



Kim Webber B.Sc. M.Sc.  
Chief Executive  
52 Derby Street  
Ormskirk  
West Lancashire  
L39 2DF

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Monday, 3 October 2016

**TO: COUNCILLORS N DELANEY, T DEVINE, C EVANS, J KAY, D MCKAY, J MEE, R MELLING, M MILLS, A OWENS, J PATTERSON AND K WRIGHT**

Dear Councillor,

A meeting of the **LICENSING & APPEALS COMMITTEE** will be held in the **COUNCIL CHAMBER - 52 DERBY STREET, ORMSKIRK L39 2DF** on **TUESDAY, 11 OCTOBER 2016** at **7.30 PM** at which your attendance is requested.

Yours faithfully

A handwritten signature in black ink, appearing to be "Kim Webber", written over a horizontal line.

Kim Webber  
Chief Executive

**AGENDA**  
**(Open to the Public)**

- 1. APOLOGIES**
- 2. MEMBERSHIP OF THE COMMITTEE**  
To be apprised of any changes to the membership of the Committee in accordance with Council Procedure Rule 4.
- 3. URGENT BUSINESS**  
Note: No other business is permitted unless, by reason of special circumstances, which shall be specified at the meeting, the Chairman is of the opinion that the item(s) should be considered as a matter of urgency.

- 4. DECLARATION OF PARTY WHIP**  
Party Whips are not to be used by this Committee in respect of functions concerning the determination of new Licence Applications, Revocations and Appeals. When considering any other matter which relates to a decision of the Cabinet or the performance of any Member of the Cabinet, in accordance with Regulatory Committee Procedure Rule 9, Members must declare the existence of any Party Whip and the nature of it, before the commencement of the Committee's deliberations on the matter.
- 5. DECLARATION OF INTEREST** 93 - 94  
If a Member requires advice on Declarations of Interest, he/she is advised to contact the Borough Solicitor in advance of the meeting. (For the assistance of members a checklist for use in considering their position on any particular item is included at the end of the agenda sheet).
- 6. MINUTES** 95 - 98  
To receive as a correct record the minutes of the meeting held on 19 July 2016.
- 7. HACKNEY CARRIAGE AND PRIVATE HIRE POLICY STATEMENT 2016 - LICENSED VEHICLE SPECIFICATION, VEHICLE TESTING REQUIREMENTS AND APPLICATION PROCEDURES** 99 - 166  
To consider the report of the Director of Leisure and Wellbeing
- 8. MINUTES OF EMPLOYMENT APPEALS SUB COMMITTEE** 167 - 168  
To note the minutes of the Employment Appeals Sub Committee held on 20 September 2016
- 9. EXCLUSION OF PRESS AND PUBLIC**  
It is recommended that members of the press and public be excluded from the meeting during consideration of the following item(s) of business in accordance with Section 100A(4) of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 2 & (Identity of an Individual / Criminal Matters) of Part 1 of Schedule 12A to the Act and as, in all the circumstances of the case the public interest in disclosing the information.
- 10. PRIVATE HIRE DRIVER - DETERMINATION OF EXISTING LICENCE LN/000004526** 169 - 182  
To consider the report of the Director of Leisure and Wellbeing.
- 11. PRIVATE HIRE DRIVER - DETERMINATION OF EXISTING LICENCE - LN/00005314** 183 - 190  
To consider the report of the Director of Leisure and Wellbeing
- 12. PRIVATE HIRE DRIVER - DETERMINATION OF EXISTING LICENCE LN/000007109** 191 - 202  
To consider the report of the Director of Leisure and Wellbeing
- 13. APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/218051** 203 - 206  
To consider the report of the Director of Leisure and Wellbeing

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|-----|---|--------------|
| 14. | <b>PRIVATE HIRE DRIVER - DETERMINATION OF EXISTING LICENCE LN/000004280</b><br>To consider the report of the Director of Leisure and Wellbeing. | 207 -<br>212 |
| 15. | <b>APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/214675</b><br>To consider the report of the Director of Leisure and Wellbeing.              | 213 -<br>218 |

**We can provide this document, upon request, on audiotape, in large print, in Braille and in other languages.**

**FIRE EVACUATION PROCEDURE: Please see attached sheet.**

**MOBILE PHONES: These should be switched off or to 'silent' at all meetings.**

For further information, please contact:-  
Julia Brown on 01695 585065  
Or email [julia.brown@westlancs.gov.uk](mailto:julia.brown@westlancs.gov.uk)



**FIRE EVACUATION PROCEDURE FOR:  
COUNCIL MEETINGS WHERE OFFICERS ARE PRESENT  
(52 DERBY STREET, ORMSKIRK)**

**PERSON IN CHARGE:** Most Senior Officer Present  
**ZONE WARDEN:** Member Services Officer / Lawyer  
**DOOR WARDEN(S)** Usher / Caretaker

**IF YOU DISCOVER A FIRE**

1. Operate the nearest **FIRE CALL POINT** by breaking the glass.
2. Attack the fire with the extinguishers provided only if you have been trained and it is safe to do so. **Do not** take risks.

**ON HEARING THE FIRE ALARM**

1. Leave the building via the **NEAREST SAFE EXIT**. **Do not stop** to collect personal belongings.
2. Proceed to the **ASSEMBLY POINT** on the car park and report your presence to the **PERSON IN CHARGE**.
3. **Do NOT** return to the premises until authorised to do so by the **PERSON IN CHARGE**.

**NOTES:**

Officers are required to direct all visitors regarding these procedures i.e. exit routes and place of assembly.

The only persons not required to report to the Assembly Point are the Door Wardens.

**CHECKLIST FOR PERSON IN CHARGE**

1. Advise other interested parties present that you are the person in charge in the event of an evacuation.
2. Make yourself familiar with the location of the fire escape routes and inform any interested parties of the escape routes.
3. Make yourself familiar with the location of the assembly point and inform any interested parties of that location.
4. Make yourself familiar with the location of the fire alarm and detection control panel.
5. Ensure that the zone warden and door wardens are aware of their roles and responsibilities.
6. Arrange for a register of attendance to be completed (if considered appropriate / practicable).

**IN THE EVENT OF A FIRE, OR THE FIRE ALARM BEING SOUNDED**

1. Ensure that the room in which the meeting is being held is cleared of all persons.
2. Evacuate via the nearest safe Fire Exit and proceed to the **ASSEMBLY POINT** in the car park.
3. Delegate a person at the **ASSEMBLY POINT** who will proceed to **HOME CARE LINK** in order to ensure that a back-up call is made to the **FIRE BRIGADE**.
4. Delegate another person to ensure that **DOOR WARDENS** have been posted outside the relevant Fire Exit Doors.

5. Ensure that the **ZONE WARDEN** has reported to you on the results of his checks, **i.e.** that the rooms in use have been cleared of all persons.
6. If an Attendance Register has been taken, take a **ROLL CALL**.
7. Report the results of these checks to the Fire and Rescue Service on arrival and inform them of the location of the **FIRE ALARM CONTROL PANEL**.
8. Authorise return to the building only when it is cleared to do so by the **FIRE AND RESCUE SERVICE OFFICER IN CHARGE**. Inform the **DOOR WARDENS** to allow re-entry to the building.

**NOTE:**

The Fire Alarm system will automatically call the Fire Brigade. The purpose of the 999 back-up call is to meet a requirement of the Fire Precautions Act to supplement the automatic call.

**CHECKLIST FOR ZONE WARDEN**

1. Carry out a physical check of the rooms being used for the meeting, including adjacent toilets, kitchen.
2. Ensure that **ALL PERSONS**, both officers and members of the public are made aware of the **FIRE ALERT**.
3. Ensure that **ALL PERSONS** evacuate **IMMEDIATELY**, in accordance with the **FIRE EVACUATION PROCEDURE**.
4. Proceed to the **ASSEMBLY POINT** and report to the **PERSON IN CHARGE** that the rooms within your control have been cleared.
5. Assist the **PERSON IN CHARGE** to discharge their duties.

It is desirable that the **ZONE WARDEN** should be an **OFFICER** who is normally based in this building and is familiar with the layout of the rooms to be checked.

**INSTRUCTIONS FOR DOOR WARDENS**

1. Stand outside the **FIRE EXIT DOOR(S)**
2. Keep the **FIRE EXIT DOOR SHUT**.
3. Ensure that **NO PERSON**, whether staff or public enters the building until **YOU** are told by the **PERSON IN CHARGE** that it is safe to do so.
4. If anyone attempts to enter the premises, report this to the **PERSON IN CHARGE**.
5. Do not leave the door **UNATTENDED**.

# Agenda Item 5

## MEMBERS INTERESTS 2012

A Member with a disclosable pecuniary interest in any matter considered at a meeting must disclose the interest to the meeting at which they are present, except where it has been entered on the Register.

A Member with a non pecuniary or pecuniary interest in any business of the Council must disclose the existence and nature of that interest at commencement of consideration or when the interest becomes apparent.

Where sensitive information relating to an interest is not registered in the register, you must indicate that you have an interest, but need not disclose the sensitive information.

Please tick relevant boxes

Notes

	General		Notes
1.	I have a disclosable pecuniary interest.	<input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 below</i>
2.	I have a non-pecuniary interest.	<input type="checkbox"/>	<i>You may speak and vote</i>
3.	I have a pecuniary interest <b>because</b> it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) <b>and</b> the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest or it relates to the determining of any approval consent, licence, permission or registration in relation to me or a connected person or, a body described in 10.1(1)(i) and (ii) <b>and</b> the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest	<input type="checkbox"/>          <input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>          <i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>
4.	I have a disclosable pecuniary interest (Dispensation 16/7/12) or a pecuniary interest but it relates to the functions of my Council in respect of:  (i) Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease.  (ii) school meals, or school transport and travelling expenses where I am a parent or guardian of a child in full time education, or are a parent governor of a school, and it does not relate particularly to the school which the child attends.  (iii) Statutory sick pay where I am in receipt or entitled to receipt of such pay.  (iv) An allowance, payment or indemnity given to Members  (v) Any ceremonial honour given to Members  (vi) Setting Council tax or a precept under the LGFA 1992	<input type="checkbox"/>          <input type="checkbox"/>          <input type="checkbox"/>          <input type="checkbox"/>          <input type="checkbox"/>          <input type="checkbox"/>	<i>You may speak and vote</i>          <i>You may speak and vote</i>          <i>You may speak and vote</i>          <i>You may speak and vote</i>          <i>You may speak and vote</i>          <i>You may speak and vote</i>
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 20/2/13 – 19/2/17)	<input type="checkbox"/>	<i>See the terms of the dispensation</i>
6.	I have a pecuniary interest in the business but I can attend to make representations, answer questions or give evidence as the public are also allowed to attend the meeting for the same purpose	<input type="checkbox"/>	<i>You may speak but must leave the room once you have finished and cannot vote</i>

**'disclosable pecuniary interest'** (DPI) means an interest of a description specified below which is your interest, your spouse's or civil partner's or the interest of somebody who you are living with as a husband or wife, or as if you were civil partners and you are aware that that other person has the interest.

### **Interest**

Employment, office, trade, profession or vocation

Sponsorship

### **Prescribed description**

Any employment, office, trade, profession or vocation carried on for profit or gain.

Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest; "director" includes a member of the committee of management of an industrial and provident society;*

*"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income; "M" means a member of a relevant authority;*

*"member" includes a co-opted member; "relevant authority" means the authority of which M is a member;*

*"relevant period" means the period of 12 months ending with the day on which M gives notice to the Monitoring Officer of a DPI;*

*"relevant person" means M or M's spouse or civil partner, a person with whom M is living as husband or wife or a person with whom M is living as if they were civil partners;*

*"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.*

**'non pecuniary interest'** means interests falling within the following descriptions:

- 10.1(1)(i) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) Any body (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
- (iii) Any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.
- 10.2(2) A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a connected person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision.

**'a connected person'** means

- (a) a member of your family or any person with whom you have a close association, or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph 10.1(1)(i) or (ii).

**'body exercising functions of a public nature'** means

Regional and local development agencies, other government agencies, other Councils, public health bodies, council-owned companies exercising public functions, arms length management organisations carrying out housing functions on behalf of your authority, school governing bodies.

A Member with a personal interest who has made an executive decision in relation to that matter must ensure any written statement of that decision records the existence and nature of that interest.

**NB** Section 21(13) of the LGA 2000 overrides any Code provisions to oblige an executive member to attend an overview and scrutiny meeting to answer questions.



# Agenda Item 6

**LICENSING & APPEALS COMMITTEE**

**HELD: Tuesday, 19 July 2016**

Start: 7.30 pm

Finish: 8.50 pm

**PRESENT:**

Councillor: T Devine (Chairman)  
N Delaney (Vice-Chair)

Councillors: S Currie C Evans  
J Kay D McKay  
J Mee M Mills  
A Owens K Wilkie  
K Wright

Officers: Commercial, Safety and Licensing Manager (Mr P Charlson)  
Principal Solicitor (Mrs K Lovelady)  
Senior Licensing Officer (Mrs S Jordan)  
Member Services/Civic Support Officer (Mrs J Brown)

16 **APOLOGIES**

There were no apologies for absence received.

17 **MEMBERSHIP OF THE COMMITTEE**

In accordance with Council Procedure Rule 4, the Committee noted the termination of membership of Councillors Melling and Patterson, and the appointment of Councillors Currie and Wilkie for this meeting only, thereby giving effect to the wishes of the political groups.

16 **APOLOGIES**

There were no apologies for absence received.

17 **MEMBERSHIP OF THE COMMITTEE**

In accordance with Council Procedure Rule 4, the Committee noted the termination of membership of Councillors Melling and Patterson, and the appointment of Councillors Currie and Wilkie for this meeting only, thereby giving effect to the wishes of the political groups.

18 **URGENT BUSINESS**

There were no urgent items of business.

19 **DECLARATION OF INTEREST**

Councillor Devine declared a pecuniary interest in relation to Agenda Item 15 –Private Hire Driver – Determination of Existing Licence WK/000217571 as the person was known to him and therefore left the Chamber during consideration of this item.

20 **DECLARATION OF PARTY WHIP**

There were no declarations of Party Whip.

**21 MINUTES OF SUB - COMMITTEES OR WORKING GROUPS**

That the Minutes of the Employment Appeals Sub – Committee held 9 June 2016 be noted.

**22 MINUTES**

RESOLVED: That the Minutes of the meeting held on 7 June 2016 be received as a correct record and signed by the Chairman.

**23 HACKNEY CARRIAGE AND PRIVATE HIRE POLICY STATEMENT 2016 - LICENSED VEHICLE AGE REQUIREMENTS**

Consideration was given to the report of the Director of Leisure and Wellbeing as contained on pages 55 to 67 of the Book of Reports, the purpose of which was to provide information regarding the current licensed vehicle age requirements contained in the Hackney Carriage and Private Hire Statement of Licensing Policy 2016.

The Commercial, Safety and Licensing Manager outlined the report to Members and responded to questions and comments raised by Members.

RESOLVED: That the licensed vehicle age requirements contained in the Hackney Carriage and Private Hire Statement of Licensing Policy 2016 remain unchanged.

**24 EXCLUSION OF PRESS AND PUBLIC**

RESOLVED That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 2 (Identity of an Individual) and Paragraph 7 (Criminal Matters) part 1 of Schedule 12A outweighs the public interest in disclosing the information.

**25 APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000215061**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000215061 having regard to the content of the Statutory Declaration that accompanied the Application Form and any other relevant information.

The Applicant attended the meeting and was interviewed by the Committee during which the Applicant was advised of his right of appeal to the Magistrates Court if he was aggrieved by the decision.

RESOLVED: That Application Number WK/000215061 be GRANTED and that a warning be given reminding him of his responsibility to follow the Council's Hackney Carriage and Private Hire Licensing Policy 2016.

(Note: The Officers from Leisure and Wellbeing Services left the meeting as Members considered their decision in this case).

**26 APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000216372**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000216372 having regard to the content of the Statutory Declaration that accompanied the Application Form and any other relevant information.

RESOLVED: That Application Number WK/000216372 be WITHDRAWN by Officers.

**27 APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000214675**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000214675 having regard to the content of the Statutory Declaration that accompanied the Application Form and any other relevant information.

RESOLVED: That Application Number WK/000214675 be deferred one cycle in order to allow the Applicant a further opportunity to attend.

**28 APPLICATION FOR PRIVATE HIRE DRIVER LICENCE - WK/000216090**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000216090 having regard to the content of the Statutory Declaration that accompanied the Application Form and any other relevant information.

The Applicant attended the meeting and was interviewed by the Committee during which the Applicant was advised of his right of appeal to the Magistrates Court if he was aggrieved by the decision.

RESOLVED: That Application Number WK/000216090 be GRANTED.

(Note: The Officers from Leisure and Wellbeing Services left the meeting as Members considered their decision in this case).

**29 PRIVATE HIRE DRIVER DETERMINATION OF EXISTING LICENCE - WK/000216716**

Members were asked to consider a Private Hire Driver Licence Number WK/000216716 having regard to the Police conviction received by the Driver.

The Applicant attended the meeting with his friend and was interviewed by the Committee during which the Driver was advised of his right of appeal to the Magistrates Court if he was aggrieved by the decision.

RESOLVED: That Private Hire Driver Licence Number WK/000216716 be REVOKED.

(Note: The Officers from Leisure and Wellbeing Services left the meeting as Members considered their decision in this case).

**30 PRIVATE HIRE DRIVER DETERMINATION OF EXISTING LICENCE - WK/000217571**

Members were asked to consider a Private Hire Driver Licence Number WK/000217571 having regard to the current Police conviction received by the Driver.

The Applicant attended the meeting and was interviewed by the Committee during which the Driver was advised of his right of appeal to the Magistrates Court if he was aggrieved by the decision.

RESOLVED: That Private Hire Driver Licence Number WK/000217571 be REVOKED.

(Note 1: Councillor Devine declared a pecuniary interest in relation to Agenda item 15 – Private Hire Driver – Determination of Existing Licence WK/000217571 as the Private Hire Driver was known to him and therefore left the Chamber during consideration of this item).

(Note 2: Councillor Delaney took the Chair for this item only).

(Note 3: The Officers from Leisure and Wellbeing Services left the meeting as Members considered their decision in this case).

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**CHAIRMAN**



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**Report of: Director of Leisure and Wellbeing**

**Contact for further information: Paul Charlson (ext 5246)**  
**(E-mail: paul.charlson@westlancs.gov.uk)**

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**SUBJECT: HACKNEY CARRIAGE AND PRIVATE HIRE POLICY STATEMENT 2016 –  
LICENSED VEHICLE SPECIFICATION, VEHICLE TESTING REQUIREMENTS AND  
APPLICATION PROCEDURES**

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Wards affected: Borough wide

## **1.0 PURPOSE OF REPORT**

1.1 To approve amendments to the Hackney Carriage and Private Hire Statement of Licensing Policy 2016 in respect of the licensed vehicle specification, vehicle testing requirements and application procedures.

## **2.0 RECOMMENDATIONS**

2.1 That the Hackney Carriage and Private Hire Statement of Licensing Policy 2016 be amended as detailed in Appendices 2, 3, 4 and 5 to this report.

## **3.0 BACKGROUND**

3.1 Members will recall the Hackney Carriage and Private Hire Statement of Licensing Policy 2016 (the Policy) was approved by this Committee on 2 February 2016 and was implemented from 1 April 2016 for a 5 year period.

### *Licensed vehicles*

3.2 The Council's requirements for licensed vehicles are contained in the Policy and are derived from the MOT Inspection Manual for Private Passenger & Light Commercial Vehicle Testing (as amended) issued by the Vehicle and Operator Services Agency as well as the National Inspection Standards for Hackney Carriages and Private Hire Vehicles published by the Public Authority Transport Network and the Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance.

- 3.3 This means that the Council's requirements for licensed vehicles contain certain items that are in addition to those in the MOT Inspection Manual. Therefore, items that may ordinarily pass a standard MOT test for a private vehicle would fail the Council's requirements.
- 3.4 In practice, these requirements are set out in the following:
- Hackney Carriage and Private Hire Vehicle Inspection Standards (Appendix 2 to this report)
  - Private Hire Vehicle Specification and Conditions of Licence (Appendix 3 to this report)
  - Hackney Carriage Specification and Conditions of Licence (Appendix 4 to this report)
  - Application procedures (Appendix 5 to this report)
- 3.5 Members will be aware that the Council hold contracts with two vehicle testing stations (one based in Burscough and one based in Skelmersdale) to conduct the testing of all Hackney Carriages and Private Hire vehicles licensed by the Council. These contracts come to an end on 31 March 2017 and preparations are currently underway to suitably retender this work under existing delegations to the Director of Leisure and Wellbeing.
- 3.6 As part of these preparations, it was necessary to review the Council's requirements for licensed vehicles to ensure they are consistent with the current MOT Inspection Manual for Private Passenger & Light Commercial Vehicle Testing (as updated) and current best practice.

#### *Application procedures*

- 3.7 In addition to the requirements for licensed vehicles, driver licence application procedures have been reviewed in the light of recent issues at a neighbouring authority. No significant issues have been identified; however, there is an opportunity to improve the handling of Enhanced Disclosures from the Disclosure and Barring Service (DBS).
- 3.8 The Council has previously used the mail service offered by the DBS to process Enhanced Disclosures for new and renewal applicants. Whilst this service is accurate, there can be a waiting time of 4-6 weeks for the results to be returned. The Disclosure is then provided only to the applicant, which routinely requires Officers to contact drivers for this information. Whilst applicants are not permitted to drive until the Disclosure is provided, this process means that outcome of the Disclosure is hidden from the Council until the applicant provides the information.
- 3.9 These issues can be addressed by the use of the DBS online service, which is currently being provided as an option to the mail service for applicants. The online process provides the Council with a positive or negative response as to the content of the Disclosure within 5-7 days. A positive response demonstrates that the Disclosure is clear and the applicant can be issued with a licence (presuming other application requirements have been met). A negative response means that there is an issue on the Disclosure and the applicant is prevented from driving promptly until this matter can be determined. Hard copies of the Disclosure are still provided to applicants, but the quicker initial response time provides benefits for the Council and applicants.

## **4.0 ISSUES**

- 4.1 The review of the relevant parts of the Policy for vehicle specification and testing has not yielded any changes or implications for the licensed trade; rather it has made existing documents more clear. It is therefore not proposed to conduct any public consultation on these changes.
- 4.2 The existing delegation to Officers is only to make minor and/or inconsequential amendments to the Policy. Therefore, whilst there is little consequence from these changes, the matters could not be considered minor and so the proposed changes are provided to Members for approval.

## **5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 5.1 The Policy has the potential to impact upon many areas within the Community. The Licensing Objectives, therefore, has some associations with the Community Strategy, and the proposals have the following links with the Community Strategy: Community Safety (issues A, C and E); Economy and Employment (issue D).

## **6.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 6.1 No additional financial or other resources are required.

## **7.0 RISK ASSESSMENT**

- 7.1 The Council has a legal duty to administer the Hackney Carriage and Private Hire licensing regime, but not to prepare and operate a Policy document. However, given the complexity of the licensing regime, it is good practice for the Council to formulate and publish relevant policies and standards.
- 7.2 The recommendations contained in this report are essential to ensure the continued consistent and accurate vehicle testing regime that has been long established.

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### **Background Documents**

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

None.

### **Equality Impact Assessment**

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

## **Appendices**

1. Equality Impact Assessment
2. Hackney Carriage and Private Hire Vehicle Inspection Standards
3. Private Hire Vehicle Specification and Conditions of Licence
4. Hackney Carriage Specification and Conditions of Licence
5. Application procedures



# Equality Impact Assessment Form



<b>Directorate: Leisure and Wellbeing</b>		<b>Service: Licensing</b>	
<b>Completed by: Paul Charlson</b>		<b>Date: 11/10/16</b>	
<b>Subject Title: HACKNEY CARRIAGE AND PRIVATE HIRE POLICY STATEMENT 2016 – LICENSED VEHICLE SPECIFICATION, VEHICLE TESTING REQUIREMENTS AND APPLICATION PROCEDURES</b>			
<b>1. DESCRIPTION</b>			
Is a policy or strategy being produced or revised:	Yes	<i>*delete as appropriate</i>	
Is a service being designed, redesigned or cutback:	No		
Is a commissioning plan or contract specification being developed:	No		
Is a budget being set or funding allocated:	No		
Is a programme or project being planned:	No		
Are recommendations being presented to senior managers and/or Councillors:	Yes		
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty ( <b>Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations</b> ):	No		
Details of the matter under consideration:			
<p><i>If you answered <b>Yes</b> to any of the above go straight to Section 3</i></p> <p><i>If you answered <b>No</b> to all the above please complete Section 2</i></p>			
<b>2. RELEVANCE</b>			
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	No	<i>*delete as appropriate</i>	
If <b>Yes</b> , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered <b>Yes</b> go to Section 3</i>			
If you answered <b>No</b> to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>			
<b>3. EVIDENCE COLLECTION</b>			
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	All licensed HC & PH drivers and operators.		
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	All sections of the public use licensed HC & PH vehicles, this report relates to the Council's implementation of relevant licensing legislation.		

Which of the protected characteristics are most relevant to the work being carried out?	<i>*delete as appropriate</i>
Age	No
Gender	No
Disability	No
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	No
<b>4. DATA ANALYSIS</b>	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	All licensed HC & PH drivers and operators.
What will the impact of the work being carried out be on usage/the stakeholders?	Revised licence requirements and procedures.
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	The review of documents has improved the consistency of the content, but there are no significant changes to current requirements.
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	The review of documents has improved the consistency of the content, but there are no significant changes to current requirements. Therefore no public consultation is proposed on vehicle requirements; all drivers have been informed about changes to applications for driver licences.
If any further data/consultation is needed and is to be gathered, please specify:	N/A
<b>5. IMPACT OF DECISIONS</b>	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	None.
<b>6. CONSIDERING THE IMPACT</b>	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	N/A
What actions do you plan to take to address any other issues above?	No actions  <i>If no actions are planned state no actions</i>
<b>7. MONITORING AND REVIEWING</b>	
When will this assessment be reviewed and who will review it?	The current policy lasts for 5 years. It can be reviewed at any time, but will be reviewed after

	this 5 year period.
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## Appendix 2 Hackney Carriage and Private Hire Vehicle Inspection Standards



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Licensing Service

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## Hackney Carriage and Private Hire Vehicle Inspection Standards

(Appendix R – Hackney Carriage and Private Hire Policy 2016)

### INTRODUCTION

One of the principal aims of West Lancashire Borough Council's (the Council) licensing regime for Hackney Carriages (HC) and Private Hire Vehicles (PHV) is to protect the public. The public should have reasonable access to safe and well maintained HC and PHV, for example, it is clearly important that somebody using a HC or PHV should be confident that the vehicle is safe.

Under the Contract for the testing of HC and PHV, the Council holds a contractual relationship with nominated Vehicle Examiners to conduct inspections of HC and PHV. This standards document has been prepared to provide a technical guide for Vehicle Examiners when inspecting HC and PHV. All vehicles presented for inspection must comply with these standards.

This document does not establish a detailed inspection regime to create difficulties for the HC and PHV trades, but it is primarily to promote vehicle safety for the protection of passengers and not for the benefit of operators. The Council therefore considers the contents of this document to be justified by the risks it aims to address.

### SCOPE

These standards apply to all HC and PHV licensed by the Council. The contents of this document are derived from:

- The MOT Inspection Manual for Private Passenger & Light Commercial Vehicle Testing (as amended) issued by the Vehicle and Operator Services Agency (VOSA) as the basic inspection standard for HC and PHV, which should be read in conjunction with this document.
- The specification and conditions for HC and PHV contained in the Council's Hackney Carriage and Private Hire Licensing Policy (the Policy) is based on the National Inspection Standards for Hackney Carriages and Private Hire Vehicles published by the Public Authority Transport Network and the Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance.

All licensed vehicles must meet the requirements of the MOT Inspection Manual and the items contained in this document.

Accordingly, this document details only those requirements the Council considers appropriate over and above the requirements of the MOT Inspection Manual derived from the above

information. Vehicle Examiners and drivers should therefore read this document in conjunction with the VOSA publication 'MOT Inspection Manual – Private Passenger and Light Commercial Vehicle Testing', (as amended), the Policy and the National Inspection Standards for Hackney Carriages and Private Hire Vehicles published by the Public Authority Transport Network.

Vehicle Examiners and drivers should also be aware that in assessing a vehicle, it is possible that an item which would ordinarily pass an MOT test with an advisory note could fail the Council's HC & PHV test.

### **VEHICLE TESTING**

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

All HC and PHV are licensed for 12 months. All HC and PHV must be maintained to no less than the standards set out in the VOSA publication 'MOT Inspection Manual – Private Passenger and Light Commercial', as amended and the more stringent requirements of this document. Vehicles must be submitted fully prepared for the test. It is not intended that the test be used in lieu of a regular preventative maintenance programme. If in the opinion of the Vehicle Examiner the vehicle has not been fully prepared, the test will be terminated and a further full test could be required. It is an offence under the Road Traffic Regulations to use a vehicle that is not roadworthy on the public highway. HC & PHV drivers/operators who fail to maintain their vehicles in a safe and roadworthy condition may have their licence(s) suspended, curtailed or revoked by the Council.

### **SPECIFICATION OF VEHICLE TYPES THAT MAY BE LICENCED**

The legislation gives the Council a wide range of discretion over the types of vehicle that it can licence as HC or PHVs. Vehicle Examiners will be aware that the Council specifies that HC must be a purpose-built vehicle. With regard to PHV, the Council adopts the principle of specifying as many different types of vehicles as possible, so long as the vehicle meets the specification contained in the Policy. Such requirements are detailed in this document and are derived from the specification and conditions for HC and PHVs contained in the Policy.

### **ACCESSIBILITY**

In addition to the general conditions, these standards consider accessibility for disabled people (including - but not only - people who need to travel in a wheelchair) when using vehicles the Council licences as a HC. The Council's requirements are detailed in the Policy and form part of this document.

### **TYPE APPROVAL**

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

European Whole Vehicle Type approval;  
British National Type approval; or

British Single Vehicle Approval (before 29 April 2009) or:  
Individual Vehicle Approval (from 29 April 2009)

Most registration certificates issued since late 1998 should indicate the approval status of the vehicle. Further information about these requirements and the procedures for licensing and registering imported vehicles can be seen at: [www.dft.gov.uk](http://www.dft.gov.uk)

[Further information is available from the Licensing Service.](#)

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**LAMPS, REFLECTORS & ELECTRICAL EQUIPMENT**

**Front and Rear Position Lamps and Registration Plate Lamps**

<b>Method of Inspection</b>	<b>Reason for rejection</b>
No additional requirements.	

**Stop lamps**

<b>Method of Inspection</b>	<b>Reason for rejection</b>
No additional requirements.	

**Rear fog lamps**

<b>Method of Inspection</b>	<b>Reason for rejection</b>
No additional requirements.	

**Direction Indicators and Hazard Warning Lamps**

<b>Method of Inspection</b>	<b>Reason for rejection</b>
No additional requirements.	

**Rear reflectors**

<b>Method of Inspection</b>	<b>Reason for rejection</b>
No additional requirements.	

**Audible Warning (Horn)**

<b>Method of Inspection</b>	<b>Reason for rejection</b>
No additional requirements.	

**Headlamps**

Method of Inspection	Reason for rejection
No additional requirements.	

**Headlamp aim**

Method of Inspection	Reason for rejection
No additional requirements.	

**Electrical Wiring and Battery**

Method of Inspection	Reason for rejection
No additional requirements.	

## STEERING & SUSPENSION

### Steering control

Method of Inspection	Reason for rejection
1. Check vehicle is right hand drive and has been since date of first registration.	1. Vehicle is not right hand drive and/or has been changed from left hand drive since first registration.

### Steering system

Method of Inspection	Reason for rejection
No additional requirements.	

**Power steering**

<b>Method of Inspection</b>	<b>Reason for rejection</b>
No additional requirements.	

**Suspension – general**

<b>Method of Inspection</b>	<b>Reason for rejection</b>
No additional requirements.	

**Front Suspension Front Wheel Bearings and Drive Shafts**

<b>Method of Inspection</b>	<b>Reason for rejection</b>
No additional requirements.	

**Rear Suspension and Wheel Bearings**

<b>Method of Inspection</b>	<b>Reason for rejection</b>
No additional requirements.	

**Shock absorbers**

<b>Method of Inspection</b>	<b>Reason for rejection</b>
No additional requirements.	

**BRAKES**

**Parking brake control**

<b>Method of Inspection</b>	<b>Reason for rejection</b>
No additional requirements.	

**Hand operated brake control valves**

<b>Method of Inspection</b>	<b>Reason for rejection</b>
No additional requirements.	

**Service brake control**

<b>Method of Inspection</b>	<b>Reason for rejection</b>
No additional requirements.	

**Anti-Lock Braking and Electronic Stability Control Systems**

<b>Method of Inspection</b>	<b>Reason for rejection</b>
No additional requirements.	

**Mechanical brake components**

<b>Method of Inspection</b>	<b>Reason for rejection</b>
No additional requirements.	

**Braking Systems and Additional Braking Devices**

<b>Method of Inspection</b>	<b>Reason for rejection</b>
No additional requirements.	

**Brake performance testing**

<b>Method of Inspection</b>	<b>Reason for rejection</b>
No additional requirements.	

**Brake Performance (Decelerometer Test)**

<b>Method of Inspection</b>	<b>Reason for rejection</b>
No additional requirements.	

**Brake Performance (Plate Brake Test)**

<b>Method of Inspection</b>	<b>Reason for rejection</b>
No additional requirements.	

**Brake Performance (Gradient Test)**

<b>Method of Inspection</b>	<b>Reason for rejection</b>
No additional requirements.	

## TYRES AND ROAD WHEELS

### Tyres (Structure)

Method of Inspection	Reason for rejection
No additional requirements.	

### Load Index and Speed Rating (Class 5 & 7 Only)

Method of Inspection	Reason for rejection
No additional requirements.	

### Tyres (Restricted Speed Vehicles – Class 5 Only)

Method of Inspection	Reason for rejection
No additional requirements.	

### Tyres (Condition)

Method of Inspection	Reason for rejection
No additional requirements.	

### Tyres (tread pattern, breadth and depth)

Method of Inspection	Reason for rejection
No additional requirements.	

### Road wheels

Method of Inspection	Reason for rejection
No additional requirements.	



**Road wheels additional checks**

<b>Method of Inspection</b>	<b>Reason for rejection</b>
No additional requirements.	

**SEAT BELTS & SUPPLEMENTARY RESTRAINT SYSTEMS (SRS)**

**Seat Belt Requirements: Fitment**

<b>Method of Inspection</b>	<b>Reason for rejection</b>
No additional requirements.	

**Seat belt condition**

<b>Method of Inspection</b>	<b>Reason for rejection</b>
No additional requirements.	

**Seat belt installation check**

<b>Method of Inspection</b>	<b>Reason for rejection</b>
No additional requirements.	

**Supplementary Restraint Systems (SRS)**

<b>Method of Inspection</b>	<b>Reason for rejection</b>
No additional requirements.	

**BODY, STRUCTURE AND GENERAL ITEMS**

**Vehicle structure, body and general items**

Method of Inspection	Reason for rejection
<p><b>A. Vehicle Structure</b> No additional requirements.</p> <p><b>B. Body Security (applies to vehicles with separate bodies only)</b> No additional requirements.</p> <p><b>C. Body Condition</b></p> <p>1. Check vehicle is presented in a clean and tidy condition.</p> <p>2. Examine the body thoroughly for security, corrosion, damage, poor repair/paint match or sharp edges that are likely to cause injury.</p> <p><b>Note:</b> Corrosion includes visible rust and signs of rust by virtue of the paintwork being blistered.</p>	<p>1. Vehicle is presented in a dirty and untidy condition.</p> <p>2. a. An insecure or missing body panel, trim, step or accessory.</p> <p>b. Any sharp edge whatsoever which may cause injury.</p> <p>c. Heavy scuffing, abrasions or deformation to front and rear bumper.</p> <p>d. All body panels should be in good, clean condition with no broken, untreated paintwork so as not to detract from the overall appearance of the vehicle.</p> <p>e. A single dent of more than 80mm width in any one panel.</p> <p>f. Dull, faded paintwork which has lost its uniform finish or paint miss match to a panel(s) to such an extent that it detracts from the overall appearance of the vehicle.</p> <p>g. Evidence of poor repairs and or paint finish to a repaired panel(s) including significant runs and overspray to adjoining panels/trim that detracts from the overall appearance of the vehicle.</p> <p>h. Obvious signs of rust/corrosion of any size particularly those that are covered by advertising signs.</p>

Vehicle structure, body and general items: continued

Method of Inspection	Reason for rejection
<p><b>D. Engine Mountings</b> No additional requirements.</p> <p><b>E. Steps and Stairs (Class 5 only)</b> No additional requirements.</p> <p><b>F. Running boards and steps</b></p> <ol style="list-style-type: none"> <li>1. If fitted, check running boards are fitted by manufacturer.</li> </ol> <p><b>Hackney Carriages only</b></p> <ol style="list-style-type: none"> <li>2. If fitted, measure the running board to ensure a minimum 125mm in width, all of which shall be available as a step.</li> <li>3. Where the top tread of the entrance to the vehicle exceeds 460 mm and the vehicle is not fitted with approved running boards, check that a moveable intermediate step is provided at each entrance into the passenger compartment.</li> </ol> <p><b>Note:</b> The intermediate step shall be encased beneath the vehicle and be electrically or manually operated to extend outwards. When not in use and whenever the vehicle is in motion, the step shall not extend outwards beyond the vertical line of the bodywork.</p> <ol style="list-style-type: none"> <li>4. If fitted, check that electrically operated steps are operated from within the driver's compartment and shall have a failsafe device linked to the handbrake mechanism to prevent the possibility of the vehicle being driven while the step is extended.</li> <li>5. Check that any step is covered with a suitable non-slip surface with the edges of the step highlighted in a high visibility colour, which is different from the colour scheme of the vehicle.</li> </ol>	<ol style="list-style-type: none"> <li>1. If fitted, running boards are not fitted by manufacturer.</li> <li>2. If fitted, running board is less than 125mm width, all of which shall be available as a step.</li> <li>3. Where required, moveable intermediate step is not provided at each entrance to the passenger compartment.</li> <li>4. If fitted, electrically operated steps are not operated from within the driver's compartment and/or do not have a failsafe device linked to the handbrake mechanism to prevent the possibility of the vehicle being driven while the step is extended.</li> <li>5. Any step is not fitted with a suitable non-slip surface with the edges of the step highlighted in a high visibility colour, which is different from the colour scheme of the vehicle.</li> </ol>

Vehicle structure, body and general items: continued

Method of Inspection	Reason for rejection
<p><b>G. Driver's compartment</b>  <b>Hackney Carriages only</b></p> <ol style="list-style-type: none"> <li>1. Check that the driver's compartment is separated from the passenger compartment by a partition and transparent screen, capable of having fixed to it approved notices for the benefit of passengers.  <b>Note:</b> This shall not apply to a manufacturer fitted front seat, which has received prior approval from the Council.</li> <li>2. Check driver's compartment allows adequate room and allows the driver to easily reach and quickly operate the controls, and give hand signals on the offside of the vehicle.</li> <li>3. Check controls are so placed as to allow reasonable access to the driver's seat and, when centrally placed, are properly protected from contact with luggage.</li> <li>4. Check that a serviceable device for demisting the windscreen is fitted.</li> <li>5. Where fitted, an intercom type system should permit the driver and passenger(s) to communicate verbally.</li> <li>6. Check that a suitable sliding window, or similar device, is fitted in the screen to the driver's compartment.</li> <li>7. Check that space is provided on the nearside of the driver compartment for the carriage of luggage.  <b>Note:</b> Access to this luggage space shall be by way of the nearside front door. The nearside front door shall be locked and only be capable of being unlocked, from either inside or outside the vehicle by the driver.</li> </ol>	<ol style="list-style-type: none"> <li>1.             <ol style="list-style-type: none"> <li>a. Driver's compartment is not separated from the passenger compartment by a partition and transparent screen, capable of having fixed to it approved notices for the benefit of passengers.</li> <li>b. Driver's compartment is a 'mesh type' screen</li> </ol> </li> <li>2. Driver's compartment does not allow adequate room and allows the driver to easily reach and quickly operate the controls, and give hand signals on the offside of the vehicle.</li> <li>3. Controls are not so placed as to allow reasonable access to the driver's seat and, when centrally placed, are properly protected from contact with luggage.</li> <li>4. A serviceable device for demisting the windscreen is not fitted.</li> <li>5. Where fitted, an intercom type system does not permit the driver and passenger(s) to communicate verbally.</li> <li>6. Vehicle is not provided with a suitable sliding window, or similar device, is fitted in the screen to the driver's compartment.</li> <li>7. Space is not provided on the nearside of the driver compartment for the carriage of luggage.</li> </ol>

Vehicle structure, body and general items: continued

Method of Inspection	Reason for rejection
<p><b>H. Passenger compartment</b> <b><u>Hackney Carriages only</u></b></p> <ol style="list-style-type: none"> <li>1. Measure the vertical distance between the highest part of the floor and the roof to ensure this is not less than 1300 mm.</li> <li>2. Check that suitable provision is made for the seating of not less than 4 and not more than 8 passengers. <b>Note:</b> The carrying capacity of all vehicles shall be at the discretion of the Authority having regard to manufacturer's specifications and compliance with dimensions referred to in this document.</li> <li>3. Check that there are no steps within the passenger compartment.</li> <li>4. Measure the clear height of the doorway to ensure this is not less than 1200 mm.</li> <li>5. Check the nearside door and doorway is so constructed to permit an unrestricted opening across the centre of the doorway of at least 740 mm.</li> <li>6. Check that grab handles are fitted at door entrances, to aid passenger ingress to and egress from the vehicle. These should be of a high visibility colour different from the interior colour scheme of the vehicle.</li> <li>7. Check the outer edge of the floor at each entrance is fitted with non-slip treads.</li> <li>8. Check the top tread for any entrance is at floor level of the passenger compartment and (except as detailed in F.3 above) shall not exceed 460 mm above ground level when the vehicle is un-laden.</li> </ol>	<ol style="list-style-type: none"> <li>1. The vertical distance between the highest part of the floor and the roof is less than 1300 mm.</li> <li>2. Suitable provision is not made for the seating of not less than 4 and not more than 8 passengers.</li> <li>3. Steps are present within the passenger compartment.</li> <li>4. The clear height of the doorway is less than 1200 mm.</li> <li>5. The nearside door and doorway is not so constructed to permit an unrestricted opening across the centre of the doorway of at least 740 mm.</li> <li>6. Grab handles are not fitted at door entrances, to aid passenger ingress to and egress from the vehicle / grab handles are not a high visibility colour different from the interior colour scheme of the vehicle.</li> <li>7. The outer edge of the floor at each entrance is not fitted with non-slip treads.</li> <li>8. The top tread for any entrance is not at floor level of the passenger compartment and (except as detailed in F.3 above) exceeds 460 mm above ground level when the vehicle is un-laden.</li> </ol>

Vehicle structure, body and general items: continued

Method of Inspection	Reason for rejection
<p data-bbox="136 229 629 296"><b>H. Passenger compartment continued</b> <b><u>Hackney Carriages only</u></b></p> <p data-bbox="136 336 1055 368">9. Check that the minimum angle of the door when opened is 90 degrees.</p> <p data-bbox="136 408 1055 475">10. Check the floor of the passenger compartment is covered with non-slip material, which can easily be cleaned.</p> <p data-bbox="136 515 1055 582">11. Check all parts of the passenger compartment are clean and free of any damage, which may affect its suitability for the carriage of passengers.</p>	<p data-bbox="1189 336 2074 368">9. The minimum angle of the door when opened is less than 90 degrees.</p> <p data-bbox="1189 408 2074 475">10. The floor of the passenger compartment is not covered with non-slip material, which can easily be cleaned.</p> <p data-bbox="1189 515 2085 582">11. All parts of the passenger compartment are not clean and free of any damage, which may affect its suitability for the carriage of passengers.</p>

**Vehicle structure, body and general items: continued**

Method of Inspection	Reason for rejection
<p><b>1. Interior</b></p> <p>1. Examine thoroughly the interior for damaged, insecure or loose fixtures, fittings or accessories.</p> <p>2. Dirty, missing and worn trim, carpets, seat belts, mats, headlining, boot area and inclusion of prescribed items. Remove mats to inspect carpets underneath for cleanliness and wear.</p> <p>3. Examine interior lights, motion door locks and warning lights.</p> <p>4. Examine heating and ventilation systems for correct operation, including passenger compartment controls where fitted (includes electric front and rear screen demisters).</p> <p>5. Examine all windows ensuring they are operational and allow lowering and rising easily.</p> <p>6. Examine interior door locks, grab handles/rails safety covers.</p> <p>7. Examine grills/partitions for security and condition.</p> <p>8. Examine electrical wiring for condition, security, including intercom systems.</p> <p>9. Examine the boot for access, contents, cleanliness, and water ingress.</p>	<p>1. Insecure and loose fixtures, fittings or accessories.</p> <p>2. Missing, heavily soiled, stained, worn or insecure trim, carpets, headlining, and mats or any of the aforementioned not repaired in a uniform manner to match existing colour and/or material.</p> <p>3. An inoperative interior light (all lights must illuminate if they are part of the manufacturer's standard equipment). Missing or defective motion switch/lock or warning lamp not illuminated.</p> <p>4. A system(s), which does not function correctly, or any part is missing including vents, controls and switches.</p> <p>5. An opening window that is inoperative or requires unreasonable force to open and or close mechanism broken/missing.</p> <p>6. Missing, defective or loose door locks, child locks, protective covers grab handles and rails. Grab handles/rails, which are rigid to aid the blind and partially sighted, and are worn to excess.</p> <p>7. A grill/partition which is insecure or has sharp edge which may cause injury to passengers or driver.</p> <p>8. Frayed, chaffing wiring, non-shielded terminals and cables so routed that they cause a trip hazard, cables that can be easily disconnected. Intercom system defective, warning light inoperative and signs illegible/missing.</p> <p>9. Unable to open, close and or lock boot lid, failure of boot lid support mechanism, defective seals/evidence of water ingress, dirty boot &amp;/or carpets, loose items stored in boot (ie spare wheel tools &amp; equipment etc.)</p>



**Vehicle structure, body and general items: continued**

Method of Inspection	Reason for rejection
<p>10. Check 'No Smoking' signs displayed.</p> <p><b>Luggage / load space</b></p> <p>11. Physical separation is not so much an issue as is the safety of passengers in the event of an accident. In most cases, the boot space will provide suitable luggage storage. The luggage should therefore be secure and prevented from becoming dislodged in an accident in such a manner as may cause injury. Such security can be by means of a sheet or net, which could be anchored to the floor of the luggage area. Clearly if the luggage compartment is not physically separated from the passenger compartment then care will need to be taken so as not to carry any hazardous items such as fuel cans, detergents or other loose items that could leak if they become damaged.</p> <p><b>Private Hire Only</b></p> <p>12. Measure available legroom in rear and front passenger seats to ensure minimum available legroom is 200mm.  <b>Note:</b> rear legroom to be measured from base of the driver seat in front when the driver seat is positioned in the driver's normal seated position. The front passenger seat to be able to be positioned to provide minimum legroom of 200mm to any passenger. Where there is no seat in front of the rear seats, the measurement will be taken from the base of the rear seat to the nearest obstruction in front.</p> <p>13. Measure the internal headroom from the seat cushion to the lowest part of the roof in a vertical line to ensure a minimum of 920mm.</p> <p><b>Hackney Carriages only</b></p> <p>14. Check adequate lighting is provided for the driver and passengers. <b>Note:</b> Separate lighting controls for both passenger and driver shall be provided. In the case of the passenger compartment, an illuminated control switch shall be fitted, marked and in such a position that it is clearly visible to the passengers and is not easily confused with any other control.</p>	<p>10. Lack of clearly displayed or omission of 'No Smoking' signs. Signs must be visible to all passengers.</p> <p>11. If fitted and required, load restraint system:</p> <ul style="list-style-type: none"> <li>• Not present at time of test.</li> <li>• Faulty or unserviceable.</li> </ul> <p>12. Available passenger legroom is less than 200mm in the front and/or rear of the vehicle.</p> <p>13. Available headroom is less than 920mm.</p> <p>14. Adequate lighting is not provided for the driver and/or passengers.</p>

Vehicle structure, body and general items: continued

Method of Inspection	Reason for rejection
<p><b><u>Limousines and novelty vehicles</u></b></p> <p>15. All fixtures and fittings i.e. mirror balls, drinks cabinets, televisions etc. must be stored securely and not hinder the ingress or egress from the passenger compartment.</p> <p>16. A notice identifying the maximum seating capacity to be displayed in the passenger compartment and clearly visible to all passengers. It may be necessary to display more than one sign indicating the maximum seating capacity.</p> <p><b>J. 'For Hire' roof sign</b> <b><u>Hackney Carriages only</u></b></p> <p>1. Check the vehicle is fitted with an operational 'For Hire' roof sign that is:</p> <ul style="list-style-type: none"> <li>a. Of the correct style and type</li> <li>b. Securely fastened to the vehicle</li> <li>c. Adequately and securely wired</li> <li>d. Functional</li> </ul>	<p>15. Any fixture or fitting, that is loose or insecure or where walkways are blocked that prevents ease of ingress or egress from the passenger compartment.</p> <p>16. No maximum seating capacity sign or signs displayed. A sign or signs not clearly visible to all passengers.</p> <p>1.</p> <ul style="list-style-type: none"> <li>a. Incorrect colour or details shown on sign</li> <li>b. Insecure sign</li> <li>c. Wiring is not in good condition and/or is loose and/or chaffed</li> <li>d. Illumination not consistent across the sign i.e. all lamps/LEDs are illuminated when switched on.</li> </ul>

**Seats and Doors**

Method of Inspection	Reason for rejection
<p><b>A. Seats</b></p> <ol style="list-style-type: none"> <li>1. Examine the condition of all doors and emergency exits. Check door locks, striker plates, handles and hinges for security, wear and missing and damaged trim/cover plates.</li> <li>2. Check markings describing the presence and method of opening emergency exit(s) are readily visible on or adjacent to the exit and are legible.</li> <li>3. Check that seats are secure, clean and not unduly worn.</li> </ol>	<ol style="list-style-type: none"> <li>1.               <ol style="list-style-type: none"> <li>a. A door or emergency exit does not latch securely in the closed position.</li> <li>b. A door or emergency exit cannot be opened from both the inside and outside the vehicle from the relevant control in each case.</li> <li>c. Missing, loose or worn handles, lock or striker plate.</li> </ol> </li> <li>2.               <ol style="list-style-type: none"> <li>a. Markings describing the presence and method of opening an emergency exit missing, illegible or incorrect.</li> <li>b. Missing, loose or damaged trim/cover plate.</li> </ol> </li> <li>3. Seat cushion(s) stained, torn, significantly holed, worn or insecure. A seat that does not provide adequate support at base or backrest. Torn, slashed or badly stained seats are not acceptable.</li> </ol>

**Seat and Doors: continued**

Method of Inspection	Reason for rejection
<p><b>Private Hire only</b></p> <p>4. Check vehicle has a passenger seating capacity of not less than 4 persons and not more than 8 persons.</p> <p>5. Check each seat is not be less than 406mm in width.</p> <p>6. Where bench seats are provided, check the seat shall provide a minimum of 406mm seating space for each passenger Note: i.e. a rear bench seat shall not be less than 1218mm in order to accommodate 3 passengers.</p> <p>7. Check that the seating configuration of the vehicle is as its factory manufactured state. Note: Any amendments to seating configuration can only be made with the permission of the Licensing Service.</p> <p>8. Check each row of seats has door access immediately adjacent to it, unless in the case of multi passenger vehicles (i.e. vehicles designed to carry 5 or more passengers) where the following shall apply:</p> <ul style="list-style-type: none"> <li>a. Check all seats are fixed and permanent (i.e. not flexible configuration seating designed for family use);</li> <li>b. Check that at least one principal means of access/egress is provided from the main passenger compartment which is immediately adjacent to a door;</li> <li>c. Where additional secondary means of access/egress are fitted from the main passenger compartment, check these are clearly identified as such for use in cases of emergency;</li> <li>d. Check that a break glass hammer is fitted to the rear windows (i.e. those furthest away from the principle means of access/egress) and are clearly labelled "EMERGENCY EXIT – break glass with hammer".</li> </ul>	<p>4. Vehicle has a passenger seating capacity of less than 4 persons or more than 8 persons.</p> <p>5. Each seat is less than 406mm in width.</p> <p>6. Where bench seats are provided, the seat does not provide a minimum of 406mm seating space for each passenger</p> <p>7. Unless exemption provided, the seating configuration of the vehicle is not as its factory manufactured state.</p> <p>8. Each row of seats does not have door access immediately adjacent to it.</p> <ul style="list-style-type: none"> <li>a. All seats are not fixed and permanent (i.e. not flexible configuration seating designed for family use);</li> <li>b. At least one principal means of access/egress is not provided from the main passenger compartment which is immediately adjacent to a door;</li> <li>c. Where additional secondary means of access/egress are fitted from the main passenger compartment, these are not clearly identified as such for use in cases of emergency;</li> <li>d. A break glass hammer is not fitted to the rear windows and/or are not clearly labelled "EMERGENCY EXIT – break glass with hammer".</li> </ul>

Seat and Doors: continued

Method of Inspection	Reason for rejection
<p><b><u>Hackney Carriages only</u></b></p> <p>9. Check occasional seats are at least 400mm in width and that the minimum distance from the back of the upholstery to the front edge of the seat is 355 mm.</p> <p>10. Check occasional seats are so arranged as to rise automatically when not in use.</p> <p>11. Check occasional and fixed seats, when not in use, do not obstruct doorways.</p> <p>12. Where the rear seat is a bench type, check the overall width of the seat is not less than 1190 mm.</p> <p>13. Where seat covers are used, check these are properly affixed to the seat so as not to become loose during use. Check they are clean and devoid of damage of any kind.</p>	<p>9. Occasional seats are not at least 400mm in width and/or the minimum distance from the back of the upholstery to the front edge of the seat is less than 355 mm.</p> <p>10. Occasional seats are not so arranged as to rise automatically when not in use.</p> <p>11. Occasional and fixed seats, when not in use, do obstruct doorways.</p> <p>12. Where the rear seat is a bench type, the overall width of the seat is less than 1190 mm.</p> <p>13. Where seat covers are used, these are not properly affixed to the seat so as not to become loose during use and/or are unclean and/or damaged.</p>

**Seat and Doors: continued**

Method of Inspection	Reason for rejection
<p><b>B. Doors</b></p> <p>1. <i>Interior door handles are clearly visible and easily accessible to passengers when the door is in a fully open position.</i></p> <p><b><i>Private Hire only</i></b></p> <p>2. <i>Check vehicle has minimum of 4 side opening doors, which open sufficiently wide and are easily accessible to passengers without the need to move or adjust any seats etc., to gain access to them. Access to and from vehicles such as minibuses will be determined by the Licensing Service.</i></p> <p><b><i>Hackney Carriages only</i></b></p> <p>3. <i>Check an approved type of automatic door locking device is fitted to passenger doors.</i>  <b><i>Note: When the vehicle is stationary the passenger doors shall be capable of being readily opened from the inside and from the outside of the vehicle by one operation of the latch mechanism. The interior door handle shall be clearly identified, to prevent it being mistaken for any other control.</i></b></p>	<p>1. <i>Interior door handles are not clearly visible and easily accessible to passengers when the door is in a fully open position.</i></p> <p>2. <i>Vehicle does not have a minimum of 4 side opening doors which open sufficiently wide and provides easy access to passengers without the need to move or adjust any seats etc.</i></p> <p>3. <i>An approved type of automatic door locking device is not fitted to passenger doors.</i></p>

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**Registration plates**

Method of Inspection	Reason for rejection
No additional requirements.	

**Vehicle identification number**

Method of Inspection	Reason for rejection
No additional requirements.	

**Load Security, Spare Wheel and Carrier**

Method of Inspection	Reason for rejection
<p><b>Spare Wheel and Carrier</b></p> <p>1. <i>Check the vehicle is fitted with a spare wheel conforming to construction and use regulations.</i>  <b>Note:</b> <i>space saver spare wheels are permitted only when fitted as standard equipment to a vehicle.</i></p> <p>2. <i>Check the vehicle is provided with a suitable wheel brace and jack except if the vehicle is fitted with run flat tyres.</i>  <b>Note:</b> <i>vehicles fitted with run flat tyres must also be fitted with a tyre pressure sensor / warning device.</i></p>	<p>1. a. <i>No spare wheel provided.</i>  b. <i>Space saver spare wheel provided when not fitted as standard equipment.</i>  c. <i>Vehicle presented for test with space saver spare wheel fitted as a road wheel.</i></p> <p>2. a. <i>No suitable wheel brace and jack provided except with run flat tyres.</i>  b. <i>Vehicle fitted with run flat tyres, but not fitted with a tyre pressure sensor / warning device.</i></p>

**Speed limiter plate**

Method of Inspection	Reason for rejection
No additional requirements.	

**Speed Limiter**

Method of Inspection	Reason for rejection
No additional requirements.	

**Towbars**

Method of Inspection	Reason for rejection
No additional requirements.	

**Speedometer**

Method of Inspection	Reason for rejection
No additional requirements.	

### Driving controls

Method of Inspection	Reason for rejection
No additional requirements.	

### Glazing

Method of Inspection	Reason for rejection
<p>1. Check opening windows are provided in the rear of the vehicle capable of being opened by the rear seat passengers.</p> <p>2. Check vehicle is fitted with windscreen glass that has a light transmittance of 75%, and all other window glass have a light transmittance of not less than 70% <b>Note:</b> Except those parts of the rear window or any side windows adjacent to the luggage space in any estate-type vehicle which can be of any tint fitted at manufacture providing it is not opaque. No vehicle shall be fitted with any form of additional means to darken or tint the glass on any part of the vehicle.</p> <p>3. Check a serviceable device for demisting the rear window is fitted.</p>	<p>1. Opening windows are not provided in the rear of the vehicle capable of being opened by the rear seat passengers.</p> <p>2. Vehicle is not fitted with windscreen glass that has a light transmittance of 75% and any other window glass has a light transmittance of less than 70%.</p> <p>3. A serviceable device for demisting the rear window is not fitted.</p>



**Exhaust System**

Method of Inspection	Reason for rejection
No additional requirements.	

**Fuel System**

Method of Inspection	Reason for rejection
No additional requirements.	

**Exhaust emissions – spark ignition – general**

Method of Inspection	Reason for rejection
No additional requirements.	

**Exhaust emissions – spark ignition – non CAT test**

Method of Inspection	Reason for rejection
No additional requirements.	

**Exhaust emissions – spark ignition – BET test**

Method of Inspection	Reason for rejection
No additional requirements.	

**Exhaust Emissions - Spark Ignition – CAT Test**

Method of Inspection	Reason for rejection
No additional requirements.	

**Exhaust emissions – compression ignition**

Method of Inspection	Reason for rejection
No additional requirements.	

**View to rear**

<b>Method of Inspection</b>	<b>Reason for rejection</b>
No additional requirements.	

**Wipers and washers**

<b>Method of Inspection</b>	<b>Reason for rejection</b>
No additional requirements.	

**Windscreen**

<b>Method of Inspection</b>	<b>Reason for rejection</b>
No additional requirements.	

**Bonnet**

<b>Method of Inspection</b>	<b>Reason for rejection</b>
No additional requirements.	

**Facilities for wheelchair users**

Method of Inspection	Reason for rejection
<p><b><u>Door configurations for wheelchair accessible vehicles</u></b></p> <ol style="list-style-type: none"> <li>1. Single rear door – must open to a minimum of 90 degrees and be capable of locking in place.</li> <li>2. Twin rear doors – both must open to a minimum of 180 degrees and be capable of being locked in place. This is to enable an attendant (driver or guide) to assist the wheelchair passenger if required.</li> </ol> <p><b><u>Wheelchair restraint and access equipment (where fitted)</u></b></p> <ol style="list-style-type: none"> <li>3. Where applicable check condition and operation of wheelchair restraint.</li> <li>4. A system for the effective anchoring of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces.</li> <li>5. A vehicle shall be fitted with either of the following forms of wheelchair access equipment:</li> </ol> <p><b><u>Ramps</u></b></p> <ol style="list-style-type: none"> <li>a. Check that appropriate ramps fitted are securely installed in the designated storage area. Examine for damage, deformity, sharp edges etc. and provision of anti-slip covering.</li> </ol> <p><b><u>Wheelchair lift</u></b></p> <ol style="list-style-type: none"> <li>b. A purpose designed wheelchair lift shall conform to the LOLER 98 Regulations. A report, confirming that the lifting equipment is safe to use, shall be presented at the time of the vehicle inspection. Vehicles presented for inspection with a wheel chair lift will require a LOLER certificate that is valid for a period of six months from the date of issue.</li> </ol> <p><b>Note:</b> Passenger lifting equipment will need to be thoroughly examined by a competent person, in use, at least once every six months.</p>	<ol style="list-style-type: none"> <li>1. Door does not open to a full 90 degrees and cannot be secured in the open position.</li> <li>2. Twin doors do not open to a full 180 degrees and cannot be secured in the open position</li> <li>3. A wheelchair restraint is defective, worn or missing.</li> <li>4. Wheelchair anchorage systems and devices does not conform to European Directive 76/115 EEC (as amended by 90/629 EEC).</li> <li>5.             <ol style="list-style-type: none"> <li>a. Ramps missing, insecurely stored, damaged/deformed, anti-slip covering in poor condition or missing.</li> <li>b. Vehicle not presented with a valid or current LOLER certificate.</li> </ol> </li> </ol>

**Facilities for wheelchair users: continued**

Method of Inspection	Reason for rejection
<p>6. Any purpose designed wheelchair access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to safe working load of 250kgs and certified to BS 6109.</p>	<p>6. The installed ramp does not have any visible reference to a maximum safe working load or certification to BS 6109.</p>
<p>7. Wheelchair access equipment shall be fitted either into the rear or side access door of the vehicle. Where it is fitted to a side door this shall be the door situated on the near side of the vehicle, i.e. kerbside when stopped in a normal road.</p>	<p>7. Wheelchair access equipment is fitted to the off- side access door of the vehicle.</p>
<p>8. The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 48 inches (1,220mm). The measurement shall be taken from the upper centre of the aperture to a point directly below on either, the upper face of the fully raised lift platform, or the upper face of the ramp fully deployed on level ground.</p>	<p>8. There is not clear headroom in the aperture within the central third of 48 inches (1,220mm).</p>
<p>9. A locking mechanism shall be fitted that holds the access door in the open position whilst in use.</p>	<p>9. No evidence of a suitable locking mechanism to hold the door open.</p>
<p>10. All wheelchair tracking must be fit for purpose and structurally sound.</p>	<p>10. Damaged or insecure tracking or detritus deposits within the tracking rails</p>
<p>Further information on disabled people’s transport is available from the Disabled Persons Transport Advisory Committee (DPTAC) <a href="http://www.dptac.gov.uk">www.dptac.gov.uk</a></p>	

**CCTV**

<b>Method of Inspection</b>	<b>Reason for rejection</b>
<p>1. If such devices are fitted, check adequate signage is displayed in the passenger compartment advising passengers that they are being monitored / recorded.</p> <p>2. Check any such equipment is maintained in working order, fitted overtly and in such a way as not to present any danger or hazard to any passenger. <b>Note:</b> It will be the driver / proprietor's responsibility to comply with all aspects of the law regarding such surveillance equipment.</p>	<p>1. If such devices are fitted, adequate signage is not displayed in the passenger compartment advising passengers that they are being monitored / recorded.</p> <p>2. Any such equipment is not maintained in working order, fitted overtly and in such a way as not to present any danger or hazard to any passenger.</p>

**Stretch limousines (novelty vehicles)**

Method of Inspection	Reason for rejection
<p><b><u>Vehicle Identification Number (VIN)</u></b></p> <p>1. Vehicle Identification Number (VIN), should be checked to ensure it complies with the guidance as follows:</p> <ul style="list-style-type: none"> <li>• For vehicles constructed from 1998 onwards the VIN should begin with ILI;</li> <li>• Pre 1998 vehicles (not recommended for licensing as private hire vehicles) VIN should begin with ILM;</li> <li>• If a VIN begins with ILN or anything other, then this is likely to be a non-approved ('cut-and-shut') modification.</li> </ul> <p><b><u>Seating Capacity</u></b></p> <p>2. It is strongly recommended that prior to the inspection of a novelty vehicle the inspector checks the seating capacity on the V5C to ensure it does not exceed 8 passenger seats.</p> <p><b><u>Undue Stresses</u></b></p> <p>3. Vehicle Examiners should be aware of undue stresses caused to the steering, brakes and tyres due to the additional weight imposed on the vehicle at the modification process.</p>	<p>1. Inappropriate VIN markings displayed or no VIN markings present.</p> <p>2. If the V5C states more than 8 passengers, then this vehicle <b>MUST NOT</b> be tested or licensed as a Private Hire Vehicle. The vehicle should be referred to VOSA for licensing as a passenger carrying vehicle (PCV).</p> <p>3. Tolerances and wear should be as defined in the MOT Inspection Manual for Private Passenger &amp; Light Commercial Vehicle Testing (as updated) as follows:</p> <ul style="list-style-type: none"> <li>• Steering suspension</li> <li>• Brakes</li> <li>• Tyres</li> </ul>

**STRETCHED LIMOUSINES - TYRES**

In the case of American imported stretched limousines, vehicle Examiners will need to be vigilant when inspecting tyres for suitability. Most converted stretched limousines are converted from Ford Lincoln Town Cars with a number of Cadillac variants also.

In approved 'stretch' limousine conversions, the maximum weight is approximately 7,100lbs (3.2tonnes) and care should be exercised when determining suitable tyre ratings. Generally speaking a Ford Lincoln or Cadillac would require a tyre rating index of at least 107 T, which gives a load rating of 2,149 lbs. (975 kg.) with a maximum speed of 118 miles per hour.

More information, guidance and the procurement of suitable tyres can be obtained from:

- North Hants Tyres & Wheels, Henry John House, 2 Ivy Road, Aldershot GU12 4TX Tel: 01252 318666
- National Limousine & Chauffeur Association on: [www.nlca.co.uk](http://www.nlca.co.uk)

## **PASSENGER NOTICES**

### **Driver Declaration**

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

i. In addition, notices forbidding children to be carried in side facing seats must be displayed in prominent positions, i.e. on entry to the passenger compartment and on the inside of the vehicle on either side of the passenger compartment. In addition, local licensing authorities may require outward facing signs adjacent to all entrance/exit doors to the passenger compartment.

ii. Further notices should be displayed inside the vehicle, where all passengers can clearly read the notice, advising passengers of the maximum carrying capacity of the vehicle and a warning to passengers that should the capacity be exceeded then the vehicle will not be insured.





## Appendix 3 Private Hire Vehicle Specification and Conditions of Licence

### **SPECIFICATION**

#### **1 General**

- 1.1 All vehicles shall have an appropriate "Type Approval" which is either a European Whole Vehicle Type Approval (EWVTA) or UK Low Volume Type Approval (UKLVTA). Vehicles shall not have been altered since that approval was granted. A Single Vehicle Type Approval (SVTA) may be accepted for wheelchair accessible vehicles. Vehicles presented for approval, and while in use, shall comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof.
- 1.2 No fittings, other than those approved, may be attached to, or carried on, the inside or outside of the vehicle.
- 1.3 A Private Hire vehicle shall be capable of carrying no more than 4 passengers when manufactured, however the capacity will be determined on a case by case basis for vehicles such as minibuses.
- 1.4 Vehicles which could lead the public to believe that such a vehicle is a Hackney Carriage shall not be licensed as a Private Hire vehicle.
- 1.5 All vehicles shall be less than FIFTEEN years old from the date of manufacture.
- 1.6 All Private Hire vehicles must be maintained to no less than the standards set out in the MOT Inspection Manual for Private Passenger & Light Commercial Vehicle Testing (as updated) issued by the Vehicle and Operator Services Agency (VOSA) and the Hackney Carriage and Private Hire Vehicle Inspection Standards (**Error! Reference source not found., page Error! Bookmark not defined.**).
- 1.7 The following sections provide the outline requirements of the specification for Private Hire vehicles prior to examination and testing by a vehicle testing station approved by the Authority. Where relevant, these requirements are incorporated into the Hackney Carriage and Private Hire Vehicle Inspection Standards (**Error! Reference source not found., page Error! Bookmark not defined.**).

#### **2 Dimensions**

- 2.1 Whilst minimum standards of interior space are dictated in this specification (see Section 6), no maximum dimensions are dictated for any given private hire vehicle. The size of any given vehicle will be assessed on a case by case basis relevant to the suitability of the vehicle for purpose.

#### **3 Body**

- 3.1 The vehicle shall have no exterior visible signs of previous significant accident damage.
- 3.2 The paint work shall be of a professional finish and be one consistent colour over the whole of the vehicle's bodywork.
- 3.3 The bodywork shall have no significant signs of corrosion. Corrosion includes visible rust and signs of rust by virtue of the paintwork being blistered.
- 3.4 Running boards shall only be permitted where they are fitted by manufacturers.

#### **4 Wheels**

- 4.1 The vehicle shall have four road wheels of uniform standard, size and style, which conform to construction and use regulations. The vehicle must also be provided with a spare wheel.
- 4.2 Space-saver spare wheels, unless fitted as standard equipment to the vehicle, will not be accepted. In all other cases, provision shall be made for a standard road wheel to be secured in the vehicle for use as a spare. A vehicle presented for examination and test with a space saver spare wheel in use as a road wheel will fail the test.
- 4.3 Any spare wheel shall conform to construction and use regulations and be of the same standard and size as the existing road wheels unless exempted by paragraph 4.2 above. Any spare wheel not to the same style as the existing road wheels must only be used as an intermediate measure whilst the original road wheel is repaired.
- 4.4 A wheel brace and jack to enable the effective change of a tyre and wheel shall be carried except where paragraph 4.5 applies.
- 4.5 If a vehicle is fitted with 'run flat' tyres by the manufacturer, the vehicle shall also be fitted with a tyre pressure sensor / warning device. Where the vehicle has been manufactured without a spare wheel well, the requirement to carry a spare wheel will not apply. If the vehicle is manufactured with a spare wheel well, a spare wheel (as detailed above) must be provided.

## **5 Steering**

- 5.1 All vehicles shall be right-hand drive and shall have been so since the date of first registration.

## **6 Interior**

- 6.1 The minimum leg room available to any passenger shall be 200mm. The rear leg room measurement will be taken from the base of the rear seat to the centre of the rear of the driver seat in front when the driver seat is positioned in the driver's normal seated position. The front passenger seat must be able to be positioned so as to provide a minimum leg room of 200mm to any passenger. Where there is no seat in front of the rear seats, the measurement will be taken from the base of the rear seat to the nearest obstruction in front.
- 6.2 The internal headroom from the seat cushion to the lowest part of the roof in a vertical line shall be a minimum of 920mm.

## **7 Doors**

- 7.1 The vehicle shall have a minimum of 4 side opening doors which are easily accessible to passengers without the need to move or adjust any seats etc., to gain access to them. Access to and from vehicles such as minibuses will be determined on a case by case basis.
- 7.2 All vehicles shall have doors that open sufficiently wide to allow easy access in and egress from the vehicle.
- 7.3 All doors shall be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism.
- 7.4 The interior door handle shall be clearly visible and easily accessible to passengers when the door is in a fully open position.

## **8 Seats**

- 8.1 Vehicles shall have a passenger seating capacity of not less than 4 persons and not more than 8 persons.
- 8.2 Each seat shall be fitted with fully operational seat belts, compliant with British Standards, except where the law specifically provides an exemption.
- 8.3 Each seat shall not be less than 406mm in width.
- 8.4 Where bench seats are provided, then the seat shall provide a minimum of 406mm seating space for each passenger i.e. a rear bench seat shall not be less than 1218mm in order to accommodate 3 passengers.
- 8.5 The seating configuration of the vehicle shall be as its factory manufactured state. Should any amendments to seating configuration be made, these should be done only with the permission of this Authority and in line with this Policy.
- 8.6 Each row of seats shall have door access immediately adjacent to it, unless in the case of multi passenger vehicles (i.e. vehicles designed to carry 5 or more passengers) where the following shall apply:
  - All seats shall be fixed and permanent (i.e. not flexible configuration seating designed for family use);
  - At least one principal means of access/egress must be provided from the main passenger compartment which is immediately adjacent to a door;
  - Where additional secondary means of access/egress are fitted from the main passenger compartment, these should be clearly identified as such for use in cases of emergency;
  - A break glass hammer should be fitted to the rear windows (i.e. those furthest away from the principle means of access/egress) and be clearly labelled "EMERGENCY EXIT – break glass with hammer".

## **9 Windows**

- 9.1 Opening windows shall be provided in the rear of the vehicle capable of being opened by the rear seat passengers.
- 9.2 Vehicle windows shall have visual transmission to ensure that the interior of the vehicle is clearly visible from the outside of the vehicle at all times. All vehicles shall be fitted with windscreen glass that has a light transmittance of 75%, and all other window glass shall have a light transmittance of not less than 70% EXCEPT those parts of the rear window or any side windows adjacent to the luggage space in any estate-type vehicle which can be of any tint fitted at manufacture providing it is not opaque.
- 9.3 No vehicle shall be fitted with any form of additional means to darken or tint the glass on any part of the vehicle.
- 9.4 A serviceable device for demisting the rear window shall be fitted.

## **10 Heating and ventilation**

- 10.1 Vehicles shall have an efficient heating and ventilation system.

## **11 Facilities for wheelchair users**

- 11.1 Any vehicle that has the facility for the carriage of wheelchair and wheelchair passengers shall be fitted with:

- Approved manufacturer installed anchorages that shall be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and passengers shall be independent of each other. Anchorages shall also be provided for the safe storage of a wheelchair, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints shall be so designed that they do not cause any danger to other passengers and maintained in accordance with manufacturer's specifications.
  - A ramp or ramps for the loading of a wheelchair and passenger shall be available at all times for use at the nearside rear passenger door. An adequate locking device shall be fitted to ensure that the ramp(s) do not slip or tilt when in use. Provision shall be made for the ramps to be stored safely in the vehicle when not in use.
- 11.2 The vehicle shall be equipped with a manufacturer's user manual/guide on the safe loading and unloading and security of wheelchair passengers.
- 11.3 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle shall have been tested in accordance with the requirements of the relevant legislation immediately prior to being first licensed and at each subsequent renewal and be so certified and produced to the Council approved testing station.

## **12 Fuel systems**

- 12.1 Fuel systems should be installed to current manufacturer and legal standards. Before commencing any gas fuel conversions it is essential that written approval is sought from the Council.

## **13 CCTV**

- 13.1 CCTV monitoring devices, for the purpose of assisting driver safety are permitted in vehicles. If such devices are fitted, adequate signage shall be displayed in the passenger compartment advising passengers that they are being monitored / recorded. Any such equipment shall maintained in working order, be fitted overtly and in such a way as not to present any danger or hazard to any passenger. It will be the driver / proprietor's responsibility to comply with all aspects of the law regarding such surveillance equipment.

## **14 Tyres**

- 14.1 All tyres, including the spare tyre, shall comply with the vehicle manufacturer's specification notwithstanding condition 4.2 in this specification.
- 14.2 Remoulded tyres will only be permitted where they are manufactured to British Standard BS AU 144e.
- 14.3 All tyres fitted to the vehicle shall meet current legal requirements.

## **15 Electrical equipment**

- 15.1 Any additional electrical installation to the original equipment shall be adequately insulated and be protected by suitable fuses.

## **CONDITIONS**

### **1. Maintenance of Vehicle**

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

\*Clean condition is defined as follows:

“All body panels to be of uniform colour and finish throughout, unless otherwise authorised by the Council in writing, and to be washed and polished to a high standard. Windows to be clear and smear free inside and out. Carpets and seating to be vacuumed and to be without cuts, tears or staining”.

- b) Without prejudice to the obligations imposed by (a) above, and without prejudice to any other inspections of the vehicle which may be required to comply with such regulations, the proprietor of the vehicle shall ensure that:
- i) the vehicle is inspected every week for such matters as may be prescribed by the Council;
  - ii) a written record of such weekly inspections, and any additional inspections or service undertaken on the vehicle (in respect of such matters) is made at the time in the form prescribed by the Council; and
  - iii) such written records are retained and kept in the vehicle at all times and are available for immediate production to an Authorised Officer of the Council or Police Officer on request.

Please note that the requirement to inspect the vehicle every week imposed by Condition 1(b) does not release the proprietor of the vehicle from his obligations to carry out further inspections to ensure compliance with Condition 1(a).

### **2. Alteration of Vehicle**

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

### **3. Identification Plate**

The plate identifying the vehicle as a Private Hire vehicle and required to be exhibited on the vehicle pursuant to Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 shall be securely fixed on the outside of the vehicle in a conspicuous position and in such manner as to be easily removable by an Authorised Officer of the Council or a Police Constable.

### **4. Interior Markings**

The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed therein the number of this licence and the number of passengers prescribed in this licence.

**5. Signs, Notices etc.**

- a) 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 (including byelaws) or required or permitted by these conditions, provided however that this condition shall not apply to any indication on a taxi meter fitted to the vehicle or to a sign which:
- i) is displayed in, on or from the vehicle while it is stationary;
  - ii) contains no words or numbers other than the name and address of an operator of the vehicle or the name under which he carried on his/her business and its address and, in either case, the name of a passenger to be carried in the vehicle; and
  - iii) is displayed in pursuance of a prior arrangement made for the carriage of a passenger or passengers named in the sign.
- b) The proprietor shall cause to be affixed and maintained on the outside front doors of the vehicle an advertisement which contains only the name and telephone number of the operator of the vehicle in letters or figures between 2" (51mm) and 4" (102mm) in height and is on a notice not exceeding 12" (305mm) in height and 24" (610mm) in length, or is an all over company livery the form, contents and details of which have been approved in writing by the Director of Leisure & Wellbeing before such advertisement is displayed. Such advertisement shall also contain the words "PRIVATE HIRE ONLY – WEST LANCS B.C." also in letters figures between 2" (51mm) and 4" (102mm) in height. All lettering must be a minimum of 1/4" (6mm) in thickness. This specification is for saloon cars or similar. Variations applicable to larger vehicles will be approved on a case by case basis, where it is recognised that a larger sign may be more appropriate. The letters or figures on such signage must not be any smaller than stipulated above.
- c) The proprietor shall cause to be affixed and maintained in the vehicle in a conspicuous position in accordance with the directions of the Council any sign or notice relating to Private Hire vehicle which the Council may from time to time require.

**6. Change of Address**

The proprietor shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

**7. Convictions, cautions, charges etc.**

The Proprietor shall inform the Council of any conviction, formal caution, fixed penalty, absolute discharge and/or criminal charge imposed on him/her (or, if the

proprietor is a company or partnership, any of the directors or partners) during the period of the licence. This notification must be in writing and be made within seven days of the offence.

**8. Deposit of Driving Licence**

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

**9. Permitted Drivers of the Vehicle**

The proprietor or any other person permitted or employed to drive the vehicle as a Private Hire vehicle, must be the holder of a current Private Hire driver's licence granted by the West Lancashire Borough council according with Section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

**10. Deposit of Vehicle Licence**

The proprietor shall, upon the vehicle commencing work with an operator, deposit with the operator this licence for retention by him until such time as that vehicle ceases to work for that operator.

**11. Settle Agreements – Tyres**

Where a vehicle is hired out to a driver under settle agreement the proprietor (i.e. the licence holder) of the vehicle shall initiate the following:

- i) The proprietor of the vehicle shall immediately on the grant of this licence enter into a written agreement with a reputable tyre supplier that will enable the driver of the vehicle to obtain replacement tyres upon demand from such supplier. Such agreement must continue in force for the duration of this licence.
- ii) A copy of the written agreement referred to must be kept in the vehicle at all times and be available for and produced for inspection at the request of the Authorised Officer of the Council or Police Officer.
- iii) A further copy of the written agreement referred to must be lodged with the Council within fourteen (14) days of the grant of this licence.

**12. Inspection and Testing**

The proprietor shall, if requested by an Authorised Officer of the Council, or Police Officer, make the vehicle immediately available for inspection and testing at such time and date as may be specified. Such inspections and testing shall be in addition to any other statutory provisions.

**13. Licensing Policy**

The Council's Hackney Carriage and Private Hire Licensing Policy shall be adhered to at all times. The Policy can be viewed at [www.westlancs.gov.uk/licensing](http://www.westlancs.gov.uk/licensing)



## Appendix 4 Hackney Carriage Specification and Conditions of Licence

### **SPECIFICATION**

#### **1 General**

- 1.1 All vehicles shall have an appropriate “type approval” which is either a European Whole Vehicle Type Approval (EWVTA) or UK Low Volume Type Approval (UKLVTA) and have been permitted for use by the Council. Vehicles shall not have been altered since the type approval was granted.
- 1.2 All vehicles shall have separate driver and passenger compartments.
- 1.3 All vehicles shall be so constructed as to facilitate the carriage of disabled persons and be capable of accommodating a disabled person in a wheelchair in the passenger compartment, provided that the wheelchair fits within the dimensions specified in the relevant paragraphs below. Rear loading type disabled access vehicles are not permitted unless fitted with a hydraulic lifting platform.
- 1.4 Vehicles presented for approval, and while in use, shall comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendment or re-enactment thereof.
- 1.5 No fittings, other than those approved, shall be attached to, or carried on, the inside or outside of the vehicle.
- 1.6 All vehicles shall be less than EIGHTEEN years old from the date of manufacture.
- 1.7 All Hackney Carriages must be maintained to no less than the standards set out in the MOT Inspection Manual for Private Passenger & Light Commercial Vehicle Testing (as updated) issued by the Vehicle and Operator Services Agency (VOSA) and the Hackney Carriage and Private Hire Vehicle Inspection Standards (**Error! Reference source not found., page Error! Bookmark not defined.**).
- 1.8 The following sections provide the outline requirements of the specification for Hackney Carriages prior to examination and testing by a vehicle testing station approved by the Authority. Where relevant, these requirements are incorporated into the Hackney Carriage and Private Hire Vehicle Inspection Standards (**Error! Reference source not found., page Error! Bookmark not defined.**).

#### **2 Dimensions**

- 2.1 Whilst minimum standards of interior space are dictated in this specification (see Sections 6 & 7), no maximum dimensions are dictated for any given Hackney Carriage. The size of any given vehicle will be assessed on a case by case basis relevant to the suitability of the vehicle for purpose.

#### **3 Body**

- 3.1 The vehicle shall have no exterior visible signs of previous significant accident damage.
- 3.2 The paint work shall be of a professional finish and be one consistent colour over the whole of the vehicle’s bodywork.
- 3.3 The bodywork shall have no significant signs of corrosion. Corrosion includes visible rust and signs of rust by virtue of the paintwork being blistered.

- 3.4 Running boards shall only be permitted where they are fitted by manufacturers. The board shall be a minimum 125mm in width, all of which shall be available as a step.
- 3.5 Where the top tread of the entrance to the vehicle exceeds 460 mm and the vehicle is not fitted with approved running boards as described in paragraph 3.4, a moveable intermediate step shall be provided at each entrance into the passenger compartment. The intermediate step shall be encased beneath the vehicle and be electrically or manually operated to extend outwards. When not in use and whenever the vehicle is in motion, the step shall not extend outwards beyond the vertical line of the bodywork.
- 3.6 Electrically operated steps, if fitted, shall be operated from within the driver's compartment and shall have a failsafe device linked to the handbrake mechanism to prevent the possibility of the vehicle being driven while the step is extended.
- 3.7 The step shall be covered with a suitable non-slip surface with the edges of the step highlighted in a high visibility colour, which is different from the colour scheme of the vehicle.

#### **4 Wheels**

- 4.1 The vehicle shall have four road wheels of uniform standard, size and style, which conform to construction and use regulations. The vehicle must also be provided with a spare wheel.
- 4.2 Space-saver spare wheels, unless fitted as standard equipment to the vehicle, will not be accepted. In all other cases, provision shall be made for a standard road wheel to be secured in the vehicle for use as a spare. A vehicle presented for examination and test with a space saver spare wheel in use as a road wheel will fail the test.
- 4.3 Any spare wheel shall conform to construction and use regulations and be of the same standard and size as the existing road wheels unless exempted by paragraph 4.2 above. Any spare wheel not to the same style as the existing road wheels must only be used as an intermediate measure whilst the original road wheel is repaired.
- 4.4 A wheel brace and jack to enable the effective change of a tyre and wheel shall be carried except where paragraph 4.5 applies.
- 4.5 If a vehicle is fitted with 'run flat' tyres by the manufacturer, the vehicle shall also be fitted with a tyre pressure sensor / warning device. Where the vehicle has been manufactured without a spare wheel well, the requirement to carry a spare wheel will not apply. If the vehicle is manufactured with a spare wheel well, a spare wheel (as detailed above) must be provided.

#### **5 Steering**

- 5.1 All vehicles shall be right-hand drive and shall have been so since date of first registration

#### **6 Driver's compartment**

- 6.1 The driver's compartment shall be separated from the passenger compartment by a partition and transparent screen, capable of having fixed to it approved

notices for the benefit of passengers. This shall not apply to a manufacturer fitted front seat, which has received prior approval from the Council.

- 6.2 Mesh type screens shall not be permitted
- 6.3 The driver's compartment shall be so designed that the driver has adequate room, can easily reach, and quickly operate, the controls and give hand signals on the offside of the vehicle.
- 6.4 Controls shall be so placed as to allow reasonable access to the driver's seat and, when centrally placed, shall be properly protected from contact with luggage.
- 6.5 A serviceable device for demisting the windscreen shall be fitted.
- 6.6 Where fitted, an intercom type system should permit the driver and passenger(s) to communicate verbally.
- 6.7 A suitable sliding window, or similar device, shall be fitted in the screen
- 6.8 Space shall be provided on the nearside of the driver compartment for the carriage of luggage. Access to this luggage space shall be by way of the nearside front door. The nearside front door shall be locked and only be capable of being unlocked, from either inside or outside the vehicle, by the driver.

## **7 Passenger compartment**

- 7.1 The vertical distance between the highest part of the floor and the roof shall not be less than 1300 mm.
- 7.2 Suitable provision shall be made for the seating of not less than 4 and not more than 8 passengers. The carrying capacity of all vehicles shall be at the discretion of the Authority having regard to manufacturer's specifications and compliance with dimensions referred to in this document.
- 7.3 There shall be no steps within the passenger compartment.
- 7.4 The clear height of the doorway shall not be less than 1200 mm.
- 7.5 The nearside door and doorway shall be constructed so as to permit an unrestricted opening across the centre of the doorway of at least 740 mm.
- 7.6 Grab handles shall be placed at door entrances, to aid passenger ingress to and egress from the vehicle. These should be of a high visibility colour different from the interior colour scheme of the vehicle.
- 7.7 The outer edge of the floor at each entrance shall be fitted with non-slip treads.
- 7.8 The top tread for any entrance shall be at floor level of the passenger compartment and (except as detailed in 3.5 above) shall not exceed 460 mm above ground level when the vehicle is un-laden.
- 7.9 The minimum angle of the door when opened shall be 90 degrees.
- 7.10 The interior door handle shall be clearly visible and easily accessible to passengers when the door is in the fully open position.
- 7.11 The floor of the passenger compartment shall be covered with non-slip material, which can easily be cleaned.
- 7.12 All parts of the passenger compartment shall be clean and free of any damage, which may affect its suitability for the carriage of passengers.

## **8 Seats**

- 8.1 Occasional seats shall be at least 400mm in width and the minimum distance from the back of the upholstery to the front edge of the seat shall be 355 mm.

- 8.2 Occasional seats shall be so arranged as to rise automatically when not in use.
- 8.3 Occasional and fixed seats, when not in use, shall not obstruct doorways.
- 8.4 Where the rear seat is of the bench type the overall width of the seat shall not be less than 1190 mm.
- 8.5 Suitable means shall be provided to assist persons to rise from the rear seat with particular attention to the needs of elderly and disabled passengers.
- 8.6 Where seat covers are used they shall be properly affixed to the seat so as not to become loose during use. They shall be clean and devoid of damage of any kind.
- 8.7 All seats shall be fitted with fully operational seat belts, compliant with British Standards except where the law specifically provides an exemption.

## **9 Facilities for wheelchair users**

- 9.1 An approved manufacturer installed wheelchair restraint system shall be provided for the wheelchair and wheelchair disabled passengers and available for use at all times. The system shall be capable of withstanding approved dynamic or static tests. Restraints for wheelchair and passenger shall be independent of each other. Facility shall be provided for the safe storage of a wheelchair without a passenger, whether folded or otherwise, if carried within the passenger compartment. The wheelchair restraint system shall be so designed that it does not cause any danger to other passengers and shall be maintained to the manufacturer's specification.
- 9.2 A ramp, or ramps, for the loading of a wheelchair and passenger shall be available at all times for use at the nearside rear passenger door, as a minimum. An adequate locking device shall be fitted to ensure that the ramp(s) do not slip or tilt when in use. Provision shall be made for the ramps to be stored safely in the vehicle when not in use.

## **10. Heating and ventilation**

- 10.1 An adequate heating and ventilation system shall be provided for the driver and the passengers, and means provided for independent control by the driver and the passengers.

## **11 Windows**

- 11.1 Opening windows shall be provided in the rear of the vehicle capable of being opened by the rear seat passengers.
- 11.2 Vehicle windows shall have visual transmission to ensure that the interior of the vehicle is clearly visible from the outside of the vehicle at all times. All vehicles shall be fitted with windscreen glass that has a light transmittance of 75%, and all other window glass shall have a light transmittance of not less than 70% EXCEPT those parts of the rear window or any side windows adjacent to the luggage space in any estate-type vehicle which can be of any tint fitted at manufacture providing it is not opaque.
- 11.3 No vehicle shall be fitted with any form of additional means to darken or tint the glass on any part of the vehicle.
- 11.4 A serviceable device for demisting the rear window shall be fitted.

## **12 Interior lighting**

12.1 Adequate lighting shall be provided for the driver and passengers. Separate lighting controls for both passenger and driver shall be provided. In the case of the passenger compartment, an illuminated control switch shall be fitted, marked and in such a position that it is clearly visible to the passengers and is not easily confused with any other control.

**13 Door Fittings**

13.1 An approved type of automatic door locking device shall be fitted to passenger doors. When the vehicle is stationary the passenger doors shall be capable of being readily opened from the inside and from the outside of the vehicle by one operation of the latch mechanism. The interior door handle shall be clearly identified, to prevent it being mistaken for any other control.

**14 Fuel systems**

14.1 Fuel systems should be installed to current manufacturer and legal standards. Before commencing any gas fuel conversions it is essential that written approval is sought from the Council.

**15 Tyres**

15.1 All tyres, including the spare tyre, shall comply with the vehicle manufacturer's specification.

15.2 Remoulded tyres shall not be permitted, except where the remoulded tyre is clearly marked "TAXI". British Standard BS AU 144e shall apply to 205/65R15 tyres fitted to the E7 and Eurotaxi.

15.3 Tyres fitted to the vehicle shall meet current legal requirements.

**16 Electrical equipment**

16.1 Any additional electrical installation to the original equipment shall be adequately insulated and be protected by suitable fuses.

**17 CCTV**

17.1 CCTV monitoring devices, for the purpose of assisting driver safety are permitted in vehicles. If such devices are fitted, adequate signage shall be displayed in the passenger compartment advising passengers that they are being monitored / recorded. Any such equipment shall maintained in working order, fitted overtly and in such a way as not to present any danger or hazard to any passenger. It will be the driver / proprietor's responsibility to comply with all aspects of the law regarding such surveillance equipment.

## **CONDITIONS**

### **1. Maintenance of Vehicle**

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

\*clean condition is defined as follows:

“All body panels to be of uniform colour and finish throughout, unless otherwise authorized by the Council in writing, and to be washed and polished to a high standard. Windows to be clear and smear free inside and out. Carpets and seating to be vacuumed and to be without cuts, tears or staining.

- b) Without prejudice to the obligations imposed by (a) above, and without prejudice to any other inspections of the vehicle which may be required to comply with such regulations, the proprietor of the vehicle shall ensure that:
- i) the vehicle is inspected every week for such matters as may be prescribed by the Council;
  - ii) a written record of such weekly inspections, and any additional inspections or service undertaken on the vehicle (in respect of such matters) is made at the time in the form prescribed by the Council; and
  - iii) such written records are retained and kept in the vehicle at all times and are available for immediate production to an Authorised Officer of the Council or Police Officer on request.

Please note that the requirement to inspect the vehicle every week imposed by Condition 1(b) does not release the proprietor of the vehicle from his obligations to carry out further inspections to ensure compliance with Condition 1(a).

### **2. Alteration of Vehicle**

- i) No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.
- ii) If any existing vehicle is replaced, the replacement vehicle shall be designed or converted (as approved by the Public Carriage Office in London), to provide access and secure carriage of wheelchair bound passengers.
- iii) Vehicles shall be subject to random visual inspections by the Council's Licensing Officers. If, in the opinion of the Licensing Officer, the vehicle does not pass the inspection, or if the Officer has cause to doubt the mechanical safety of the vehicle, they shall require it to be inspected at one of the Council's approved testing stations. Any expenses incurred for such inspection to be paid by the vehicle proprietor.

**5. Interior Markings**

The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed therein the number of this licence and the number of passengers prescribed in this licence.

**6. Signs, Notices etc.**

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 (including byelaws) or required or permitted by these conditions, provided however that this condition shall not apply to any indication on a taxi meter fitted to the vehicle or to a sign which:

- i)
  - a) is displayed in, on or from the vehicle while it is stationary;
  - b) contains no words or numbers other than the name and address of an operator of the vehicle or the name under which he carried on his/her business and its address and, in either case, the name of a passenger to be carried in the vehicle; and
  - c) is displayed in pursuance of a prior arrangement made for the carriage of a passenger or passengers named in the sign.
- ii) is an advertisement in the form of an all over the vehicle livery (excluding the windows), or displayed on the roof (apex type) or on the outside of the front doors, the form, contents and details of which have been approved in writing by the Director of Leisure & Wellbeing before such advertisement is displayed provided that in any event advertisements in respect of the under-mentioned shall not be permitted:
  - a) Tobacco companies or tobacco product advertising
  - b) Alcohol or drug related advertising
  - c) Political advertising
  - d) Videos or video company advertising
  - e) Betting or gaming advertising
  - f) Sex product advertising

**7. Convictions, cautions, charges etc.**

The proprietor shall inform the Council of any conviction, formal caution, fixed penalty, absolute discharge and/or criminal charge imposed on him/her (or, if the proprietor is a company or partnership, any of the directors or partners) during the period of the licence. This notification must be in writing and be made within seven days of the offence.

**8. Conduct**

All proprietors shall comply with the Council's Code of Conduct and Dress Code.

**9. Settle Agreements – Tyres**

Where a vehicle is hired out to a driver under a settle agreement the proprietor (i.e. the licence holder) of the vehicle shall initiate the following:

- i) The proprietor of the vehicle shall immediately on the grant of this licence enter into a written agreement with a reputable tyre supplier that will enable the driver of the vehicle to obtain replacement tyres upon demand from such supplier. Such agreement must continue in force for the duration of the licence.
- ii) A copy of the written agreement referred to must be kept in the vehicle at all times and be available for and produced for inspection at the request of the Authorised Officer of the Council or Police Officer.
- iii) A further copy of the written agreement referred to must be lodged with the Council within fourteen (14) days of the grant of this licence.

**10. Medical Conditions**

The proprietor shall, at the earliest opportunity and in any event within seven days of diagnosis, disclose to the Council in writing details of any medical condition (as contained in the Group 2 entitlement of the Medical Aspects of Fitness to Drive Guide for Medical Practitioners published by the Medical Commission on Accident Prevention), either permanent or temporary, which affects or may affect the proprietor's ability to drive a Hackney Carriage vehicle. This includes but not exhaustively, the following: heart attack, angina, diabetes, epilepsy, stroke, high blood pressure, any surgical operation, any bone fracture or dislocation of joint, alcohol or drug addiction or dependency. In addition the proprietor must also notify to the Council in writing, at the earliest opportunity and in any event seven days of its being prescribed, details of any drug which may affect the proprietor's ability to drive.

**11. Licensing Policy**

The Council's Hackney Carriage and Private Hire Licensing Policy shall be adhered to at all times. The Policy can be viewed at [www.westlancs.gov.uk/licensing](http://www.westlancs.gov.uk/licensing)







## **Appendix 5 Application Procedures**

### **1. Application procedures – vehicles**

- 1.1 When presenting a new or renewal application, the following documents **MUST** accompany the completed application form:
  - (i) DVLA Registration Document (which must show the vehicle as belonging to the applicant either wholly or jointly with any other person(s) hereinafter described as proprietor(s) thereof);
  - (ii) Valid Certificate of Insurance;
  - (iii) MOT/Compliance Certificate;
  - (iv) [For stretched limousines] Single Vehicle Approval Certificate (SVA).

#### **New Application**

- 1.2 The applicant must make an appointment to attend the Licensing Office to initiate the application.
- 1.3 The Authority will provide vehicle proprietors with a unique reference number which must be provided to the vehicle testing station allocated at the time of the appointment. The inspection will not be completed without this reference number.
- 1.4 Vehicle proprietors shall be directed by the Authority to an approved vehicle testing station to have vehicles inspected and tested. Applicants are required to make arrangements directly with the approved vehicle testing station to conduct the examination.
- 1.5 Prior to submitting the vehicle for examination, proprietors shall ensure that the vehicle complies with the Council's Hackney Carriage and Private Hire Licensing Policy.
- 1.6 If at any stage of the application, the applicant does not provide the required information and/or fails to complete the application process within 28 days from the last known date of contact, the application will be marked as 'not proceeded with'.

#### **Renewal Application**

- 1.6 In respect of renewal applications vehicles will be required to attend an approved vehicle testing station to have vehicles inspected and tested before an appointment with the Authority is made, the vehicle should not be examined more than 4 weeks before its licence is due to expire. However, it is advised to arrange the examination and test at least 7 days prior to the renewal appointment in case the vehicle examination identifies the need for repair work and retesting which can then be undertaken prior to the expiry of the licence.
- 1.7 If the vehicle fails the examination and the repair requires specific work that could not be reasonably foreseen prior to the expiry of the licence and/or requires a specific part that could not have been reasonably obtained prior to the expiry of the licence, a period of up to 28 days from the date of the expiry of the licence may be granted to allow vehicle owner to complete the work. The effect of this period is to give the vehicle owner reasonable time to complete the work, whilst also avoiding the lapse of the licence. Such a period will be granted at the sole discretion of the Authority and the vehicle owner must provide suitable evidence to substantiate that the work is necessary and

that the repair could not have been reasonably foreseeable prior to the expiry of the licence and/or the part could not have been reasonably obtained prior to the expiry of the licence. In any event, if the required work is not completed by the end of the period granted by the Authority, the licence will lapse.

- 1.8 Vehicle proprietors shall be subject to a re-charge fee by the vehicle testing station in respect of vehicles that fail the vehicle test and undergo a second examination and test. The full examination and test fee shall be charged to proprietors who fail to attend appointments for vehicle examination and tests without notifying the vehicle testing station.
- 1.9 When a vehicle has passed its test, the applicant must make an appointment to attend the Licensing Office to complete the application.

## **2. Application procedures – drivers**

- 2.1 Applicants must make an appointment to attend the Licensing Office to initiate the application.
- 2.3 A fee will be required for all application forms and payment can only be made with a debit/credit card or cheque/postal order. **New Application**
  - 2.1 Applications for Hackney Carriage or Private Hire drivers' licences are not limited and may be made at any time of the year. This is subject to the applicant must having held a full DVLA driving licence (which may be a European driving licence subject to 2.4 below) for more than three years and having attained the age of 18 years.
  - 2.4 Applicants who hold a European driver's licence, other than Great Britain, must produce a GB Driver Licence Card issued by the DVLA a minimum of 12 months prior to the date of application.
  - 2.5 To meet the criteria in 2.1 whereby a full DVLA driving licence or European driving licence must have been held for more than 3 years, the applicant must provide proof of both licences for that 3 year period. If the applicant is not from a European country and does not hold a European drivers licence, requirement then be a UK driver licence for 3 years.
  - 2.6 Applicants will be required to complete an application form for an Enhanced Disclosure from the Disclosure and Barring Service on application, this can be done using the Council's approved online DBS service or by completing a DBS form supplied by the Council .Three forms of personal identification is required (passport, DVLA driving licence, birth certificate or marriage certificate) as well as a utility bill showing the applicants current address. Applicants will also need to provide their national insurance number.
  - 2.7 Applicants will be required to provide a completed DVLA mandate which must be accompanied with a cheque or postal order made out to DVLA for £5.00
  - 2.9 Applicants will be required to complete a Statutory Declaration on application in line with section 12.22 and 16.22 of the Council's Hackney Carriage and Private hire Statement of Licensing Policy
  - 2.9 Applicants from European Economic Area and worldwide are also required to provide a Certificate of Conduct from the embassy of the applicants' country of origin or place of recent residence. A certificate of conduct may not be accessible for Refugees/Asylum Seekers. In such cases additional references

will be sought and followed up by phone as well as letter. Additional references in the first instance should be from employers or professional bodies. However, they can also come from faith-based and community associations, or from organisations where the applicant has volunteered.

- 2.10 Applicants from outside the European Economic Area must also provide evidence of their entitlement to work and reside in the UK. This will be a current permit or passport endorsement issued by the Home Office in the applicant's name and shows that the applicant has one of the following:
- no time limit to their stay in the UK
  - a certificate of entitlement to the Right of Abode
  - indefinite leave to enter or remain
  - is exempt from immigration control
- 2.11 Foreign nationals from Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia are also required to be registered under the Home Office Worker Registration Scheme.
- 2.12 If new applicants are confident that the DBS Disclosure will be satisfactory then they can proceed to arrange appointments to obtain a completed medical certificate from a General Practitioner; to undertake the Authority local knowledge test. Otherwise, as the above actions will incur costs, applicants may prefer to wait for the return of the DBS Disclosure and clearance from the Authority to continue with the application.
- 2.13 Applicants shall provide a completed medical examination form supplied by the Authority on application then on their 45th birthday and every 5 years until the age of 65 (i.e. on the driver's 50th, 55th, 60th and 65th birthdays) where upon an annual examination is required. Medical examinations must be conducted by the applicant's own general practitioner or medical practice. In exceptional circumstances, the applicant may be directed to the Council's independent medical advisor. Medical examinations must be completed before a driver's 45th, 55th, 60th and 65th birthday, notification of which will be sent out approximately 6 weeks prior.
- 2.14 If at any stage of the application, the applicant does not provide the required information and/or fails to complete the application process within 28 days from the last known date of contact, the application will be marked as 'not proceeded with'.

#### **Renewal Application**

- 2.15 Applicants will be required to complete an application form for an Enhanced Disclosure from the Disclosure and Barring Service on application, this can be done using the Council's approved online DBS service or by completing a DBS form supplied by the Council. Three forms of personal identification is required (passport, DVLA driving licence, birth certificate or marriage certificate) as well as a utility bill showing the applicants current address. Applicants will also need to provide their national insurance number.
- 2.16 Applicants will be required to provide a licence 'Check Code' from the DVLA's online service to allow Officers to check current DVLA information on appointment.

- 2.17 Applicants will be required to complete the Declaration section of their renewal form providing information of any offences since the date of their original signed Statutory Declaration.
- 2.18 If at any stage of the application, the applicant does not provide the required information and/or fails to complete the application process within 28 days from the last known date of contact, the application will be marked as 'not proceeded with'.

### **3. The consideration of applications**

- 3.1 On receiving the Enhanced Disclosure from the DBS new applicants should visit the Licensing Office to provide the completed medical. Disclosure and medical forms will not be accepted if more than 28 days old.
- 3.2 If satisfied, from the information available, that the applicant is a fit and proper person to hold a licence, the Officer has delegated power to grant the application and issue a 3 year licence.
- 3.3 All licences remain the property of the Authority and must be surrendered if the driver licence is suspended or revoked by the Authority.
- 3.4 If the Authority is not satisfied, on the information before it, that the applicant should be granted a licence, the matter may be referred to the Licensing and Appeals Committee for a hearing in accordance with this Policy.

### **4. Application procedures – Operators**

- 4.1 Applicants must make an appointment to attend the Licensing Office to initiate the application.
- 4.2 A fee will be required for all application forms and the fee will be determined by the amount of vehicles intended to operate. Payment can only be made with a debit/credit card or cheque/postal order.
- 4.3 Applicants will be required to provide a standard disclosure of convictions on first application and every 3 years thereafter.
- 4.4 Applicants will be required to provide evidence of public liability insurance and where necessary employers liability insurance.
- 4.5 The applicant must provide a full list of drivers and vehicles they intend to operate
- 4.6 All required documentation must be provided on appointment in order for this application to be processed
- 4.7 Appropriate door signs to be approved in line with the policy.

#### **Consideration of applications.**

If the Authority is not satisfied, on the information before it, that the applicant should be granted a licence, the matter may be referred to the Licensing and Appeals Committee for a hearing in accordance with the Policy.







# Agenda Item 8

## EMPLOYMENT APPEALS SUB-COMMITTEE

TUESDAY, 20TH SEPTEMBER, 2016

Start: 10.30am

Finish: 2.45pm

Councillors:	Devine (Chairman) Delaney (Vice Chairman) Kay
Officers:	Principal Solicitor (Mrs K Lovelady) Member Services/Civic Support Officer (Mrs J Brown) Human Resources Advisor (Ms K Roberts)
Parties to The Appeal:	Management Director of Housing and Inclusion (Mr B Livermore) Head of HR and Organisational Development (Interim) (Ms J Woods)
Appellant:	Employee Payroll Number 2900086
Appellant Advisors:	Unison Branch Secretary (Mr P Foster) Unison Area Organiser (Ms S Garry)

### **8 APOLOGIES**

There were no apologies for absence received.

### **9 MEMBERSHIP OF THE SUB - COMMITTEE**

There were no changes to Membership of the Committee.

### **10 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN**

There were no items of Urgent Business.

### **11 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **12 EMPLOYMENT APPEALS PROCEDURE**

The Chairman referred to the above procedure.

### **13 EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That under Section 100 (A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 2 (Identity of an individual) and Paragraph 4 (Labour Relations) Part 1 of Schedule 12A outweighs the public interest in disclosing the information.

### **14 APPEAL AGAINST OUTCOME OF DISCIPLINARY HEARING - EMPLOYMENT PAYROLL NUMBER 2900086**

The Chairman welcomed both parties to the meeting.

Members were informed that the Sub – Committee was meeting to consider an appeal by an employee of the Council against the outcome of a disciplinary hearing.

In considering the Appeal the Sub – Committee had before it the following documents:-

Management Statement of Case and Appendices.  
Appellant Statement of Case and Supporting Documents.

The Sub – Committee were also provided with a demonstration of the Councils CRM system from the Customer Services Manager.

The Sub – Committee, in accordance with the procedure heard the following aspect of the Appeal;

- i. An oral submission by Management.
- ii. An oral submission on behalf of the Appellant.
- iii. A summing up by Management and the Appellant's Representative.

Following the conclusion of summing up, both parties, together with the representative, withdrew from the meeting and the Sub – Committee gave consideration to their decision.

The Sub – Committee came to the following conclusion:-

RESOLVED: That the Appeal be dismissed.

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

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of the Local Government Act 1972.

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