THE CORPORATE DIRECTOR OF GOVERNANCE

- 19. There are no additional comments of the Corporate Director of Governance.

ANDREW DOCHERTY
CORPORATE DIRECTOR (GOVERNANCE)

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Stephen Culleton	5665	5 September 08	AD/SC/JA/0909

CHORLEY COUNCIL VEHICLE ROADWORTHINESS CERTIFICATE		Reg No		Licence/plate No		Date of initial test				
		Make	Testers Manual Ref	P	F	Testable Item	Odometer Reading	BRAKE TEST	SERVICE %	SECONDARY %
Testable Item	Testers Manual Ref	P	F	Testable Item	Odometer Reading	Guide Ref	P	F	THE RESULT OF THIS TEST IS:	PASS FAIL
Section 1 - Lighting Equipment										
Front & Rear Position Lamps	1/1			Electrical					DEFECTS	
Rear Reg Plate Lamps/Rear Fog Lamps	1/1			Wiring		102			(Examiner to list ALL defects requiring a re-test) Continue over if necessary	
Headlamps	1/2			Battery		103				
Stop Lamps	1/3			Starter Motor		104				
Rear Reflectors	1/4			Panel & Interior Lights		105				
Direction Indicators, Hazard Devices	1/5			Engine						
Headlamp Aim	1/6			Mountings		111				
Section 2 - Steering & Suspension										
Steering Control	2/1			Oil Leaks		112				
Steering System	2/2			Cooling System						
Power Steering	2/3			Hoses		115				
Suspension - General	2/4			Heater/Demister		116				
F Suspension, Bearing, Driveshafts	2/5			Transmission						
R Suspension, Bearings	2/6			Gear Box Mountings		120				
Shock Absorbers	2/7			Clutch						
Section 3 - Brakes										
Parking Brake Lever Mechanism	3/1			Operation		123				
Hand Operated Brake Control Valves	3/2			Linkage		124				
Service Brake Control	3/3			Hydraulics		125				
Anti-Lock Brake Systems	3/4			Fuel System						
Mechanical Brake Components	3/5			Fuel Tank & Pipes		128				
Hydraulic, Air, Vacuum Systems	3/6			Instrumentation						
Brake Performance	3/7			Speedometer		131				
Section 4 - Tyres										
Tyres	4/1			Odometer		132				
Roadwheels	4/2			Bodywork (Exterior)						
Section 5 - Seat Belts										
Seat Belts	5/1			Bumpers		136				
Section 6 - General Items										
Drivers View of Road	6/1			Doors and Locks		137				
Audible Warning (Horn)	6/2			Paintwork Condition		141				
Exhaust System	6/3			Window Glass		142				
Exhaust Emissions	6/4			Bodywork (Interior)						
General Condition of Vehicle	6/5			Grab Handles		145				
Mirrors	6/6			Seats & Upholstery		146				
Fuel System	6/7			Floor Condition		147				
Reg Plates & VIN Details	6/8			Window Openings		148				
Date of retest: Pass:										
Signature of Inspector										
Authentication Stamp										

* **WARNING** - In my opinion, the vehicle is **DANGEROUS** to drive because of the above defects. (* Delete if not appropriate)

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REPORT ON HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE INSPECTION

Registration no:		Make:		Model:		Colour:		Authentication Stamp					
Recorded mileage			Test date		Time		No passenger seats						
Plate no: HC/PHV Occupancy on plate (renewals only)			Date of first registration		Name of proprietor								
Result of MOT test:		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">PASS</td> <td style="width: 20px;"></td> </tr> <tr> <td style="text-align: center;">FAIL</td> <td></td> </tr> </table>		PASS		FAIL				In the event of failure, please attach original or copy of MOT failure sheet and in any event, any advice notes given.			
PASS													
FAIL													
The following items must be covered in addition to standard MOT test									Pass / Fail				
1. Bodywork must not be capable of injuring a passenger or pedestrian, or show damage as a result of an accident.													
2. Paintwork must be clean and uniform over the whole of the vehicle, and should not show undue discolouration.													
3. All seats/upholstery/trims must be clean, seats must be securely fitted, there should be no sharp edges which could likely cause injury or damage. Seat coverings, where fitted must be clean and in a good state of repair.													
4. Interior flooring must have an appropriate covering which should be clean and in a good condition.													
5. Boot interior (luggage compartment in estate cars) must be clean so as to avoid soiling or damage to luggage stored therein.													
6. Estate cars must be fitted with a securely fixed, suitable means of luggage restraint, to prevent luggage entering the passenger compartment.													
7. Windows must be capable of opening and closing by the use of winders or by way of an electric mechanism.													
8. Table of fares should be exhibited and readily visible to passengers (hackney carriage renewals only).													
9. Speedometer must be working correctly and illuminated. An interior passenger light, shall be fitted and in working order, and operative.													
10. Demister fan must be capable of working correctly. Air Con in working order (where fitted).													
11. All pedal rubbers should be present and not excessively worn, see notes.													
12. No signage should be displayed except as stated in the Council's terms and conditions.													
13. A dry powder fire extinguisher not less than 1kg in size must be securely fitted in an accessible position.													
14. Front seats must be adjustable so as to allow adequate leg room in the rear of the vehicle as stated in the Council's terms and conditions.													
15. Headroom in rear of vehicle must be adequate according to the Council's terms and conditions.													
16. A vehicle engine capacity must be at least 1200cc.													
17. Spare tyre must be securely fixed, adequately inflated and have 3 mm tread depth over central 3/4 of tread													
18. Licence plate must be fitted to rear of vehicle as stated in the Council's terms and conditions (renewals only)													
19. Roof sign must be capable of illumination when vehicle is available for hire (hackney carriage renewals only)													
20. Taxi meter		A taxi meter must be fitted (Hackney carriage renewals only). Refer to guidance notes											
		Make				Number							
21. Internal plate, securely fixed in a vertical position so as not to obstruct the drivers view, as stated in the Council's terms and conditions (renewals only)													
22. Identify fuel type Petrol / Diesel / Hybrid / Other _____ Vehicles fitted with LPG fuel systems, must have an LPG conversion or safety check report from an approved Liquid Petroleum Gas Association installer. Provide certificate number _____													
23. Was a trailer presented for test with the vehicle Yes / No I.D. number _____													
24. Door signs		Signs must be clearly visible and show no signs of tamper damage or weathering (renewals only)											
		Offside – State licence number _____				Nearside – State licence number _____							
25. Any other defect, likely to cause injury or discomfort to the public or occupants of the vehicle (please state, continue over page if required)													
26. Has the vehicle been subject to a road test? Yes / No					27. No smoking signs fitted Yes / No								
28. VSR required? Yes / No . Please attach report if presented/completed													
The result of this test is		PASS		MOT Testing Station number: _____									
		FAIL											

SIGNED _____ PRINT NAME _____ DATE _____

On completion of the Taxi Test please fax this form to the Licensing Section with any advice notes or failure notices
CHORLEY COUNCIL Tel No: 01257 515164 / 515161 - Fax: 01257 515211

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**REPORT ON HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE
INSPECTIONS - GUIDELINES**

1. No hole or tear of metal, or other items (e.g. trim) to be capable of injuring a pedestrian or passenger. This is to include doors, door panels (inside) etc.
2. The bodywork, partially or wholly to show no discoloration that is beyond normal ageing, for the vehicles age/mileage in the opinion of the Licensing Enforcement Officer. It is not acceptable for panels to be of contrasting colour e.g. panels, door skins, bonnet, that are replacements by 'second hand' or primer coated.
Note for tester: If in doubt please contact the Licensing Enforcement Officer.
3. All seats are to be secure. No movement will be allowed that compromises the safety and comfort of any passenger or driver.
4. All floor covering should be secure, tear/hole free, appropriate and present no risk to safety. With reference to No's 3 & 4 above the tester shall assess the overall cleanliness of the vehicle, both internally and externally. Seats and upholstery shall be dry and have no obvious stains, rips, tears or holes. All upholstery shall match. No noticeable/abnormal odours. Externally the vehicle shall be presented in a clean condition. No tape or other means of fixings to any parts of the vehicle will be accepted other than the vehicle's standard fixings.
5. Not acceptable if any luggage/goods placed in boot/luggage area will be soiled.
6. Estate cars must be fitted with a securely fixed, suitable means of luggage restraint, to prevent luggage entering the passenger compartment.
7. All windows must be able to be wound down (to it's full extent) and up with ease, by the use of winders or by way of an electric mechanism.
8. Hackney (Taxis) must display a table of fares, which must be readily visible to passengers.
9. Speedometer and odometer must be working correctly and illuminated.
An interior passenger light shall be fitted and operative.
10. All settings to work and de-mist.
Air-conditioning must be in working order where fitted.
11. All pedal rubbers should be fitted; none should be worn to the metal, or missing.
12. No signs other than the council's livery, shall occupy the upper panel of the front passenger and driver doors. No other signs or livery shall be attached to the vehicle other than to indicate the operator of that vehicle/taxi company and telephone No.
13. Must conform to British Standards.
14. Passenger leg room shall not be less than seven inches (180 cm) measured from the back of the forward seat in it's furthest pushed back position, to the leading edge of the passenger seat, or any combination of seats.
15. The height as measured at the centre of any passenger seat and the height to the roof lining in a vertical plain, must be not less than 34 inches (860mm).
16. As stated 1200 cc.

17. As stated, a spare tyre must be present, securely fixed correctly inflated and have 3mm of tread depth over central $\frac{3}{4}$ of the tread.
18. Licence plate must be fitted to the rear of the vehicle as stated in the Councils terms and conditions (renewals only)
19. Roof signs only to be illuminated while the taxi meter is in the 'For Hire Mode' Light is not to show in the 'Hired' and 'Stopped' modes. Light must be directly controlled by the meter.
20. Details on taximeter should be recorded. There shall be no evidence of tampering to any seal fixed to the meter and all seals must be present.
21. Internal plate, securely fixed in a vertical position, as stated in the Councils terms and conditions. To ensure licence plate number and occupancy correspond with the number of passenger seats and rear licence plate details.
22. Vehicles fitted with a Liquid Petroleum Gas fuel system, must produce an LPG conversion certificate or safety check report from an LPG Gas Association approved installer, at the time of testing.
23. Trailers must comply with the road vehicle lighting regulations and the road vehicle construction and use regulations. Trailers should be fitted with a water tight, lockable cover or door. Any trailer presented for inspection must have a serial number or other means for it to be permanently identifiable.
24. Signs must be fixed to both front doors, as stated in the Council's terms and conditions and show and show no signs of tamper, damage or weathering and positioned centrally to the upper/main panel of the door and no other lettering/livery shall interfere with the Council's sign, which shall be fixed securely in a readable position. The use of magnetic attachments is not permissible.). Any additional livery must not be above 12" measured from the bottom of the door, and in any case must not protrude higher than the bump bar strip fitted to the door, this area will be regarded as the lower panel of the door. (renewals only)
25. Any other defect, which in the opinion of the examiner would cause injury or discomfort to members of the public or occupants of the vehicle. Please contact the Licensing and Enforcement Officer.
26. Please state if the vehicle has been subjected to a road test, if yes please state any concerns.
27. Approved no smoking signage must be fitted internally to the vehicle for the benefit of all passengers.
28. a) Please ensure that where a Vehicle Safety Report (VSR) is required by a vehicle that has reached 3 years or more in age; the proprietor of that vehicle **must** produce and hand to the examiner a completed VSR for that vehicle, **prior** to the taxi test.

The report must be for that vehicle, and all the relevant boxes must be completed. Please check that the document is signed and dated correctly. If you have any doubts with regard to the authenticity of the document or vehicle, please contact the licensing office. The BSR must be retained and attached to the Taxi Testing documentation.

- b) Where the examiner has been instructed by the Council to complete a BSR, it is intended that the examiner shall have regard for those criteria as set in the VSR while conducting the Taxi Test. Examiners are reminded that where a vehicle may pass the Council's Taxi Test, the criteria of assessment for the purpose of passing the BSR, exceeds those of the Taxi Test.

The examiner shall have regard for all criteria of the VSR and report as appropriate.

Where a vehicle has reached 8 years old and the examiner has reason to fail the vehicle at examination of the Taxi Test or/and the VSR then no further testing of that vehicle will be permitted.

Only vehicles declared as new at first UK registration are eligible for licensing.

Except stretch limo's and vehicles of alike nature shall be at the discretion of the Council.

29. Please retain all documents, they will be collected on a regular basis by the Council's Licensing Enforcement Officer.

Guidance Note

Should the tester have any concerns with regards to the identity and or integrity of the vehicle. The mechanical condition or the condition with regards to passenger safety and comfort, or if the tester has any reason to believe that the vehicle is not subject to regular servicing and maintenance, please contact the Licensing Officer who will, where necessary inspect the vehicle without delay.

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VEHICLE SAFETY REPORT NOTES FOR TESTER / REPORT MAKER

A new policy relating to the age of vehicles has been introduced by Chorley Council.

Where vehicles over 8 years old apply for the grant or renewal of a hackney carriage / private hire vehicle licence and the vehicle fails the MOT/Taxi Test or vehicle safety report it will not be eligible for licensing.

No 'Q' plated vehicles will be considered for licensing.

Vehicles that have been categorised as 'write offs' by any insurance company or other organisation at any level will not be considered for licensing.

This policy has been introduced to ensure safe, comfortable and reliable hackney carriage and private hire vehicles.

The vehicle safety report can be completed by any competent motor vehicle engineer who complies with one of the following criteria:

- 1) MOT tester and City and Guilds Level III (Motor Vehicle Systems)
- 2) MOT tester and HND or BSc in Mechanical Engineering
- 3) Other such qualification and experience as may be agreed in writing by the Licensing Manager or the Licensing & Enforcement Officer of Chorley Council.

The vehicle safety report is not a substitute for an MOT/Taxi Test, it is to establish whether a vehicle is suitable to go on to be licensed as a Hackney Carriage or Private Hire vehicle, on first application where the vehicle is 3 or more years old, and annually thereafter.

The vehicle safety report will be conducted on the vehicle's third anniversary from its first date of registration, or on the next renewal of its vehicle licence.

A) AT FIRST APPLICATION (Grant)

The Vehicle Safety Report (VSR) must not be more than 7 days old at the time of testing and the vehicle must not have completed more than 500 miles from the time of the VSR completion.

The completed VSR must be presented to the Taxi Test examiner prior to the start of the taxi test.

B) RENEWALS

On the vehicle's anniversary of 3 years from the date of first registration, or on the vehicles next application to renew, a PH/HCVL after that date the proprietor shall ensure that the vehicle is in possession of a completed VSR at the time of the taxi test and the conditions at (A) above will apply.

- C) Or at the time of Application 'Grant or Renewal' the arrangements for the completion of the VSR are made at the time of application with the council and the VSR can then be conducted at the same time as the taxi test.

D) DOCUMENTATION

Proprietors must produce the following documents at the time of testing on

- i) Current VSR where applicable
- ii) The DVLA V5 'log book' or other certificate or document that the proprietor declares the first date of registration. Only vehicles declared as new at first registration in the UK will be considered for licensing, except stretched limos etc. Such vehicles will be licensed at the discretion of the Council.
- iii) An LPG Gas Association Safety Certificate, where applicable.

The VSR report must be fully completed.

Any queries regarding the attached criteria should be addressed to the Licensing Section, Chorley Council, Civic Offices, Union Street, Chorley, PR7 1AL. Telephone 01257 515151, fax 01257 515211.

Stephen Culleton
Licensing Manager

CRITERIA & REPORT GUIDELINES

The following are guidelines and any clarification necessary can be obtained from the Council. If you wish to seek clarification, in the first instance please contact the Licensing & Enforcement Officer, then the Licensing Manager.

The vehicle report to which these guidelines relate will only be accepted by the Council if it is fully completed and subsequently signed by a competent motor vehicle engineer who complies with one of the following criteria:

1. MOT tester and City & Guilds Level III (Motor Vehicle Systems)
2. MOT tester and HND or BSc in Mechanical Engineering
3. Other such qualification and experience as may be agreed in writing by the Environmental Protection Manager or the Licensing Manager of Chorley Council.

INTERIOR	POINT FOR FAILURE OR COMMENT
1. VIN number and plate.	Report any tampering with vehicle identification number and plate must be legible.
1. Condition of all seating.	No cigarette burn holes acceptable. No cut, tear acceptable.
2. Security of seats.	Any movement, loose or missing bolts or cracks are unacceptable.
3. Operation of all seat mechanisms.	Front passenger/driver seat must slide back and forth without snagging.
4. Condition of headlining.	No cigarette burn holes acceptable. No cut, tear etc acceptable.
5. Operation/fitting of sunroof.	No leakage or sign of leakage. If retrofit, must have been fitted by approved installer.
6. Condition of carpets/gear lever/handbrake gaiter.	Fair wear and tear on gaiter acceptable. Tears or insecurity unacceptable.
7. Condition of door trims.	Must not be loose or missing.
8. Condition of seat belts.	Must conform to MOT standard.
9. Security of seat belts and mountings.	Must conform to MOT standard.
10. Operation of window mechanisms.	All passenger windows must have handles or switches and all windows must be able to be opened fully.
11. Operation of interior door mechanisms including child locks.	Must open by operation of door mechanism without the need for any physical aid.
12. Operation of headlights.	Fail if water penetration or wrong bulb has been fitted. Height adjustment where fitted must be in good working order.

13. Operation of sidelights.	Fail if water penetration or wrong bulb has been fitted.
14. Operation of direction indicators.	Fail if water penetration or wrong bulb has been fitted.
15. Operation of hazard warning lights.	Fail if water penetration or wrong bulb has been fitted.
16. Operation of brake lights.	Fail if water penetration or wrong bulb has been fitted, including retrofit lights.
17. Operation of reversing lights.	Fail if water penetration or wrong bulb has been fitted.
18. Operation of number plate lights.	Fail if water penetration or wrong bulb has been fitted.
19. Operation of spot lights (if fitted).	Fail if water penetration or wrong bulb has been fitted. Must be firmly fixed to vehicle if retrofit.
20. Operation of horn.	As MOT standard.
21. Operation of heated rear window.	Must be in working order.
22. Operation of heater fan.	Must work on all settings, air-conditioning must be in working order.
23. Operation of courtesy lights.	Must operate automatically on opening and closing any passenger door (if fitted)
24. Operation of panel lights + speedometer	All warning lights to show and speedometer must be in working order.
BOOT/LUGGAGE AREA	POINT FOR FAILURE OR COMMENT
25. Condition of spare tyre.	Must have 3mm over central ¾ of tread pattern. Slim/space saver type tyre must be to manufacturer specification. Tyres must be correctly inflated.
26. Condition of spare wheel rim.	Fail if damaged and unsatisfactory for road use.
27. Condition of boot carpet and trim.	Missing, torn or badly stained carpet/matting unacceptable.
28. Condition of tools (if fitted).	Must carry manufacturer's wheel brace (or acceptable alternative) and jack or B.S. alternative.
29. Tools and spare wheel stowed correctly.	Fail if spare wheel is unable to be secured. Tools/jack to be stowed.
30. Internal boot/hatch opening mechanism.	Boot lid/hatch must stay fully open.

31. Boot lid/hatch seals.	Gaps or broken or unsecure seal to be reported. Failure if missing in part or whole.
32. Signs of water ingress.	Any water ingress, failure.
EXTERIOR	POINT FOR FAILURE OR COMMENT
33. Bodywork and bumpers for damage.	No dents or damage to any panel other than marks to paintwork or minor dents not exceeding 2cm. Bodywork / bumper: - unless manufactures' two tone, must be same colour all over with no visible signs of fading or colour change throughout the vehicle.
34. Paintwork for scratches.	Scratches over 3cm unacceptable. No scratch acceptable if scored to metal.
35. Evidence of previously repaired bodywork damage.	All previous repairs to be to manufacturer's standard.
36. Trim damaged/missing.	Unacceptable if any trim etc. is missing, or trim has sharp or protruding edges.
37. Light lenses and reflectors for damage.	No cracks or pits acceptable. All reflectors to be present. Water damage / ingress unacceptable.
38. Condition of front and rear wiper blades.	Must effectively clear screen. Must operate on all settings.
39. Windscreen for chips/cracks and compliance with MOT regulations.	Any cracks / chips unacceptable. Repairs must comply with MOT standards. Windscreen tinting must not exceed MOT standards.
40. All other glass for condition.	Side and rear glass to be clear and free from cracks. Front side windows, tinting must not exceed MOT standards.
41. Wheel trims not matching, damaged or missing.	Wheel trims if fitted must not be missing.
42. Operation of exterior lock mechanisms including keys.	Remote central locking to work for all doors. Driver's door lock/key to work.
43. Condition and legality of number plates.	Must be clearly legible. All numbers and letters must be legal and correctly spaced.
ENGINE COMPARTMENT	POINT FOR FAILURE OR COMMENT
44. Cam box/rocker cover gasket not leaking.	As MOT standard.
45. Drive and fan belts.	Show no signs of wear or damage.
46. Fuel filter (not leaking).	As MOT standard.
47. Brake fluid level.	As MOT standard.

48. Power steering fluid level.	As MOT standard.
49. Radiator for leakage/damage/security.	As MOT standard.
50. Hoses and clips for leakage/damage/security.	Any leakage or serious deterioration of hoses etc. failure.
51. Water pump for free play.	As MOT standard.
52. Cooling fan for free play.	As MOT standard.
53. Condition of washer bottle.	Pump must be working and bottle not damaged.
54. Battery security and condition.	Must be secure.
55. All engine bay wiring for security.	Bare wire(s) unacceptable
56. All engine wiring for wear.	Bare wire(s) unacceptable.
57. Oil leaks from engine.	As MOT standard.
58. Oil leaks from gearbox/axle/final drive assembly (as applicable).	As MOT standard.
59. Clutch slave cylinder for leaks.	As MOT standard.
UNDER THE VEHICLE	POINT FOR FAILURE OR COMMENT
60. Clutch cable.	Loose or worn unacceptable.
61. Steering assembly for damage.	Any sign of damage is unacceptable.
62. Steering assembly for wear and leaks.	Steering must be positive and free from wear and leaks.
63. Propshaft/driveshafts and gaiters for security.	Excessive play unacceptable.
64. Propshaft/driveshafts and gaiters for signs of wear and leaks.	Excessive play or leaks unacceptable, gaiter missing or split.
65. Exhaust for security and condition.	Must not show any signs of deterioration. Must be secure along complete system and meet MOT standards.

66. Gearchange external linkage joints.	Must be secure.
67. Suspension mounting points for damage.	Must be secure.
68. Suspension units for damage.	Any damage unacceptable.
69. Suspension units for wear and leaks.	Any leaks unacceptable.
70. Suspension bushes for excessive wear.	Excessive wear unacceptable.
71. Shock absorbers for leaks.	Any leaks unacceptable.
72. Clearance for axle/suspension with bump stops or chassis.	Bump stops where fitted must be in good condition and free from damage and obstruction.
73. Chassis rails for damage/corrosion.	Any damage/corrosion unacceptable.
74. Brake pipes for damage.	Any damage unacceptable.
75. Brake pipes for corrosion.	As MOT standard.
76. Brake pipes for security.	Insecurity unacceptable.
77. Fuel pipes for leaks.	Any leak unacceptable.
78. Fuel pipes and tank hoses for security.	Insecurity unacceptable.
79. Fuel tank for damage.	Any damage or leak unacceptable.
BRAKES, WHEELS & TYRES	POINT FOR FAILURE OR COMMENT
80. Handbrake cable and mechanism for damage/corrosion.	Any damage or corrosion unacceptable.
81. Brake pads/shoes for wear.	Must have more than 2mm remaining (pads) sufficient for correct operation (shoes).
82. Condition of discs/drums.	Discs / drums must not be damaged, excessively worn, warped or corroded.
83. Wheel cylinders and calipers for fluid leaks.	Any leak unacceptable.

84. Tyres for 3mm tread depth.	Must have 3mm over the central ¾ of the tread pattern.
Previous 86 removed re: 4x4 vehicles 85. Sidewalls for cracks/damage and tyre compatibility.	All tyres to be same size/type. No evidence of damage or repair to any part of the tyre.
86. Wheel bearings.	MOT standard for play.
87. Tyre pressures, including spare.	Correctly inflated.
88. Wheel alignments.	Wheels must be correctly aligned.
89. Headlamp alignment.	As MOT standard.
ROAD CHECK	POINT FOR FAILURE OR COMMENT
90. Engine.	Engine must be not less than 1400cc.
91. Visible exhaust emissions.	To existing MOT standards.
92. Clutch slip/drag/judder (or kickdown on automatic).	Clutch / slip / drag or judder unacceptable, kickdown on automatic must function correctly.
93. Gearbox operation.	All gears must work/engage. All gears must be easily selected. Gear stick must be secure.
94. Foot brake operation, pull and fade.	Any excessive pull or fade not acceptable.
95. Steering wheel alignment with road wheels.	Steering wheel must be straight or within 10° when travelling in straight line.
96. Handbrake operation and adjustment.	As MOT standard.
97. Steering for pull, judder, knock or wander.	Any pull, judder, knock or wander unacceptable.
98. Wheel bearing noise.	Any noise unacceptable.
99. Transmission/axle noise.	Excessive noise unacceptable.
100. Internal trim rattles	Slight 'rattle' from internal trim acceptable for age. Loose trim unacceptable.
101. Speedometer operation.	Must be working.

102. Odometer/tripmeter operation.	Both must work.
104. Operation and accuracy of fuel and temperature gauges.	Both gauges to be working or unacceptable.
105. Operation and self canceling of direction indicators.	Must be working.
106. Operation of wiper/washer of front and rear.	Must clear screen. If rear wiper/washer fitted by manufacturer, must be in place and working.
107. Operation and glass of door mirrors.	Any discolouration/loss of silvering is unacceptable. Must have a nearside mirror fitted to the exterior of the vehicle.
108. Security of door mirrors.	No tape or other fastening acceptable. Manufacturer's mirrors or type approved mirrors acceptable and correctly fitted.
109. Operation, security and glass of interior rear view mirror.	Must be fitted and adjustable.

The vehicle safety report can be completed by any competent motor vehicle engineer who complies with one of the following criteria:

- 1) MOT tester and City and Guilds Level III (Motor Vehicle Systems)
- 2) MOT tester and HND or BSc in Mechanical Engineering
- 3) Other such qualification and experience as may be agreed in writing by the Licensing Manager or the Licensing & Enforcement Officer of Chorley Council.

Notes for tester

All floor covering should be secure, tear/hole free, appropriate and present no risk to safety. The tester shall assess the overall cleanliness of the vehicle, both internally and externally. Seats and upholstery shall be dry and have no obvious stains, rips, tears or holes. All upholstery shall match. No noticeable/abnormal odors. Externally the vehicle shall be presented in a clean condition. No tape or other means of fixings to any parts of the vehicle will be accepted other than the vehicle's standard fixings.

**VEHICLE REPORT FOR LICENSING AS A
HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE**

NAME OF VEHICLE OWNER:	ADDRESS:
MAKE:	REGISTRATION NO:
MODEL:	CHASSIS NO:
MILEAGE:	
Vehicle must be new at first UK registration - Give date of registration:-	

REPORT COLUMN: Enter ✓ if passed. Enter X if failed and work required or replacement needed.

To be completed in conjunction with the Criteria & Report Guidelines.

INTERIOR	REPORT	DESCRIBE FAULT OR RECTIFICATION WORK IF REQUIRED
1. VIN number and plate.		
2. Condition of all seating.		
3. Security of seats.		
4. Operation of all seat mechanisms.		
5. Condition of headlining.		
6. Operation/fitting of sunroof.		
7. Condition of carpets/gear lever/handbrake gaiter.		
8. Condition of door trims.		
9. Condition of seat belts.		

10. Security of seat belts and mountings.		
11. Operation of window mechanisms.		
12. Operation of interior door mechanisms including child locks.		
13. Operation of headlights.		
14. Operation of sidelights.		
15. Operation of direction indicators.		
16. Operation of hazard warning lights.		
17. Operation of brake lights.		
18. Operation of reversing lights.		
19. Operation of number plate lights.		
20. Operation of spot lights (if fitted).		
21. Operation of horn.		
22. Operation of heated rear window.		
23. Operation of heater fan.		
24. Operation of courtesy lights.		
25. Operation of panel lights & speedometer.		

BOOT/LUGGAGE AREA		
26. Condition of spare tyre.		
27. Condition of spare wheel rim.		
28. Condition of boot carpet and trim.		
29. Condition of tools (if fitted).		
30. Tools and spare wheel stowed correctly.		
31. Internal boot/hatch opening mechanism.		
32. Boot lid/hatch seals.		
33. Signs of water ingress.		
EXTERIOR		
34. Bodywork and bumpers for damage.		
35. Paintwork for scratches.		
36. Evidence of previously repaired bodywork damage.		
37. Trim damaged/missing.		
38. Light lenses and reflectors for damage.		
39. Condition of front and rear wiper blades.		
40. Windscreen for chips/cracks and compliance with MOT regulations.		

41. All other glass for condition.		
42. Wheel trims.		
43. Operation of exterior lock mechanisms including keys.		
44. Condition and legality of number plates.		
ENGINE COMPARTMENT		
45. Cam box/rocker cover gasket not leaking.		
46. Drive and fan belts.		
47. Fuel filter (not leaking).		
48. Brake fluid level.		
49. Power steering fluid level.		
50. Radiator for leakage/damage/security.		
51. Hoses and clips for leakage/damage/security.		
52. Water pump for free play.		
53. Cooling fan for free play.		
54. Condition of washer bottle.		
55. Battery security and condition.		
56. All engine bay wiring for security.		

57. All engine wiring for wear.		
58. Oil leaks from engine.		
59. Oil leaks from gearbox/axle/final drive assembly (as applicable).		
60. Clutch slave cylinder for leaks.		
UNDER THE VEHICLE		
61. Clutch cable.		
62. Steering assembly for damage.		
63. Steering assembly for wear and leaks.		
64. Propshaft/driveshafts and gaiters for security.		
65. Propshaft/driveshafts and gaiters for signs of wear and leaks.		
66. Exhaust for security and condition.		
67. Gear change external linkage joints.		
68. Suspension mounting points for damage.		
69. Suspension units for damage.		
70. Suspension units for wear and leaks.		
71. Suspension bushes for excessive wear.		
72. Shock absorbers for leaks.		

73. Clearance for axle/suspension with bump stops or chassis.		
74. Chassis rails for damage/corrosion.		
75. Brake pipes for damage.		
76. Brake pipes for corrosion.		
77. Brake pipes for security.		
78. Fuel pipes for leaks.		
79. Fuel pipes and tank hoses for security.		
80. Fuel tank for damage.		
BRAKES, WHEELS & TYRES		
81. Handbrake cable and mechanism for damage/corrosion.		
82. Brake pads/shoes for wear.		
83. Condition of discs/drums.		
84. Wheel cylinders and calipers for fluid leaks.		
85. Tyres for 3mm tread depth.		
86. Sidewalls for cracks/damage and tyre compatibility.		
87. Wheel bearings.		
88. Tyre pressures, including spare.		

89. Wheel alignments.		
90. Headlamp alignment.		
ROAD CHECK		
91. Engine performance.		
92. Visible exhaust emissions.		
93. Clutch slip/drag/judder and kickdown on automatic.		
94. Gearbox operation.		
95. Foot brake operation, pull and fade.		
96. Steering wheel alignment with road wheels.		
97. Handbrake operation and adjustment.		
98. Steering for pull, judder, knock or wander.		
99. Wheel bearing noise.		
100. Transmission/axle noise.		
101. Internal trim rattles.		
102. Speedometer operation.		
103. Odometer/tripmeter operation.		
104. Operation and accuracy of fuel and temperature gauges.		

105. Operation and self canceling of direction indicators.		
106. Operation of wiper/washer of front and rear.		
107. Operation and glass of door mirrors.		
108. Security of door mirrors.		
109. Operation, security and glass of interior rear view mirror.		

I declare that I have inspected vehicle registration number

in accordance with the Criteria Report and Guidelines - and:

Found that the vehicle is in exceptional condition for its age - or

That it is not in exceptional condition and therefore not fit for the use as a hackney carriage/private hire vehicle

<input type="checkbox"/>
<input type="checkbox"/>

(Please tick which is applicable)

I also understand that the Council will consider refusing to accept vehicle reports completed by me and could take legal action if I am found to have made a false statement, I hereby declare that the statements I make on this form are true.

Signed	Print Name
Qualifications	
Garage Address	
Date	Garage Stamp

The vehicle safety report can be completed by any competent motor vehicle engineer who complies with one of the following criteria:

- 1) MOT tester and City and Guilds Level III (Motor Vehicle Systems)
- 2) MOT tester and HND or BSc in Mechanical Engineering
- 3) Other such qualification and experience as may be agreed in writing by the Licensing Manager or the Licensing & Enforcement Officer of Chorley Council.

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HACKNEY CARRIAGE VEHICLE LICENCES
CONDITIONS OF APPLICATION

Chorley Council will not issue a Hackney Carriage Vehicle licence unless it is satisfied that the person applying for the licence is the proprietor, and all proprietors connected to the vehicle have been declared at the time of application.

- 1) Has completed and submitted the application on the prescribed form.
- 2) Has satisfied the Council that he is a fit and proper person to hold such a licence and to operate a Hackney Carriage.
- 3) Has satisfied the Council that the vehicle is registered under the Vehicles (Excise) Act 1949 or the Vehicles (Excise) Act 1971 or any statutory amendments of those Acts by producing the vehicles registration document at the time of application, bearing the name of the proprietor.
- 4) Has satisfied the Council that there is in force, in relation to the use of the vehicle as a Hackney Carriage Vehicle, a policy of insurance or security complying with the provisions of Part VI of the Road Traffic Act 1972, which covers third party liability both in respect of physical injury or death and also in respect of damage to personal belongings. The policy/certificate of insurance or security must be produced before a licence may be granted.
- 5) Will present the vehicle for inspection at such place and at such time as the Council may by notice require.
- 6) Has satisfied the Council that the vehicle is suitable for use as a Hackney Carriage. For this purpose the proprietor must satisfy the Council that the vehicle complies with the following requirements:-
 - a) It must have at least two doors for the boarding and alighting of passengers in addition to a separate door for the driver and it must be fitted with at least four road wheels and be a right-hand drive vehicle.
 - b) The engine capacity must be adequate for the loads to be carried. Accordingly, the vehicle should have an engine capacity of at least 1200cc.
 - c) Any vehicle applying for a grant or transfer of a Hackney Carriage Vehicle licence from the 1st October 2008 on first application to carry more than four passengers shall have sufficient luggage carrying capacity to accommodate a suitcase or other type of luggage in the dimensions of 7" x 20" x 28" or (equal cubic capacity) for each passenger. Exceptions to this condition will apply to purpose built taxis recognised as the Austin FX4 Reliant Metrocab and Fairway Hackney Carriages, or any subsequent replacement model thereof or any other vehicle as recognized by the Council as a purpose built Hackney Carriage.
 - d) Only one passenger may be accommodated in the front of the vehicle next to the driver in cases where the vehicle is designed to take only one front seat passenger.
 - e) Door catches must be secure at all times whilst being capable of easy operation by passengers.
 - f) Forward mounted driving mirrors must be fitted on both sides of the vehicle and an interior rear mirror must be fitted. The mirrors must be maintained all times.
 - g) The vehicle must be white unless it is a purpose built wheelchair accessible vehicle. Bizarre or garish colour schemes will not be permitted.

- h) A 1kg (2.2lb) fire extinguisher of the dry powder type shall be fitted to the vehicle so as to be readily available for use at all times and be marked with the Hackney Carriage plate number. The fire extinguisher shall be maintained in good working order at all times.
 - i) Every estate type vehicle be fitted with the manufacturer's approved or other universal type approved grille, securely fixed to the frame of the vehicle between the passenger area and load (luggage) carrying area.
 - j) Seating for each passenger must be **not** less than 400mm (16") with a minimum width, measured between the arm rests, or any other point that is protruding into passenger seating area, of 1220mm (48").
 - k) The minimum width between the back of the driver's seat and the front of the rear seating, measured when the driver's seat is fully pushed back, must **not** be less than 180mm (7").
 - l) The height as measured between the rear seat and the height to the roof lining in a vertical plane, must be **not** less than 860mm (34").
 - m) No vehicle will be licensed if the passenger has to climb over seats or luggage to gain egress, or where such entrance or exit is sited over a fuel tank, high sill, or has been fitted with handles which are not clearly visible and of a type consistent with those fitted to all other doors of the vehicle.
 - n) Any person applying for a hackney carriage vehicle licence with regards to the grant/renewal or transfer of a vehicle licence, the proposed vehicle shall be subjected to the approval of the council. With the exception given at (c) above.
 - o)
 - i) provide sufficient means by which any person in the vehicle may communicate with the driver;
 - ii) cause the roof or covering to be kept watertight;
 - iii) provide any necessary windows and a means of opening and closing with not less than one window on each side;
 - iv) cause the seats to be properly cushioned or covered;
 - v) cause the floor to be provided with a proper carpet, mat, or other suitable covering;
 - vi) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public use;
 - vii) provide means for securing luggage;
 - viii) provide if possible within the constraints of Construction and Use Regulations, at least two doors for the use of persons conveyed in such a vehicle and a separate means of ingress and egress for the driver.
- 7) In addition to the licence plate, which must be displayed at all times, a hackney carriage, shall have a roof sign, illuminated when its plying for hire and shall be extinguished once the taximeter is reset at the commencement of a journey, until such time as that journey is complete.
- a) The roof sign must be firmly affixed to the roof of the vehicle and must display the words "Chorley Borough Taxi" on both the forward and rearward faces of the sign. The taxi meter only shall control the operation of illuminating the prescribed top sign.
- 8) **With effect from 1st November 2008 New vehicles and vehicles up to 3yrs old from date of first registration:**
- Pay for 12 month licence and have MOT/Taxi Test every 12 months or
 - Pay for 6 month licence and have MOT/Taxi Test every 6 months

No vehicle will be accepted at first licensing unless it is less than three years old at first registration, or unless it is in exceptionally good condition, as defined by a vehicle safety inspection report and further considered by an officer in regards to vehicle type, class, colour, condition, service history, passenger numbers and suitability.

Vehicles 3yrs to 8yrs old from date of first registration

Pay for 6 month licence and have MOT/Taxi Test every 6 months

Also must produce and pass a vehicle safety report annually.

Where a vehicle is 6yrs or older from date of first registration and it FAILS the MOT/TAXI TEST OR HAS ADVICE NOTES ISSUED then

Pay for 4 month licence and have MOT/Taxi Test every 4 months

Also must produce and pass a vehicle safety report annually.

Vehicles over 8yrs from date of first registration

Pay for 4 month licence and have MOT/Taxi Test every 4 months

Also must produce and pass a vehicle safety report annually.

Where vehicles over 8 years old apply for the grant or renewal of a hackney carriage licence and the vehicle fails the MOT/Taxi Test it will not be eligible for licensing.

No 'Q' plated vehicles will be considered for licensing.

Vehicles that have been categorised as 'write offs' by any insurance company at any level will not be considered for licensing.

A) AT FIRST APPLICATION (Grant)

The Vehicle Safety Report (VSR) must not be more than 7 days old at the time of testing and the vehicle must not have completed more than 500 miles from the time of the VSR completion.

The completed VSR must be presented to the Taxi Test examiner prior to the start of the taxi test.

B) RENEWALS

On the vehicle's anniversary of 3 years from the date of first registration, or on the vehicles next application to renew a PH/HCVL after that date the proprietor shall ensure that the vehicle is in possession of a completed VSR at the time of the taxi test and the conditions at (A) above will apply.

- C) Or at the time of Application 'Grant or Renewal' the arrangements for the completion of the VSR are made at the time of application with the council and the VSR can then be conducted at the same time as the taxi test.

D) DOCUMENTATION

Proprietors must produce the following documents at the time of testing on

- i) Current VSR where applicable
- ii) The DVLA V5 'log book' or other certificate or document that the proprietor declares the first date of registration. Only vehicles declared as new at first registration in the UK will be considered for licensing, except stretched limos etc. Such vehicles will be licensed at the discretion of the Council.
- iii) An LPG Gas Association Safety Certificate, where applicable.

- 9) The vehicle shall display the Council's approved door signs on the front passenger and drivers doors and the rear external and internal licence plates. Any additional livery must not be above 12" measured from the bottom of the door, and in any case must

not protrude higher than the bump bar strip fitted to the door, this area will be regarded as the lower panel of the door.

- 10) Any vehicle presented for Hackney carriage licensing shall meet the technical standards for type approval to
 - a) European Whole vehicle type approval
 - b) British National type approval
 - c) British Single vehicles approval or
 - d) British Low volume type approval

- 11) Any trailer presented for testing must be presented at the same time as the proposed vehicle for the purpose of taxi testing. The trailer shall conform to existing construction and use regulations. It must be water tight and lockable. It must be clearly identifiable, by a permanently fixed serial number or other permanent marks. Please record all identifiable marks on the test sheet.
Only trailers presented at the time of testing with the proposed vehicle shall be used in conjunction with that licensed vehicle.

PRIVATE HIRE VEHICLE LICENCES
CONDITIONS OF APPLICATION

Chorley Council will not issue a Hackney Carriage Vehicle licence unless it is satisfied that the person applying for the licence is the proprietor, and all proprietors connected to the vehicle have been declared at the time of application.

1. Has completed and submitted the application on the prescribed form.
2. Has satisfied the Council that he is a fit and proper person to hold such a licence and to operate a Private Hire Vehicle.
3. Has satisfied the Council that the vehicle is registered under the Vehicles (Excise) Act 1949 or the Vehicles (Excise) Act 1971 or any statutory amendments of those Acts by producing the vehicles registration document at the time of application bearing the name of the proprietor.
4. Has satisfied the Council that there is in force, in relation to the use of the vehicle as a Private Hire Vehicle, a policy of insurance or security complying with the provisions of Part VI of the Road Traffic Act 1972, which covers third party liability both in respect of physical injury or death and also in respect of damage to personal belongings. The policy/certificate of insurance or security must be produced before a licence may be granted.
5. Will present the vehicle for inspection at such place and at such time as the Council may by notice require.
6. Has satisfied the Council that the vehicle is suitable for use as a Private Hire Vehicle for this purpose the proprietor must satisfy the Council that the vehicle complies with the following requirements:-
 - a) It must have at least two doors for the boarding and alighting of passengers in addition to a separate door for the driver and it must be fitted with at least four road wheels and be a right-hand drive vehicle. Except for stretch limousines and similar vehicles.
 - b) The engine capacity must be adequate for the loads to be carried. Accordingly, the vehicle should have an engine capacity of at least 1200cc.
 - c) Only one passenger may be accommodated in the front of the vehicle next to the driver in cases where the vehicle is designed to take only one front seat passenger.
 - d) Door catches must be secure at all times whilst being capable of easy operation by passengers.
 - e) Forward mounted driving mirrors must be fitted on both sides of the vehicle and an interior rear mirror must be fitted. The mirrors must be maintained all times.
 - f) The vehicle must be a suitable colour other than white, except for stretch limousines or similar. Bizarre or garish colour schemes will not be permitted.
 - g) A 1kg (2.2lb) British standards fire extinguisher of the dry powder type shall be fitted to the vehicle so as to be readily available for use at all times and be marked with the private hire plate number. The fire extinguisher shall be maintained in good working order at all times.
 - h) Every estate type vehicle be fitted with the manufacturer's approved or other universal type approved grille, securely fixed to the frame of the vehicle between the passenger area and load (luggage) carrying area.

- i) Seating for each passenger must be **not** less than 400mm (16") with a minimum width, measured between the arm rests, or any other point that is protruding into passenger seating area, of 1220mm (48").
- j) The minimum width between the back of the driver's seat and the front of the rear seating, measured when the driver's seat is fully pushed back, must **not** be less than 180mm (7").
- k) The height as measured between the rear seat and the height to the roof lining in a vertical plain, must be **not** less than 860mm (34").
- l) No vehicle will be licensed if the passenger has to climb over seats or luggage to gain egress, or where such entrance or exit is sited over a fuel tank, high sill, or has been fitted with handles which are not clearly visible and of a type consistent with those fitted to all other doors of the vehicle.
- m) The proprietor of a private hire vehicle shall
 - (a) provide sufficient means by which any person in the vehicle may communicate with the driver;
 - (b) cause the roof or covering to be kept watertight;
 - (c) provide any necessary windows and a means of opening and closing with not less than one window on each side;
 - (d) cause the seats to be properly cushioned or covered;
 - (e) cause the floor to be provided with a proper carpet, mat, or other suitable covering;
 - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public use;
 - (g) provide means for securing luggage;
 - (h) provide if possible within the constraints of Construction and Use Regulations, at least two doors for the use of persons conveyed in such a vehicle and a separate means of ingress and egress for the driver.
- n) Any person applying for a hackney carriage vehicle licence with regards to the grant/renewal or transfer of a vehicle licence, the proposed vehicle shall be subjected to the approval of the council. With the exception given at (c) above.

7. With effect from 1st November 2008 New vehicles and vehicles up to 3yrs old from date of first registration

Pay for 12 month licence and have MOT/Taxi Test every 12 months or

Pay for 6 month licence and have MOT/Taxi Test every 6 months

No vehicle will be accepted at first licensing unless it is less than three years old at first registration, or unless it is in exceptionally good condition, as defined by a vehicle safety inspection report and further considered by an officer in regards to vehicle type, class, colour, condition, service history, passenger numbers and suitability.

Vehicles 3yrs to 8yrs old from date of first registration

Pay for 6 month licence and have MOT/Taxi Test every 6 months

Also must produce and pass a vehicle safety report annually.

Where a vehicle is 6yrs or older from date of first registration and it FAILS the MOT/TAXI TEST OR HAS ADVICE NOTES ISSUED then

Pay for 4 month licence and have MOT/Taxi Test every 4 months

Also must produce and pass a vehicle safety report annually.

Vehicles over 8yrs from date of first registration

Pay for 4 month licence and have MOT/Taxi Test every 4 months

Also must produce and pass a vehicle safety report annually.

Where vehicles over 8 years old apply for the grant or renewal of a hackney carriage / private hire vehicle licence and the vehicle fails the MOT/Taxi Test it will not be eligible for licensing.

No 'Q' plated vehicles will be considered for licensing.

No vehicles that have been categorised as 'write offs' by any insurance company at any level will not be considered for licensing.

A) AT FIRST APPLICATION (Grant)

The Vehicle Safety Report (VSR) must not be more than 7 days old at the time of testing and the vehicle must not have completed more than 500 miles from the time of the VSR completion.

The completed VSR must be presented to the Taxi Test examiner prior to the start of the taxi test.

B) RENEWALS

On the vehicle's anniversary of 3 years from the date of first registration, or on the vehicles next application to renew, a PH/HCVL after that date the proprietor shall ensure that the vehicle is in possession of a completed VSR at the time of the taxi test and the conditions at (A) above will apply.

C) Or at the time of Application 'Grant or Renewal' the arrangements for the completion of the VSR are made at the time of application with the council and the VSR can then be conducted at the same time as the taxi test.

D) DOCUMENTATION

Proprietors must produce the following documents at the time of testing on

- i) Current VSR where applicable
- ii) The DVLA V5 'log book' or other certificate or document that the proprietor declares the first date of registration. Only vehicles declared as new at first registration in the UK will be considered for licensing, except stretched limos etc. Such vehicles will be licensed at the discretion of the Council.
- iii) An LPG Gas Association Safety Certificate, where applicable.

8. The vehicle shall display the Council's approved door signs on the front passenger and drivers doors and the rear external and internal licence plates. Any additional livery must not be above 12" measured from the bottom of the door, and in any case must not protrude higher than the bump bar strip fitted to the door, this area will be regarded as the lower panel of the door.

9. Any vehicle presented for Private Hire licensing shall meet the technical standards for type approval to

- a) European Whole vehicle type approval
- b) British National type approval
- c) British Single vehicles approval or
- d) British Low volume type approval

10. Any trailer presented for testing must be presented at the same time as the proposed vehicle for the purpose of taxi testing. The trailer shall conform to existing construction and use regulations. It must be water tight and lockable. It must be clearly identifiable, by a permanently fixed serial number or other permanent marks. Please record all identifiable marks on the test sheet.

Only trailers presented at the time of testing with the proposed vehicle shall be used in conjunction with that licensed vehicle.

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<p>DEFINITION</p> <p>1. "Authorised Officer" has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act, 1976. "The Council" means the Council of the Borough of Chorley. "Taxi" has the same meaning as in the Transport Act, 1985. "The identification plates" mean the plates and livery issued by the Council for the purpose of identifying the vehicle as a hackney carriage. "The proprietor" has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act, 1976. "Taximeter" has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act, 1976. "Byelaws" are those byelaws made in pursuance of the Town Police Clauses Act, 1847 and the Local Government (Miscellaneous Provisions) Act, 1976.</p> <p>IDENTIFICATION PLATES & LIVERY</p> <p>2. The identification plate and livery shall remain the property of the Council at all times. The licence plate shall be affixed to the Hackney Carriage vehicle by the proprietor at his own expense, in the following manner:-</p> <ol style="list-style-type: none"> at the rear of the vehicle, and to the exterior of the vehicle, and with the number facing to the rear, and in a vertical plane, and must be affixed by bolts or screws or other similar secure means as approved by the Council, in such a manner as to be easily removed by an Authorised Officer. The licence plate will display the expiry date of the vehicle licence or the expiry date of the vehicles taxi test, which ever expires soonest. <p>3. The proprietor of the Hackney Carriage vehicle shall ensure the identification plates are maintained and kept in such condition that the information contained on the identification plate is clearly visible to public view at all times.</p> <p>4. Internal licence plate must be fixed to the dashboard not obscuring the drivers view or on the windscreen outside the swiped area.</p> <p>5. Door signs. The vehicle shall display Council provided livery to the front driver and passenger door fixed in a readable position. The Council's door signs shall be fixed permanently to the vehicle and the use of magnets or other means of temporary fixing shall not be used.</p> <p>TYPE OF VEHICLE</p> <p>6. (a) The vehicle must be a vehicle approved for use as a Hackney Carriage in Chorley. (b) The vehicle must not be left hand drive. (c) The vehicle must not be a convertible, i.e. have a soft top. (d) The vehicle must have at least 4 doors. (e) The vehicle must have a capacity for at least 4 adult passengers. (f) Where the vehicle is fitted with continuous seats, one person shall be counted for each complete length of 16 inches measured in a straight line lengthwise on the front of each seat, and where any such continuous seat is fitted with arms for the purpose of separating the seating spaces and such arms are so constructed that they can be folded back or otherwise put out of use, such seat shall be measured for the purposes of this Regulation as if it had not been fitted with such arms. (g) Only one passenger may be accommodated in the front of the vehicle next to the driver in cases where the vehicle is designed to take only one front seat passenger. (h) Door catches must be secure at all times whilst being capable of easy operation by passengers. (i) Forward mounted driving mirrors must be fitted on both sides of the vehicle and an interior rear mirror must be fitted. The mirrors must be maintained all times. (j) The vehicle must be white unless it is a purpose built wheelchair accessible vehicle. Bizarre or garish colour schemes will not be permitted. (k) A 1kg (2.2lb) British standards fire extinguisher of the dry powder type shall be fitted to the vehicle so as to be readily available for use at all times and be marked with the Hackney Carriage plate number. The fire extinguisher shall be maintained in good working order at all times. (l) Every estate type vehicle be fitted with the manufacturer's approved or other universal type approved grille, securely fixed to the frame of the vehicle between the passenger area and load (luggage) carrying area. (j) Seating for each passenger must be not less than 400mm (16") with a minimum width, measured between the arm rests, or any other point that is protruding into passenger seating area, of 1220mm (48"). (m) The minimum width between the back of the driver's seat and the front of the rear seating, measured when the forward seat is fully pushed back, must not be less than 180mm (7"). (n) The height as measured at the centre of any passenger seat and the height to the roof lining in a vertical plane, must be not less than 860mm (34"). (o) No vehicle will be licensed if the passenger has to climb over seats or luggage to gain egress, or where such entrance or exit is sited over a fuel tank, high sill, or has been fitted with handles which are not clearly visible and of a type consistent with those fitted to all other doors of the vehicle. (p) Any person applying for a hackney carriage vehicle licence with regards to the grant/renewal or transfer of a vehicle licence, the proposed vehicle shall be subjected to the approval of the council. With the exception given at (q iii) below. (q) The colour of the vehicle unless a purpose built hackney carriage shall be white. (i) On the date of first licensing, a vehicle shall normally be no older than three years from the date of first registration; (ii) Where a vehicle reaches eight years from the date of first registration and the vehicle fails the MOT/Taxi Test or Vehicle Safety Report it will not be eligible for licensing. (iii) That in respect of the Fairway, Austin FX4 or Reliant Metrocab Hackney Carriages, or any subsequent replacement models thereof, on the date of first licensing a vehicle shall be no older than seven years from the date of first registration, and that on the vehicle reaching the age of twenty years from the date of first registration, the Licence for the vehicle shall normally no longer be eligible for renewal. (iv) The Council's Hackney Carriage vehicle licence conditions of application apply.</p> <p>LPG powered vehicles</p> <ol style="list-style-type: none"> Any vehicle presented for taxi testing will be required at the time of taxi testing to produce to the examiner a certificate as described in the Councils conditions of application of hackney carriage vehicles, relating to the conformity and safe installation of any LPG system attached to the vehicle. When a LPG system is fitted to an existing hackney carriage vehicle, a certificate of conformity shall be presented to the Council immediately upon completion of the LPG installation and the vehicle shall not be eligible to act as a hackney carriage vehicle until the conversion is to the satisfaction of the Council. <p>CONDITION OF VEHICLE</p> <p>7. The proprietor shall ensure that the hackney carriage shall be maintained in a sound mechanical and structural condition at all times and be capable of satisfying the Council's mechanical and structural inspection at any time during the continuance of the vehicle's licence including the MOT/taxi test and vehicle safety report.</p> <p>8. The proprietor or proprietors as defined by Section 80 of the Local Government (Miscellaneous Provisions) Act, 1976 shall be jointly and severally responsible for the vehicle and all its fittings and equipment and shall ensure that at all times when the vehicle is in use or available for hire, it is maintained in an efficient, safe, tidy and clean condition and that all relevant statutory</p>	<p>requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations) are fully complied with.</p> <p>9. The proprietor shall not allow the mechanical and structural specification of the hackney carriage to be varied without the consent of an Authorised Officer of the Council.</p> <p>TRAILERS</p> <p>10. No trailer shall be attached to a hackney carriage vehicle unless the trailer has been tested at the same time as the hackney carriage was tested and the trailer is clearly identifiable by a serial number or other permanent mark for purposes of identification.</p> <p>SIGNS, NOTICES, ETC</p> <p>11. No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision or required or permitted by these conditions, provided however, that this condition shall not apply to a sign which:</p> <ol style="list-style-type: none"> contains no words or numbers other than the name, address and telephone number of the operator of the vehicle or the name under which he carries on his business and his business address and telephone numbers; displays sponsored commercial advertisements for which display prior permission has been obtained from the Council. The proprietor shall cause to be fixed to the roof of Saloon Type Hackney Carriages an illuminated sign bearing the words "CHORLEY BOROUGH TAXI" on both the forward and rearward faces of the sign. The sign shall be capable of being so operated that when the vehicle is engaged for hire, the sign is not illuminated, this operation shall be controlled by the meter. every hackney carriage vehicle must display in a prominent position inside the vehicle the Council's table of fares in force at that time. Any additional livery must not be above 12" measured from the bottom of the front passenger and driver door, and in any case must not protrude higher than the bump bar strip fitted to the door, this area will be regarded as the lower panel of the door. <p>PASSENGERS</p> <p>12. The proprietor shall not permit the Hackney Carriage to be used to carry a greater number of passengers than that prescribed in the licence.</p> <ol style="list-style-type: none"> Under the Motor Vehicles (Wearing of Seat Belts) Regulations 1993, all occupants of a vehicle, must wear a seat belt if provided. (i) Hackney Carriage drivers may claim exemption if plying for, or actually carrying passengers on hire, but this will not apply whilst driving to and from his home or base nor whilst not plying for hire. <p>ANIMALS</p> <p>13. The proprietor shall not permit any animal to ride in the vehicle, except an animal in the custody or control of the hirer which animal shall be conveyed in the rear of the vehicle.</p> <p>TWO-WAY RADIOS</p> <p>14. The proprietor shall ensure that any radio equipment fitted to his hackney carriage is at all times kept in a safe and sound condition and maintained in proper working order.</p> <p>15. That any means of radio communication used by the proprietor or driver of a hackney carriage with respect to the operation thereof must be a means of radio communication using radio frequencies other than those licensed by the Department of Trade and Industry for use by Citizens Band Radio.</p> <p>SEAT BELTS</p> <p>16. The regulations, amended to include rear seat passengers, who must now wear seat belts if provided.</p> <p>The proprietor shall allow only one passenger per seat to be conveyed in the front of the vehicle beside the driver. The proprietor must affix a sign provided by the Council as set out hereunder in a prominent position in the interior of the vehicle so as to enable it to be clearly visible to all passengers therein. "ALL PASSENGERS MUST BY LAW USE A SEAT BELT WHERE PROVIDED"</p> <p>CONVICTIONS</p> <p>17. The proprietor of a hackney carriage shall within seven days of conviction disclose to the Council in writing details of any convictions imposed on him during the currency of his licence.</p> <p>CHEQUES</p> <p>18. A licence in respect of which the licence fee has been paid by cheque shall not be effective until the cheque has been cleared.</p> <p>CHANGE OF ADDRESS</p> <p>19. The proprietor shall notify the Council in writing of any change in his address within 7 days of such change taking place.</p> <p>TOUTING, ETC.</p> <p>20. The proprietor shall not:</p> <ol style="list-style-type: none"> TOUT OR SOLICIT IN A PUBLIC PLACE ANY PERSON TO HIRE OR BE CARRIED FOR HIRE IN ANY HACKNEY CARRIAGE, OR CAUSE OR PROCURE ANY OTHER PERSON TO TOUT OR SOLICIT IN A PUBLIC PLACE ANY PERSON TO HIRE OR BE CARRIED FOR HIRE IN ANY HACKNEY CARRIAGE. <p>In this condition: "public place" includes any highway and any other premises or place to which at the material time the public have or are permitted to have access (whether on payment or otherwise).</p> <p>DRIVERS</p> <p>21. The proprietor shall not cause or procure or permit any person who is not the holder of a current hackney carriage driver's licence issued by the Council to drive the hackney carriage.</p> <p>ACCIDENTS</p> <p>22. The proprietor of a Hackney Carriage shall report to the Council as soon as is reasonably practicable, and in any case within 72 hours of the occurrence of any accident to the licensed vehicle causing damage materially affecting the safety, performance and appearance of the licensed vehicle or the comfort or convenience of persons carried.</p> <p>RECORD BOOKS AND RECEIPTS</p> <p>23. The proprietor shall ensure that a record book is kept at all times in the vehicle. This record book must show the occasions when a receipt is issued. A receipt must be given if requested and each receipt must show the licence number of the driver, the date and the amount charged. A sign should be displayed in the vehicle indicating that a receipt will be given if requested.</p> <p>METERS</p> <p>24. The taximeter that must be fitted in accordance with hackney carriage byelaws must be calibrated so that the fare shown is the current fare authorised by the Council and shall bear the Council's seal.</p> <p>RADIO SCANNERS</p> <p>24. The licensee shall not fit, carry or use any radio frequency scanning apparatus in or on a licensed vehicle.</p> <p>INSURANCE</p> <p>25. Where the insurance produced with the application for or renewal of this licence is due to expire before the date of expiry of the licence a current insurance document must be produced either on or before the date when the original insurance expires. It is the responsibility of the licensee to ensure that a current insurance document is produced to the Licensing Section; failure to do so may result in the suspension of this licence.</p> <p>ADDITIONAL LICENCE CONDITION</p> <p>Applicable only to licence numbers 32 to 39 inclusive and No 9.</p> <p>26. This licence is issued specifically in respect of a vehicle constructed or adapted for the carriage of disabled persons and once granted, the licensed vehicle and any replacement vehicle must:</p> <ol style="list-style-type: none"> in the opinion of the Council be suitable for the carriage of disabled persons; at all times comply with the specification guidelines set down by the Council and for the time being in force; and/or comply with any regulations that may be made by the Secretary of State under the provisions of the Disability Discrimination Act 1995.
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1. DEFINITIONS

"Authorised Officer" has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.
 "The Council" means the Council of the Borough of Chorley.
 "The identification plates" means the plates and other livery issued by the Council for the purpose of identifying the vehicle as a private hire vehicle.
 "The Proprietor" has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.
 "Taximeter" has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

IDENTIFICATION PLATES & LIVERY

2. The identification plate and livery shall remain the property of the Council at all times. The licence plate shall be affixed to the private hire vehicle by the proprietor at his own expense, in the following manner:-
 - (a) at the rear of the vehicle, and
 - (b) to the exterior of the vehicle, and
 - (c) with the number facing to the rear, and
 - (d) in a vertical plane, and
 - (e) must be affixed by bolts or screws or other similar secure means as approved by the Council, in such a manner as to be easily removed by an Authorised Officer.
 - (f) The licence plate will display the expiry date of the vehicle licence or the expiry date of the vehicles taxi test, which ever expires soonest.
3. The proprietor of the private hire vehicle shall ensure the identification plates are maintained and kept in such condition that the information contained on the identification plate is clearly visible to public view at all times.
4. Internal licence plate must be fixed to the dashboard not obscuring the drivers view or on the windscreen outside the swiped area.
5. Door signs. The vehicle shall display Council provided livery to the front driver and passenger door fixed in a readable position. The Council's door signs shall be fixed permanently to the vehicle and the use of magnets or other means of temporary fixing shall not be used.

TYPE OF VEHICLE

6. (a) The vehicle must not be a vehicle approved for use as a Hackney Carriage in Chorley.
- (b) The vehicle must not be left-hand drive except for stretch limousines or vehicles of similar nature.
- (c) The vehicle must not be a convertible i.e. have a soft top.
- (d) The vehicle must have at least 4 doors.
- (e) The vehicle must have a capacity for at least 4 adult passengers.
- (f) Where the vehicle is fitted with continuous seats one person shall be counted for each complete length of 16 inches measured in a straight line lengthwise on the front of each seat, and where any such continuous seat is fitted with arms for the purpose of separating the seating spaces and such arms are so constructed that they can be folded back or otherwise put out of use such seat shall be measured for the purposes of this Regulation as if it had not been fitted with such arms.
- (g) Only one passenger may be accommodated in the front of the vehicle next to the driver in cases where the vehicle is designed to take only one front seat passenger.
- (h) Door catches must be secure at all times whilst being capable of easy operation by passengers.
- (i) Forward mounted driving mirrors must be fitted on both sides of the vehicle and an interior rear mirror must be fitted. The mirrors must be maintained all times.
- (j) The vehicle must not be white, see q below.
- (k) A 1kg (2.2lb) British standards fire extinguisher of the dry powder type shall be fitted to the vehicle so as to be readily available for use at all times and be marked with the Hackney Carriage plate number. The fire extinguisher shall be maintained in good working order at all times.
- (l) Every estate type vehicle be fitted with the manufacturer's approved or other universal type approved grille, securely fixed to the frame of the vehicle between the passenger area and load (luggage) carrying area.
- (m) Seating for each passenger must be not less than 400mm (16") with a minimum width, measured between the arm rests, or any other point that is protruding into passenger seating area, of 1220mm (48").
- (n) The minimum width between the back of the driver's seat and the front of the rear seating, measured when the forward seat is fully pushed back, must not be less than 180mm (7").
- (o) The height as measured between the centre of any passenger seat and the height to the roof lining in a vertical plane, must be not less than 860mm (34").
- (p) No vehicle will be licensed if the passenger has to climb over seats or luggage to gain egress, or where such entrance or exit is sited over a fuel tank, high sill, or has been fitted with handles which are not clearly visible and of a type consistent with those fitted to all other doors of the vehicle.
- (q) Any person applying for a private hire vehicle licence with regards to the grant/renewal or transfer of a vehicle licence, the proposed vehicle shall be subjected to the approval of the council.
- (r) The colour of the vehicle shall not be white unless it is a stretched limousine or other similar vehicle that is acceptable for licensing as a private hire vehicle.
 - (i) On the date of first licensing, a vehicle shall normally be no older than three years from the date of first registration;
 - (ii) Where a vehicle reaches eight years from the date of first registration and the vehicle fails the MOT/Taxi Test or Vehicle Safety Report it will not be eligible for licensing
 - (i) The Council's Private Hire vehicle licence conditions of application apply.
- (s) LPG powered vehicles
 - (i) Any vehicle presented for taxi testing will be required at the time of taxi testing to produce to the examiner a certificate as described in the Councils conditions of application of private hire vehicles, relating to the conformity and safe installation of any LPG system attached to the vehicle.
 - (ii) When a LPG system is fitted to an existing private hire vehicle, a certificate of conformity shall be presented to the Council immediately upon completion of the LPG installation and the vehicle shall not be eligible to act as a private hire vehicle until the conversion is to the satisfaction of the Council.

CONDITION OF VEHICLE

7. The proprietor shall ensure that the private hire vehicle shall be maintained in a sound mechanical and structural condition at all times and be capable of satisfying the Council's mechanical and structural inspection at any time during the continuance of the vehicle's licence including the MOT/taxi test and vehicle safety report.
8. The proprietor or proprietors as defined in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976 shall be jointly and severally responsible for the vehicle and all its fittings and equipment and shall ensure that at all times when the vehicle is in use or available for hire it is maintained in an efficient, safe, tidy and clean condition and that all relevant statutory requirements including in particular those contained in Motor Vehicles (Construction and Use) Regulations are fully complied with.
9. The proprietor shall not allow the mechanical and structural specification of the private hire vehicle to be varied without the consent of an Authorised Officer of the Council.

TRAILERS

10. No trailer shall be attached to a private hire vehicle unless the trailer has been tested at the same time as the private hire was tested and the trailer is clearly identifiable by a serial number or other permanent mark for purposes of identification.

SIGNS, NOTICES ETC

11. No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision or required or permitted by these conditions, provided, however, that this condition shall not apply to a sign which:-
 - (a) Contains no words or numbers other than the name, address and telephone number of the operator of the vehicle or the name under which he carries on his business and his business address and telephone number; provided that in the opinion of the Council the wording of any sign does not appear to lead any person to believe that the vehicle is a hackney carriage;
 - (b) Displays sponsored commercial advertisements to be displayed on the rear passenger's doors, for which display prior written permission has been obtained from the Council.
 - (c) There may be displayed within the vehicle for the information of the passengers a table of fares in a form and type of printing previously submitted to and approved by the Council.
 - (d) Roof signs are not permitted on private hire vehicles.
 - (e) Any additional livery must not be above 12" measured from the bottom of the door, and in any case must not protrude higher than the bump bar strip fitted to the door, this area will be regarded as the lower panel of the door.

PASSENGERS AND SEAT BELTS

12. (A) The proprietor/licensee shall not permit the Private Hire Vehicle to be used to carry a greater number of passengers than that prescribed in the licence.
- (B) Under the 'Motor Vehicles (Wearing of Seat Belts) Regulations 1993', all occupants of a vehicle, as described in (A), must wear a seat belt if provided.
 - (i) Hackney Carriage drivers may claim exemption if plying for, or actually carrying passengers on hire, but this will not apply whilst driving to and from his home or base nor whilst not plying for hire.
 - (ii) Private Hire drivers may only claim exemption when a fare paying passenger is actually in the vehicle and not at any other time.
- (C) Mini-bus type vehicles must have passed a "seat belt test" unless seat belts have been installed by the vehicle manufacturer. If you need further information about the testing of seat belts, please contact the Licensing Office in Union Street.
13. The proprietor shall only allow the appropriate number of passengers to be carried in the front of the vehicle as the vehicle is designed to carry. The proprietor must affix a sign provided by the Council as set out hereunder in a prominent position in the interior of the vehicle so as to enable it to be clearly visible to all passengers therein.
 'ALL PASSENGERS MUST BY LAW USE A SEAT BELT WHERE PROVIDED'

ANIMALS

14. The proprietor shall not permit any animal to ride in the vehicle except an animal in the custody or control of the hirer which animal shall be conveyed in the rear of the vehicle.

LICENCES

15. The proprietor shall deposit the vehicle licence issued by the Council with the private hire operator for whom the vehicle is being used during the time it is so used for that operator.

TWO-WAY RADIOS

16. The proprietor shall ensure that any radio equipment fitted to the private hire vehicle is at all times kept in a safe and sound condition and maintained in proper working order.
17. That any means of radio communication used by the proprietor or driver of a private hire vehicle with respect to the operation thereof must be a means of radio communication using radio frequencies other than those licensed by the Department of Trade and Industry for use by Citizens Band Radio.

CONVICTIONS

18. The proprietor of a Private Hire Vehicle shall within seven days of conviction disclose to the Council in writing details of any convictions imposed on him during the currency of his licence.

CHEQUES

19. A licence in respect of which the licence fee has been paid by cheque shall not be effective until the cheque has been cleared

CHANGE OF ADDRESS

20. The proprietor shall notify the Council in writing of any change in his address within 7 days of such change taking place.

TOUTING ETC

21. The proprietor shall not:
 - (a) TOUT OR SOLICIT IN A PUBLIC PLACE ANY PERSON TO HIRE OR BE CARRIED FOR HIRE IN ANY PRIVATE HIRE VEHICLE OR
 - (b) CAUSE OR PROCURE ANY OTHER PERSON TO TOUT OR SOLICIT IN A PUBLIC PLACE ANY PERSON TO HIRE OR BE CARRIED FOR HIRE IN ANY PRIVATE HIRE VEHICLE.

In this condition:
 "public place" includes any highway and any other premises or place to which at the material time the public have or are permitted to have access (whether on payment or otherwise).

DRIVERS

22. The proprietor shall not cause or procure or permit any person who is not the holder of a current private hire vehicle driver's licence issued by the Council to drive the private hire vehicle for the purposes of any hiring.

ACCIDENTS

23. The proprietor of a Private Hire Vehicle shall report to the Council as soon as reasonably practicable, and in any case within 72 hours of the occurrence, any accident to the licensed vehicle causing damage materially affecting the safety, performance and appearance of the licensed vehicle or the comfort or convenience of persons carried.

RECORD BOOKS AND RECEIPTS

24. The proprietor shall ensure that a record book is kept at all times in the vehicle. This record book must show the occasions when a receipt is issued. A receipt must be given if requested and each receipt must show the licence number of the driver, the date and the amount charged. A sign should be displayed in the vehicle indicating that a receipt will be given if requested.

RADIO SCANNERS

24. The Licensee shall not fit, carry, or use any radio frequency scanning apparatus in or on a licensed vehicle.

INSURANCE

25. Where the insurance produced with the application for or renewal of this licence is due to expire before the date of expiry of the licence a current insurance document must be produced either on or before the date when the original insurance expires. It is the responsibility of the licensee to ensure that a current insurance document is produced

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**PROPOSED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE TESTING
STRUCTURE APPROXIMATE COSTS**

<u>PROPOSED</u>		<u>CURRENT</u> (These are approximate costs)	
Vehicles 0 – 3 years (see note below)		Vehicles 0 – 3 years	
Annually		Annually	
* 1 x taxi test/MOT		1 x taxi test (without MOT)	Between £25 - £45
		1 x taxi test with MOT	Between £34 - £94
	<u>TOTAL</u> £60	<u>TOTAL</u>	<u>Between £59 - £139</u>
Vehicles 3 – 8 years		Vehicles 3 – 6 years	
* 2 x taxi test at £60 each	£120	1 taxi test (without MOT)	Between £25 - £45
Vehicle Safety Report	£10	1 taxi test with MOT	Between £34 - £94
<u>TOTAL</u>	<u>£130</u>	<u>TOTAL</u>	<u>Between £59 - £139</u>
Vehicles 6 years old (If failed MOT/Taxi test)		Vehicles 6 years old	
Annually		Annually	
* <u>3 x taxi test at £60 each</u>	£180	1 taxi test (without MOT)	Between £25 - £45
Vehicle Safety Report	£10	1 taxi test (with MOT)	Between £34 - £94
<u>TOTAL</u>	<u>£190</u>	<u>TOTAL</u>	<u>Between £59 - £139</u>
Vehicles 8 years old		Vehicles 8 years old	
Annually		Annually	
* 3 x taxi test at £60 each	£180	2 taxi test (without MOT)	Between £50 - £90
Vehicle Safety Report	£10	1 taxi test with MOT	Between £34 - £94
<u>TOTAL</u>	<u>£190</u>	<u>TOTAL</u>	<u>Between £90 - £184</u>

MOT and test (£60) plus Vehicle Safety Report (£10) TOTAL £70

Safety Report on its own will be by negotiation with garage and operator, but will be around £60.

Note 1 - if licensed for 6 months, a taxi test* will be required every 6 months, annual total £120.

* Taxi test includes an MOT

Taxi Test definition: - Will consist of Vehicle Operating Standards Agency MOT Test and those conditions as passed by the Licensing and Safety Committee for the licensing of Hackney Carriage and Private Hire vehicles.

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**ALTERNATIVE PROPOSALS SUBMITTED BY THE TAXI TRADE-
VEHICLE TEST ARRANGEMENTS APPROXIMATE COSTS**

(The main difference to the proposal is the frequency of testing)

<u>PROPOSED</u>	<u>CURRENT</u> (These are approximate costs)
<p>Vehicles 0 – 3 years</p> <p>Annually (see note below)</p> <p>* 1 x taxi test/MOT</p> <p style="text-align: right;"><u>TOTAL £60</u></p>	<p>Vehicles 0 – 3 years</p> <p>Annually</p> <p>1 x taxi test (without MOT) Between £25 - £45</p> <p>1 x taxi test with MOT Between £34 - £94</p> <p style="text-align: right;"><u>TOTAL Between £59 - £139</u></p>
<p>Vehicles 3 – 8 years</p> <p>Annually</p> <p>* 2 x taxi test/MOT at £60 each £120</p> <p>Vehicle Safety Report £10</p> <p style="text-align: right;"><u>TOTAL £130</u></p>	<p>Vehicles 3 – 8 years</p> <p>Annually</p> <p>1 taxi test (without MOT) Between £25 - £45</p> <p>1 taxi test with MOT Between £34 - £94</p> <p style="text-align: right;"><u>TOTAL Between £59 - £139</u></p>
<p>Vehicles 8 years old</p> <p>Annually</p> <p>* <u>3 x taxi test/MOT at £60 each</u> £180</p> <p>Vehicle Safety Report £10</p> <p style="text-align: right;"><u>TOTAL £190</u></p>	<p>Vehicles 8 years old</p> <p>Annually</p> <p>2 taxi test (without MOT) Between £50 - £90</p> <p>1 taxi test with MOT Between £34 - £94</p> <p style="text-align: right;"><u>TOTAL Between £84 - £184</u></p>

MOT and test (£60) Plus Vehicle Safety Report (£10) TOTAL £70

Safety Report on its own will be by negotiation with garage and operator, but will be around £60

Note 1 – if licensed for 6 months, a taxi test* will be required every 6 months, annual total £120

* Taxi test includes an MOT

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From: mohammed sajid [mailto:msajid68@hotmail.co.uk]

Sent: 04 September 2008 23:19

To: Stephen Culleton

Subject: Objection to proposed cost structure to m.o.t's

Dear Steve

We are objecting to the changes to the cost of M.O.T/taxi test structure which you are proposing. We are finding very difficult to understand why:-

1. New cost of m.o.t to increase to £60 for 6 months when previously we have been paying £25/£40. (The cost should be determined by the garages and not by the council). A £40 increase per annum to M.o.t's is far too excessive considering you have already burdened us with the £38 for the livery and increase in License Fee.

2. The method of payment should remain the same i.e. We should continue to pay the garages direct as apposed to paying the council. Also this would increase the workload for the onestop shop who are already struggling to implement new changes.

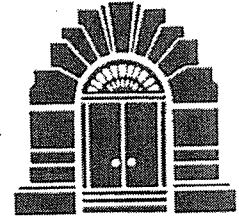
3. Need to look at the cost of Licensing Fees.

yours sincerely

Mohammed Sajid

Chairman for Chorley Hackney Carriage Association

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THE NATIONAL PRIVATE HIRE ASSOCIATION

8 Silver Street, Bury, Lancashire BL9 0EX. Tel: 0161-280 2800 Fax: 0161-280 7787 Email: npha@btconnect.com

5 September 2008

Mr S Culleton
Licensing Manager
Chorley Council
By email: Stephen.culleton@chorley.gov.uk

REF: Proposed hackney carriage and private hire licensing conditions and testing regime/costings

Dear Sir

We understand that today is the deadline for submissions under your consultation process concerning the above matter; we wished to include representations on behalf of our members in your area in time for those representations to be included in the presentation to the next Licensing and Public Safety Committee on 17 September.

We were scheduled to attend a meeting at your council offices a fortnight ago with our members to discuss the proposals; very unfortunately I had to let the trade down, as a last-minute emergency occurred in connection with the urgent Administrative Court case being heard within the next week concerning licensing matters, in which we are representing the 1st Interested Party and we had to act very quickly and make further submissions.

We have only just had the opportunity of going over again the proposals, both in the form of licensing conditions and proposed costings for the testing regime. We wished to make the following observations, over and above those already submitted by the trade locally:-

1. In the interest of clarity and ease of understanding – as upheld in the case of **R –v- Blackpool Borough Council ex parte Red Cab and Others** - we believe that the layout of both the conditions and the testing procedures should be scrutinised very carefully before finalising into a policy document. As an example, we know that your colour livery is that hackney carriages have to be white, and private hire vehicles have to be any other colour but white. However, within the Appendix E1/E2 documents setting out the conditions to go on the back of licences, the private hire conditions at (j) under 'type of vehicle' state that private hire vehicles must be white. This is obviously an administrative error, but one that would lead to confusion to both new applicants and existing licence holders.
2. On the subject of administrative errors, we are advised that several of the licensing department's recent administrative procedures have caused, or could have caused, difficulties for licence holders as regards licence dates not matching up with window discs, and test dates not matching up with the vehicle's actual licence dates. We are informed that the council has been writing to licence holders on this subject, with a view to issuing temporary licences for shorter periods of time to bridge the dates that do not match. We would request that the licensing department operate with a degree of leniency with licence holders while this situation is regularised.

3. Without a doubt, the issue that is causing grave concern amongst Chorley licence holders is the draconian age conditions that you are setting out, including the structured test regime for older vehicles and – most importantly – the cost of that additional testing. We understand that a council's primary remit is the safety of the travelling public; we also are fully aware that under section 50 of the Local Government (Miscellaneous Provisions) Act 1976 a district council may test vehicles up to three times in any twelve-month period.

However, the proposed MoT and compliance regime, and the cost of those tests, strike us as being disproportionate to the perceived problem you may have with licensed vehicles in the area. We note from a BBC news release last month that a recent roadside 'swoop' exercise resulted in several vehicles being issued with seven-day rectification notices. However, Councillor Iris Smith, chairman of the Licensing and Public Safety Committee, was quoted as saying that "although it was disappointing to see some taxis being driven with defects, it was reassuring to hear that none had to be taken off the road."

We would therefore ask that, before the proposals are approved as new conditions, the licensing department provide the Committee with statistical evidence to justify their proposed age and testing criteria.

4. We have had a look at the various documents that break down the current and proposed costings for vehicle testing, and once again would advise you that the licensed trade feels very strongly that these figures are vague and inaccurate as regards the current cost of the various tests, and this vagueness makes the proposed costing figures appear to be less horrendously prohibitive than they really are. Before these figures are presented to the September Committee, may we recommend that the 'current' fees are presented accurately, rather than as a range of figures.

Obviously before any final future costings are approved, they must be advertised in the local press under LGMPA section 70, so there will be opportunities to lodge objections at that time. However, we suggest that further discussion takes place between the council and the trade before the proposed costings are put forward for Committee approval.

5. As regards the age restriction on both hackney carriage and private hire vehicles, we submit again for your consideration the document the NPHA has put forward to every local authority who is considering age policies/conditions. We would suggest that the wording of the age restriction(s) be expanded to include the phrase "unless in exceptional condition" in order that the council does not fetter its discretion.

In our experience, if an age condition is challenged through the Magistrates' Court, it is less likely to be overturned if each case is considered on its merits. If a Bench of Magistrates were presented with, for example, a spotless nine-year old Mercedes 300 saloon with 18,000 genuine miles on the clock and told that your council would not license that vehicle because of its age (as happened when we challenged the age condition in Slough some years ago), the Magistrates would strike out the condition as being 'not reasonably necessary'.

6. Minimum engine size: again this is somewhat unclear; the website information states 1400cc, and yet we are informed that this has been changed to 1200cc. Please clarify to both the licence holders and the Committee.
7. Vehicle safety report guidelines: point (6) about "estate cars must be fitted with a securely fixed, suitable means of luggage restraint..." We have encountered this condition in other authorities, and unfortunately there are very few motor manufacturers that have anything available as an accessory that would fulfil your condition – except those two or three

manufacturers that offer a dog guard for estates. In our experience, and more importantly in the experience of estate taxi users, most estate cars have sufficient restraint either in the form of a parcel shelf or a tonneau cover that keeps luggage stowed in the rear compartment safely. Anything more permanent would not allow the rear seats to be put down if desired at other times.

8. We would echo the submission of Allansons mentioned below in saying that the council's proposals should be reviewed once again in light of the final publication of the DfT Best Practice Guidance document, which was actually published in November 2006, copy attached. We would highlight in particular paragraphs 7-9 under 'Policy Justification' regarding the cost of implementation of any conditions, and paragraph 22 under 'Vehicle Testing'.

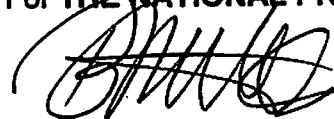
Over and above the points mentioned in this letter, may we commend and support the document submitted by Messrs Allansons Solicitors on behalf of the Chorley Hackney Carriage Association. We enclose another copy of that document herewith, in case the original was misplaced or not retained when it was first sent in. We understand the document was prepared for the last Licensing and Public Safety Committee on 4 June 2008, but as a result of its submission the agenda item was pulled from that meeting. We are hopeful that all submissions will be considered on the 17th September.

We offer all of this documentation in a spirit of cooperation, and in the hope that further discussion will take place prior to finalisation of the new proposals.

Thank you for your consideration.

Yours faithfully

For **THE NATIONAL PRIVATE HIRE ASSOCIATION**



BRYAN M ROLAND
General Secretary

cc: Cllr Iris Smith – Chair, Licensing and Public Safety Committee

AGE POLICIES

A VIEW - AND ALTERNATIVE SUGGESTIONS **by** **THE NATIONAL PRIVATE HIRE ASSOCIATION**

BACKGROUND

The National Private Hire Association has spent some considerable time over the last fifteen years addressing and, on occasion, opposing the imposition of age policies by local authorities, both in the Council Chamber and in courts.

In preparing evidence to present to Councillors and the courts we have discovered that, very often, the perception of the licensing authority that the age of the vehicle alone should be the fundamental and controlling factor in imposing a vehicle licensing regime is flawed.

Close examination of the vehicle testing records of various councils has clearly shown that although a case can be made that vehicles are indeed affected by age and/or high mileage, there are disturbing statistics to be shown for younger and "acceptable" vehicles.

Evidence can be shown that licensed vehicles do indeed have a "shelf life", and as maintenance problems increase the average driver will indeed replace his vehicle. Common sense indicates that diminishing returns in income are a far more telling cause for vehicle replacement than conditions of licence.

Many examples exist of vehicles, purchased as being acceptable to the licensing authority, having to be replaced within the first year of service because they proved, in service, to have serious defects. Conversely in those areas that do impose age policies, Council Committees and the courts spend many hours hearing appeals from drivers who believe that their vehicles, regardless of age, are fit to continue in service. Quite a lot of these appeals are upheld.

It follows that the questions arising from "vehicle fault statistics" (VFS), acquired both from enforcement exercises and annual routine vehicle test sheets, need careful analysis. We have found that VFS's raise one fundamental question that often begs a considered reply and that is: - What is it exactly that the Council trying to achieve? Very often the initial report to the licensing Sub Committee fails to highlight the full nature of the problem, which in turn can lead to costly appeals to the courts and possible overturning of the initial decision.

The experience gained by the Association has led it to formulate a new philosophy in addressing those problems which councils perceive might be resolved by the adoption of such a policy.

What are those problems?

PROBLEMS

- That the local vehicle stock is of poor quality, and generally aged.
- That there is evidence of lack of maintenance as evidenced by VOSA/Council exercises.
- Poor returns from the testing station and local enforcement exercises generally
- Public complaints

Faced with some or all of the evidence above, many local authorities take steps to rectify their particular perceived situation and many have reacted by introducing age policies and/or stricter or more numerous testing regimes.

Having said that, it has become apparent that many local authorities, having adopted a more rigorous regime, find that many of the problems persist and they are left with the inevitable questions: [1] Why is there little or no improvement? and, [2] Where do we go from here?

WHAT CAUSES THE PROBLEMS AND WHY THEY PERSIST

Of course, many drivers do not see that there is a problem in the first place, and they are the first to voice concerns about rules that are more draconian. That is because they are, for the most part, representative of that section of the trade who look after their vehicles and ensure that, when they are presented for inspection, those vehicles are prepared for that inspection.

Amazing as it may seem, in all the many reports to Licensing Committees we have seen, there has never been a section which analysed the statistics of the better side of the trade to see if lessons could be learned from those who obviously comply with the law, and to act as a benchmark for Licensing Committees in setting new conditions. In short, only one side of the picture is given.

All the reports we have seen address that segment of the trade who never appear to worry about maintenance or vehicle condition generally. They are the ones who regularly fall foul of enforcement exercises. Furthermore, when their vehicle is due for inspection they, perversely, seem to seize upon that very inspection as merely an opportunity to find out what is wrong with the vehicle, so that they can then have those points attended to.

Of course, the introduction of an age policy or a stricter or more regular testing regime does not impact upon this section of the trade. They will always have faulty vehicles regardless of the vehicle's age.

We find that the good driver with high standards will always search for a really sound or brand new vehicle which is going to stand the test imposed upon it by our trade; and, having acquired that vehicle, he/she will maintain it properly and regularly, and will, year after year, turn up at the vehicle testing station with a fully prepared car.

The other side of the trade, of course, has a different philosophy. Instead of searching for a really sound vehicle which is going to stand the test imposed upon it by our trade, they will go into the market to look for the cheapest possible vehicle that will do the job and pass the council's set criteria.

These drivers' maintenance schedules will not improve, and it is certain that their attitude to presenting vehicles for test will continue.

In any event it is never the car itself that is guilty of failing to maintain itself; it is always the vehicle proprietor.

At this point we have to insert a parameter which we have never observed in any report to Licensing Committees, and that is the financial ability of the drivers to purchase sound vehicles in the first place, let alone any of the proposed new/newer vehicles.

One problem is that the many suppliers of new vehicles to the trade, and who commonly advertise in the trade press, report that a high proportion (as high as 61% - Nissan Finance) are refused finance to purchase vehicles in the first place. These drivers are then forced to shop around for less attractive terms to enter or continue in the trade, and can pay very high APR rates (29% to 32% is not uncommon).

However most of those drivers will then, having learned lessons from experience, ensure that their credit history is improved by meeting all repayment dates and will ensure that the vehicle is well maintained in order to protect their income, but obviously at a very high price.

A local authority cannot in all conscience restrict its policies on the basis of those who will always maintain a bad credit record.

A glance at our trade newspaper will quickly show that from £30 to £100 brand new vehicles are available from Skoda's at the cheap end to Mercedes at the top end. So, either at entry into the trade or while working in it most drivers will sort out the credit history and be able to afford even brand new vehicles.

So, of those who run less acceptable vehicles, a percentage will do so out of circumstance rather than choice. But that does not mean that those drivers will all fail to maintain their vehicles.

Statistics from the testing station can easily separate the conscientious driver of the older car from the "couldn't care less" driver. The first will maintain the vehicle, which will often pass the vehicle test first time; the latter will not maintain and consequently provides the worst VFS's, which in turn will attract the attention of licensing and enforcement officers and councillors.

A more telling statistic will show that a percentage of those who can purchase new/newer vehicles also appear on the VFS sheets, will fall foul of enforcement exercises and be found wanting on a daily check basis.

Unfortunately, it is true to say that the "couldn't care less" attitude is not only hard to correct but, if the wrong level of enforcement is employed, it can be catching. It is hard to combat the "If he can get away with it, so can I" frame of mind.

We do not need to ask any particular licensing or enforcement officer whether he knows drivers of both categories. We are certain that all officers could probably list many of them without reference to his or her files.

Councils who have VFS problems which affect public safety must react, and age policies often appear to be an attractive solution. This seems to be the case regardless of the fact that most councils have been licensing these vehicles for over 25 years and that despite their best efforts, including age policies and more regular testing, these vehicle defect problems still remain and are still caused by the very same drivers whose lack of respect for the law led to the imposition of the policy in the first place.

It often follows that the imposition of an age policy very often places the greatest burden on those who are used to buying new/newer vehicles and cossetting those vehicles to get maximum usage from them. What stands out to this Association is the fact that most licensing authorities would wish to support these better drivers as examples of what they would like to see as the norm in their area.

In the normal course of events a standard vehicle may last three, four, five years or longer; prestige vehicles will normally last much longer. As we have said, it is important to note that very often these better vehicles have to be purchased on finance, which again may be over three or four years. Age policies with narrow parameters (i.e. no older than three years at first licence and off at six or seven years old) can often mean that the better driver is locked in to the "hire purchase /APR trap" and paying that APR to work for the rest of their time in the trade.

We always ask councils to remember that it is only the periods between borrowings on finance agreements which give drivers APR-free incomes. If someone is used to maintaining a vehicle for six, seven, eight years or more, the APR-free period may well be essential to secure his deposit or payment for his next vehicle.

Conversely, and in the meantime, the couldn't-care-less driver may go through two or even three bangers purchased at rock bottom price to give maximum return in the short run; and besides, who cares about conditions of licence?

TIME FOR CHANGE?

In conversation with licensing officers, we readily discover that there are always numbers of operators, proprietors and drivers who cause the council and the travelling public no problem whatsoever. The licensing officer's problem is how to deal with the cowboy element without imposing such a bevy of rules that it affects the good guys. Simple: the answer is to chase the bad guys.

But surely that is what the enforcement role of the council is supposed to encompass?

Conditions of licence are set to ensure that rules are followed in order that the public is protected. All councils set conditions, so why do so many have to revisit those conditions so often to fine tune or correct perceived problems?

We believe strongly that for those who follow and observe the rules, it is only the lawbreakers who spoil what otherwise would be a relatively simple occupation. As stated

above, the fact that councils chase the lawbreakers with added conditions always impacts on the good faction of the trade, not the cowboys. Consequently we find considerable support amongst the conscientious drivers for a fine tuned and targeted enforcement role, i.e. "Don't come after us - go after the cowboys."

As an alternative to continuing to implement the council's existing age policy or testing period, we suggest the introduction of what will become a self-disciplinary regime: in simple terms, the age policy guidelines should be set aside, but the council should impose three tests per year after clearly defined age limits are reached.

AGE LIMITS (TESTING PARAMETERS)

Whilst we believe that it is not sound policy to set a vehicle age limit in the hope that this will "cure" VSF problems, we do accept that there is clear evidence that older vehicles need a higher level of maintenance to keep them safe for the road.

We suggest that councils should set testing parameters based on the vehicle's age, and not just set age limits on what they will consider for licence. For example:

- Vehicle up to three years old – test once a year
- Vehicle between three and six years old – test twice a year
- Vehicle over six years old -- test three times a year

Many councils may retort, "We have tried that before but it did not work"; to which we reply "Ah, but then you brought in an age policy and that policy is also under constant attack either by those who are financially burdened or by those who still fail to maintain their vehicles."

We believe that any testing regimes or age policies are not, in themselves, enough to identify and eradicate that problem element within the trade which needs correction. It is the attitude of the bad driver which must be changed; therefore we suggest that the council should introduce a "three-strikes-and-out" rule.

A search through council files will show that the worst examples of failure certificates involve major Construction and Use problems: brakes, steering, tyres etc. These are the vehicle defects which will cause a vehicle's immediate suspension, either on routine test or on enforcement exercises.

These defects are the one easily identifiable constant in all vehicle testing procedures and disciplines and therefore should, we suggest, form the basis of new conditions.

CHANGE THE CONSEQUENCES

If any vehicle fails the test on, say, three or four Construction and Use items – and here we must make sure we are not being frivolous by clarifying that three cigarette burns and a scratch on the paintwork do not amount to Construction and Use problems – then the council should on the first occasion issue a warning in writing to the effect that:

"We note that your vehicle was presented for licensing in such a condition that gives us concern that the vehicle may not be being properly maintained. You are

warned that on a second such failure, you will be required to go before Committee to explain yourself. A copy of this letter will be attached to your file."

If the council has a "one or two tests a year policy" then that negligent proprietor should also be advised in the same letter that:

"In view of the serious nature of the faults found on your vehicle you will now be required to present your vehicle for testing three times a year.

In taking such action the council puts clear pressure on the driver to mend his ways "or else".

On the second serious test failure, the driver should be brought before Committee and should be given a formal warning and perhaps a penalty suspension, and should be issued with a letter which in effect says, "The next such failure will lead to the revocation of the vehicle licence."

The council may also wish to consider adding to that warning, "consideration will also be given to the revocation of your proprietor's/driver's licence as being not fit and proper to hold such a licence, in that maintenance of your vehicle should have been paramount to you, especially after having had two clear written warnings."

On the third occasion the vehicle should not be allowed back for re-inspection, and a vehicle and/or driver licence refusal/revocation should be issued.

Certainly the driver has a right of appeal, but the council has more than enough evidence to show that on the three-warnings-and-out basis there are significant doubts about, on the one hand the vehicle's roadworthiness (it has a high, demonstrably non-maintained, mileage); and also demonstrably, the driver's attitude to authority is patently lacking (a point that magistrates often pick up on).

Most importantly the council will have a clear audit trail to show the court in the event of an appeal.

But what about the Operator? The private hire operators are very often either unaware or, in some cases, not prepared to accept that in taking a contract for the hire of a vehicle, they are vicariously liable for ensuring that the vehicle and its driver are fit for purpose.

We are aware that amongst the better operators, they have some parameters in force which ensure that the vehicles they operate are up to scratch. Unfortunately most operators do not. The VSF statistics gathered in the course of testing and enforcement exercises give a local authority clear evidence as to whether an operator is bothering to maintain a fleet fit for purpose.

In dealing with the driver in the manner suggested above, it seems only logical to us that a copy of that warning letter, together with a letter warning the operator about their responsibilities, should also be sent; and as in the progression with the drivers, once sufficient evidence has been collated, then that operator should also be brought before the Committee to explain why he or she is running a business with so little control.

The hackney carriage industry for the most part consists of independent drivers, but there are clear examples of some proprietors owning several vehicles which they rent out, and obviously the same parameters should be applied to those multiple vehicle proprietors as to the private hire operators.

CONSULTATION AND TRADE APPROVAL

We have found that, on consultation, the majority of the responsible trade in any area who do maintain their vehicles properly will readily vote for such a testing regime as an alternative to age policies.

The one statistic that a local authority will have to consider is what percentage of the entire fleet of vehicle owners could be regarded as "responsible." We unfortunately have to note that the VFS records in some areas show that the "responsible" section is a smaller rather than larger percentage of the whole.

Our reaction to such a problem has to be "all the more reason to bring in a three strikes and out policy"

The trade will readily grasp the fact that a licensable five year old Mercedes would be a much sounder investment - and that passengers might well prefer to travel in such a vehicle -than a three or four year old standard saloon.

It is also true to say that both the trade and the licensing officers may well look forward to the removal of those who year in and year out, regardless of vehicle age, bring the trade into disrepute.

CONCLUSION

We ask all who read this document to carefully consider: "What is it that any policy set by a local authority is trying to achieve?" We suggest that public protection is and must be the only answer. If the present policy ensures that the imposed financial burden does not in fact eradicate faulty vehicles, then we advocate that the above suggestions may be a more exacting and corrective regime.

In addition, the council is reminded that to impose an absolute age policy fetters their discretion, and this will be easily overturned in court. Neither unfortunately can they introduce a mileage policy, as this has already been tested in the case of **Sharpe -v- Nottingham City Council**.

Finally, due consideration should be given to the fare structure in any area, thereby determining whether the trade can in fact afford to maintain their vehicles in the first place, irrespective of their age. This applies to both hackney carriage drivers, whose fares are set by the council, and private hire drivers, whose fares whilst not regulated by local authorities, are more often than not pitched similarly or just below the hackney tariff.

Once again we have found that, when examined as an issue in the witness box, lack of affordability very frequently overturns a vehicle age policy if the local authority has not approved a taxi fare increase for any length of time.

It is also a provable fact that if drivers are working greatly extended hours – 60 to 80 hours being not uncommon – in order to make a living, then paying for vehicle maintenance decreases in importance not only financially, but in time and periodicity. If a driver is working 80 hours a week, the rest of the time he will probably be asleep. Taking a day off to get a vehicle serviced may result in the driver having to put in another ten hours on the other shifts he works that week.

To illustrate, a 20-pence increase on the flagfall or initial charge in areas where drivers average 25 jobs per day over the year, will give them an increase of £1,800 per year. Due consideration should be given under Best Value to comparing existing levels of fares with local and national averages. The cost of a vehicle, and its maintenance, will not differ dramatically anywhere in the UK. Clearly incomes, and the ability to allow for the time off, are crucial factors in the maintenance of vehicles.

A simple example: We asked a number of drivers why they had been caught with bald tyres; the answer was always financial. Although some maintain that they had forgotten, when pressed, they affirmed that if they had had the cash available they would not have delayed.

Just such delay, and subsequent lapse in public safety, can be prevented by a re-examination of council policy as outlined in this document.

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Taxi and Private Hire Vehicle Licensing: Best Practice Guidance

Introduction

1. This Guidance is issued with the aim of assisting those local authorities in England and Wales that have responsibility for the regulation of the taxi and private hire vehicle (PHV) trades.
2. The Guidance follows the publication in November 2003 by the Office of Fair Trading of a market study of the regulation of taxis and PHVs in the UK. One of the recommendations of that study was that the Department for Transport (DfT) should produce guidance on best practice for the local licensing authorities concerned. The Guidance is issued in fulfilment of that recommendation.
3. However, it will be appreciated that it is for individual licensing authorities to reach their own decisions both on overall policies and on individual licensing matters, in the light of their own views of the relevant considerations.
4. The Department consulted on a draft version of the guidance in the autumn of 2005. We are grateful for all the views expressed on that draft. A summary of the consultation responses and our reaction to them is available on the DfT web-site. Some respondents to the consultation draft felt that the document should be made more prescriptive whilst others felt that the draft struck the right balance in this respect. Taxi and private hire vehicle legislation makes it clear that it is primarily for local licensing authorities to make decisions on the matters covered in this guidance. Furthermore, it is right that local circumstances and requirements are taken into account in making these decisions in each licensing area. So we have in general resisted the calls for the guidance to be more prescriptive. The key purpose of the guidance remains, as proposed in the draft version, to assist local decision-making by setting out the main considerations authorities might wish to take into account in reaching the right balance between costs and benefits in determining the licensing policies for their area.

The Role of Taxis and PHVs

5. Taxis (more formally known as hackney carriages) and PHVs (or minicabs as some of them are known) play an important part in local transport. In 2003 some 650 million journeys were made by taxi and PHV in Great Britain, and households spent around £3 billion on taxi and PHV journeys; spending by businesses and foreign visitors was a substantial extra figure. Taxis and PHVs are used by all social groups; low-income young women (amongst whom car ownership is low) are one of the largest groups of users.
6. Taxis and PHVs are also increasingly used in innovative ways - for example as taxi-buses - to provide innovative local transport services (see paras 63-66).

The Role of Licensing: Policy Justification

7. The aim of local authority licensing of the taxi and PHV trades is to protect the public. Local licensing authorities will also be aware that the public should have reasonable access to taxi and PHV services, because of the part they play in local transport provision. Licensing requirements which are unduly stringent will tend unreasonably to restrict the supply of taxi and PHV services, by putting up the cost of operation or otherwise restricting entry to the trade. Local licensing authorities should recognise that too restrictive an approach can work against the public interest - and can, indeed, have safety implications.
8. For example, it is clearly important that somebody using a taxi or PHV to go home alone late at night should be confident that the driver does not have a criminal record for assault and that the vehicle is safe. But on the other hand, if the supply of taxis or PHVs has been unduly constrained by onerous licensing conditions, then that person's safety might be put at risk by having to wait on late-night streets for a taxi or PHV to arrive; he or she might even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire.

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9. Local licensing authorities will, therefore, want to be sure that each of their various licensing requirements is in proportion to the risk it aims to address; or, to put it another way, whether the cost of a requirement in terms of its effect on the availability of transport to the public is at least matched by the benefit to the public, for example through increased safety. This is not to propose that a detailed, quantitative, cost-benefit assessment should be made in each case; but it is to urge local licensing authorities to look carefully at the costs - financial or otherwise - imposed by each of their licensing policies. It is suggested they should ask themselves whether those costs are really commensurate with the benefits a policy is meant to achieve.

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Scope of the Guidance

10. This guidance deliberately does not seek to cover the whole range of possible licensing requirements. Instead it seeks to concentrate only on those issues that have caused difficulty in the past or that seem of particular significance. Nor for the most part does the guidance seek to set out the law on taxi and PHV licensing, which for England and Wales contains many complexities. Local licensing authorities will appreciate that it is for them to seek their own legal advice.

Consultation at The Local Level

11. It is good practice for local authorities to consult about any significant proposed changes in licensing rules. Such consultation should include not only the taxi and PHV trades but also groups likely to be the trades' customers. Examples are groups representing disabled people, or Chambers of Commerce, organisations with a wider transport interest (eg Transport 2000 and other transport providers), womens' groups or local traders.

Accessibility

12. Local licensing authorities will want to consider how accessible the vehicles they license as taxis are for disabled people (which includes - but is not limited to - people who need to travel in a wheelchair).

13. Licensing authorities will know that the Department has for some years now been working on proposals which would substantially improve taxi provision for people with disabilities. This work is continuing and an announcement will be made in due course. In the meantime licensing authorities are encouraged to introduce taxi accessibility policies for their areas. The Department's letter to local licensing authorities of 9 September 2002, the relevant part of which was repeated in the letter of 16 June 2004, gave more detailed guidance.

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

Existing duties under the Disability Discrimination Act 1995 (DDA)

15. Since 31 March 2001 licensed taxi drivers in England and Wales have been under a duty (under s.37 of the Disability Discrimination Act 1995) to carry guide, hearing and other prescribed assistance dogs in their taxis, without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply to their licensing authority for exemption from the duty on medical grounds. Any other driver who fails to comply with the duty is guilty of a criminal offence and liable, on summary conviction, to a fine of up to £1,000. Similar duties covering PHV operators and drivers have been in force since 31 March 2004.

16. Enforcement of the duties is the responsibility of local licensing authorities. It is therefore for authorities to decide whether breaches should be pursued through the courts or considered as part of the licensing enforcement regime, having regard to guidance issued by the Department.

Taxi and Private Hire Vehicle Licensing: Best Practice Guidance**Duties under the DDA , as amended by the Disability Discrimination Act 2005**

17. The Disability Discrimination Act 2005 amended the DDA 1995 to enable the Government to lift the exemption in Part 3 of that Act for operators of transport vehicles. The amendment allowed for the exemption to be lifted for different services, at different times and to different extents. Regulations have been made to lift the exemption in relation to vehicles used to provide public transport services, including taxis and PHVs, as well as for vehicle hire services and breakdown services. These Regulations come into force on 4 December 2006 and will effectively apply certain duties in Part 3 of the DDA 1995 to providers of transport services who provide such services through the use of specified vehicles. In order to meet these new duties, licensing authorities will be required to review any practices, policies and procedures that make it impossible or unreasonably difficult for a disabled person to use their services. The Disability Rights Commission (DRC) has produced a Code of Practice to explain the new Part 3 duties for the transport industry. This is on the DRC's website at www.drc-gb.org. The Code is a supplement to, and should be read in conjunction with, the Code of Practice for Part 3 of the Act: Rights of Access to Services and Premises, which is also on the website. An example of responding to these new duties would be providing - for use in informing passengers - Braille cards to those drivers exempted from the duty to carry prescribed assistance dogs.

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Vehicles**Specification Of Vehicle Types That May Be Licensed**

18. The legislation gives local authorities a wide range of discretion over the types of vehicle that they can license as taxis or PHVs. Some authorities specify conditions that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.

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

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

Imported vehicles: type approval (see also "stretched limousines", paras 26-28 below)

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

- a European Whole Vehicle Type approval;
- a British National Type approval; or
- a British Single Vehicle Approval.

Most registration certificates issued since late 1998 should indicate the approval status of the vehicle. The technical standards applied (and the safety and environmental risks covered) under each of the above are proportionate to the number of vehicles entering service. Further information about these requirements and the procedures for licensing and registering imported vehicles can be seen at http://www.dft.gov.uk/stellent/groups/dft_roads/documents/page/dft_roads_506867.hcsp.

Vehicle Testing

22. There is considerable variation between local licensing authorities on vehicle testing, including the related question of age limits. The following can be regarded as best practice:

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- **Frequency Of Tests.** The legal requirement is that all taxis should be subject to an MOT test or its equivalent once a year. For PHVs the requirement is for an annual test after the vehicle is three years old. An annual test for licensed vehicles of whatever age (that is, including vehicles that are less than three years old) seems appropriate in most cases, unless local conditions suggest that more frequent tests are necessary. However, more frequent tests may be appropriate for older vehicles (see 'age limits' below). Local licensing authorities may wish to note that a review carried out by the National Society for Cleaner Air in 2005 found that taxis were more likely than other vehicles to fail an emissions test. This finding, perhaps suggests that emissions testing should be carried out on ad hoc basis and more frequently than the full vehicle test.
- **Criteria For Tests.** Similarly, for mechanical matters it seems appropriate to apply the same criteria as those for the MOT test to taxis and PHVs*. The MOT test on vehicles first used after 31 March 1987 includes checking of all seat belts. However, taxis and PHVs provide a service to the public, so it is also appropriate to set criteria for the internal condition of the vehicle, though these should not be unreasonably onerous.

*A manual outlining the method of testing and reasons for failure of all MOT tested items can be obtained from the Stationary Office see
<http://www.tsoshop.co.uk/bookstore.asp?FO=1159966&Action=Book&From=SearchResults&ProductID=0115525726>

- **Age Limits.** It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice-yearly tests for vehicles more than five years old.
- **Number Of Testing Stations.** There is sometimes criticism that local authorities provide only one testing centre for their area (which may be geographically extensive). So it is good practice for local authorities to consider having more than one testing station. There could be an advantage in contracting out the testing work, and to different garages. In that way the licensing authority can benefit from competition in costs. (The Vehicle Operators and Standards Agency - VOSA - may be able to assist where there are local difficulties in provision of testing stations.)

Security

23. The owners and drivers of vehicles will often want to install security measures to protect the driver. Local licensing authorities may not want to insist on such measures, on the grounds that they are best left to the judgement of the owners and drivers themselves. But it is good practice for licensing authorities to look sympathetically on - or actively to encourage - their installation. They could include a screen between driver and passengers, or CCTV. Care however should be taken that security measures within the vehicle do not impede a disabled passenger's ability to communicate with the driver. Licensing authorities may want to encourage the taxi and PHV trades to build good links with the local police force, including participation in any Crime and Disorder Reduction Partnerships. There is extensive information on the use of CCTV, including as part of measures to reduce crime, on the Home Office web-site, <http://www.homeoffice.gov.uk> (and see for instance, <http://www.crimereduction.gov.uk/cctvminisite4.htm>).

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Vehicle Identification

24. Members of the public can often confuse PHVs with taxis, failing to realise that PHVs are not available for immediate hire and that a PHV driver cannot be hailed. So it is important to distinguish between the two types of vehicle. Possible approaches might be:

- a licence condition that prohibits PHVs from displaying any identification at all apart from the local authority licence plate or disc. The licence plate is a helpful indicator of licensed status and, as such, it helps identification if licence plates are displayed on the front as well as the rear of vehicles. However, requiring some additional clearer form of identification can be seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver; and secondly because it is quite reasonable, and in the interests of the travelling public, for a PHV operator to be able to state on the vehicle the contact details for hiring;
- a licence condition which requires a sign on the vehicle in a specified form. This will often be a sign of a specified size and shape which identifies the operator (with a telephone number for bookings) and the local licensing authority, and which also has some words such as 'pre-booked only'. This approach seems the best practice; it identifies the vehicle as private hire and helps to avoid confusion with a taxi, but also gives useful information to the public wishing to make a booking. It is good practice for vehicle identification for PHVs to include the contact details of the operator.
- Another approach, possibly in conjunction with the previous option, is a requirement for a roof-mounted, permanently illuminated sign with words such as 'pre-booked only'. But it can be argued that any roof-mounted sign, however unambiguous its words, is liable to create confusion with a taxi. So roof-mounted signs on PHVs are not seen as best practice.

Environmental Considerations

25. Local licensing authorities, in discussion with those responsible for environmental health issues, will wish to consider how far their vehicle licensing policies can and should support any local environmental policies that the local authority may have adopted, bearing in mind the need to ensure that the benefits of any policies outweigh the costs (in whatever form). Local authorities may, for example, wish to consider setting vehicle emissions standards for taxis and PHVs. However, local authorities would need to carefully and thoroughly assess the impact of introducing such a policy; for example, the effect on the supply of taxis and PHVs in the area would be an important consideration in deciding the standards, if any, to be set.

Stretched Limousines

26. Local licensing authorities are sometimes asked to license stretched limousines as PHVs. It is suggested that local authorities should approach such requests on the basis that these vehicles have a legitimate role to play in the private hire trade, meeting a public demand. Consistent with this view licence applications involving use of these limousines should not be automatically rejected (for example just because the vehicles may be left-hand drive). The Department is currently revising its guidance on the licensing arrangements for stretched limousines.

27. Imported stretched limousines are normally checked for compliance with British regulations under the Single Vehicle Approval (SVA) inspection regime, before they are registered. A licensing authority might wish to request sight of the SVA certificate to ensure that the vehicle was tested by VOSA before being registered and licensed (taxed) by DVLA. The SVA test verifies that the converted vehicle is built to certain safety and environmental standards (there are some vehicles that have gained registration without an SVA and these may not comply with British regulations).

28. Stretched limousines which clearly have more than 8 passenger seats should not of course be licensed as PHVs because they are outside the licensing regime for PHVs. However, under some

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circumstances the SVA regime accepts vehicles with space for more than 8 passengers, particularly where the precise number of passenger seats is hard to determine. In these circumstances, if the vehicle has obtained an SVA certificate, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than 8 passengers, bearing in mind that refusal may encourage illegal private hire operation. Authorities should check with local MOT testing stations to find out if the station has the facilities to test such vehicles. If there is difficulty in finding a suitable station, the local enforcement office may be able to advise (contact details on <http://www.vosa.gov.uk/vosa/vosalocations/vosaenforcementoffices.htm>).

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Quantity Restrictions of Taxi Licences outside London

29. The present legal provision on quantity restrictions for taxis outside London is set out in section 16 of the Transport Act 1985. This provides that the grant of a taxi licence may be refused, for the purpose of limiting the number of licensed taxis 'if, but only if, the [local licensing authority] is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet'.

30. Local licensing authorities will be aware that, in the event of a challenge to a decision to refuse a licence, the local authority concerned would have to establish that it had, reasonably, been satisfied that there was no significant unmet demand.

31. Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of the travelling public - that is to say, the people who use taxi services. What benefits or disadvantages arise for them as a result of the continuation of controls; and what benefits or disadvantages would result for the public if the controls were removed? Is there evidence that removal of the controls would result in a deterioration in the amount or quality of taxi service provision?

32. In most cases where quantity restrictions are imposed, vehicle licence plates command a premium, often of tens of thousands of pounds. This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions. This seems very hard to justify.

33. If a local authority does nonetheless take the view that a quantity restriction can be justified in principle, there remains the question of the level at which it should be set, bearing in mind the need to demonstrate that there is no significant unmet demand. This issue is usually addressed by means of a survey; it will be necessary for the local licensing authority to carry out a survey sufficiently frequently to be able to respond to any challenge to the satisfaction of a court. An interval of three years is commonly regarded as the maximum reasonable period between surveys.

34. As to the conduct of the survey, the Department's letter of 16 June 2004 set out a range of considerations. But key points are:

- **the length of time that would-be customers have to wait at ranks.** However, this alone is an inadequate indicator of demand; also taken into account should be...
- **waiting times for street hailings and for telephone bookings.** But waiting times at ranks or elsewhere do not in themselves satisfactorily resolve the question of unmet demand. It is also desirable to address...
- **latent demand,** for example people who have responded to long waiting times by not even trying to travel by taxi. This can be assessed by surveys of people who do not use taxis, perhaps using stated preference survey techniques.
- **peaked demand.** It is sometimes argued that delays associated only with peaks in demand (such as morning and evening rush hours, or pub closing times) are not 'significant' for the purpose of the Transport Act 1985. The Department does not share that view. Since the peaks in demand are by definition the most popular times for consumers to use taxis, it can be strongly argued that unmet demand at these times should not be ignored. Local authorities might wish to consider when the peaks occur and who is being disadvantaged through restrictions on provision of taxi services.

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- **consultation.** As well as statistical surveys, assessment of quantity restrictions should include consultation with all those concerned, including user groups (which should include groups representing people with disabilities, and people such as students or women), the police, hoteliers, operators of pubs and clubs and visitor attractions, and providers of other transport modes (such as train operators, who want taxis available to take passengers to and from stations);
- **publication.** All the evidence gathered in a survey should be published, together with an explanation of what conclusions have been drawn from it and why. If quantity restrictions are to be continued, their benefits to consumers and the reason for the particular level at which the number is set should be set out.
- **financing of surveys.** It is not good practice for surveys to be paid for by the local taxi trade (except through general revenues from licence fees). To do so can call in question the impartiality and objectivity of the survey process.

35. Quite apart from the requirement of the 1985 Act, the Department's letter of 16 June 2004 asked all local licensing authorities that operate quantity restrictions to review their policy and justify it publicly by 31 March 2005 and at least every three years thereafter. The Department also expects the justification for any policy of quantity restrictions to be included in the five-yearly Local Transport Plan process. A recommended list of questions for local authorities to address when considering quantity controls was attached to the Department's letter. (The questions are listed in Annex A to this Guidance.)

Taxi Fares

36. Local licensing authorities have the power to set taxi fares for journeys within their area, and most do so. (There is no power to set PHV fares.) Fare scales should be designed with a view to practicality. The Department sees it as good practice to review the fare scales at regular intervals, including any graduation of the fare scale by time of day or day of the week. Authorities may wish to consider adopting a simple formula for deciding on fare revisions as this will increase understanding and improve the transparency of the process. The Department also suggests that in reviewing fares authorities should pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers sufficient incentive to provide a service when it is needed. There may well be a case for higher fares at times of higher demand.

37. Taxi fares are a maximum, and in principle are open to downward negotiation between passenger and driver. It is not good practice to encourage such negotiations at ranks, or for on-street hailings; there would be risks of confusion and security problems. But local licensing authorities can usefully make it clear that published fares are a maximum, especially in the context of telephone bookings, where the customer benefits from competition. There is more likely to be a choice of taxi operators for telephone bookings, and there is scope for differentiation of services to the customer's advantage (for example, lower fares off-peak or for pensioners).

38. There is a case for allowing any taxi operators who wish to do so to make it clear - perhaps by advertising on the vehicle - that they charge less than the maximum fare; publicity such as '5% below the metered fare' might be an example.

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Drivers***Duration of Licences***

39. It is obviously important for safety reasons that drivers should be licensed. But it is not necessarily good practice to require licences to be renewed annually. That can impose an undue burden on drivers and licensing authorities alike. Three years is the legal maximum period and is in general the best approach. One argument against 3-year licences has been that a criminal offence may be committed, and not notified, during the duration of the licence. But this can of course also be the case during the duration of a shorter licence. In relation to this, authorities will wish to note that the Home Office in April 2006 issued revised guidance for police forces on the Notifiable Occupations Scheme. Under this new guidance the police are requested to notify the appropriate local licensing authority of convictions and other relevant information when it comes to their attention that an individual is working as a Taxi or PHV driver. (Further details are contained in Home Office Circular 6/2006. Further information can be obtained from the Criminal Records Section, Safeguarding Vulnerable Persons Team, Police Leadership and Powers Unit, Home Office, Fourth Floor, Peel Building, 2 Marsham Street, London SW1P 4DF; e-mail Robin.Manson@homeoffice.gsi.gov.uk)

40. However, an annual licence may be preferred by some drivers. That may be because they have plans to move to a different job or a different area, or because they cannot easily pay the fee for a three-year licence, if it is larger than the fee for an annual one. So it can be good practice to offer drivers the choice of an annual licence or a three-year licence.

Acceptance of driving licences from other EU member states

41. Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 as enacted stated that an applicant for a taxi or private hire vehicle (PHV) driver's licence must have held a full ordinary GB driving licence for at least 12 months in order to be granted a taxi or PHV driver's licence. This requirement has subsequently been amended since the 1976 Act was passed. The Driving Licences (Community Driving Licence) Regulations 1996 (SI 1996 No 1974) amended sections 51 and 59 of the 1976 Act to allow full driving licences issued by EEA states to count towards the qualification requirements for the grant of taxi and PHV driver's licences. Since that time, a number of central and eastern European states have joined the EU and the EEA and the Department take the view that drivers from the Accession States are eligible to acquire a taxi or PHV driver's licence under the 1976 Act if they have held an ordinary driving licence for 12 months which was issued by an acceding State. To complete the picture, the Deregulation (Taxis and Private Hire Vehicles) Order 1998 (SI 1998 No 1946) gave equal recognition to Northern Ireland driving licences for the purposes of taxi and PHV driver licensing under the 1976 Act.

Criminal Record Checks

42. A criminal record check is an important safety measure and is widely required. Taxi and PHV drivers can be subject to an Enhanced Disclosure through the Criminal Records Bureau; this level of disclosure includes details of spent convictions and police cautions. In considering an individual's criminal record, local licensing authorities will want to consider each case on its merits, but they will doubtless take a particularly cautious view of any offences involving violence, and especially sexual attack. In order to achieve consistency, and thus avoid the risk of successful legal challenge, local authorities will doubtless want to have a clear policy for the consideration of criminal records, for example the number of years they will require to have elapsed since the commission of particular kinds of offences before they will grant a licence.

43. Local licensing authorities will also want to have a policy on background checks for applicants from elsewhere in the EU and other overseas countries. One approach is to require a certificate of good conduct authenticated by the relevant embassy. The Criminal Records Bureau website (www.crb.gov.uk) gives information about obtaining certificates of good conduct, or similar documents, from a number of countries. More generally, the Home Office's Employers' Helpline

Taxi and Private Hire Vehicle Licensing: Best Practice Guidance

(0845 010 6677) can be used by licensing staff to obtain general guidance on immigration documentation, although this Helpline is not able to advise on individual cases. The authority can obtain case specific immigration status information, including whether a licensing applicant is permitted to work or details of work restrictions, from the Evidence and Enquiry Unit, Floor 12, Lunar House, Wellesley Road, Croydon CR9 2BY . Further details on the procedures involved can be obtained by contacting the Unit (020 8196 3011).

44. It would seem best practice for Criminal Records Bureau disclosures to be sought when a licence is first applied for and then every three years, even if a licence is renewed annually, provided drivers are obliged to report all new convictions and cautions to the licensing authority.

Medical Criteria

45. It is clearly good practice for medical checks to be made on each driver before the initial grant of a licence and thereafter for each renewal. It is common for licensing authorities to apply the 'Group 2' medical standards - applied by DVLA to the licensing of lorry and bus drivers - to taxi and PHV drivers. This seems best practice. The Group 2 standards preclude the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers with insulin treated diabetes, who can meet a series of medical criteria, to obtain a licence to drive category C1 vehicles (i.e. 3500-7500 kgs lorries); the position is summarised at Annex B to the Guidance. In the light of the latest guidance from the Secretary of State's Honorary Medical Advisory Panel on Diabetes Mellitus and Driving, it is suggested that best practice is to apply the C1 standards to taxi and PHV drivers with insulin treated diabetes.

Age Limits

46. It does not seem necessary to set a maximum age limit for drivers provided that regular medical checks are made. Nor do minimum age limits, beyond the statutory periods for holding a full driver licence, seem appropriate. Applicants should be assessed on their merits.

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Driving Proficiency

47. Many local authorities rely on the standard car driving licence as evidence of driving proficiency. Others require some further driving test to be taken. Local authorities will want to consider carefully whether this produces benefits which are commensurate with the costs involved for would-be drivers, the costs being in terms of both money and broader obstacles to entry to the trade. However, they will note that the Driving Standards Agency provides a driving assessment specifically designed for taxis.

Other training

48. There may well be advantage in encouraging drivers to obtain one of the nationally-recognised vocational qualifications for the taxi and PHV trades. These will cover customer care, including how best to meet the needs of people with disabilities. More information about these qualifications can be obtained from *GoSkills*, the Sector Skills Council for Passenger Transport. *GoSkills* is working on a project funded by the Department to raise standards in the industry and *GoSkills* can guide and support licensing authorities through its regional network of Business Advisers. Some licensing authorities have already established training initiatives and others are being developed; it is seen as important to do this in consultation with the local taxi and PHV trades. Training can cover customer care, including how best to meet the needs of people with disabilities and other sections of the community, and also topics such as the relevant legislation, road safety, the use of maps and GPS, the handling of emergencies, and how to defuse difficult situations and manage conflict. Authorities may wish to note that nationally recognised qualifications and training programmes sometimes have advantages over purely local arrangements (for example, in that the qualification will be more widely recognised).

Contact details are:

GoSkills, Concorde House, Trinity Park, Solihull, Birmingham, B37 7UQ.

Tel: 0121-635-5520

Fax: 0121-635-5521

Website: www.goskills.org

e-mail: info@goskills.org

Topographical Knowledge

49. Taxi drivers need a good working knowledge of the area for which they are licensed, because taxis can be hired immediately, directly with the driver, at ranks or on the street. So most licensing authorities require would-be taxi-drivers to pass a test of local topographical knowledge as a pre-requisite to the first grant of a licence (though the stringency of the test should reflect the complexity or otherwise of the local geography, in accordance with the principle of ensuring that barriers to entry are not unnecessarily high).

50. However, PHVs are not legally available for immediate hiring in the same way as taxis. To hire a PHV the would-be passenger has to go through an operator, so the driver will have an opportunity to check the details of a route before starting a journey. So it may be unnecessarily burdensome to require a would-be PHV driver to pass the same 'knowledge' test as a taxi driver, though it may be thought appropriate to test candidates' ability to read a map and their knowledge of key places such as main roads and railway stations.

PHV Operators

51. The objective in licensing PHV operators is, again, the safety of the public, who will be using operators' premises and vehicles and drivers arranged through them.

Taxi and Private Hire Vehicle Licensing: Best Practice Guidance**Criminal Record Checks**

52. PHV operators (as opposed to PHV drivers) are not exceptions to the Rehabilitation of Offenders Act 1974, so Standard or Enhanced disclosures cannot be required as a condition of grant of an operator's licence. But a Basic Disclosure could be seen as appropriate, after such a system has been introduced by the Criminal Records Bureau. No firm date for introduction has yet been set; the Home Office during 2006/07 will be undertaking a new feasibility study in this regard. Overseas applicants may be required to provide a certificate of good conduct from the relevant embassy if they have not been long in this country. Local licensing authorities may want to require a reference, covering for example the applicant's financial record, as well as the checks outlined above.

Record Keeping

53. It is good practice to require operators to keep records of each booking, including the name of the passenger, the destination, the name of the driver, the number of the vehicle and any fare quoted at the time of booking. That will, for example, enable police checks to be made if any mishap should befall a passenger and may also be of use to licensing authorities in enforcement enquiries. It is suggested that 6 months is generally appropriate as the length of time that records should be kept.

Insurance

54. It is appropriate for a licensing authority to check that appropriate public liability insurance has been taken out for premises that are open to the public.

Licence Duration

55. A requirement for annual licence renewal does not seem necessary or appropriate for PHV operators, whose involvement with the public is less direct than a driver (who will be alone with passengers). Indeed, a licence period of five years may well be appropriate in the average case. Although the authority may wish to offer operators the option of a licence for a shorter period if requested.

Taxi and Private Hire Vehicle Licensing: Best Practice Guidance**Enforcement**

56. Well-directed enforcement activity by the local licensing authority benefits not only the public but also the responsible people in the taxi and PHV trades. The resources devoted by licensing authorities to enforcement will vary according to local circumstances, including for example any difficulties with touting by unlicensed drivers and vehicles (a problem in some urban areas). Local authorities will also wish to liaise closely with the police.

57. Local licensing authorities often use enforcement staff to check a range of licensed activities (such as market traders) as well as the taxi and PHV trades, to make the best use of staff time. But it is desirable to ensure that taxi and PHV enforcement effort is at least partly directed to the late-night period, when problems such as touting tend most often to arise.

58. Some local licensing authorities employ taxi marshals in busy city centres where there are lots of hirings, again perhaps late at night, to help taxi drivers picking up, and would-be passengers queuing for taxis.

59. As part of enforcement, local licensing authorities will often make spot checks, which can lead to their suspending or revoking licences. They will wish to consider carefully which power should best be used for this purpose. They will note, among other things, that section 60 of the Local Government (Miscellaneous Provisions) Act 1976 provides a right of appeal for the licence-holder, whereas section 68, which is also sometimes used, does not; this can complicate any challenge by the licence-holder.

Taxi Zones

60. The areas of some local licensing authorities are divided into two or more zones for taxi licensing purposes. Drivers may be licensed to ply for hire in one zone only. Zones may exist for historical reasons, perhaps because of local authority boundary changes.

61. The Department recommends the abolition of zones. That is chiefly for the benefit of the travelling public. Zoning tends to diminish the supply of taxis and the scope for customer choice - for example, if fifty taxis were licensed overall by a local authority, but with only twenty five of them entitled to ply for hire in each of two zones. It can be confusing and frustrating for people wishing to hire a taxi to find that a vehicle licensed by the relevant local authority is nonetheless unable to pick them up (unless pre-booked) because they are in the wrong part of the local authority area. Abolition of zones can also reduce costs for the local authority, for example through simpler administration and enforcement. It can also promote fuel efficiency, because taxis can pick up a passenger anywhere in the local authority area, rather than having to return empty to their licensed zone after dropping a passenger in another zone.

62. It should be noted that the Government intends to make a Regulatory Reform Order which will remove the need for the Secretary of State to approve amalgamation resolutions made by local licensing authorities. It is intended that the RRO should be introduced for Parliamentary scrutiny during 2006.

Flexible Transport Services

63. It is possible for taxis and PHVs to provide flexible transport services in a number of different ways. Such services can play a valuable role in meeting a range of transport needs, especially in rural areas - though potentially in many other places as well. In recent years there has been a significant increase in the provision of flexible services, due partly to the availability of Rural Bus Subsidy Grant and Rural Bus Challenge Support from the Department.

64. The Department encourages local licensing authorities, as a matter of best practice, to play their part in promoting flexible services, so as to increase the availability of transport to the travelling public. This can be done partly by drawing the possibilities to the attention of taxi and PHV trade. It

Taxi and Private Hire Vehicle Licensing: Best Practice Guidance

also should be borne in mind that vehicles with a higher seating capacity than the vehicles typically licensed as taxis (for example those with 6, 7 or 8 passenger seats) may be used for flexible services and should be considered for licensing in this context.

65. The main legal provisions under which flexible services can be operated are:

- **Shared taxis and PHVs - advance bookings (section 11, Transport Act 1985):** licensed taxis and PHVs can provide a service at separate fares for up to eight passengers sharing the vehicle. The operator takes the initiative to match up passengers who book in advance and agree to share the vehicle at separate fares (lower than for a single hiring). An example could be passengers being picked up at home to go to a shopping centre, or returning from the shops to their homes. The operator benefits through increased passenger loadings and total revenues.
- **Shared taxis - immediate hirings (section 10, Transport Act 1985):** such a scheme is at the initiative of the local licensing authority, which can set up schemes whereby licensed taxis (not PHVs) can be hired at separate fares by up to eight people from ranks or other places that have been designated by the authority. (The authority is required to set up such a scheme if holders of 10% or more of the taxi licences in the area ask for one.) The passengers pay only part of the metered fare, for example in going home after a trip to the local town, and without pre-booking, but the driver receives more than the metered fare.
- **Taxibuses (section 12, Transport Act 1985):** owners of licensed taxis can apply to the Traffic Commissioner for a 'restricted public service vehicle (PSV) operator licence'. The taxi owner can then use the vehicle to run a bus service for up to eight passengers. The route must be registered with the Traffic Commissioner and must have at least one stopping place in the area of the local authority that licensed the taxi, though it can go beyond it. The bus service will be eligible for Bus Service Operators Grant (subject to certain conditions) and taxibuses can be used for local authority subsidised bus services. The travelling public have another transport opportunity opened for them, and taxi owners have another business opportunity.

66. The Department is very keen to encourage the use of these types of services. More details can be found in the Department's publication 'Flexible Transport Services' (available from dft@twoten.press.net). The document itself can be accessed at: www.dft.gov.uk/stellent/groups/dft_localtrans/documents/page/dft_localtrans_504004.hcsp.

Local Transport Plans

67. The Transport Act 2000 requires most local transport authorities in England (not London) to produce and maintain a Local Transport Plan (LTP), having regard to any guidance issued by the Secretary of State. The latest guidance was published in December 2004 asking for a provisional LTP by 29 July 2005 and a final one by 31 March 2006. LTPs set out the authority's local transport strategies and policies, and an implementation programme over a five year period. Authorities report each year on their delivery of policies and programmes in Annual Progress Reports.

68. All modes of transport including taxi and PHV services have a valuable part to play in overall transport provision, and so local licensing authorities have an input to make to the LTP process. The key policy themes for such services could be availability and accessibility. LTP input could include statements of policy on:

- quantity controls, if any, and plans for their review;
- licensing conditions, with a view to safety but also to good supply of taxi and PHV services;
- fares;
- on-street availability, especially through provision of taxi ranks;
- vehicle accessibility for people with disabilities;

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- encouragement of flexible services.

69. There should also be a statement of changes in policy since the last LTP and changes that are intended. It would be useful to provide statistics of changes in the number of licences for vehicles, drivers and operators, so that trends in availability can be identified.

Taxi and Private Hire Vehicle Licensing: Best Practice Guidance

Annex A: Taxi and Private Hire Vehicle Licensing: Best Practice Guidance

Useful questions when assessing quantity controls of taxi licences

- Have you considered the Government's view that quantity controls should be removed unless a specific case that such controls benefit the consumer can be made?

Questions relating to the policy of controlling numbers

- Have you recently reviewed the need for your policy of quantity controls?
- What form did the review of your policy of quantity controls take?
- Who was involved in the review?
- What decision was reached about retaining or removing quantity controls?
- Are you satisfied that your policy justifies restricting entry to the trade?
- Are you satisfied that quantity controls do not:
 - reduce the availability of taxis;
 - increase waiting times for consumers;
 - reduce choice and safety for consumers?
- What special circumstances justify retention of quantity controls?
- How does your policy benefit consumers, particularly in remote rural areas?
- How does your policy benefit the trade?
- If you have a local accessibility policy, how does this fit with restricting taxi licences?

Questions relating to setting the number of taxi licences

- When last did you assess unmet demand?
- How is your taxi limit assessed?
- Have you considered latent demand, ie potential consumers who would use taxis if more were available, but currently do not?
- Are you satisfied that your limit is set at the correct level?
- How does the need for adequate taxi ranks affect your policy of quantity controls?

Questions relating to consultation and other public transport service provision

- When consulting, have you included etc
 - all those working in the market;
 - consumer and passenger (including disabled) groups;
 - groups which represent those passengers with special needs;
 - local interest groups, eg hospitals or visitor attractions;
 - the police;

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- a wide range of transport stakeholders eg rail/bus/coach providers and traffic managers?
- Do you receive representations about taxi availability?
- What is the level of service currently available to consumers (including other public transport modes)?

Taxi and Private Hire Vehicle Licensing: Best Practice Guidance**Annex B: Taxi and Private Hire Vehicle Licensing: Best Practice Guidance****Assessing applicants for a taxi or PHV driver licence in accordance with C1 standard*****Exceptional circumstances under which DVLA will consider granting licences for vehicles over 3.5 tonnes or with more than 8 passenger seats.***

Insulin treated diabetes is a legal bar to driving these vehicles. The exceptional arrangements that were introduced in September 1998 were only in respect of drivers who were employed to drive small lorries between 3.5 tonnes and 7.5 tonnes (category C1). The arrangements mean that those with good diabetic control and who have no significant complications can be treated as "exceptional cases" and may have their application for a licence for category C1 considered. The criteria are

- To have been taking insulin for at least 4 weeks;
- Not to have suffered an episode of hypoglycaemia requiring the assistance of another person whilst driving in the last 12 months;
- To attend an examination by a hospital consultant specialising in the treatment of diabetes at intervals of not more than 12 months and to provide a report from such a consultant in support of the application which confirms a history of responsible diabetic control with a minimal risk of incapacity due to hypoglycaemia;
- To provide evidence of at least twice daily blood glucose monitoring at times when C1 vehicles are being driven (those that have not held C1 entitlement in the preceding 12 months may provide evidence of blood glucose monitoring while driving other vehicles);
- To have no other condition which would render the driver a danger when driving C1 vehicles; and
- To sign an undertaking to comply with the directions of the doctor(s) treating the diabetes and to report immediately to DVLA any significant change in condition.

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Messrs. Illyas & Crompton,
 Chorley Hackney Carriage Assn..

For Collection

25th June, 2008

Our ref: RBA/BNMM8216

Dear Yacub & Brian,

I write with reference to our various recent telephone conversations over the meeting which you say has been called by the Licensing officer for the 30th when I will be away. I am still not entirely sure the purpose of the meeting although it does not seem to be a reconvening of the committee meeting from the 4th June, 2008 which had the item on the agenda which troubled you and your members so much.

As I advised following our meeting I drafted a written response ostensibly on behalf of your members because in speaking to the Council officers it seemed there is a strictly limited speech time at committee meeting and there was too much to say in the time allotted.

My submissions which are attached to this letter resulted in the agenda item being pulled from the meeting and presumably will feature in a later meeting of the full committee. It concerns me a little that at the meeting called for the 30th the Chair and Vice-Chair of the committee will be in attendance. Their role and the reason for that is unclear to me and it potentially compromises their position at the full committee meeting if they have been involved in discussions/consultations between the council officers and members of the trade. This is a point to be clarified at the outset of any meeting.

It might well be the case that the meeting is a consultation exercise in which the trades' views will be listened to and hopefully lead to changes in the council's approach. That may lead to an acceptable compromise being reached which would mean an agreed approach could go forward to the next full committee meeting. If that were to be the result it would be a good thing and have the benefits of the trade and council working in harmony for a change to the greater good of all.

You need to bear in mind that there are others within the trade whom your organisation does not represent and they too should be part of the consultation procedure so you should check who else has been invited to attend as you will not be able to speak on their behalf, nor reach any agreement binding them.

Partners: Roger G. Allanson LL.B. - Solicitor Criminal, Motoring, Tax-Law, Family and Children Cases and Personal Injury Litigation (e-mail roger@allansons.com)
 Member of Association of Personal Injury Lawyers and Law Society Children Panel and Police Station and Court Duty Solicitor Scheme Commissioner for Oaths
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 Karen Hudson - Conveyancing (e-mail karen@bouchers.co.uk)

Consultant: Paul Boucher - Solicitor Conveyancing and Probate Cases

Paralegals: Julie Salmon - Conveyancing Ryan J. Booth Conveyancing and Criminal Cases

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Languages Spoken: • اردو (Urdu) • ગુજરાતી (Gujarati)

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If you want me to be present at the meeting it will have to be re-arranged for when I get back please avoid the following dates:-

1-8,10,14,15,21,29, & 31 July

1,8,26-29 August, 2008.

Thank you for the £350 on account of costs.

When you have considered my submissions please let me know what you want me to do next if anything.

Yours sincerely,
Roger B. Allanson

Submissions on behalf of Chorley Hackney Carriage Association

1. The trade and the guys with the Hackney Carriage Association and presumably Private Hire Vehicle Drivers and Operators share with Chorley Borough Council the obligation to protect the public by providing a safe form of transportation for the public to use and accept the Local Authorities obligation to test the ability and fitness of the drivers and their vehicles. However the report of the Corporate Director of Governance states that its priority is to ensure Chorley Borough Council [CBC] is a performing organisation.
2. What evidence is there that it is not currently performing?
3. If there is evidence of none performance surely the starting point is to apply its enforcement powers. Where those might be insufficient and that would only be known after testing of those powers in action by for example
 - Calculating the number of vehicles that miss or fail tests but continue to work
 - Working out the number of enforcement operations that have taken place over a period of time and analysing the results
 - Analysing the results of visits to Operators with a view to compliance of regulation
 - Considering the disciplinary hearings that have taken place and their reasons and outcomes
 - Considering the number of warning letters suspensions and revocations that have taken place and the reasons for them
 - The number of failures of the system causing any problems
 - The number of mystery shoppers used to test the testers and any outcomes

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4. It has been noticed by the trade and members of the Hackney Carriage Association that there has been a lack of enforcement activity over a number of years.
5. The Directors Report refers to "a number of factors" [at paragraph 5] which suggest that it is timely to review the conditions.
 - What are these factors
 - What evidence is there for the need to review the conditions
 - Time alone is only one criteria but if there is evidence that the current criteria is causing problems then what is that evidence
6. The current system [as at paragraph 9 and 11 (what happened to paragraph 10)] does not appear to have been compared with the Department for Transport [DFT] Taxi and Private Hire Vehicle Licensing: Best Practice Guidance 2005. Whilst it is accepted that document is not binding it is persuasive as it is being prepared with the benefit of consultation with many interested parties and all views have been considered.
7. The DFT Guidance is a far lower standard than CBC's proposal but additionally it reminds Local Authorities of their powers to use spot checking, calling in of vehicles and specific targeting:
8. i.e. there is no need to aim at the whole of the trade in an area especially if there is only a few "rogue" operators. The solution surely is to spot them and target them. That way it is far fairer and that encourages better trade members.

9. Sport enforcement also encourages regular maintenance. If owners do not know that they are to be targeted they will have to keep on top of maintenance. If testing is regular it is a bit like a gatso and you prepare for it.
10. If there are poorly performing fleet owners or drivers attached to firms a reminder about vicarious liability in the area of claims should also enlist operators on board to do enforcement and checking as well.
11. Unfortunately CBC do not know this without there being some reflection/collection of statistical evidence failures etc which will then inform them as to who and which vehicle to target and what aspects of the test vehicles are regularly failing.

Guidance at Page 3

12. "Local Authority should carefully consider whether the costs imposed by local licensing policies are really commensurate with the benefits which the policy is meant to achieve"

See the Trades costing of it and CBC's testing regime proposals

- These are very high
- They are indiscriminant so those carrying out appropriate maintenance are having to pay as well as those skimping on it
- They fail to appreciate that the trade is heavily dependent on Hire Purchase which lasts 4-5 years and it is only after vehicles are paid for can the owner/driver make an enhanced living. It is that which is the source of funding for maintenance and the deposit for the next newer vehicle. Increase costs erodes that opportunity.
- If the age of the joined taxi drivers themselves is getting older there ability to continue within the trade is effected by hire cost especially if they have to replace

- vehicles to prescriptive formula as proposed by CBC which could be prohibitively expensive and end their trade.
 - There is no evidence here that older drivers are compromising safety. I would suggest that they are even less likely to do so
 - Chorley's oldest private hire vehicle I understand is a Toyota Avensis which is 8 years old. The regime therefore seems to be unnecessary targeting that one vehicle and I venture to suggest that that vehicle is probably better maintained than some of the younger vehicles
 - What evidence is there that older vehicles are in fact compromising safety. The Director makes no reference to any statistical evidence within his report and is presumably therefore just taken as read that an older vehicle is likely to be less safe. There is no statistical evidence to support that proposition
 - If the above proposition can be supported do we know what aspects of the test are being failed by those particular vehicles?
 - Does CBC's test reflect the Guidelines? The Guidelines suggest that the mechanical element of a taxi test should be a direct reflection of the MOT test. It seems that CBC's current test is not a reflection of the guidance their proposals seems to be that the new testing regime should take the form of an MOT test first followed by taxi elements second. This comes as a surprise. It is surely not really a matter of imposition on the trade by increasing the frequency of testing but more a matter of rigor in testing the testers therefore they should be the ones subject to scrutiny
13. Tightening of the test criteria is something that no-one could really object to if it by way of adoption of MOT criteria for the mechanical test. Once that has been done and a cheque by statistical collation and mystery shopping of the testers can inform as to the failure aspects and the quality of the test.

Administration Costs

14. I understand the present system is fees are paid at the garage where the test is to be taken. Each individual garage sets its own rates which is a commercial decision which is not fettered by the Local Authority. In his report the Director refers to MOT being price led (SIC). There is no evidence again for that proposition having any actual affect. Once again that would appear to be a matter for imposing and testing standards on the testers which is something that is conveniently done for CBC by VOSA.
15. There is no evidence that those choosing to pay less for MOT and tests are compromising safety. If the garages can afford to charge less the trade taking advantage of that is not necessarily something that should be stopped.
16. A change in the payment regime by requiring bookings at the garage then payment of fee to the Council's One Stop Shop which I understand does not fully understand the system and refers drivers back to Licensing Department where they then have to attend and queue once more involves the drivers in additional journeys and therefore expense and time taken away from earning a living. There is also a system which may possibly give CBC a commercial potential vis-à-vis of the garage which would not be appropriate. It seems that the system seems to satisfy everybody at present so if it is not broke than why fix it?

Taxi Rates

17. CBC according to the National Private Hire Association are ³¹⁶~~293~~ out of 375 Councils for affordability.
18. Maintenance and testing of course are part of a taxi operator and driver's trade and the costs attendant with that are costs that he as to bear. However his ability to earn a living is effected by many things including for example rises in the cost of fuel and the cost of living. These erode his income and ability to maintain his

vehicle. As an added safety measure Chorley might consider improving his position in the league table of Councils for affordability.

19. For example I submit that an increase of say £0.20p in the basic fare would do more to achieve safety and maintenance if that is coupled with an active enforcement practice than anything else. If we take as an average a driver completes 25 jobs a day then £0.20p extra per job over a 6 day week would equate to £1,440.00 per annum extra!

Vehicle Safety Report

20. It is the CBC's proposal that these should be introduced for vehicles over 3 years of age.
21. There is no statutory basis for this document.
22. If it is made a condition of a licence it would be appealable. That puts the Council and trade potentially at logger-heads whereas trade and CBC should both have public protection at heart.
23. The proposed VSR, appendix B1, B2, D1, D2 and E1 all at various point offend a number of principals which CBC may have difficulty with where matters to be appealed as all are purport to be conditions of licence.

Appendix B1

- Item 1 – “Weakness” is referred to but not defined.
- Item 2 – “Undue discoloration”. What is the definition of undue? How is it to be measured?
- Item 11 – Pedal rubbers “not excessively worn”. Once again this is not defined and there is no reference to minimum acceptable tread for example.

- Item 15 – Headroom in rear – There is reference to Council's terms and conditions but this would appear to be the fettering of choice of vehicle by driver. An appealable point.

VSR: - Appendix B2

- Item 2 – Body work to show “no discoloration”. It is talking about 3 year old cars plus and there is no definition of discoloration and it is not clear what this actually means but the expectation that a car is uniformly coloured may be unrealistic and impose greater expense on the driver or indeed put him out of action.
- Item 4 – Tear/hole free floor clearing – it would appear that in certain circumstances this is allowed but not in others but it does not define what models it would be allowed. It is surely a safety issue and needs clearer definition.
- Item 11 – See B1 11 above.
- Item 25 – Any other defect in the opinion of the examiner which would cause injury or discomfort – this is far too wide a catchall to be understandable so as the trade can deal with it but of course it is an area where opinion can put a driver out of action.

Appendix C

- Item 2 & 5 – No cigarette burn holes acceptable. No cut and tear acceptable.
- Minimum cost of repair is approximately £35.00 per repair.
- There is no compromise.
- It is unrealistic in taxi's which are used by members of public who cause the damage.
- It is out of all reasonable proportion but could lead to the loss of livelihood.

- Item 28 – Missing torn or stained boot carpet! This could equal a fail!!

- Item 33 – Signs of water ingress in boot again could lead to a fail without compromising safety or passenger comfort or being proportionate.

- Item 34 – No dents beyond 2cm. Bodywork – no visible signs of fading.
- This is inconsistent with B1 and B2 on this point.

- Item 35 – 3cm plus long scratches unacceptable – This is a proposal for cars of 3 years and over.

- Item 36 – All repairs to manufacture as standards.
- Does this mean that they can only be done by main dealers?
- What about the cost of that?
- What evidence is there that other repairers do not repair correctly?
- What evidence would be required of repair?

- Item 40 & 41 – Cracks in glass.
- MOT standards permit certain cracks in glass providing they do not impair visibility. This standard therefore is inconsistent with the MOT and is much more onerous without showing any compromise to safety or passenger comfort.
- Again it is referring to 3 year old cars which are likely to show stone chips or cracks. The cost of replacement far outweighing the issue at hand.

- Item 44 – Fogging of number plates

- This could lead to a fail!

- Items 45, 58, 59, 60, 65 & 71 – Excessive leaks acceptable
- What does this mean?
- When does the leak become excessive.
- What level of leak is acceptable?

- Item 66 – What is the sign of deterioration on an exhaust? This has not been defined and is open to interpretation without boundary. Again it could lead to a fail for an item that functions entirely correctly.

- Item 85 – Tyre tread at 3mm
- This is nearly twice the legal minimum why?

- Item 86 – 4 wheel drive vehicles not to have 1mm tyre difference between the front and back wheels.
- You can have 4 safe and perfectly legal tyres on a vehicle and it still fail for this!
- Are there any of these vehicles registered at Chorley anyway?

- Item 93 – Visible exhaust emissions, excessive smoke unacceptable
- What does visible mean?
- Visibility may depend on the time of day and the weather conditions at the time of the test!
- What is excessive?
- What is not excessive?
- How does this fit with the minimum standard admission test the vehicles have to go through?

- Item 99 – Steering “any pull judder knock or wander -- unacceptable”
- What does this mean?
- By what standard is this to be judged?
- It is subjective and not an objective testing.

- It makes no reference to cause and possibility of repair where defect to be found in this region.
 - Item 100 – Wheel bearing noise -- none acceptable.
 - All bearings make some noise therefore what does the word "noise" mean in this context?
 - What is the minimum amount of noise acceptable?
 - The issue is surely one of safety not noise and condition of the wheel bearing should be the benchmark.
 - Item 101 – Transmission/Axel noise – excessive.
 - See comments to 45-71. and 100 above.
 - Item 108 – Glass of door mirrors. Any discoloration/loss of silvering is unacceptable – way too higher standard for 3 year plus vehicles. Should be by reference to area affected.
 - Item 109- Manufacturer's only mirrors acceptable.
 - What is wrong with replacement market mirrors?
24. The trade is also very concerned that the VSR reports are nothing to do with local conditions but also contain a tick box allowing the report writer to declare vehicles fit or not. That would only be acceptable if it is done by an independent report writer/tester. Therefore who will be authorised to prepare VSR's?
25. If they are approved by the Council they may fear declaring vehicles ok which could cause problems with the trade. However by contrast the document also contains a threat by the Local Authority of prosecution.
26. There is no reference to any appeal where there is a dispute in relation to any of the items detailed.

Hackney Carriage Licence Conditions D1

27. In particular Item 6C – Sufficient luggage space for the number of passengers.
28. All vehicles will meet either a European Whole Vehicle Type approval, British National Type approval, or British Single Vehicle approval.
29. Luggage space provision therefore is an issue for them and once a vehicle has been approved it is artificial and inappropriate to depart from that approval. This licence condition attempts to do just that.
30. It is almost akin to reducing seating capacity from that as the vehicle had been manufactured.
31. The choice of 20"x 28"x7" suitcase appears to be completely arbitrary. Where does this come from? How has this been chosen as a standard? Is it a standard?
32. Have any checks been made to see if vehicles used in CBC area fail to adequately provide sufficient luggage space? The worry is of course that the standard that is being imposed might mean that for example a BMW 7 Series fails the test because it cannot accommodate the suitcases per passenger of the size required whereas a Peugeot 206 might pass. This is clearly nonsense.
33. Local Authority can only impose conditions as are reasonably necessary to comply with its obligations under the Local Governments and Provisions Act 1976. It is an appeal area and therefore potentially puts owners and Local Authority at loggerheads and should be avoided.

Paragraph 6g – White only vehicles

34. Ditto the remarks above as to reasonable and unnecessary requirement

Paragraph 8c

35. This proposes a testing regime for 6 year old PH Vehicles (SIC) three times per annum. Not only is this a proposed condition for Hackney Carriages it is also inconstant with the proposed regime as per the Corporate Director of Governance Report. It is surely a mistake.

Appendix D2

36. Items 6c) and 7c) – Repeat the remarks at D1. 6c & 8c above.

Byelaw Appendix E1

37. Signs and Notices - Paragraph 10

38. The wording here is inconsistent with the wording at D1 condition 7.

Paragraph 14

39. This prohibits more than 1 passenger in the front with the driver. Some vehicles e.g. 8 seater minibuses permit 2. This by Law is therefore inappropriate.

Costs of Plates

40. There is a proposed change that plate change will have to take place after each test. This is an added administration burden and an added financial burden on the trade.

Conclusion

41. With respect the changes proposed are heavy handed, extensive, excessive, unnecessary, inappropriate, disproportionate, costly and not based on any factual or statistical evidence. This clearly needs rethinking and ought to follow the DFT 2005 Guidelines.