

## Licensing Committee

You are requested to attend a meeting of the Licensing Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 28 April 2009 at 18:15.

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### Agenda

- 1 Apologies
- 2 Minutes of the meeting of the Licensing Committee held on 1 October 2008 (attached)
- 3 Public Question Time
- 4 Declaration of Interests. To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct
- 5 Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook and Related Policy Issues - report of the Chief Environmental Health Officer (attached)
- 6 European Services Directive - report of the Licensing Officer (attached)
- 7 Policing and Crime Bill - Mandatory Conditions Relating to Alcohol - report of the Licensing Officer (attached)

Tonya Meers  
Legal and Democratic Services Manager

11 December 2009

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

If a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: [www.tauntondeane.gov.uk](http://www.tauntondeane.gov.uk)



Lift access to the John Meikle Room and the other Committee Rooms on the first floor of The Deane House, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available off the landing directly outside the Committee Rooms.



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

**For further information about the meeting, please contact Democratic Services on 01823 356382 or email [d.durham@tauntondeane.gov.uk](mailto:d.durham@tauntondeane.gov.uk)**

**Licensing Committee Members:-**

Councillor P Watson  
Councillor E Waymouth  
Councillor C Guerrier  
Councillor M Hill  
Councillor D House  
Councillor J Meikle MBE  
Councillor T Murphy  
Councillor A Beaven  
Councillor J Allgrove  
Councillor S Coles  
Councillor J Court-Stenning  
Councillor P Critchard  
Councillor S Lees  
Councillor T McMahon

## **Licensing Committee – 1 October 2008**

Present:- Councillors Mrs Allgrove, Beaven, Coles, Mrs Court-Stenning, Guerrier, Mrs Hill, House and Watson

Officers:- Mr J Barraah (Chief Environmental Health Officer), Mrs J Bradburn (Operations Manager (Public Safety)), Mrs D Durham (Democratic Services Officer), Miss A Hunt (Licensing Officer), Mrs J Jackson (Legal Services Manager) and Miss O Walton (Licensing Officer)

(The meeting commenced at 6.15 pm).

### **1. Appointment of Chairman**

**Resolved** that Councillor Mrs Allgrove be appointed as Chairman of the Licensing Committee for the remainder of the Municipal Year.

### **2. Appointment of Vice-Chairman**

**Resolved** that Councillor House be appointed as Vice-Chairman of the Licensing Committee for the remainder of the Municipal Year.

### **3. Apologies**

Councillors Mrs Lees, McMahon, Meikle, Murphy, Slattery and Woolley

### **4. Minutes of the meeting of the Licensing Committee held on 6 November 2007**

The minutes of the meeting held on 6 November 2007 were taken as read and were signed.

### **5. Declaration of Interests**

Declarations of personal interest were made by Councillor Coles as a Director of Southwest One and a member of Victoria Park Pavilion Committee. Councillor Mrs Allgrove and Councillor House also made declarations of personal interest as Trustees of village halls.

### **6. New Model Standards 2008 for Caravan Sites in England**

Considered report previously circulated, concerning the New Model Standards for 2008 for Caravan Sites in England.

The new Model Standards 2008 for Caravan Sites in England had been issued in April 2008 by the Department for Communities and Local Government and were conditions that primarily related to the layout and the provision of facilities, services and equipment. The conditions fell under several headings which were detailed.

The main differences to the last standards issued in 1989, were the inclusion of a number of new requirements relating to the maintenance of sites and flood protection measures. The new Model Standards 2008 applied to caravan sites that contained caravans that were used as permanent residential units and not to those used exclusively for holidays or touring caravan sites. However, they did apply to mixed residential and holiday sites.

The Council was able to attach conditions to a new licence and they now had to have regard to the new standards, although additional conditions could be added if required. Additional conditions would need justification and the Council would have to show that these conditions would benefit residents and the licence holder.

Consultation with the licence holder and residents/residents associations would be carried out and the licence holder would be able to appeal against the imposition of a condition on the site, to the local Magistrates' Court.

The new Model Standards could not be used as a blanket policy and sites would need to be considered individually.

The Licensing Unit was inspecting all permanent residential caravan sites in the District and requesting an up to date plan. Licence holders, unaware of the new Model Standards, were being sent a copy.

Licensing Officers would meet with the licence holder to discuss the addition of any new conditions, prior to the consultation process. The formal consultation process would allow for representations to be made.

If representations were made, agreement would initially be sought with all parties concerned. Failure to reach agreement would necessitate the convening of a Licensing Sub-Committee to determine the matter.

Members were concerned that no fees were levied for caravan licences but there was no statutory control for Local Authorities to levy a fee.

**Resolved that:**

- 1) The existence and content of the New Model Standards for Caravan Sites in England 2008 be noted;
- 2) Licensing Officers be provided with delegated authority to agree and impose conditions on new Caravan Site Licences or to revise conditions on existing Caravan Site Licensing, where agreement could be reached with a site operator, following receipt of representations arising from a consultation process; and
- 3) Where agreement could not be reached with the Site Operator, following receipt of representations, a Licensing Sub-Committee be convened to hear

and determine the imposition of conditions on a new Caravan Site Licence or alteration to conditions on an existing Caravan Site Licence.

## **7. Introduction of a Simplified Process for Minor Variations to Premises Licences and Club Premises Licences**

Considered report previously circulated, concerning the Government's proposal to amend Parts 3 and 4 of the Licensing Act 2003 to simplify the process for minor variations to both Premises Licences and Club Premises Licences.

Minor variations were defined as any variation that did not adversely impact on the promotion of the Licensing Objectives.

Licensing Authorities would consult with the relevant authorities as necessary and would respond to applicants within 10 working days of receipt of the application. There was no right of appeal against a decision to reject an application for minor variations and where applications were referred to the full variation process, that procedure would apply.

Exclusions of the minor variation process included:

- The addition of the sale or supply of alcohol to a Premises Licence or Club Premises Certificate;
- The sale or supply of alcohol at any time between 11pm and 7am; and
- Any increase in the amount of time on any day during which alcohol could be sold or supplied.

Minor variation would fall into the following categories:

- 1) minor changes to the structure or layout of the premises;
- 2) small adjustments to the licensing hours;
- 3) the removal of out of date conditions; and
- 4) the addition of certain licensable activities.

All applications would be considered on an individual basis.

The Government was expected to set fees that would achieve full recovery of administration, inspection and enforcement costs.

Members felt that as minor variations did not have to be advertised, members of the public should be able to access Licensing Conditions via the website.

**Resolved** that the report be noted.

**8. Proposal to Allow the Removal of Requirements for a Designated Premises Supervisor and Personal Licence Holder for Community Premises**

Considered report previously circulated, concerning the introduction of a new process to allow community premises to dis-apply mandatory conditions.

The Government proposed to allow community premises such as village halls, church halls, chapel halls and other similar community buildings to dis-apply the following mandatory conditions:

- A Designated Premises Supervisor (DPS) to be specified on every premises licence authorising sales of alcohol; and
- Every sale of alcohol at such premises to be authorised by a Personal Licence Holder (PLH).

The Licensing Act 2003 stated that all sales of alcohol had to be made or supervised by a PLH and there had to be a DPS who held a personal licence in respect of the premises. There could be more than one PLH on the premises, but there was a requirement for only one DPS for the premises.

Some community premises had found this obligation difficult to meet as they were often run by volunteers or committees. Many had opted not to apply for a Personal Licence, relying on Temporary Event Notices (TENs) for the supply of alcohol, but a maximum of only five could be applied for per year. Due to this limitation, not all social gatherings which involved the sale of alcohol could be accommodated by TENs.

The Government aimed to remove barriers to community premises securing a licence to cover all of their activities. This option allowed PLHs to apply for the dis-application of the mandatory conditions relating to PLHs and DPSs. Where such a dis-application was granted, it would give responsibility for authorising every sale of alcohol at the premises.

Members felt that this information should be publicised when it had been confirmed.

**Resolved** that the report be noted and details be publicised.

**9. Adoption of Model Licence Conditions Relating to Home Boarding Establishments**

Considered report previously circulated, concerning the adoption of new model licensing conditions for animal welfare in respect of home boarding establishments.

Under Section 1 of the Animal Boarding Establishments Act 1963, any business providing accommodation for other people's dogs and cats had to be licensed by the Local Authority.

Recently there had been an increase in the number of Home Boarding Establishments which involved businesses providing accommodation for other people's dogs, within their home.

Model conditions existed in relation to catteries and kennels and helped to regulate the standards of accommodation and management of the premises, particularly in relation to the well-being of the animals.

In view of the increase, it was felt that new model conditions should be adopted and these were submitted. The model conditions had been provided by the Local Authorities Co-ordinators of Regulatory Services (LACORS) and related to the number of animals being boarded, the construction of the premises, training of staff, cleanliness of the premises, food and water supplies and disease control.

Adoption of these conditions would allow the Council to licence the activity of Home Boarding and attach these conditions to licences to ensure standards of animal care were upheld.

Formal adoption of the conditions would allow the Council to enforce the standards.

Consultation with relevant stakeholders had been undertaken by LACORS.

**Resolved** that the new model licence conditions in respect of Home Boarding be adopted.

## **10. The Control of Sex Encounter Establishments**

Considered report previously circulated, concerning the current system for the regulation of Sex Encounter Establishments (SEEs) in England and Wales.

The Fawcett Society campaigned for equality between men and women in the United Kingdom on pay, pensions, justice and politics and was calling for the Government to reform sex establishments and lap dancing club licensing. They felt that if Lap Dancing Clubs were licensed as SEEs, Local Authorities could put in place vital conditions and restrictions on clubs and local communities could make representations.

Sex Establishments (Sex Shops and Sex Cinemas) were licensable under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. This did not include Lap Dancing Clubs or other Sexual Encounter Premises, with the exception of Greater London.

The definition of 'Sex Establishment' was either a Sex Cinema or a Sex Shop. The definition also controlled sex on celluloid or on the page, but did not control live sex.



Schedule 3 provided a much wider list of grounds for refusal of a licence than was provided under the Licensing Act 2003.

The Licensing Act 2003 required establishments with adult entertainment to ensure that the four licensing objectives were met. Controls could be imposed if relevant representation was made on the application by a Responsible Authority or if the Licensing Authority considered it necessary to promote one of the Licensing Objectives.

It was desirable to have legislation specifically designed to effectively regulate SEEs such as lap dancing that was not effectively addressed through either the Local Government (Miscellaneous Provisions) Act 1982 or the Licensing Act 2003. The Statutory amendments would provide wider powers to control the proliferation of lap dancing establishments.

There was currently one licensed premises in the District that had indicated on their Premises License application that they could have adult entertainment at the venue.

The Principal Licensing Officer was acting as a Government Advisor on the statutory amendment and it was thought that the wording of the Act should be amended to cover all types of SEEs. It was anticipated that the amended statute would come into force in early 2010.

**Resolved** that the report be noted.

(The meeting ended at 7.03pm)

# TAUNTON DEANE BOROUGH COUNCIL

## LICENSING COMMITTEE

Date:28<sup>th</sup> April 2009

### PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS, VEHICLES AND OPERATORS HANDBOOK AND RELATED POLICY ISSUES.

This matter is the responsibility of Executive Councillor Mel Mullins

#### REPORT OF THE CHIEF ENVIRONMENTAL HEALTH OFFICER

##### 1. PURPOSE

- 1.1 The purpose of this report is to review, renew and consolidate a number of existing hackney carriage and private hire driver policies.

##### 2. EXECUTIVE SUMMARY

This report constitutes a review of the Council's approach to taxi licensing issues. It seeks comment and approval of a new "Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook" and in so doing considers a number of new or revised policy areas. The adoption of the handbook will require the amendment of some previous council resolutions, which have been identified in the report.

##### 3. BACKGROUND

- 3.1 The Licensing department has over the last few months been working with the local taxi trade to review and consolidate a number of previous decisions and practices undertaken by the Council. The purpose of doing so is to draw all the recommendations, council policy, practice and conditions with regards to Hackney Carriages and Private Hire vehicles, drivers, owners and operators up to date and in one document. In addition the Licensing Department would like to review and refresh Council policy in relation to some issues.
- 3.2 It is intended that the one document will be named as the "Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook". Once approved this document will then become a definitive source of up to date policy and procedure for those in the trade, officers and other agencies. The draft of the aforementioned document is attached at Appendix 1.
- 3.3 Before the completion of the document a number of key issues need to be determined by the Licensing Committee for inclusion in the handbook.

##### 4. DISABILITY DISCRIMINATION ACT- ACCESS TO HACKNEY CARRIAGE VEHICLES

- 4.1 On 17<sup>th</sup> November 1998 the then Environmental Services Committee resolved to remove the restriction on the number of Hackney Carriages

in the Borough this allowed an increase from the 63 vehicles that were allowed at this time. At the same time and in response to Government Policy in relation to the Disability Discrimination Act 1995 a resolution was made that all new licensed Hackney Carriages would need to be wheelchair accessible. Additionally a period of protection until 2005 was granted for the existing saloon fleet. This decision was based on the Government's then timetable for the introduction of all wheelchair accessible vehicles. (minute number 50)

- 4.2 On 19<sup>th</sup> December 2001 the Executive (minute number 136) extended the date for all hackney carriages to be wheelchair accessible from April 2005 until April 2012. This was agreed on the basis that the Government position at this time was that a hackney carriage vehicle specification, for Disability Discrimination Act compliance would be produced and that national legislation would require all Hackney Carriages to be wheelchair accessible by 2012.
- 4.3 The Executive also determined that a review any such policy should be undertaken at least three years before it came into effect or in line with Government recommendations, whichever came first. The latter resolution was to ensure that the trade had a reasonable lead in time to allow for planning any changes to vehicles required.
- 4.4 Recently the Department for Transport has further revised this timetable the relevant part of the Disability Discrimination Act 1995 (DDA) will not now be introduced in 2012 and a possible date of 2025 is being suggested.
- 4.5 Instead in February 2009 the Department for Transport (DfT) launched a consultation document on "Improving Access to Taxis". The consultation document is clear that the Government do not wish to see a reduction in the number of existing wheelchair accessible vehicles. The consultation also raises a number of interesting points in relation to this issue as follows:-
  - Disability Discrimination Act compliance cannot be seen just as providing wheelchair accessible vehicles and the two terms should not be confused.
  - There is a recognition that disability can take many forms and therefore different types of vehicle may provide the best response to this, for example there is some evidence to suggest that people with ambulatory disability, and the elderly can prefer a more traditional saloon type vehicle, so a mixed fleet may be desirable. There is a recognition that more work needs to be done in this respect.
  - The current make up of the Taunton Deane fleet compares favourably with the national statistics quoted in terms of proportion of wheelchair accessible vehicles.
- 4.6 There is no clear steer in the document with regards to current government thinking. The proposals that are likely to emerge from the process will inevitably have very long implementation periods, and are likely to leave decisions such as the approved DDA vehicle specification and the proportion of DDA compliant vehicles to be

determined locally. In the mean time the Council has to regularise its current position pending any Government Policy change.

- 4.7 As of April 09 there are currently 140 Hackney Carriages in Taunton Deane of which 86 (61%) (including 6 on saloon car plates) are wheelchair accessible, the national level of wheelchair accessible vehicles is (47%). There are 54 saloon vehicles (39%). A total of 60 of plates 1-63 are currently occupied.
- 4.8 It is therefore proposed that until there is clear direction from Government, and to ensure the number of wheelchair accessible vehicles do not significantly decrease in the Borough, the number of saloon vehicles will be set at a maximum of 65. The remaining fleet will consist of Wheelchair accessible vehicles, which will be unlimited in number.
- 4.9 Sixty five plates will be specifically allocated as saloon plates, the term saloon vehicles includes estates and hatchbacks. Additionally those proprietors currently allocated a saloon plate may use this plate flexibly for a Wheelchair Accessible Vehicle if required. Saloon plates will be allocated to existing users of such plates (ie those 60 existing plates from 1-63 that are currently in use). The 5 unallocated saloon plates will be allocated on a first come first served basis.
- 4.10 Any change to Council policy in this regard or any Council resolution to adopt a new Government Policy in this regard will have a rolling lead in period of five years, to ensure any changes can be planned into vehicle replacement strategies. This period may be reduced where required by any future mandatory Government legislation and is not within the control of the Council.
- 4.11 This proposal can be implemented by approving the Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook, outlined in section 6 of this report and in the report's recommendations.

## **5. APPEARANCE AND LIVERY OF VEHICLES**

- 5.1 On 17<sup>th</sup> November 1998 the Environmental Services Committee resolved that any newly licensed vehicle would have to comply with a standard livery requirement. This recommendation has never been implemented. Members are requested to consider the issue of a standard livery for Hackney Carriages. Some Cities for example Cardiff have a standard livery for their Hackney Carriage fleet, however the benefits for a mixed urban and rural area such as Taunton Deane are less obvious.
- 5.2 If members are inclined to pursue a standard livery in Taunton Deane then more work will need to be done to examine the feasibility and benefit of such a scheme. The imposition of any new scheme would have to include a considerable lead in time of for example 5 years so that any consequent vehicle changes could be planned by vehicle operators. Some vehicle operators who run a number of vehicles have already developed their own recognisable visual identity in their fleets.

- 5.3 In considering any livery requirements consideration must also be given to existing requirements regarding advertising on vehicles. Currently Hackney Carriages, subject to some restrictions, are permitted to carry fairly generous advertising of the vehicle operator and contact details etc as can be seen in relation to the existing fleet.
- 5.4 Private Hire vehicles are able to display some signage but it is restricted in size and content. Due to the different ways in which taxis and private hire vehicles operate a distinction in terms of appearance of the vehicles has to be made, indeed the Local Government (Miscellaneous Provisions) Act 1976 section 48 requires that, in respect of private hire vehicles:

*“A District Council shall not grant a licence unless they are satisfied that the vehicle is not of such a design and appearance as to lead any person to believe that the vehicle is a hackney carriage”*

- 5.5 Commercial advertising is only allowed on Hackney Carriage vehicles and then it is subject to some stringent rules. Commercial advertising on Hackney Carriages is permissible only with the prior consent of the Council. There has been limited take up of this facility to date but this position may change at any time.
- 5.6 Clearly any new requirement for a vehicle livery needs to be considered in the context of the current appearance of the fleet and any existing advertising utilised on vehicles. There is currently no evidence to suggest that any potential benefits outweigh the considerable outlay to the trade in implementing a livery scheme. It is therefore recommended that the resolutions 4 and 5 of the Environmental Services Committee of the 17<sup>th</sup> November 1998 (minute 50) be repealed.

## **6. PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS, VEHICLES AND OPERATORS HANDBOOK**

- 6.1 The Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook has been developed to provide a consolidated source of information in relation to the Council's approach to taxi licensing. The current position is that this information and policy is scattered in a range of documents, old Council decisions and Licensing Team practices.
- 6.2 The Handbook is intended as an evolving policy document for use by all in the trade, those wanting to join the trade, officers and also agency partners. As a taxi driver it is currently extremely difficult to find all the information you need to know and the basis for that information, it is hoped that this policy handbook will address that. It will be sent out with every new application form, and the current version of the handbook will reside on the Council's website to be viewed or downloaded as required.

- 6.3 The Handbook is attached at Appendix 1, the significant revisions or departures from current practice are highlighted in yellow for ease of reference. Some of the more important issues are identified in turn below:-
- Sections 2.2 and 2.3 addressing EU and overseas applicants
  - Section 2.6 creation of an Insulin Diabetes Policy
  - Section 2.7 refreshed policy on how previous convictions and criminal record will be considered.
  - Section 3.1 Vehicle Specification, removal of the requirement for licensed vehicles over seven years old to pass the MOT test first time, failure to do so would result in the licence not being renewed. It is proposed to relax this requirement to allow suitable repairs to be made to vehicles of such age to allow them to pass the MOT re test and therefore continue to operate as a licensed vehicle. The safeguards of the vehicle testing regime and the vehicle conditions relating to appearance and maintenance of vehicle will be sufficient to ensure the TDBC fleet remains acceptable and safe.
  - Section 3.2 Vehicle type, addressed in section 4 above.
  - Section 13 new conditions relating to Trailers.
- 6.4 Additionally Appendices 1-5 have been reviewed and updated where required. Amendments have been made to address the issues dealt with in the main text of the handbook. Adoption of the handbook will include adoption of the revised conditions in Appendices 1-5. One point to note that is not addressed above is the removal of the requirement for vehicle engines to be at least 1400 cubic capacity. This is to allow the trade to explore smaller engine and/or alternate fuel vehicles to address environmental concerns.
- 6.5 It is anticipated that the document will be overseen by the Principal Licensing Officer. Any minor amendments to the handbook will be in agreement with the Principal Licensing Officer and the Chair of the Licensing Committee. Any major changes to the handbook will be on the agreement of the Licensing Committee.

## **7 CONSULTATION**

- 7.1 Extensive consultation has been undertaken in developing the handbook with the local taxi trade: a number of meetings have taken place with trade representatives and several mail shots sent to all Hackney Carriage and Private Hire drivers to alert them to the draft handbook on the Council's website and requesting their comments. Many comments and suggestions from this consultation have been included in the current draft of the handbook, which has been extremely helpful and constructive. We are now at a position where there appears to be broad support for the principle and contents of the handbook from the trade.
- 7.2 Additionally consultation has been undertaken with the Access Officer from the Taunton Deane Disability Forum regarding the issues addressed in section 4 of this report. The response to this consultation is that the Forum is supportive of maintaining the fleet balance of

saloons and wheelchair accessible vehicles as currently exists. The Forum reports a lack of availability of Wheelchair Accessible Vehicles between 8 and 9 am and 3 and 4 pm during school term time due to bookings related to taking children to and from school. However it could be said that this is a problem for all styles of vehicles and customers at these times.

- 7.3 However the forum reports more concerns about allegations relating to taxi driver behaviour in that some taxi drivers are sometimes unwilling to take wheelchair users and excuses are made or wheelchair users are allegedly blatantly ignored. This type of behaviour is contrary to existing drivers conditions and can be investigated separately.

## **8. RECOMMENDATIONS**

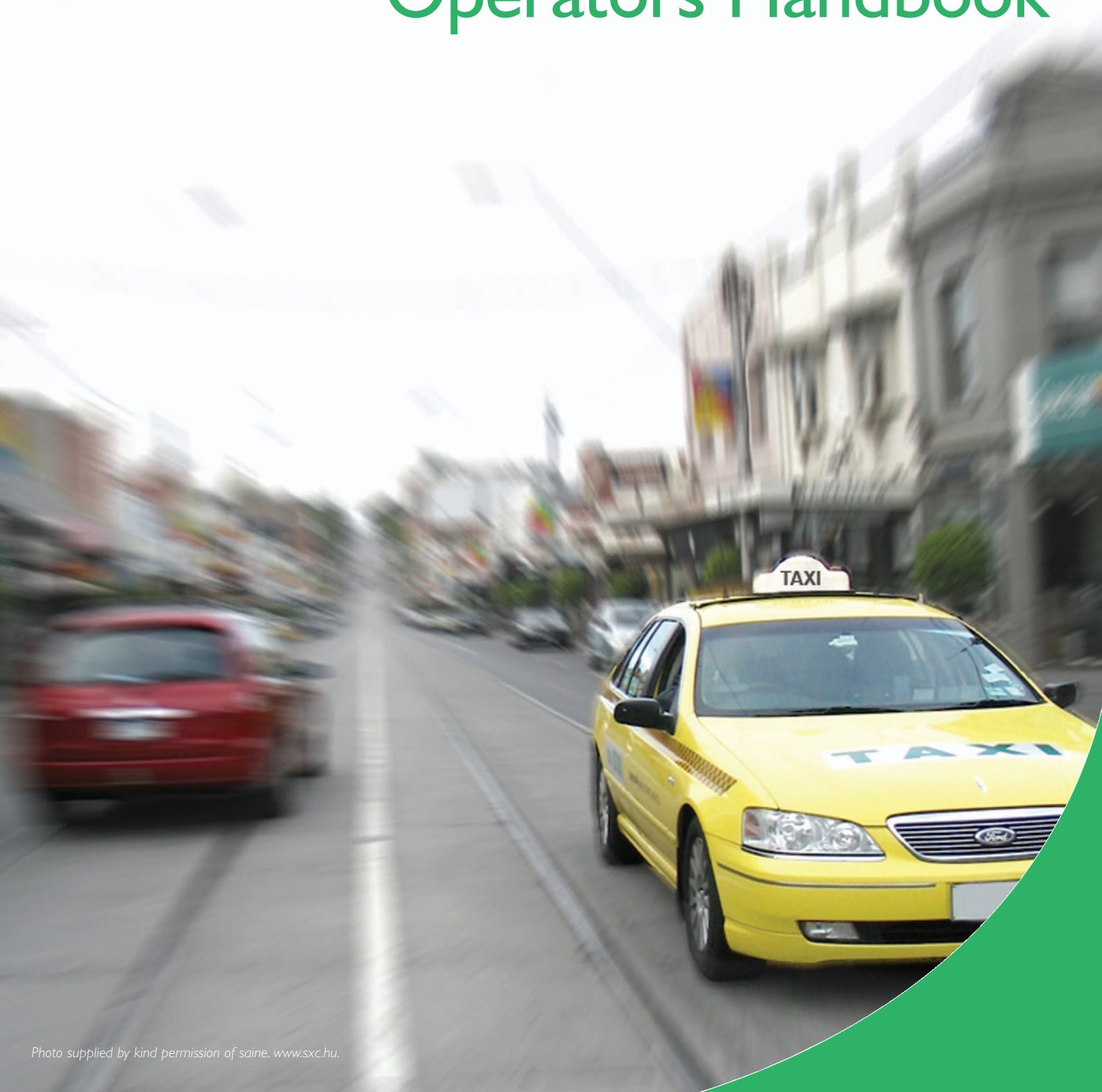
The Executive be recommended to:

1. repeal the resolutions 4 and 5 of the Environmental Services Committee of the 17<sup>th</sup> November 1998 (minute 50) relating to vehicle livery;
2. repeal the previous Executive resolutions 1 and 2 of 19<sup>th</sup> December 2001 (minute 136) relating to wheelchair accessible vehicles;
3. adopt the Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook, including the policy implications that this entails;
4. agree that any future changes to the Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook be undertaken with prior consultation of the taxi trade through the Taunton Deane Taxi Association, and that any future changes will be approved by the Licensing Committee at the discretion of the Chair of the Licensing Committee; and
5. adopt the following conditions contained within the Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook, under the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976:-
  - Standard Conditions for A Hackney Carriage/Private Hire Driver's Licence
  - Standard Conditions for Private Hire Operators Licence
  - Standard Conditions for a Hackney Carriage Vehicle Licence
  - Standard Conditions for a Private Hire Vehicle Licence
  - Conditions for vehicle testing and Hackney Carriage and Private Hire Vehicle Test Criteria

Contact Officers:-

- James Barra, Chief environmental Health Officer. Extension 2460
- Julia Bradburn, Principal Licensing Officer. Extension 2397

# Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook





## CONTENTS

	<b>Section</b>	<b>Page No</b>
1.	Introduction & General Principles	2
2.	Hackney Carriage & Private Hire Drivers Issues	2
3.	Hackney Carriage & Private Hire Vehicle Issues	14
4.	Fares and Meters	22
5.	Private Hire Operators Licences	23
6.	Planning Permission	23
7.	Record Keeping	23
8.	Advertising & Signage on Vehicles	24
9.	Accidents	26
10.	Taxi Ranks	26
11.	Administration Issues	27
12.	Fees	28
13.	Trailers	29
<b>Appendix 1</b>	<b>Standard Conditions For A Hackney Carriage/Private Hire Driver's Licence</b>	<b>30</b>
<b>Appendix 2</b>	<b>Standard Conditions for Private Hire Operator Licence</b>	<b>37</b>
<b>Appendix 3</b>	<b>Standard Conditions for a Hackney Carriage Vehicle Licence</b>	<b>41</b>
<b>Appendix 4</b>	<b>Standard Conditions for a Private Hire Vehicle Licence</b>	<b>47</b>
<b>Appendix 5</b>	<b>Conditions for vehicle testing and Hackney Carriage and Private Hire Vehicle Test Criteria</b>	<b>53</b>
<b>Appendix 6</b>	<b>Glossary</b>	<b>58</b>

## **1. INTRODUCTION AND GENERAL PRINCIPLES**

This handbook gives details of all the current policies with regards to Hackney Carriage and Private Hire Vehicles, Drivers licences and Operators licences.

All policies in this handbook have been approved by the Council and will be subject to periodic updating and change. Readers are therefore recommended to use this handbook as a guide and refer to the Licensing Authority at Taunton Deane Borough Council for confirmation of the latest version of this document.

### **1.1 Hackney Carriage Licence – Dark Green and Black Plate**

A Hackney Carriage Vehicle licence entitles the holder to work anywhere in the Taunton Deane Borough Council area, they may work from the ranks or be hailed on the street. The holder is also entitled to undertake private hire work.

### **1.2 Private Hire Licence– Light Green and Black Plate**

A Private Hire Vehicle licence entitles the holder to work anywhere in the Taunton Deane Borough Council area taking pre-arranged bookings only. Private Hire Vehicles may not work from the ranks or be hailed on the street.

All Private Hire Vehicles must also work under a Private Hire Operators licence however an Operators licence is not necessary if you are operating a Hackney Carriage.

## **2. HACKNEY CARRIAGE & PRIVATE HIRE DRIVERS ISSUES**

This section should be read in conjunction with Appendix 1 which contains the Council's full Standard Conditions for a Hackney Carriage/Private Hire Driver's Licence.

### **2.1 Drivers**

All persons driving a licensed Private Hire or Hackney Carriage Vehicle must be in possession of a current Private Hire and Hackney Carriage Driver's licence issued by Taunton Deane Borough Council. The Council's driver's badge allows the holder to work in both capacities as a Hackney Carriage or Private Hire Driver. A Hackney Carriage or Private Hire Driver may only be granted a drivers badge if he has held an EU or GB

driving licence for at least 12 months prior to application to Taunton Deane Borough Council.

## **2.2 Acceptance Of Driving Licences - European Union member states**

The Local Government (Miscellaneous Provisions) Act 1976 states that an applicant for a Hackney Carriage or Private Hire Vehicle Drivers Licence must have held an ordinary GB driving licence for at least 12 months in order to be granted a Hackney Carriage or Private Hire Drivers Licence. This requirement was subsequently amended by The Driving Licences (Community Driving Licence) Regulations 1996 to allow full driving licences issued by EEA states to count towards the qualification requirements for the grant of Hackney Carriage and Private Hire Drivers Licences. Since that time a number of central and eastern European states have joined the EU and EEA states and therefore these people are eligible to acquire a Hackney Carriage or Private Hire Drivers Licence if they have held an ordinary driving licence for 12 months which was issued by the acceding state.

## **2.3 European Union and Overseas Applicants**

Drivers from the European Union on making an application, must show their Passports or National Identity Card, equivalent CRB from their home countries (with appropriate translation), a EU driving licence and bring in a recent medical conducted in the United Kingdom.

Immigration status check results may take sometime to be finalised and the applicant may not be permitted to work until they are concluded. The Immigration Status check may be done in advance of the applicant arriving in the United Kingdom providing documentation is sent to the Licensing Department at The Deane House, Belvedere Road.

The Licensing Authority requires a five-year background check for all applicants, if an applicant has lived abroad for any period in the last five years or is from an EU member state or overseas then a certificate of good conduct authenticated and translated by the relevant embassy is required. The Criminal Records Bureau website ([www.crb.gov.uk](http://www.crb.gov.uk)) gives information about obtaining certificates of good conduct, or similar documents from a number of countries. More generally, the Home Office's Employers' Helpline (0845 010 6677) can be used to obtain general information on immigration documentation.

Employers and the Licensing Authority are also able to obtain case specific immigration status information, including whether an applicant is permitted to work or details of work restrictions, from the Evidence and Enquiry Unit, Floor 12, Lunar House, Wellesley Road, Croydon CR9 2BY. Further details on procedures can be obtained from the unit on 020 8196 3011.

## **2.4 Drivers Badges**

When granted a licence, drivers are issued with a badge. The driver must wear the badge at all times when they are working. The drivers badge should be visible at all times to passengers.

As a security measure if a badge is lost or stolen this must be reported to the police. A replacement badge will be issued, following the payment of a fee, once a Police Crime Reference Number is provided to the Licensing Authority. This will need to be reported to the Police as badge “lost or stolen” in order for a Crime Reference Number to be issued.

The Hackney Carriage/Private Hire Drivers’ badge shall at all times remain the property of the Taunton Deane Borough Council and upon the Council suspending, revoking or refusing to renew this licence the licensee shall on demand return the badge to the Council.

Drivers may apply for either a one-year, or a three-year drivers licence, on renewal. However the Licensing Authority reserves the right to request, either from the driver or the DVLA a copy of a drivers current Driving Licence at any point during the two or three year period.

## **2.5 Medical Checks**

The House of Commons Transport Select Committee on Taxis and Private Hire Vehicles recommended in February 1995 that taxi licence applicants should pass a medical examination before a licence could be granted. Current best practice advice is contained in the booklet “Medical Aspects of Fitness to Drive” published by Medical Commission for the Prevention of Accidents.

A medical certificate shall be produced on the application for the grant of a licence and on the renewal of the licence, where the licensee has attained the age of 45, 50, 55 & 60 or the licensee attains any of these ages within the period of his/her licence.

Once the Licensee has reached the age of 60 years or attains the age of 60 within the next year he/she shall produce a medical certificate to the Council on the grant/renewal of a licence and each year thereafter.

If further medical tests are required for instance where in depth sight tests are required by the medical practitioner then the applicant must meet the additional cost of the same.

If your medical condition changes at any time during the period of your drivers' licence, you shall notify the Licensing Authority immediately or as soon as reasonably possible within 72 hours.

## **2.6 Insulin Diabetes Policy**

The Borough Council has now amended its medical policy and now permits drivers with insulin treated diabetes to be licensed subject to strict criteria and a medical test for C1 vehicle usage. The following criteria need to be met in order that a licence can be granted:

- a) no application for a taxi driving licence may be made or, in the case of an existing licensed driver, no licensed taxi may be driven until their condition has been stable for a period of at least one month;
- b) drivers must not have had any hypoglycaemic attacks requiring assistance whilst driving within the previous 12 months;
- c) drivers must regularly monitor their condition by checking their blood glucose levels at least twice daily and at times relevant to driving. The advice is the use of memory chip meters for such monitoring;
- d) drivers must arrange to be examined every 12 months by a hospital consultant who specialises in diabetes. At the examination the consultant will require sight of their blood glucose records for the last 3 months.
- e) drivers must have no other medical condition, which would render the driver a danger when driving C1 vehicles or hackney carriages and Private Hire Vehicles;
- f) drivers must sign an undertaking to comply with the directions of the doctor(s) or specialist medical advisor visited at least every 6 months and treating the diabetes

and to report immediately to Taunton Deane Borough Council any significant change in their condition.

The driver would be expected to pay for any expenses that they incurred satisfying these criteria.

## **2.7 Previous Convictions**

### **2.7.1 Criminal Records Bureau Disclosure**

Applicants should be aware that Taunton Deane Borough Council as the Licensing Authority is empowered by law to check with the Police for the existence and contents of any criminal record held in the name of an applicant. Information received from the Police will be kept in the strictest confidence whilst the licensing process takes its course and will be retained for no longer than is necessary.

A Criminal Record Bureau Disclosure (CRB) will be sought on first application for a drivers licence and every three years thereafter. The cost of the three year CRB will be spread evenly in the fee total for the three year period. Taunton Deane Borough Council abides by the CRB's code of practice and a copy will be made available on request. Criminal Record Bureau checks from other sources will not be accepted. All applicants will have to apply for a CRB through Taunton Deane Borough Council.

Included with your renewal application will be a letter that will inform you of the deadline date for submitting your completed application and CRB Disclosure Form. This deadline date gives the CRB time to process your criminality check prior to your existing licence running out. If the CRB check is not received by TDBC by the expiry of your current licence and you submitted your renewal form and CRB check before the deadline date stated then we are able to extend your existing licence until the check is received. Applications received after the deadline cannot be treated in the same way, which means that licences cannot be extended and temporary badges will not be issued – therefore you may not be able to drive after your licence has lapsed until the CRB check has been received and your application processed.

Additionally when submitting an application for a licence to drive a Hackney Carriage or Private Hire Vehicle applicants are required to declare any cautions or convictions they may have.

### **2.7.2 Fit And Proper Person Test**

The disclosure of a criminal record or other information will not necessarily debar the applicant from gaining a licence unless Taunton Deane Borough Council considers that the conviction renders the applicant not a “fit and proper person.” In reaching this decision the Council will consider all relevant facts such as the nature of the offence, how long ago the offence took place, the applicant’s age and any other factors which may affect the application, using the national guidance. Any applicant refused a licence on the grounds that they are not a fit and proper person to hold such a licence has a right of appeal to a Magistrates Court under the Local Government (Miscellaneous Provisions) Act, 1976.

Where there is any doubt as to whether the applicant is a “fit and proper” person, that application must be referred to the Principal Licensing Officer or the Chief Environmental Health Officer, who are delegated by the Council to grant, revoke or refuse Hackney Carriage and Private Hire licences, for consideration. In these circumstances the applicant may be interviewed by means of tape-recorded interview. A written record of the interview will then be considered in order for a decision to be made as to whether the applicant is considered “fit and proper”. In certain circumstances a Licensing Sub Committee may be convened to determine the matter. Should the applicant be deemed not to be a “fit and proper” person to hold the licence the applicant will be advised that he/she may appeal against the decision to the Magistrates Court within 21 days of the decision.

Please note that if a licence is not approved then the application fee will not be refunded. If an application has been refused, a period of at least twelve months must normally elapse before a new application will be considered.

### **2.7.3 The Rehabilitation of Offenders Act, 1974**

The Rehabilitation of Offenders Act, 1974 provides that after a certain lapse of time, convictions for certain offences are to be regarded as “spent”. However the Act also specifies certain occupations for which effectively some previous convictions are never spent, these occupations include Hackney Carriage and Private Hire Vehicle drivers. In making a decision regarding previous convictions the Licensing Authority will consider the rehabilitation periods specified in the Act, these are set out below. Please note it is from the Date of Conviction that the time commences for the purposes of the Rehabilitation of Offenders Act:

## Sentence

## Rehabilitation Period

2½ years (30 months) imprisonment and over  
whether sentence was suspended or not.

Never spent

6 months imprisonment and over but under 30  
months whether sentence was suspended or not

10 years

Under 6 months imprisonment/youth custody  
whether sentence was suspended or not

7 Years

A Fine or Community Service Order

5 Years

Conditional Discharge, Bound Over or Probation Order.  
Also includes Fit Person, Supervision and Care Orders

1 Year or period of probation  
sentence whichever is longer

Absolute Discharge

6 months

Disqualification, disability or prohibition

Period of sentence unless a  
long period as above e.g.  
Disqualification and a fine –  
5 years

**For applicants aged under 17 when they were convicted;** the fixed rehabilitation periods for imprisonment and a fine are halved.



**For convictions which can only be passed on young offenders;** they remain fixed and cannot be halved, **i.e.**

Sentence	Rehabilitation Period
Borstal	7 years
6 months – 2 years detention in a place determined by Secretary of State	5 years
6 months detention and less as above	3 years
Detention Centre Orders	3 years

- 1 Each case will be decided on its own merits
- 2 The over-riding consideration will always be the protection of public safety
- 3 A person with a current conviction for serious crime need not necessarily be permanently barred from obtaining a licence, but would be expected to remain free from conviction for 3 to 5 years before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances.

#### **2.7.4 Driving Licence Penalty Points**

All penalty points are normally spent after three years from the date of offence. Exceptions to this are, for example, disqualifications whether for drink driving (10 years) or under the totting up procedure (4 years). The periods of time that must elapse in other cases before the conviction becomes spent, vary considerably according to the nature of the offence and other circumstances. If you are not sure consult a solicitor, or take advice from Licensing staff that will be treated in confidence. The following guidelines will be used by the Licensing Authority to determine applications from drivers who have penalty points.

## **New Grant**

The Council expects applicants for a new grant of Hackney Carriage or Private Hire Driver's Licences to have no convictions and to hold a clean DVLA Driving Licence.

The Council will not normally grant a licence to an applicant who has any convictions for more than one of the following offences: -

- a) One offence of speeding committed at least 12 months prior to the date of the application, and/or
- b) One endorseable parking offence.

Discretion may be exercised by the Principal Licensing Officer to grant a licence where seven or more points appear on the applicant's DVLA Driving Licence if he considers the applicant is a "fit and proper" person, but only after the applicant has been interviewed.

Where the applicant has been disqualified from driving as a result of a conviction for Drink Driving, but that conviction occurred seven years or more prior to the date of the application and they have no other unspent convictions, the Principal licensing officer may grant the licence provided that the applicant has been interviewed.

## **Renewals**

The Council expects applicants for renewal of Hackney Carriage or Private Hire Driver's Licences to hold clean DVLA Driver's Licences, or to have no more convictions or endorsements than they had when their last Hackney Carriage or Private Hire Driver's Licence was last renewed or first granted.

The Council will normally renew a licence when, during the period of their existing licence, the applicant has been convicted of endorseable road traffic offences involving endorsement of no more than five penalty points (not counting any penalty points which were endorsed on the DVLA Driving Licence when the licence was first granted or last renewed, provided those penalty points do not take the total now endorsed on the DVLA Driving Licence to over seven penalty points) but no other offences.

Discretion may be exercised by the Principal Licensing Officer to renew a licence where more than seven penalty points are endorsed on the applicant's DVLA Driving Licence if he considers that the applicant is a "fit and proper" person, but only after interviewing the applicant.

### **2.7.5 Further Guidance In Relation To Specific Offences.**

Specific consideration will be given to the following previous convictions and discretion may be exercised by the Principal Licensing Officer to renew a licence.

#### **(a) Minor Traffic Offences**

Convictions for minor offences e.g. obstruction, waiting in a restricted street, speeding etc., does not prevent a person from proceeding with an application. However, the number, type and frequency and repetition of these types of offences will be taken into account. If sufficient points have been accrued to require a period of disqualification of the applicants DVLA driving licence then a Hackney Carriage / Private Hire Drivers licence may be granted after its restoration but a warning will be issued as to future conduct. Holders of council issued drivers licences convicted during the period of licence of such offences may be warned as to future conduct, and any disqualification from driving will lead to an automatic revocation of any hackney carriage/ private hire drivers licence issued by the council.

#### **(b) Major Traffic Offences**

An isolated conviction for reckless driving or driving without due care and attention etc., will normally merit a warning as to future driving and advice on standards expected of Hackney Carriage and Private Hire Vehicle drivers. More than one conviction for these types of offences within the last two years may merit refusal and no further application will then be considered until a period of at least three years free from convictions has elapsed. Similarly, any conviction during the period of a council issued licence will lead to a warning as to future conduct and may lead to suspension or revocation of that licence.

#### **(c) Drunkenness with a motor vehicle .**

A serious view will be taken of convictions for driving or being in charge of a motor vehicle under the influence of alcohol. An isolated incident in the past will not necessarily debar an applicant but a strict warning may be given as to future behaviour. More than one

conviction for these offences raise grave doubts as to the applicant's fitness to hold a Hackney Carriage/ Private Hire driver's licence. At least 3 years will normally elapse after the restoration of the DVLA driving licence before an application can be considered for a Council issued driver's licence. If there is any suggestion that the applicant is or may be an alcoholic, a special medical examination will be arranged before the application is entertained.

If the applicant is found to be an alcoholic a period of five years should elapse after treatment is complete before a further licence application is considered. A driver found guilty of driving whilst under the influence of alcohol will have their Hackney Carriage/Private Hire Driver licence revoked immediately and will be banned from holding such a licence with the council for a minimum of five years.

(d) Drunkenness not in motor vehicle.

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness may indicate a medical problem necessitating critical examination. In some cases, a warning may be sufficient. A conviction of this type of offence during the period of a council issued licence might warrant a warning as to future conduct, with subsequent convictions possibly leading to suspension and/or revocation of any licence held.

(e) Drugs

An applicant with a conviction for a drug related offence may be required to show a period of at least 3 years free of convictions before an application is entertained, or 5 years after detoxification treatment if he/she was an addict. A driver found guilty of driving whilst under the influence of drugs, or found guilty of any drug related offence will have their council issued driver's licence suspended and/or revoked immediately and be banned from holding such a licence with the council for a minimum period of five years.

(f) Indecency Offences

As Hackney Carriage and Private Hire Drivers often carry unaccompanied and/or vulnerable passengers, applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, will be refused a licence until they can show a substantial period free of such offences.

Each case will be treated on its merits. More than one conviction of this kind precludes consideration for at least five years. In either case if a licence is issued by the council then a strict warning as to future conduct may be issued. A driver found guilty of indecency offences during the period of the council issued licence will have their licence suspended or revoked immediately and be banned from holding such a licence for a minimum period of five years.

#### (g) Violence

As Hackney Carriage and Private Hire drivers maintain close contact with the public, a firm line is taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least 3 years free of such convictions must be shown before an application is entertained and even then a strict warning will be administered. A driver found guilty of violence related offences will have their council issued licence suspended and/or revoked immediately and be banned from holding such a licence with the council for a minimum period of five years.

#### (h) Dishonesty

Hackney Carriage and Private Hire Drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property, taking children to school and families on holiday is indicative of the trust that people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver.

For these reasons a serious view will be taken of any convictions involving dishonesty. In general, a period of at least 3 to 5 years free of conviction will be required before entertaining an application. Any existing driver convicted of offences of dishonesty can expect a licence to be suspended and/or revoked and a possible ban on holding a licence for a minimum of three years.

#### (i) Insurance Offences

A serious view will be taken of convictions for driving or being in charge of a vehicle without the correct type of insurance. An isolated incident in the past will not necessarily debar an applicant provided he/she has been 3 years free of conviction unless there are

exceptional circumstances, but a strict warning may be given as to future behaviour. More than one conviction for these offences will raise grave doubts as to the applicants fitness to hold a hackney carriage and private hire drivers licence unless there are exceptional circumstances. At least three years must normally elapse before an applicant is considered for a council issued licence. A driver found guilty of driving passengers for hire and reward without the appropriate insurance will have his licence revoked immediately and be banned from holding such a licence with the Council for a minimum of five years.

#### (j) Scanners and Radar Detecting Equipment

A serious view will be taken of convictions for use of scanning and/ or radar-detecting equipment. Anyone convicted of use of a radio scanner and/or radio-detecting equipment during the period of his/her hackney carriage or private hire driver's licence will be banned from holding any such licence for a period of five years. An isolated incident in the past will not necessarily debar an applicant provided that he/she has been 3 years free of conviction unless there are exceptional circumstances, but strict warnings will be given as to future behaviour. More than one conviction for these offences will raise grave doubts as to the applicants fitness to hold a council issued drivers licence unless there are exceptional circumstances.

If you have any queries with regards to previous convictions please contact the Licensing Authority.

### **3. HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE ISSUES**

This section should be read in conjunction with Appendices 3 and 4, which contain the Council's full Conditions relating to Hackney Carriages and Private Hire Vehicles respectively.

#### **3.1 Vehicle Specification**

If a vehicle is to be a licensed Private Hire Vehicle / Hackney Carriage Vehicle for the first time it must be no older than 7 years from the date of first registration.

If a licensed Private Hire Vehicle is to be replaced, it must be replaced with a vehicle no older than 7 years from the date of first registration.

Specialist vehicles e.g. Rolls Royce, will not need to comply with the above conditions. Each vehicle will be considered on individual application to the Principal Licensing Officer.

All vehicles must comply with Taunton Deane Borough Council Vehicle Licensing Conditions at all times during the period of the vehicle licence. (See Appendices 3 and 4)

Certain vehicles are, due to the size and/or design unsuitable for licensing. Please check the suitability of the vehicle you have in mind with a member of the Licensing Team before purchase.

### **3.2 Vehicle Type**

In 1998 the Council removed the restriction on the number of Hackney Carriages that could be licensed in the Borough, this allowed an increase from the 63 vehicles that were allowed at this time. At the same time and in response to Government Policy in relation to the Disability Discrimination Act 1995 a resolution was made that all new licensed Hackney Carriages would need to be Wheelchair accessible. Additionally a period of protection until 2005 was granted for the existing saloon fleet. This decision was based on the Government's then timetable for the introduction of all wheelchair accessible vehicles. A revision of the Governments timetable to 2012 for Taunton Deane resulted in an extension of this period by the Council.

Recently the Department for Transport has further revised this timetable and at present there is no clarity or clear Direction on a timetable for Government requirements and specification for accessibility in relation to Hackney Carriages, leaving local authorities to continue to set policy locally.

As of April 09 there are currently 140 Hackney Carriages in Taunton Deane of which 86 (61%) (including 6 on saloon car plates) are wheelchair accessible, the national level of wheelchair accessible vehicles is (47%). There are 54 saloon vehicles (39%)

It has therefore been agreed that until there is clear direction from Government, and to ensure the number of Wheelchair accessible vehicles does not significantly decrease in the Borough, the number of saloon vehicles will be set at a maximum of 65. The

remaining fleet will consist of Wheelchair accessible vehicles which will be unlimited in number.

Sixty five plates will be specifically allocated as saloon plates, the term Saloon vehicles includes estates and hatchbacks. Additionally those proprietors currently allocated a saloon plate may use this plate flexibly for a Wheelchair Accessible Vehicle if required. Saloon plates will be allocated to existing users of such plates (ie those 60 existing plates from 1-63 that are currently in use). The 5 unallocated saloon plates will be allocated on a first come first served basis.

Any change to Council policy in this regard or any Council resolution to adopt a new Government Policy in this regard will have a rolling lead in period of five years, to ensure any changes can be planned into vehicle replacement strategies. This period may be reduced where required by any future mandatory Government legislation and is not within the control of the Council.

### **3.3 Disability Discrimination Act (Other Issues)**

Since 31 March 2001 licensed Hackney Carriage drivers in England and Wales have been under a duty (S37 of the Disability Discrimination Act 1995) to carry guide, hearing and other prescribed assistance dogs in their taxis, without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply to their Licensing Authority for an exemption from the duty on medical grounds. Any other driver who fails to comply with this duty is guilty of a criminal offence and liable, on summary conviction, to a fine of up to £1000.

The Disability Discrimination (Transport Vehicles) Regulations 2005 came into force on 4th December 2006. The result of these regulations is to lift the previous exemption for transport vehicles. The effect of the regulations is to prevent any discrimination against providing transport services to disabled people.

A full copy of the Regulations may be obtained from the Disability Rights Commission Website [www.drc-gb.org](http://www.drc-gb.org). If proprietors or owners wish to have Braille Fare cards for their vehicles then these are available on request from the Licensing Authority.



### **3.4 Limousines**

All limousines needed to be registered as Private Hire Vehicles from 28th January 2008. In England, Scotland, Northern Ireland and Wales limousines are all restricted to a maximum of 8 passengers no matter how large the vehicle is. There are no exceptions to this rule. The reason for this is that to carry more than 8 passengers the vehicle has to be registered as a Public Service Vehicle (PSV) and have a Certificate of Initial Fitness issued (COIF) however none of the American Limousines comply with the requirements and are therefore restricted by law to a maximum of 8 passengers.

Limousines need to display the private hire plates at all times however they can apply for a plate exemption, by putting the request in writing to the Licensing Authority.

### **3.5 Contract Hire Vehicles**

The Road Safety Act 2006 Sections 53 and 54 came into force on 28th January 2008. This new section of the act will require vehicles under contract for less than 7 days to be licensed as Private Hire Vehicles. However there are certain exemptions from the law. Please contact the Licensing Authority for further details.

### **3.6 Insurance**

Applicants must provide a certificate of insurance or cover note which is current and which must be for the correct category i.e. use as a Hackney Carriage (taxi) for hire or reward or public hire. For Private Hire insurance, certificates will only be accepted if Hire and Reward or Private Hire is stated.

A cover note will be accepted and the licence issued on the mutual understanding that the applicant will produce the certificate of insurance before the expiry of the cover note, which is usually 28 days. Should the certificate not be available, then a further cover note must be produced. All original insurance documents must be shown before a licence can be granted, faxed or photocopies of insurance documents cannot be accepted.

All drivers shown on the insurance certificate must be Council licensed drivers as only a licensed driver can drive a licensed vehicle. Therefore once you have licensed your vehicle, only you, as a licensed driver will legally be allowed to drive the vehicle. This applies even if a non-licensed driver wishes to drive the car for "social or domestic"

purposes. Any non-licensed person found driving a licensed vehicle may face prosecution, as well as potentially invalidating the vehicles insurance.

The proprietor of the licensed vehicle shall ensure that the vehicle is insured for the carriage of passengers to be conveyed in the vehicle specified in the licence.

### **3.7 MOT**

If you have a Hackney Carriage you must provide a current MOT for vehicles one year old or over. This is a statutory requirement. There is no such statutory requirement for Private Hire Vehicles, however Council policy requires Private Hire Vehicles over one year of age to provide an MOT to the licensing Authority.

### **3.8 Vehicle Registration Document**

You must provide a Vehicle Registration Document with your correct name and address, a bill of sale, if you have recently purchased the vehicle, or a contract hire agreement, will also be accepted. The bill of sale must state the vehicle registration number, make, colour and model of the vehicle; the date the vehicle was first registered and be in the name of the person licensing the vehicle. As soon as you receive the Vehicle Registration Document from the DVLA, the Licensing Officer must have sight of it.

### **3.9 Vehicle Test**

This section should be read in conjunction with Appendix section 5 which contains the Council's conditions for vehicle testing and Hackney Carriage and Private Hire Vehicle Test Criteria.

When you apply for the grant or a renewal of a vehicle licence you will need to book the vehicle in for a **"Two Part Test"** at our approved testing station. This is M J Auto and Commercial. Part One of this test will be the same as a normal MOT, and Part Two will cover all the additional items that Taunton Deane Borough Council requires. If the vehicle passes the tests you will receive an MOT certificate carrying the MJ Auto and Commercial identification stamp. The second certificate will be similar to the old Certificate of Compliance. This is the "Part Two Test Certificate"

You cannot take your vehicle anywhere else for these tests, and without the proper certificates you will not be able to licence your vehicle. The cost for carrying out both tests will be £50.35, chargeable by the approved testing station. You should book your test at least 15 days in advance, and the testing station will guarantee to test your vehicle within three working days of your requested test date. If an appointment is required at short notice it will be subject to availability. The rules regarding retests remain the same as with ordinary MOT's and the approved testing station will be able to advise you.

When you make your licence applications you will need to ensure that you supply both the part one **and** part two test sheets **and any supporting check list supplied with them.**

Without these supporting documents your application may be delayed or rejected.

If a vehicle fails the Part Two Test on a non-MOT requirement or free for re-test item the vehicle will be re-tested free of charge the following working day. All MOT items will be dealt with under normal MOT re-test regulations. All other re-tests will be charged at a fee as set by the Council's approved Testing Station. Should a vehicle miss a pre-booked appointment or turn up late for an appointment you may be charged a fee equivalent to the re-test fee. Should a vehicle fail the emissions test it will require half the test fee for a re-test.

M J Auto and Commercial  
Units 1 & 2, Canal Road  
Taunton  
TA1 1PJ  
Tel: 01823 271364

### **Limousines**

When you apply for the grant or a renewal of a Private Hire vehicle licence for a limousine only, you will need to book the vehicle in for a "**Two Part Test**" at the Vehicle and Operator Services Agency (V.O.S.A), Taunton Trading Estate, Norton Fizwarren, Taunton, Somerset TA2 6RX contact centre on **0300 123 9000.**

Part One of this test will be the same as a normal MOT, and Part Two will cover all the additional items that Taunton Deane Borough Council require. If the vehicle passes the tests you will receive an MOT certificate carrying the V.O.S.A identification stamp. The second certificate will be similar to the old Certificate of Compliance. This is the “Part Two Test Certificate”

The cost for carrying out both tests will be £53.10, chargeable by the approved testing station. You should book your test at least **30 days** in advance. The rules regarding retests remain the same as with ordinary MOT's and the approved testing station will be able to advise you.

When you make your licence applications you will need to ensure that you supply both the part one **and** part two test sheets **and any supporting check list supplied with them**. Without these supporting documents your application may be delayed or rejected. If a vehicle fails the Part Two Test on a non-MOT requirement or free for re-test item the vehicle may be re-tested free of charge the following working day. All MOT items will be dealt with under normal MOT re-test regulations. All other re-tests will be charged at a fee as set by the Council's approved Testing Station.

Should a vehicle miss a pre-booked appointment or turn up late for an appointment you may be charged a fee equivalent to the re-test fee. Should a vehicle fail the emissions test it will require half the test fee for a re-test.

Taunton Deane Borough Council will periodically review its testing station providers.

### **3.10 Plate**

All newly issued Taunton Deane Borough Council vehicle plates must be fixed on the rear of the vehicle. Where practicable the plate must be visible when the boot is in an upright position, and preferably low down on the extreme right or left hand side of the vehicle. The plate must not protrude below the bottom edge of the bumper of the vehicle and not be placed in the rear window of the vehicle. “No drill brackets” are freely available from the Council if required. Please seek advice at the time of plate issue if required.

The vehicle plate is the property of Taunton Deane Borough Council , notwithstanding section 58 of the Local Government (Miscellaneous Provisions) Act 1976 the proprietor of the vehicle shall remove and return the plate to the Council within 2 working days, except where written permission has been given by the Licensing Officer to extend this time:

- a) when the vehicle ceases to be a licensed vehicle.
- b) when the licence is revoked or suspended by the Council including suspension and revocation under section 60 and 68 of the above act.

If the plate is not returned in accordance with the above then it may be removed by an Authorised Officer of the Council or a Constable.

In the event that the plate is damaged or lost or stolen, the proprietor shall notify the Council immediately and pay the Council the relevant fee for a replacement.

If the vehicle is suspended or the licence is revoked and the plates are subsequently damaged on removal by an Authorised Officer or Constable the proprietor shall then pay the requested fee for the replacement plates, if necessary.

### **3.11 Dual Plating**

Taunton Deane Borough Council does not allow the dual plating of Hackney Carriages or Private Hire Vehicles with other Council areas.

### **3.12 Seat Belts**

The passenger is responsible for ensuring that he or she is wearing a seat belt where appropriate. All cars, including taxis, first registered from April 1987, must be fitted with rear seat belts. Under the terms of the Road Vehicles (Construction and Use) Regulations 1986 the seat belts must be readily accessible to be used by the passengers in the relevant seats. If this is not the case, the driver or the driver's employer is liable on conviction to a maximum fine of £1,000.

## **4. FARES AND METERS**

### **4.1 Meter**

All vehicles operating in the Taunton Deane Borough area, as Hackney Carriages must have a meter fitted in the vehicle. Private Hire Vehicles are not required to have meters fitted. The meter has to be sealed and the seal must not be removed or tampered with at any time. If a meter is fitted it should be positioned where passengers can clearly see it and to the satisfaction of the Licensing Officer.

### **4.2 Meter Testing**

The Council requires meters to be tested once a year at the point of renewal, the test is to ensure that the meter is accurate for time and distance and that the Council's current maximum tariff is not exceeded. A new licence will not be issued until the meter has passed the test. The cost of the initial meter test is included in the new application and renewal fee. However if the meter requires adjustment then it will need to be re-calibrated and then arrangements made for the meter to be re-tested. A further charge for a meter re test will be required and is payable prior to the test at the Housing Reception in Deane House.

### **4.3 Fare Card For Hackney Carriage Vehicles**

The Council is charged with agreeing and setting a maximum tariff to be used by Hackney Carriage Vehicles. It is illegal to charge more than is stated on the Council's fare card and if you do so you will be liable to prosecution. Drivers and operators are permitted to charge less than the maximum tariff. The Council's maximum fare tariff will be reviewed periodically by Taunton Deane Borough Council or at the request of the Hackney Carriage Drivers.

You will be given a maximum fare card with your vehicle plate. This must be affixed inside the vehicle where it is conspicuous to all passengers (normally positioned on the dashboard). The fare card states the maximum amount you may charge per mile or part thereof. Where a discounted rate is charged it is recommended that operators also display the discounted schedule of fares to ensure consumers are clear about what they are going to be charged.

#### **4.4 Fares For Private Hire Vehicle Licences**

The level of fare must be agreed between the operator and the customer at the time of booking. A fare card applicable to Hackney Carriages is available on request as a guide only.

#### **5. PRIVATE HIRE OPERATORS LICENCES**

When you apply for a Private Hire Vehicle licence, you must apply for a Private Hire Operator's Licence at the same time if you wish to operate your own Private Hire Vehicle and make provision for private hire bookings. Without a Private Hire Operators licence you will not be issued a Private Hire Vehicle licence.

A Private Hire Operator's is renewed annually. Operator's licences are not needed to operate a Hackney Carriage Vehicle service. The Council's conditions in relation to Private Hire Operators are at Appendix 2.

#### **6. PLANNING PERMISSION**

If you are running a business providing either Hackney Carriage or Private Hire services from your home address or business address you may also need to apply for planning permission. You will need planning permission if you wish to operate more than one Hackney Carriage or Private Hire Vehicle. It is the responsibility of the applicant to ensure that all necessary planning consents are obtained in relation to the provision of Hackney Carriage or Private Hire services. Please contact the Planning Department for your area through the main Council number on 01823 356356 for further details.

#### **7. RECORD KEEPING**

The Licensing Authority requires that all Private Hire Operators keep records of each booking, including the name of the passenger, the destination, the name of the driver, the number of the vehicle and the fare quoted at the time of booking. This will, for example, enable police checks to be made should a mishap befall a passenger and may also be used by the Licensing Authority for enforcement enquiries. It is suggested that 6 months is generally the appropriate amount of time for records to be kept.

## **8. ADVERTISING AND SIGNAGE ON VEHICLES**

If during the period of this licence the appearance or design of the licensed vehicle is to be altered then prior written consent of the Council to such alterations must be obtained.

Magnetic signs may not be used on any licensed vehicle. Advertising materials shall not in any way interfere with vehicle plates, internal plates, meters or any other equipment or requirements of the Vehicle Licence Conditions.

### **8.1 Advertising and Signage on Hackney Carriages.**

Advertising concerning the operator of the vehicle is permitted on the front and sides of the vehicle only. Additional commercial advertising on the vehicle requires specific permission in writing from the Licensing Authority. A roof light indicating that the vehicle is a taxi is permitted. The types of commercial advertising format (i.e. size, coverage on vehicle etc.) is essentially unrestricted, but is subject to the advertising criteria and content restrictions below.

There have been a number of headline rape and serious assault cases where members of the public have mistakenly taken a vehicle that was not a licensed vehicle or driven by a licensed driver. The Council wishes to promote both easily identifiable, high visibility taxis and the availability of the same to the general public and wheelchair users equally.

Applications for and any subsequent agreement of advertising will relate to a single advertising design on a specific vehicle model and colour, a fee is charged for such an application. Once agreed the subsequent application of advertisements on vehicles of the same model and colour will not require an additional fee. However the Council must be notified at the point at which a vehicle changes appearance by the application of an agreed advertisement to ensure Council records of vehicles details are correct. The application of an agreed advertisement but to a different model and colour of vehicle will require a new application to be made along with appropriate fee.

Advertisements must not contain content relevant to the following:

- a. Alcohol
- b. Tobacco
- c. Gambling, Casinos etc.
- d. Nudity or semi nudity
- e. Politics
- f. Religion



g. Adult only entertainment, products and services.

This list is not exhaustive and is provided as a guide to allow vehicle owners and operators to plan and prepare for advertising. The advertising criteria below apply in all cases.

-Advertising is only permitted with the prior written agreement of the Licensing Authority following receipt of a detailed written application for the proposed advertisement and the vehicle(s) it is intended to be applied to. This should clearly indicate the size, content and position of all advertising media.

-Advertising is granted only on receipt of a written agreement that the vehicle is returned to its original condition when the advertising is removed (e.g. faded paintwork over sprayed).

-When displaying commercial advertising the vehicle must also be clearly marked as a "Taxi" (this must take into account any other wording or graphics that appear on the vehicle).

-Advertising, graphics, wording or similar is not permitted on any windows, without prior written consent by the Licensing Authority.

-The advertising shall be removed immediately on receipt of a written request from the Licensing Authority. This may be in the form of a Stop Notice or Rectification Notice issued under the Local Government (Miscellaneous Provisions) Act 1976.

## **8.2 Advertising and Signage On Private Hire Vehicles**

Some limited signage is permissible on Private Hire Vehicles (See Appendix 4, Condition 13), No commercial advertising will be allowed on private hire vehicles.

## **9. Accidents**

If, at any time, you are involved in an accident you must inform the Council as soon as possible and, in any case, within 72 hours of the accident occurring. You may be required to submit the vehicle to the Licensing Authority within 72 hours to allow an assessment of the level of damage to be made. You shall not permit any passenger or member of the public to be conveyed in the vehicle unless and until the Council's Licensing Officer is satisfied that it may be so used. Where a vehicle is permitted to continue to be used prior to completion of repair works, the works must be completed or an appointment made for the repairs within 28 days of the accident.

Should the vehicle need repairing in any way, you must obtain a letter from the garage where the work has been undertaken to the effect that there is no work outstanding and the car is fully roadworthy, and submit this to the Licensing department. Notification will then be given if the vehicle can be used for work again. A Licensing Officer may request to examine the vehicle before it commences work again. A vehicle test may be required if the damage is extensive.

### **9.1 Accident Damaged Vehicles**

Vehicles that fall into category A or B insurance losses will not be licensed other than in exceptional circumstances. No vehicle will be licensed as either a hackney carriage or a private hire vehicle where a condition report obtained from Equifax indicates that the vehicle has been previously classified as a category C, D or F insurance loss, unless a Motor Vehicle Repairers' Association (MRVA) inspector appointed by the Council indicates that the vehicle is safe to be licensed. The cost of the MVRA inspection report and any subsequent re-assessment must be met by the applicant. The Council and their agents will conduct its own Equifax checks on vehicles and bear the cost of the same.

## **10. TAXI RANKS**

The following is a list of all the Taunton Deane Borough Councils ranks

### **Taunton**

Station Road

Castle Green (Taunton Bus Station)

Hammet Street

East Street

Space for eight Hackney Carriages on the North Side of Corporation Street

## **Wellington**

Space for two Hackney Carriages on the Northside of the High Street

Any enquiries or issues regarding taxi ranks are dealt with the Highways Department at Somerset County Council.

## **11. ADMINISTRATION ISSUES**

### **11.1 Change Of Address**

Should you move home within the life of the current Vehicle, Drivers or Operators Licence, you must inform the Council in writing within seven days of moving, of your new address and (if applicable) telephone number.

### **11.2 Change of Vehicle**

Should you wish to change your vehicle during the life of the current vehicle licence, you may do so by applying for a New Vehicle Licence. The same procedure for an ordinary vehicle licence must be followed. The fee for a grant of a new vehicle is payable: however, when the licence is issued, it will be for a full 12 months.

Like for like changes of saloons and wheelchair accessible vehicles, and change from a saloon to wheelchair accessible vehicle are acceptable. Change from a wheelchair accessible vehicle to a saloon will only be possible if a saloon plate is available.

### **11.3 Sale of Vehicle for Private Use**

If a Hackney Carriage or Private Hire Vehicle is sold to a third party as a private car then the Licensing Department must be informed immediately following the sale. The licence plate must be returned to the department within 2 working days. The licence plate is at all times the property of Taunton Deane Borough Council.

## **11.4 Transfer Of Interest**

Where a Hackney Carriage or Private Hire vehicle is sold to a new owner to continue to be used in this way, the seller of the vehicle must notify the Council in writing specifying the name and address of the person to whom the sale or transfer is made, within 14 days.

Transfers of interest can only be undertaken for the same plate on the same vehicle, a request for transfer of the same plate to new/different unlicensed vehicle would constitute a vehicle change (See Section 11.2 above).

At the point of exchange the seller of the vehicle must remove the plate from the vehicle and return it to the Licensing department. The new owner must then make application for transfer of the vehicle and submit the necessary insurance documentation. Checks will then be made in relation to the validity of the insurance and, where appropriate, the Hackney Carriage/Private Hire Drivers Licence of the new owner. Following the satisfactory completion of such checks, a new licence will be issued to the new proprietor of the vehicle and the same vehicle plate returned.

## **12. FEES**

Fees are applicable for each of the following applications:

- Hackney Carriage/Private Hire Drivers Licence (Grant)
- Hackney Carriage/Private Hire Drivers Licence (Renewal)
- Hackney Carriage Vehicle Licence (Grant, Renewal and Transfer)
- Private Hire Vehicle Licence (Grant, Renewal and Transfer)
- Private Hire Operators Licence
- Change of Vehicle Owners Name/Change of Vehicle Reg
- Meter Re Test
- Replacement Plate
- Internal Identification Sticker
- Additional Knowledge Test
- Replacement HC/PH Driver badge
- Advertising of vehicles

Fees are reviewed on an annual basis and new rates normally apply for 1<sup>st</sup> April each year. A list of the fees are included with each application pack.

### **12.1 Methods Of Payment**

Payment must be made in full at the time of application in order for the application to be accepted. Payment may be made by cash or by cheque which should be made payable to 'Taunton Deane Borough Council'.

### **13 Trailers**

The use of Trailers on Private Hire Vehicles and Hackney Carriages will be permitted subject to the following.

- a. For use only on pre-arranged journeys where passengers' luggage cannot be safely accommodated within the vehicle.
- b. Trailers must be purpose built luggage trailers of commercial manufacture.
- c. The contents of any trailer authorised must be secured and covered in a proper manner to protect them from the elements.
- d. Any trailer used and the licensed vehicle used to tow it must comply with Road Traffic Regulations in all respects, including having specific insurance cover for the use of the trailer in such circumstances.
- e. Any such trailers must be maintained in good working order.
- f. Trailers must display a valid trailer plate issued by the Licensing Authority which must be fixed to the rear of the trailer, due to the vehicle plate being obscured from view by the trailer when in use.

**STANDARD CONDITIONS FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE**

- 1 In order to be a licensed driver the applicant must comply with the Councils application procedure which states that for the grant of a new licence the applicant:-
  - a) must have held a full UK driving licence for at least 1 year granted under Part III of the Road Traffic Act 1988 (not being a provisional licence) or is authorised by virtue of section 99A or section 109 of the above act to drive in Great Britain a motor car
  - b) must pass the Council's Knowledge Test
  - c) must provide two satisfactory references, one of which must be from his/her last employer or from a respected member of the community from the list of approved signatories, which is the same as those persons authorised to sign passport applications
  - d) must satisfy the Councils policy regarding convictions in relation to motoring and criminal offences.
  - e) must supply a certificate, signed by his/her Doctor, stating that he/she is fit to drive for gain
- 2 A medical certificate shall be produced within seven days of the request from the Council for such certificate.
- 3 A medical certificate shall be produced on the application for the grant of a licence and on the renewal of the licence, where the licensee has attained the age of 45, 50, 55 & 60 or the licensee attains any of these ages within the period of his/her licence.

- 4 Once the Licensee has reached the age of 60 years or attains the age of 60 within the next year he/she shall produce a medical certificate to the Council on the grant/renewal of a licence and each year thereafter.
- 5 The Licensee shall not assign or in any way part with the benefit or the licence that is personal to him or her.
- 6 The Licensee shall at the request of any Authorised Officer of the Council or of any Police Officer produce for inspection his/her licence within five days of the request being made at:-
  - a) in the case of a request by an Authorised Officer of the Council, The Deane House, Belvedere Road, Taunton
  - b) in the case of a request by a Police Officer, any Police Station which is within the area of the Council and is nominated by the Licensee when the request is made
- 7 The Licensee, unless specifically exempted in writing by the Council, shall display, in such a position and manner as to be plainly and distinctly visible to the passenger(s), the driver's badge which will incorporate his or her photograph and badge number (the badge shall be provided by the Council and shall remain the property of the Council).
- 8 The Licensee shall pay a fee to the Council (as determined by the Council) on application of his or her Hackney Carriage/Private Hire Driver's Licence. The fee shall include the cost of the driver's first badge. In the event of the loss of the badge or of damage occurring to the badge that renders it unfit for use the driver will pay a fee to the Council for a replacement.
- 9 The Hackney Carriage/Private Hire Driver's badge shall at all times remain the property of the Council and upon the Council suspending, revoking or refusing to renew this licence the Licensee shall on demand return the badge to the Council.

- 10 The Licensee shall not while driving or in charge of a Private Hire Vehicle:-
- a) tout or solicit on a road or other public place any person to hire or be carried for hire in any Private Hire Vehicle
  - b) cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried for hire in any Private Hire Vehicle
  - c) offer that vehicle for immediate hire while the Licensee of that vehicle is on a road or other public place
  - d) accept any offer for the immediate hire of that vehicle whilst the Licensee of that vehicle is on a road or other public place except where such offer is first communicated to the Licensee by telephone or by apparatus for wireless telegraphy fitted to that vehicle
- 11 A proprietor and/or driver of a Hackney Carriage when standing or plying for hire shall not by calling out or otherwise importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
- 12 The Licensee shall not permit or cause or suffer to be conveyed in a Hackney Carriage or Private Hire Vehicle a greater number of persons than that specified in the Licence issued in respect of that Hackney Carriage or Private Hire Vehicle.
- 13 The Licensee shall not without reasonable cause, unnecessarily prolong, in distance or in time, a journey for which the Hackney Carriage or Private Hire Vehicle he or she is driving has been hired.
- 14 If the driver of any Hackney Carriage or Private Hire Vehicle is involved in any accident then the driver must report the accident to the Hackney Carriage or Private Hire Vehicle Licence holder as soon as possible. The Hackney Carriage or Private Hire Vehicle licence holder is to report the accident to the Council as soon as possible and in any case within 72 hours of any such accident occurring.



(Condition 14 is made without prejudice to the provisions of Section 25 of the Road Traffic Act 1972.)

- 15 The proprietor or driver of a Hackney Carriage or Private Hire Vehicle shall, immediately after the termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left therein.
- 16 The Licensee shall, if any property is accidentally left in a Hackney Carriage or Private Hire Vehicle driven by him/her by any person who may have been conveyed in the vehicle be found by or handed to him or her, carry it within 48 hours, if not sooner claimed by or on behalf of its owner, to the County Police Station, Shuttern, Taunton, Somerset and leave it in the custody of the officer in charge of the office on his or her receiving a receipt for it.
- 17 The Licensee must inform the Council in writing within 72 hours if charged or convicted of any offence that has occurred since the granting of this licence.
- 18 The licensee must inform the proprietor of the vehicle if he/she has been convicted of any motoring offence, which may preclude him/her of legally driving the said vehicle.
- 19 When the Licensee is driving a vehicle equipped with a taximeter they shall:-
  - a) when the vehicle is not hired keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter
  - b) at the commencement of the journey when the vehicle, (not Private Hire Vehicle) is hired by distance bring the machinery of the taximeter into action so that the word "Hired" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring

- c) be entitled to demand and take for the hire of the vehicle, (not Private Hire Vehicle) by distance the rate of fare indicated in the statement displayed inside the vehicle in accordance with Condition 6 of the Council's Conditions for a Private Hire Vehicle Licence and Condition 5 of the Council's Conditions for a Hackney Carriage Vehicle Licence, provided always that the Licensee shall not take or demand a fare greater than that shown on the face of the taximeter
  - d) ensure that during the time the vehicle is hired by distance the display of the taximeter is plainly visible to any person travelling in the vehicle and is properly illuminated
  - e) not wilfully or negligently cause or suffer the letters or figures in the statement displayed inside the vehicle, in accordance with Condition 6b of the Council's Standard Conditions for a Private Hire Vehicle Licence and the Standard Condition 5a of the Standard Conditions for a Hackney Carriage Vehicle Licence, to be concealed or rendered illegible at any time
- 20 The Licensee shall not tamper with or permit any person to tamper with the taximeter or the fittings thereof or seals affixed thereto with which any Hackney Carriage or Private Hire Vehicle in his or her charge is equipped.
- 21 The Licensee when driving a Hackney Carriage or Private Hire Vehicle so constructed as to carry luggage shall carry a reasonable quantity of luggage in the vehicle if requested to do so by any person who has hired the vehicle.
- 22 The driver of a Hackney Carriage or Private Hire Vehicle, when requested by any person hiring or seeking to hire the vehicle shall afford reasonable assistance in loading and unloading any luggage that the hirer may have.
- 23 The Licensee shall conduct himself or herself towards any person who has hired the Hackney Carriage or Private Hire Vehicle he or she is driving and any other person conveyed in such vehicle in an orderly, seemly and courteous manner and shall take all reasonable precautions for the safety of persons conveyed in such vehicle.

- 24 The Licensee shall ensure that he/she is employed or otherwise engaged as a Private Hire Driver by an Operator who holds a current valid Operator's Licence.
- 25 The Licensee must convey a guide or assistance dog belonging to the passenger free of charge unless the driver has a proven medical condition that precludes such action, for which a medical certificate must be obtained.
- 26 When driving a vehicle designed or adapted to permit the carriage of wheelchair bound passengers, the Licensee must not refuse wheelchair passengers:-
- a) unless he/she has a proven medical condition supported by a medical certificate from his/her doctor which precludes them from carrying wheelchair bound passengers.
  - b) without reasonable excuse e.g. the wheelchair is not of a type or design suitable to be safely carried in the vehicle.
- 27 The driver of a Hackney Carriage or Private Hire vehicle shall give the proprietor of the Hackney Carriage/Private Hire Vehicle and Operator of the vehicle a copy of his/her Hackney Carriage/Private Hire Drivers Licence.
- 28 The driver of a Hackney Carriage or Private Hire Vehicle shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 29 The driver on commencement of work shall ensure that there are no apparent defects to the vehicle and that the vehicle is fit to be used for gain.
- 30 The driver shall keep the vehicle, as is reasonably practicable, in a clean and tidy condition at all times.

- 31 The driver when carrying out pre arranged bookings shall on arrival at the point where the journey is due to commence, take reasonable steps to ensure that the customer is aware of the presence of the vehicle.
- 32 The driver shall not sound the horn on arrival at an appointed place.
- 34 A Hackney Carriage/Private Hire Driver shall -
- a) Wear clean and tidy attire and shall not dress in a manner likely to embarrass or offend passengers. The wearing of vests or singlets is prohibited.
  - b) Shorts may be worn if properly tailored and of sufficient length when the driver is seated as not to offend against decency.
  - c) For women drivers acceptability will additionally include skirts or dress of sufficient length when the driver is seated as not to offend against decency.
  - d) Maintain a high standard of personal hygiene
  - e) Be able to speak English.
  - f) Not use a mobile phone whilst the vehicle is moving, with the exception of a hands free device.
  - g) Refrain from eating or drinking whilst carrying passengers.
  - h) Not smoke, or allow passenger to smoke in the vehicle at any time.
- 35 Not equip the vehicle with any scanning equipment.
- 36 Not make a U-turn when leaving or returning to any of the Taxi Ranks.

## APPENDIX 2

### STANDARD CONDITIONS FOR PRIVATE HIRE OPERATORS LICENCE

- 1 The Licensee shall keep a record of each journey, For every booking of a Private Hire Vehicle invited or accepted by him or her, whether from the hirer or another Operator. So as to make the following information available:-
  - a) date
  - b) time
  - c) whether direct from hirer or at request of another Operator (in the latter instance the name of the Operator must be given)
  - d) where possible name of hirer and address
  - e) place at which vehicle is to attend
  - f) date and time at which vehicle is to attend
  - g) destination
  - h) plate and registration number of the vehicle
  - i) name of driver of vehicle

the Licensee shall preserve the particulars of each journey at the address of the place of business notified to the Council, in writing, for a period of not less than three months. The Council may require the Licensee to preserve such particulars for a longer period by delivering a notice in writing to the Licensee at least seven days before the end of a three month period. If the council serves such a notice on the Licensee, the Licensee **may not** destroy the particulars referred to in that notice, until such further notice in writing from the Council is served on the Licensee which authorises the destruction of the said particulars.

- 2 The Licensee shall keep a certified true copy of the current Private Hire Drivers Licence issued by the Council at the Operators office, and the following particulars of all licensed Private Hire Drivers engaged to drive any Private Hire Vehicle operated by him or her:-
  - a) Private Hire Drivers badge number

- b) Date that employment commenced
  - c) Date that employment terminated
- 3 The Licensee or his/her controllers shall produce all or any of the records specified in conditions 1,2 or 3 above on request to any Authorised Officer of the Council or to any Constable for inspection as soon as reasonably practicable or in any case within 72 hours.
  - 4 The Licensee shall not operate any vehicle, which is not exempted from the provisions of Part II of the Local Government (Miscellaneous Provisions) Act, 1976, by section 75 (1) of that Act, as a Private Hire Vehicle unless it is has a current Private Hire Vehicle Licence granted by the Council. However, the Licensee may operate any unlicensed vehicle from the authorised premises mentioned in the Licence provided that the usage of such vehicle is exempt from control under Part II of the Local Government (Miscellaneous Provisions) Act, 1976.
  - 5 The Licensee shall ensure that the vehicle being used for the distribution of bookings from the Licensee is at all times driven by a person who holds a valid Private Hire Driver's Licence granted by the Council.
  - 6 Should the Operator change the address from which he/she makes provision for the acceptance of bookings, from the address given on his/her application form. Details of the change of address must be notified within seven days of the change to the Licensing Manager, The Licensing Unit, Taunton Deane Borough Council, The Deane House, Belvedere Road, Taunton TA1 1HE.
  - 7 Any change of address of the Licensee must be notified to the Licensing Manager at the address as above.
  - 8 If the licensee does not operate any licensed Hackney Carriage vehicles then no advertisement containing wording which includes the words Acab@ Ataxi-cab@ or Ataxi@ may be displayed or used in any advertisement

- a) in this licence Advertisement@ includes any form of advertising, whether in a publication or by the display of notices or by means of circulars or other documents or by exhibition of photographs, pictures, video tape, film, computer generated images or by way of sound broadcasting or television
  - b) "taxi@, Ataxi-cab@ and Acab@ includes the words whether in the singular or plural and words of similar sound or appearance whether alone or as part of another word
- 9 The Licensee shall ensure that all licensed vehicles carrying out work for which the operator is licensed shall satisfy the conditions of the Council.
- 10 The Licensee must inform the Council in writing within 7 days of a driver joining the company or firm, or conducting any bookings distributed by the Licensee.
- 11 This Licence has been granted to the Licensee personally and does not licence any other person, who may take over the Licensees business for which he or she requires a Private Hire Operators Licence, as a Private Hire Operator. Therefore, unless any person who intends to take over the Licensees said Private Hire business is already an Operator licensed by the Council that person must obtain an Operators licence in his or her own right from the Council prior to taking over the said Licensees Private Hire business.
- 12 The Licensee shall display this licence on the premises at all times and produce this Licence on request to any Authorised Officer of the Council or to any Constable for inspection.
- 13 The Licensee shall not permit or cause or suffer to be conveyed in Private Hire Vehicle a greater number of persons than that specified in the current Private Hire Vehicle Licence in respect of that vehicle.
- 14 The Licensee shall keep clean and in good state of decoration and repair, adequately heated, ventilated and lit any premises which they provide and to which the public have access whether for the purpose of booking or waiting; shall ensure that the

waiting area has adequate seating facilities and that such facilities and any other furnishings provided are in good state of repair and shall ensure the appropriate fire precautionary equipment is provided, properly maintained and kept in an accessible location.

- 15 The Licensed Operator is to ensure that the drivers to whom he/she distributes private hire work are Licensed by the Council by:-
  - a) checking the status of their Licence with the Licensing Manager
  - b) keeping a true copy of the drivers licence
- 16 The Licensee shall display this licence on the premises at all times and produce this Licence on request to any Authorised Officer of the Council or to any Constable for inspection.
- 17 The Licensed Operator is to be directly concerned in the day to day management of the business and is to ensure that all conditions listed above are adhered to.



**STANDARD CONDITIONS FOR A HACKNEY CARRIAGE VEHICLE LICENCE**

- 1 The licensed vehicle must be fitted with a separate secure luggage area which is suitable for carrying at least 2 pieces of luggage. The minimum dimensions for each piece of luggage are 700mm x 550mm x 200mm.
- 2 If during the period of this licence the appearance or design of the licensed vehicle is to be altered then prior written consent of the council to such an alteration must be obtained.
- 3 The proprietor of the licensed vehicle shall:
  - a keep the interior and the exterior of the vehicle clean and free from damage in line with the Two Part Test criteria
  - b ensure that the vehicle is fitted with windows that open or has appropriate ventilation in good working order
  - c provide and maintain in the vehicle an efficient fire extinguisher which should be readily available for use at all times
  - d permanently mark the fire extinguisher with the registration number of the vehicle
  - e provide and maintain in the licensed vehicle a first aid kit which complies with the guidance in the Vehicle Licensing Criteria.
- 4 The proprietor of the vehicle shall ensure that the taximeter is so constructed, attached and maintained as to comply with the following requirements:
  - a the taximeter shall be fitted with such device which will start the taximeter and will cause the word "hired" to be displayed to passengers
  - b when the taximeter is turned on the fare on the taximeter should be clearly visible to passengers
  - c the taximeter and all the fittings thereof shall be so affixed to the vehicle with seals or other appliances so that it shall not be practical for any person to tamper with them
  - d the proprietor shall not permit any person to tamper with any of the seals on the taximeter unless authorised to do so by the Senior Licensing Officer

- e the proprietor shall notify the Council immediately if the seals on the taximeter are broken
- 5 The proprietor of the licensed vehicle shall provide a taximeter in the vehicle and shall clearly display the statement of maximum fares that has been provided by the Council and ensure that it is clearly legible.
- 6 On each occasion that the vehicle is hired the driver/proprietor shall ensure that the meter is turned on at the commencement of the journey. The driver/proprietor may charge less than the fare shown on the meter but not more. This includes any hiring which takes place after a fare has been agreed in advance even if the quoted fare is less than the metered fare would be.
- 7 The external plate issued by the Council shall state the Hackney Carriage vehicle licence number, the maximum number of passengers which the Council has licensed the vehicle to carry and must be fixed to the rear of the vehicle. All newly issued Taunton Deane Borough Council vehicle plates must be fixed on the rear of the vehicle. Where practicable the plate must be visible when the boot is in an upright position, and preferably low down on the extreme right or left hand side of the vehicle. The plate must not protrude below the bottom edge of the bumper of the vehicle and not be placed in the rear window of the vehicle. An internal plate issued by the Council, stating the plate number of the vehicle and the vehicle registration, shall be fixed to the interior of the vehicle so as to be clearly seen by passengers to the satisfaction of the Council.
- 8 Notwithstanding section 58 of the Local Government (Miscellaneous Provisions) Act 1976 the Proprietor of the vehicle shall remove and return to the Council within 2 working days, except where written permission has been given by the Senior Licensing Officer to extend this time, the plates referred to in 7 above:-
- a when the vehicle ceases to be a licensed vehicle
  - b when the licence is revoked or suspended by the Council including suspension and revocation under section 60 & 68 of the above Act
- 9 If the plates referred to in paragraph 7 above are not returned in accordance with paragraph 8 then they may be removed by an Authorised Officer of the Council or a Constable.

- 10 In the event that the plate is damaged lost or stolen the proprietor shall notify the Council immediately and pay the Council the relevant fee for a replacement.
  - 11 If the vehicle is suspended or the licence is revoked and the plates are subsequently damaged on removal by an Authorised Officer or Constable the proprietor shall then pay the requisite fee for the replacement of the plates, if necessary.
  - 12 The proprietor of the licensed vehicle shall ensure that the vehicle is insured for the carriage of passengers for hire and reward at all times.
  - 13 The proprietor and or the driver of the vehicle shall not permit cause or suffer a greater number of passengers to be conveyed in the vehicle than that specified in the licence.
  - 14 The proprietor of the licensed vehicle that has sustained \*damage in any accident (or by any other means) shall without prejudice to the provisions and obligations of the Road Traffic Act and section 50(3) Local Government (Miscellaneous Provisions) Act 1976:
    - a notify the council in writing of such damage as soon as reasonably practicable and in any case within 72 hours of the occurrence
    - b submit the licensed vehicle to the Council's Senior Licensing Officer within 72 hours
    - c not permit any passenger or member of the public to be conveyed in the vehicle unless and until the Council's Senior Licensing Officer is satisfied that it may be so used
- \*damage – is any damage to the vehicle that would cause the vehicle to fail the Two Part Test
- 15 The proprietor of the licensed vehicle shall ensure that the vehicle is at all times driven by a person who holds a valid Hackney Carriage Drivers Licence issued by the Council.
  - 16 If the vehicle is to be used for the conveyance of passengers in wheelchairs then the securing mechanism in the vehicle for the wheelchairs must be used so as to ensure the safety of the passenger at all times. Wheelchairs must only be carried forward or rearward facing.

- 17 The licensed vehicle shall be so designed that it shall:-
- a provide at least two doors for the use of persons conveyed in such vehicle and a separate means of ingress and egress for the driver
  - b provide seatbelts for all passengers
  - c provide at least 16 inches/406mm of clear space per passenger seat (cushion width or bottom space) this measurement should be taken for the widest part of the seat per passenger
  - d provide at least 9 inches/229mm of clear knee room per passenger, this measurement should be taken from the rear of the front passenger seat to the front portion of the rear passenger seat, with the front seat fully forward
  - e provide adequate means of heating and ventilation for all passengers
  - f provide drivers mirrors on the near and offside
  - g not be a convertible/cabriolet type vehicle
  - h be right hand drive only
- 18 Where vehicles are required to be Wheelchair Accessible they must be a London type Taxi (Metrocab, TX1 or similar) or a vehicle that has been approved as a Taxi by the Council and shall be capable of conveying wheelchairs.
- 19 Seats in the rear of the vehicle that can only be accessed by the boot/rear hatch or via seats that fold down or flip up will not be allowed for the conveyance of passengers in any vehicle unless with the written permission of the Council. This does not necessarily apply to any vehicle where the rear door is specifically designed for the egress and ingress of passengers.
- 20 The proprietor must not refuse to accept a booking from a wheelchair bound passenger without reasonable excuse. e.g. the wheelchair is not of a type or design suitable to be safely carried.
- 21 Any commercial advertising on the vehicle must have prior written approval of the Council's Senior Licensing Officer.
- 22 The licence holder shall keep the vehicle, as is reasonably practicable, in a clean and tidy condition at all times.
- 23 The licence holder shall ensure that there are no apparent defects to the vehicle and that the vehicle is fit to be used for gain.

- 24 The vehicle licence holder shall ensure that the vehicle is not equipped with any scanning equipment.
- 25 If a vehicle is to be a licensed hackney carriage vehicle for the first time it must be no older than 7 years from the date of first registration.
- 26 If a licensed hackney carriage vehicle is to be replaced, it must be replaced with a vehicle no older than 7 years from the date of first registration.
- 27 Specialist vehicles e.g. Rolls Royce, will not need to comply with the above conditions. Each vehicle will be considered on individual application to the Licensing Manager.
- 28 All vehicles must comply with Taunton Deane Borough Council Vehicle Licensing Conditions at all times during the period of the licence.

**Terms used in these conditions are as follows:-**

- “the Council” - Taunton Deane Borough Council
- “Driver” - any Hackney Carriage or Private Hire driver licensed with the Council
- “Authorised Officer” - any Officer of the Council authorised for the purposes of these conditions
- “Constable” - any Police Officer authorised for the purposes of these conditions
- “Vehicle” - a licensed hackney carriage vehicle with this Council (vehicle includes interior, exterior and engine bay)
- “Proprietor” - the owner or, in relation to a vehicle which is the subject of a hiring agreement or hire purchase or purchase agreement, the person in possession of the vehicle under that agreement
- “Plates” - means the plates issued by the Council for the purposes of identifying the vehicle as a vehicle licensed with the Council

**STANDARD CONDITIONS FOR A PRIVATE HIRE VEHICLE LICENCE**

- 1
  - a a licensed vehicle may not be a London type taxi (TX1 & Metrocab)
  - b or of such a design an appearance as to lead any person to believe that the vehicle is a Hackney Carriage.
- 2 If the licensed vehicle is hatchback or estate or minibus it must be fitted with a boot cover or guard rail to separate the rear luggage area from the passengers to the approval of the Council.
- 3 If during the period of this licence the appearance or design of the licensed vehicle is to be altered then prior written consent of the Council to such an alteration must be obtained.
- 4 The Proprietor of the licensed vehicle shall:
  - a keep the interior and the exterior of the vehicle clean and free from damage inline with the Two Part Test criteria
  - b ensure that the vehicle is fitted with windows that open or has appropriate ventilation in good working order
  - c provide and maintain an efficient fire extinguisher in the licensed vehicle which should be readily available for use at all times
  - d permanently mark the fire extinguisher with the registration number of the vehicle
  - e provide and maintain in the licensed vehicle a first aid kit that which complies with the guidance in the Vehicle Licensing Criteria.
- 5 If the licensed vehicle is provided with a taximeter the Proprietor of the vehicle shall ensure that it constructed, attached and maintained as to comply with the following requirements:
  - a the taximeter shall be fitted with such device which will start the taximeter and will cause the word "hired" to be displayed to passengers
  - b when the taximeter is turned on the fare on the taximeter should be clearly visible to passengers

- c the taximeter and all the fittings thereof shall be so affixed to the vehicle with seals or other appliances so that it shall not be practical for any person to tamper with them
  - d the proprietor shall not permit any person to tamper with any of the seals on the taximeter unless authorised to do so by the Senior Licensing Officer.
  - e the proprietor shall notify the Council immediately if the seals on the taximeter are broken
- 6 If the licensed vehicle is provided with a taximeter the proprietor of the vehicle shall:
- a produce a statement, in a form approved by the Council, of the fare rate on which the fare recorded on the face of the taximeter is based
  - b display the statement referred to in 6a above on the inside of the vehicle so that it is clearly visible and legible to passengers, to the approval of the Council
- 7 The external plate issued by the Council shall state the Private Hire Vehicle licence number, the maximum number of passengers which the Council has licensed the vehicle to carry and must be fixed on the rear of the vehicle. All newly issued Taunton Deane Borough Council vehicle plates must be fixed on the rear of the vehicle. Where practicable the plate must be visible when the boot is in an upright position, and preferably low down on the extreme right or left hand side of the vehicle. The plate must not protrude below the bottom edge of the bumper of the vehicle and not be placed in the rear window of the vehicle. An internal plate issued by the Council, stating the plate number of the vehicle and the vehicle registration, shall be fixed to the interior of the vehicle so as to be clearly seen by passengers to the satisfaction of the Council.
- 8 The proprietor of a Private Hire vehicle shall display the Private Hire vehicle plates issued by the Council at all times unless the vehicle has the benefit of an exemption to display the external plate.
- 9 Notwithstanding section 58 of the Local Government (Miscellaneous Provisions) Act 1976 the Proprietor of the vehicle shall remove the plates referred to in 7 above and return to the Council within 2 working days, except where written permission has been given by the Senior Licensing Officer to extend this time:
- a when the vehicle ceases to be a licensed vehicle



- b when the licence is revoked or suspended by the Council including suspension and revocation under section 60 & 68 of the above Act
- 10 If the plates referred to in paragraph 7 above are not returned in accordance with paragraph 9 then they may be removed by an Authorised Officer of the Council or a Constable.
- 11 In the event that the plate is damaged lost or stolen the proprietor shall notify the Council immediately and pay the Council the relevant fee for a replacement.
- 12 If the vehicle is suspended or the licence is revoked and the plates are subsequently damaged on removal by an Authorised Officer or Constable the proprietor shall then pay the requisite fee for the replacement of the plates, if necessary.
- 13 No commercial advertising is allowed on Private Hire Vehicles, the only advertising allowed on Private Hire Vehicles shall comply with the following requirements:
- a signs must not be magnetic, the lettering must be of the same size and font for all wording and
  - b they are a maximum size of 450mm by 450mm and a minimum of 300mm by 300mm, the signs must contain the words "Private Hire vehicle" and "Advance Bookings Only". The sign may include the firms' telephone number and the firms' name, the firms' name may not include the words "Taxi" and/or "Cab". No other words are to be allowed; and
  - c they are to the approval of the Licensing Manager.
- 14 Subject to condition 13 no advertisement sign or light may be placed inside or outside the licensed vehicle that is not required by law or by these conditions. Exceptions to this condition will only be by prior written approval of the Licensing Manager.
- 15 The proprietor of the licensed vehicle shall ensure that the vehicle is insured for the carriage of passengers for hire and reward at all times.
- 16 The proprietor and or the driver of the vehicle shall not permit cause or suffer a greater number of passengers to be conveyed in the vehicle than specified in the licence.

17 The proprietor of the licensed vehicle which has sustained \*damage in any accident (or by any other means) shall without prejudice to the provisions and obligations of the Road Traffic Act and section 50(3) Local Government (Miscellaneous Provisions) Act 1976:

- a notify the council in writing of such damage as soon as reasonably practicable and in any case within 72 hours of the occurrence
- b submit the licensed vehicle to the Council's Licensing Manager within 72 hours
- c not permit any passenger or member of the public to be conveyed in the vehicle unless and until the Council's Licensing Manager is satisfied that it may be so used

\*damage – is any damage to the vehicle that would cause the vehicle to fail the Two Part Test

18 The proprietor of the licensed vehicle shall ensure that the vehicle is at all times:-

- a operated by a person who holds a valid Private Hire Operators Licence issued by the Council
- b driven by a person who holds a valid Private Hire Drivers Licence issued by the Council

19 If the vehicle is to be used for the conveyance of passengers in wheelchairs then the securing mechanism in the vehicle for the wheelchairs must be used so as to ensure the safety of the passenger at all times. Wheelchairs must only be carried forward or rearward facing.

20 The licensed vehicle shall be so designed that it shall:-

- a provide at least two doors for the use of persons conveyed in such vehicle and a separate means of ingress and egress for the driver
- b provide seatbelts for all passengers
- c provide at least 16inches/406mm of clear space per passenger seat (cushion width or bottom space) this measurement should be taken for the widest part of the seat per passenger
- d provide at least 9inches/229mm of clear knee room per passenger, this measurement should be taken from the rear of the front passenger seat to the front portion of the rear passenger seat, with the front seat fully forward
- e provide adequate means of heating and ventilation for all passengers

- f shall be capable of carrying a reasonable quantity of luggage which must be to the satisfaction of the Council
  - g provide drivers mirrors on the near and offside
  - h not be a convertible/cabriolet type vehicle
  - i be right hand drive only
- 21 Seats in the rear of the vehicle that can only be accessed by the boot/rear hatch or via seats that fold down or flip up will not be allowed for the conveyance of passengers in any vehicle unless with the written permission of the Council. This does not necessarily apply to any vehicle where the rear door is specifically designed for the egress and ingress of passengers.
- 22 The vehicle licence holder shall keep the vehicle, as is reasonably practicable, in a clean and tidy condition at all times.
- 23 The licence holder shall ensure that there are no apparent defects to the vehicle and that the vehicle is fit to be used for gain.
- 24 The vehicle licence holder shall ensure that the vehicle is not equipped with any scanning equipment.
- 25 If a vehicle is to be a licensed Private Hire vehicle for the first time it must be no older than 7 years from the date of first registration.
- 26 If a licensed Private Hire vehicle is to be replaced, it must be replaced with a vehicle no older than 7 years from the date of first registration.
- 27 Specialist vehicles e.g. Rolls Royce, will not need to comply with the above conditions. Each vehicle will be considered on individual application to the Licensing Manager.
- 28 All vehicles must comply with Taunton Deane Borough Council Vehicle Licensing Criteria at all times during the period of the vehicle licence.

**Terms used in these conditions are as follows:-**

- “the Council” - Taunton Deane Borough Council
- “Driver” - any Hackney Carriage or Private Hire driver licensed with the Council
- “Authorised Officer” - any Officer of the Council authorised for the purposes of these conditions
- “Constable” - any Police Officer authorised for the purposes of these conditions
- “Vehicle” - a licensed Private Hire vehicle with this Council (vehicle includes interior, exterior and engine bay)
- “Proprietor” - the owner or, in relation to a vehicle which is the subject of a hiring agreement or hire purchase or purchase agreement, the person in possession of the vehicle under that agreement
- “Plates” - means the plates issued by the Council for the purposes of identifying the vehicle as a vehicle licensed with the Council

### CONDITIONS FOR VEHICLE TESTING

The Part One and Part Two tests for all Hackney Carriage and Private Hire vehicles licensed by Taunton Deane Borough Council will be carried out by the Council's approved testing station. The fee for these tests is currently set the by approved testing station, and should be made payable directly to the them.

The inspections will include all items tested under the Motor Vehicles (Test) Regulations 1981 as amended together with the items listed within this Authority's own Vehicle Conditions & Vehicle Licensing Criteria. The Part One test is an MOT Certificate in accordance with the Road Traffic Act and is stamped by the Approved Testing Station. An MOT carried out by any other tester is not acceptable as a Part One Test Certificate.

The Part One and Part Two Test Certificates and supporting documents are required when an application for the grant, renewal or transfer of a vehicle is submitted. Both Part One and Part Two Certificates can be no more than 30 days old.

Appointments for tests should be made directly with M J Auto and Commercial, the Approved Testing Station on **01823 271364**.

If your vehicle has a meter this will need to be tested and sealed.

You can book your vehicle in for a meter test by telephoning the Licensing Unit on 01823 356343.

Taunton Deane Borough Council gives at least 8 weeks notice that a vehicle licence is due to expire.

## **HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE TEST CRITERIA**

Hackney Carriage and Private Hire Vehicles in order to pass on the Part One and Part Two tests must ensure that:

### **GENERAL CONDITION**

- a) Engine bay clean
- b) Vehicle exterior to be clean
- c) Interior lights required and to be working
- d) No rips in the upholstery or cigarette burns of more than 2 inches or multiple cigarette burns.
- e) No rips in the carpet or floor covering
- f) Boot or luggage area must be dry and clean
- g) Front and rear demister in working order
- h) Where a vehicle is supplied with ashtrays they must be in place unless the space where the ashtray was is blocked off to the satisfaction of the vehicle examiner
- i) Any dents of less than 2 inches across
- j) No more than 4 dents per panel and not more than 8 in total
- k) Scratches not more than 2 inches - pass (subject to below)
- l) Any dents/scratches/stone chippings must not be rusting
- m) The colour of the vehicle must be consistent throughout

- n) If anything other than one colour any deviations should be done professionally
- o) Internal Private Hire and Hackney Carriage Vehicle Sticker must be placed in top left corner of front windscreen. Where the vehicle has a safety screen the sticker should be placed on this.
- p) The external plate issued by the Council shall state the Private Hire Vehicle licence number, the maximum number of passengers which the Council has licensed the vehicle to carry and must be fixed on the rear of the vehicle. Where practicable the plate must be visible when the boot is in an upright position, and preferably low down on the extreme right or left hand side of the vehicle. The plate must not extend below the bumper line of the vehicle and not be placed in the rear window of the vehicle

## **TYRES**

All tyres to be of same size

## **CAR NUMBERS**

A small call sign number on rear of vehicle

## **SCANNING EQUIPMENT**

The vehicle licence holder shall ensure that the vehicle is not equipped with any scanning equipment.

## **FIRE EXTINGUISHER**

Each licensed vehicle must carry a fire extinguisher of any type, it must be a minimum of one litre capacity. The Fire extinguisher shall be marked with the vehicle registration number in black permanent marker pen. A notice explaining where extinguisher located. The extinguisher must be securely fixed in a readily accessible position inside the vehicle or in the boot. Without the fire extinguisher the licence will not be issued.

## **FIRST AID KIT**

The first aid kit shall consist of the following:

- Ten antiseptic wipes, hygienically packed
- One conforming disposable bandage (not less than 7.5 cm wide)
- Two triangular bandages
- One packet of 24 assorted adhesive dressings
- Three large sterile unmedicated dressings (not less than 15 cm x 20 cm)
- Two sterile eye pads, with attachments
- Twelve assorted safety pins
- One pair of rustless blunt-ended scissors

## **FOR WHEELCHAIR ACCESSIBLE VEHICLES**

The following will fail the Part Two Test:

- a) Wheelchair securing straps not available
- b) Securing straps not adequately secured when not in use
- c) Seat belts not available for wheelchair passengers
- d) Securing straps have no means of release
- e) Securing mechanisms in floor present a trip hazard
- f) Rough edges are present on any device used to secure wheelchair

## **Ramps**

The following will fail the Part Two Test:

- a) Ramps are not able to be adequately secured when not in use



- b) No means of securing ramps to vehicle when in use (pins, clamps) etc
- c) Incline of ramps more the 1:12 (to pavement for side loading vehicles, to road for rear loading vehicles)
- d) Ramps are not marked with maximum load bearing capacity
- e) Ramps are not permanently marked with vehicle registration number
- f) Rough edges are present on any device to secure a wheelchair
- g) Non-slip surface or raised edges not present on ramps

#### **PRIVATE HIRE VEHICLES ONLY**

No roof signs on Private Hire Vehicle

A licensed vehicle may not be a London type taxi (TX1 & Metrocab)

- a) or of such a design an appearance as to lead any person to believe that the vehicle is a Hackney Carriage

If the licensed vehicle is hatchback or estate or minibus it must be fitted with:-

- a) a boot cover or guard rail to separate the rear luggage area from the passengers to the approval of the Council

**GLOSSARY**

Terms used in the above conditions are as follows:-

the Council	means Taunton Deane Borough Council.
Driver	means any Hackney Carriage/Private Hire Driver licensed with this Council.
Authorised Officer	means any Officer of the Council authorised for the purposes of these condition.
Constable	means and Police Officer authorised for the purposes of these conditions.
Vehicle	means a licensed Hackney Carriage Vehicle with this Council (vehicle includes interior, exterior and engine bay).
Proprietor	means owner or in relation to a vehicle which is the subject of a hiring agreement or hire purchase – purchase agreement, means the person in possession of the vehicle under that agreement.
Plates	means the plates issued by the Council for the purposes of identifying the vehicle as a vehicle licensed with this Council
Licensee	means a licensed Hackney Carriage/Private Hire Driver
Police Officer	means any Police Officer authorised for the purposes of these conditions.
Road	means any highway and any other road to which the public has access and includes bridges over which a road passes.
Wireless telegraphy	has the meaning assigned to it in Section 19 of the Wireless Telegraphy Act, 1949.

# TAUNTON DEANE BOROUGH COUNCIL

## LICENSING COMMITTEE – 28<sup>TH</sup> APRIL 2009

### Report of the Licensing Officer

#### EUROPEAN SERVICES DIRECTIVE

##### 1. Purpose of Report

- 1.1 To inform members that Directive 2006/123/EC of the European Parliament on services in the internal market was adopted on 12<sup>th</sup> December 2006 and has to be implemented by 28<sup>th</sup> December 2009. Known as the European Services Directive, it provides that the majority of licensing applications must be capable of being downloaded and submitted together with any payment online.

##### 2. Background

- 2.1 The Directive requires that applicants can transact electronically with regulators; therefore, application forms/notices and registrations, plus any supporting documents (including plans, if any) and fee payments must be capable of being processed electronically. The Local Authority must also have the facility to notify the applicant of success or failure electronically.

##### 3. Purpose and Effect of Directive

- 3.1 The Directive aims to break down barriers to cross border trade in services between countries in the European Union by making it easier for service providers, to offer their services to customers in other European Union countries. It also assists the fundamental freedoms guaranteed in Articles 43 and 49 of the Treaty establishing the European Community – the freedom of establishment and the freedom to provide services across borders. In order to achieve this, the provisions of the Directive aim to simplify administrative procedures, remove obstacles for services activities as well as enhance both mutual trust between Member States and the confidence of providers and consumers in the Internal Market.
- 3.2 The Directive in the context of administrative duties of this Council primarily affects the application processes of the licensing team. It does, however, explicitly exclude a number of services from its scope. These exclusions are optional in the sense that Member states may, if they so wish, apply some of the general principles and arrangements provided in the Services Directive to some or all of the excluded services. It is possible therefore, that although excluded by the Directive, the Government may still choose to include them within the scope of the Act. Such exclusions include Gambling Act 2005 and Hackney Carriage and Private Hire Vehicles and Drivers. Both were originally included within the scope of the directive, however, they were removed due to lobbying by some Member States.
- 3.3 Licence applications, authorisation schemes, approval regimes, regulations and administrative practices must comply with Directive's criteria. They must be **non-**

**discriminatory** (apply equally to applicants from all EU Countries), **necessary** (justified by some genuine underlying policy objective) and **proportionate** (must not be more stringent or onerous than is necessary to tackle the particular problem it is designed to address). We are therefore scrutinising the relevant policies and applications (where they are not statutory) to ensure compliance; this process may therefore lead to some necessary changes.

- 3.4 The Department of Business, Enterprise and Regulatory Reform (BERR) have been appointed the Point of Single Contact (PSC) for Great Britain by the Government and will require deep links to our website to signpost applicants and also if appropriate, to accept applications on our behalf.
- 3.5 Guidance from BERR states that enforcement costs should not be assimilated with the application fee; this is to forestall the possibility of an unsuccessful applicant seeking legal remedy due to part of his fees having been used to subsidise his successful competitors. Quite how this will be achieved is presently unknown and guidance must be sought from the government at a later stage, therefore, resources should allow for this factor.
- 3.6 Many questions remain unanswered and officers have raised some of these at BERR workshops recently. For example previous advice has suggested that certain applications cannot be made online, as the legislation concerned required original plans to be submitted and the application form to be signed in ink. BERR have committed to amending specific pieces of legislation to remove such obstacles where they exist.
- 3.7 What is clear at this stage is that considerable work is required to provide the mechanism on the Council's website and /or utilising a BERR supported facility through the national "Business Link" website to allow for the full online submission of applications. Appendix 1 contains a list of the types of process currently undertaken by the Licensing Team, which will need to be fully available on line, most of these activities are subject to specific individual legislation and procedures that will need to be addressed in the new system. Please note this list also contains activities that are not currently within the remit of Licensing but fall within the general Environmental Health remit and will be dealt with together.
- 3.8 Discussions are already underway to explore how where practicable this work can be undertaken jointly across all the Somerset Councils. Similarly for TDBC and SCC, early discussions with SW1 in relation to the potential IT solutions available. If SW1 are required to undertake a significant piece of work in relation to this project there may be a cost implication as it is new work for them.



	1963
Approved Premises (for Food)	Approved Premises Licence under 853/2004
Caravan and camping site	Caravan Sites and Control of Development Act 1960
Club Premises Certificate	Licensing Act 2003
Cooling tower	Notification of Cooling Towers and Evaporative Condensers Regulations 1992
Dog breeding	Breeding of Dogs Act 1973, Breeding and Sales of Dogs (Welfare) Act 1999
Environmental Permitting	Environmental Permitting (England and Wales) Regulations
Food premises	SI2007/3538
House in multiple occupancy	Housing Act 2004
House to house collection	House to House Collections Act 1939
Motor salvage operator	Vehicles (Crime) Act 2001
Pet shop	Pet Animals Act 1951
Premises Licence	Licensing Act 2003
Riding establishment	Riding Establishments Act 1964
Scrap metal dealer	Scrap Metal Dealers' Act 1964
Sex shop and cinema	Local Government (Miscellaneous Provisions) Act 1982
Street Collection	Section 5 of the Police, Factories, etc. (Miscellaneous Provisions Act 1916, as amended by the Local Government Act 1972 and Schedule 29 of that Act.)
Street Trading	Local Government (Miscellaneous Provisions) Act 1982
Tattooists, piercing and electrolysis (incl Acupuncture)	Local Government (Miscellaneous Provisions) Act 1982 (not London)
Temporary Event Notice	Licensing Act 2003
Zoo licence	Zoo Licensing Act 1981

Game dealing

Game Licences Act 1860

# TAUNTON DEANE BOROUGH COUNCIL

## LICENSING COMMITTEE – 28<sup>TH</sup> APRIL 2009

### Report of the Licensing Officer

#### POLICING AND CRIME BILL

##### 1. Purpose of Report

- 1.1 To inform members that the Policing and Crime Bill was introduced to the House of Commons on 18<sup>th</sup> December 2008 and is likely to take effect during Summer 2009. The Policing and Crime Bill is made up of seven parts, the purpose of this report is to summarise these parts and explain the impact that the legislation is anticipated to have on Licensing Authorities.

##### 2. Background

- 2.1 The Bill seeks to do the following:

- Place a duty on police authorities to have regard to public views in policing areas.
- Introduce measures to protect vulnerable groups such as prostitutes including sex offender prevention orders and foreign travel orders.
- Introduce provisions to prevent low level crime and disorder by introducing mandatory licensing conditions relating to alcohol, amend police powers to deal with children drinking alcohol in public, increasing penalties for those who sell to children and those who refuse to stop drinking in public.
- Implement main recommendations of Asset Recovery Action Plan (2007) and strengthen arrangement for recovery of assets obtained through criminal means.
- Implement key recommendations of Independent Review of Airport Policing.

##### 3. Summary of Parts of the Bill

###### 3.1 Part 1: Police Reform

This includes additional duties of police authorities to have regard to public views on policing in their area.

###### 3.2 Part 2: Sexual Offences and Sex Establishments

Introduction of measures to reduce the demand for prostitution. A new offence of paying for sex with someone who is controlled for gain will be introduced and courts will be given powers to make premises closure orders where there is evidence of the premises being used for activities relating to certain prostitution and pornography offences. The Bill will implement the recommendations from 'Tackling the demand for prostitution: A Review'. Also amends how lap dancing is licensed so that it is treated in the same way as other sex establishments.



### 3.3 Part 3: Alcohol Misuse

The Bill will amend police powers to reduce alcohol misuse and to deal with young people drinking alcohol in public. Provisions will also be introduced to raise maximum penalties for premises that sell alcohol to young people and those people who refuse to stop drinking in public and provisions to allow the Secretary of State to create, through Secondary Legislation, mandatory conditions relating to alcohol to be added to premises licences that include the licensable activity of the sale of alcohol.

### 3.4 Part 4: Proceeds of Crime

Additional powers for the police aimed at improving the recovery of criminal assets.

### 3.5 Part 5: Extradition

The Bill amends and clarifies a number of provisions within the Extradition Act 2003.

### 3.6 Part 6: Aviation Security

The Bill enhances airport security.

### 3.7 Part 7: Miscellaneous

The Bill includes provisions for Criminal Records Bureau to supply criminal convictions certificates to employers and to include 'right to work' information on standard and enhanced disclosures and changes the name of the Independent Barring Board to the Independent Safeguarding Authority relating to checking of school governors.

## 4. Summary of effects of Bill on Taunton Deane Borough Council

Two parts of the Bill have an effect on Licensing Authorities, Part 2 and Part 3 the following sub-paragraphs summarise the main changes below:

### 4.1 Part 2: Sexual Offences and Sex Establishments.

**Clause 25 of the Bills: Regulation of Lap Dancing and other Sex Encounter venues and Schedule 3: Lap Dancing and other Sex Encounter Venues: transitional provisions.**

A new category of 'sex establishment' called a 'sex encounter venue' will be inserted into Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Licensing of lap dancing and pole dancing clubs and other similar venues under the regime set out in the 1982 Act, which is currently used to regulate establishments such as sex shops and sex cinemas.

A Sex Encounter Venue will be defined as a premises where certain entertainment is provided or permitted to be provided, by or on behalf of the

organiser in front of a live audience for the financial gain of the organiser or entertainer. The entertainment may take the form of a live performance or live display of nudity and must reasonably be assumed to have been provided solely or principally for the purpose of sexually stimulating any member of the audience. An audience can consist of just one person.

Any premises that provides relevant entertainment less than once a month are not sex encounter venues.

This bill includes an order excluding certain types of performance or displays of nudity, for example, during a theatre production.

Sub-paragraph (10) of the Bill provides definitions including the meaning of nudity in men and women.

The bill includes the provision so that it doesn't matter whether those admitted to the premises pay for admission to or membership of the club.

The bill also provides powers to Local Authorities to limit the number of sex establishments of a certain type in a locality as well as the number of sex establishments generally and the Local Authority can refuse an application on this basis.

The bill also provides power to Local Authorities to prescribe regulations, standard terms and conditions for sex establishment licences and the standard conditions on a sex encounter venue licence can be different to those on other kinds of sex establishment licences.

Copies of the regulations must be made available by Local Authorities upon request and payment of a reasonable fee.

Local Authorities will be able to charge for grant applications, vary applications, renewal applications and transfer applications.

Secondary legislation will make transitional provisions.

#### **4.2 Part 3: Alcohol Misuse.**

##### **Clause 31: Mandatory licence conditions relating to alcohol and Schedule 4: Mandatory Licensing conditions relating to alcohol.**

The Bill will amend the Licensing Act 2003 to create enabling powers that allow the Secretary of State to set out in Secondary Legislation a small number of mandatory licence conditions (no more than nine). These conditions will be aimed at reducing and dealing with the abuse of alcohol and will apply to all new and existing premises licences and club premises certificates which permit the sale of alcohol. The Secretary of State will also set out a larger number of permitted conditions, which the Licensing Authority can, in consultation with Responsible Authorities apply to more than one licensed premises or club at a time.

All the conditions relate to the four licensing objectives set out in the Licensing Act 2003 and the new conditions will take precedence over any existing licensing conditions. The bill basically provides the enabling powers for a mandatory code of practice for alcohol retailing.

The mandatory list of conditions of up to nine will be mainly prohibitive and will be set down by the Secretary of State after consultation with relevant stake-holders. This process is taking place at the moment. The conditions are likely to be aimed at stopping promotions that encourage people to drink more, helping consumers make an informed choice when purchasing alcohol about the amount of alcohol their drink contains and to complement the Licensing Act in tackling underage sales.

As previously mentioned, Licensing Authorities will also be given the power to impose blanket conditions on premises in a locality where there has been significant alcohol-related nuisance or disorder. This imposition can either be instigated by the Local Authority or by a Statutory Responsible Authority on application. The pool of conditions will again be set down by the Secretary of State and are likely to be aimed at the following:

- Stopping promotions or activities aimed at encouraging people to drink more than they might otherwise.
- The training of staff to complement the Licensing Act and to ensure that problems are minimised e.g. training in areas like refusing sales, conflict management and dispersal of customers.
- The responsible management of the premises to ensure that incidents of crime and disorder are minimised.
- To ensure the orderly dispersal of customers from premises to minimise likelihood of crime and disorder occurring.
- Risk assessments being undertaken to minimise the likelihood of crime and disorder occurring.

A list of permitted conditions which Local Authorities can impose, the procedure for imposing and advertising them and the procedure for varying, reviewing and appealing against them will be specified by the Secretary of State in Secondary Legislation and Statutory Guidance in due course.

- 3.6 There are no financial resources available for Licensing Authorities to administer or enforce the Act once made. Existing premises licences and club premises certificates will not be replaced however each licence holder will receive an amendment to their licence by way of new conditions. Taunton Deane Borough Council has over 400 premises licences and club premises certificates so there will be additional work for the Licensing Unit between August and October 2009.

#### **4. Recommendations**

- 4.1 None, this report is provided for information purposes only

**Contact Officer:**

Amy Hunt Licensing Officer

ext 2890

## **Licensing Committee – 28 April 2009**

Present: Councillor Mrs Allgrove (Chairman)  
Councillors, Critchard, Coles, Mrs Court-Stenning, McMahon,  
Meikle, Murphy, Stuart-Thorn, Watson and Woolley.

Officers: Mr J Barrahan (Chief Environmental Health Officer),  
Mrs J Bradburn (Operations Manager - Public Safety),  
Mrs D Durham (Democratic Services Officer), Miss A Hunt  
(Licensing Officer), Mrs J Jackson (Legal Services Manager),  
Miss H Mockridge (Administrative Officer – Democratic  
Services) and Miss O Walton (Licensing Officer)

(The meeting commenced at 6.15 pm).

### **1. Apologies/Substitution**

Apologies : Councillors Beaven, House and Murphy.  
Substitution : Councillor Stuart-Thorn for Councillor Beaven.

### **2. Minutes**

The minutes of the meeting held on 1 October 2008 were taken as read and were signed.

### **3. Declaration of Interests**

Councillor Critchard declared a personal interest as one of the taxi drivers was known to him.

### **4. Public Question Time**

The Chairman confirmed the procedure regarding Public Question Time. Mr Toon, a taxi driver asked the Committee to reconsider the rule about the replacement of specialist vehicles. He felt that they should be no older than seven years old from the date of first registration. It would impact on business as newer vehicles were too expensive to purchase.

The Chairman asked if vehicles used for mobility scooters and alike could be considered as specialist vehicles. The Principal Licensing Officer said that these could be considered on an individual basis.

### **5. Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook and Related Policy Issues**

Considered report previously circulated, concerning the review, renewal and consolidation of a number of existing hackney carriage and private hire driver policies.

The Licensing Department had been working with the local taxi trade to review and consolidate a number of previous decisions and practices undertaken by the Council. The purpose was to draw all the recommendations, policies, practice and conditions into one document. The document would be named the "Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook" and once approved, would be the definitive source of information for those in the trade, officers and other agencies. The draft of this handbook was submitted.

Previously the Council had removed the restriction on the number of Hackney Carriages in Taunton Deane. In response to Government Policy in relation to the Disability Discrimination Act 1995, a resolution was made that all new licensed Hackney Carriages would need to be wheelchair accessible. A period of protection until 2005 was granted for the existing saloon fleet. This date had since been extended to 2012. The Department for Transport (DfT) had launched a consultation document on 'Improving Access to Taxis' which had raised the following points:-

- Disability Discrimination Act compliance could not be seen as just providing wheelchair accessible vehicles;
- There was a recognition that disability could take many forms and therefore different types of vehicle could provide the best response to this; and
- The current make up of the Taunton Deane fleet compared favourably with the national statistics in terms of proportion of wheelchair accessible vehicles.

There were currently 140 Hackney Carriages in Taunton Deane, of which 86 were wheelchair accessible. There were 54 saloon vehicles and a total of 60 of plates 1 – 63 were currently occupied.

Until there was clear direction from Government, it was proposed that the number of saloon vehicles would be set at a maximum of 65. 65 plates would be specifically allocated as saloon plates which would be allocated to existing users of such plates. Any remaining saloon plates would be allocated on a first come, first served basis.

The Council had previously agreed that any newly licensed vehicle would have to comply with a standard livery requirement. However, this had never been implemented. The imposition of any new scheme would have to include a considerable lead time of 5 years, so that any consequent vehicle change could be planned by vehicle operators.

Reported that there was no evidence to suggest that any potential benefits outweighed the considerable outlay to the trade in implementing a livery scheme.

The Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook had been developed to consolidate information in relation to the Council's approach to taxi licensing.

The Handbook would be an evolving policy document for use by all in the trade. The Handbook would be sent out with every new application and would be available on the Council's website for viewing, or downloading.

The more important issues contained in the Handbook were detailed. In addition it was intended to remove the requirement for vehicle engines to be at least 1400 cubic capacity. This would allow the trade to explore smaller engines and/or alternate fuel vehicles to address environmental concerns.

It was intended that future minor amendments to the Handbook would be made in agreement with the Principal Licensing Officer and the Chairman of the Licensing Committee. Major changes would be referred to the Licensing Committee for agreement.

Extensive consultations had been undertaken in developing the handbook with the local taxi trade. Comments from the consultation had been included in the Handbook. There appeared to be broad support for the principle and contents of the Handbook from the trade.

Consultation had also been undertaken with the Access Officer from the Taunton Deane Disability Forum. The Forum supported maintaining the fleet balance of saloons and wheelchair accessible vehicles as currently existed. The Forum reported a lack of available Wheelchair Accessible Vehicles between 8 and 9am and 3 and 4pm. However this was due to bookings related to taking children to and from school which was a problem for all styles of vehicles and customers.

The Forum had also reported more concerns about allegations relating to taxi driver behaviour in that some taxi drivers were sometimes unwilling to take wheelchair users and excuses were made or wheelchair users were allegedly blatantly ignored. This type of behaviour was contrary to existing drivers conditions and would be investigated separately.

During the discussion of this item Members made the following comments and also asked questions (Responses to questions are shown in italics).

- That the Taunton Deane Disability Forum be consulted if applicable;
- 65 saloon vehicles maintained a healthy balance with DDA compliant vehicles and should be reviewed on an annual basis;
- Two of the unallocated saloon plates should be allocated to new operators; and
- The vehicle specification referred to in the Handbook should not specify a particular make of vehicle – *These would be detailed as specialist/novelty vehicles.*

**Resolved** that the Executive be recommended to:-

- (1) Repeal the resolutions 4 and 5 of the Environmental Services Committee of 17 November 1998 (Minute No. 50/1998 refers) relating to vehicle livery;
- (2) Repeal the previous Executive resolutions 1 and 2 of 19 December 2001 (Minute No. 136/2001 refers) relating to wheelchair accessible vehicles;
- (3) Adopt the Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook, with the policy implications that this entails, including the issue of two unallocated saloon plates to new operators;
- (4) Agree that any future changes to the Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook be undertaken with prior consultation with the taxi trade through the Taunton Deane Taxi Association and Taunton Deane Disability Forum and that any future changes would be approved by the Licensing Committee at the discretion of the Chairman of the Licensing Committee; and
- (5) Adopt the following conditions contained within the Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook, under the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976:-
  - Standard Conditions for A Hackney Carriage/Private Hire Driver's Licence;
  - Standard Conditions for Private Hire Operators Licence;
  - Standard Conditions for a Hackney Carriage Vehicle Licence;
  - Standard Conditions for a Private Hire Vehicle Licence; and
  - Conditions for vehicle testing and Hackney Carriage and Private Hire Vehicle Test Criteria.

## **6. European Services Directive**

Considered report previously circulated, concerning Directive 2006/123/EC of the European Parliament on services in the internal market that had been adopted on 12 December 2006 and had to be implemented by 28 December 2009.

The Directive, known as the European Services Directive, provided that the majority of licensing applications had to be capable of being downloaded and submitted together with any payment online.

The Directive aimed to break down barriers to cross border trade in services between countries in the European Union by making it easier for service



providers to offer their services to customers in other European Union countries.

It also assisted the fundamental freedoms guaranteed in Articles 43 and 49 of the Treaty establishing the European Community. In order to achieve this, the provisions of the Directive aimed to simplify administrative procedures, remove obstacles for service activities as well as enhance both mutual trust between Member States and the confidence of providers and consumers in the Internal Market.

The Directive primarily affected the application processes of the Licensing team. It excluded a number of services from its scope and these exclusions were optional in the sense that Member States could apply some of the general principles and arrangements provided in the Services Directive to some or all of the excluded services. It was therefore possible that although excluded by the Directive, the Government could choose to include them within the scope of the Act. Such exclusions included the Gambling Act 2005 and Hackney Carriage and Private Hire Vehicles and Drivers. Both were originally included within the scope of the directive, however, they were removed due to lobbying by some Member States.

Licence applications, authorisation schemes, approval regimes, regulations and administrative practices had to comply with the Directive's criteria. They had to be non-discriminatory, necessary and proportionate. The Council was therefore scrutinising the relevant policies and applications to ensure compliance.

The Department of Business, Enterprise and Regulatory Reform (BERR) had been appointed the Point of Single Contact (PSC) for Great Britain by the Government and would require deep links to the Council's website to signpost applicants and also to accept applications on the Council's behalf.

Guidance from BERR stated that enforcement costs should not be assimilated with the application fee. This was to forestall the possibility of an unsuccessful applicant seeking legal remedy due to part of his fees having been used to subsidise his successful competitors.

Considerable work was required to provide the mechanism on the Council's website and to utilise a BERR supported facility through the national "Business Link" website to allow for the full online submission of applications.

A list of the processes currently undertaken by the Licensing Team, which would need to be fully available on line were also submitted.

Discussions were taking place to explore how practicable it would be for this work to be undertaken jointly across all the Somerset Councils. For Taunton Deane and Somerset County Council, early discussions with Southwest One were taking place regarding the potential IT solutions that could be available and any cost implications.

**Resolved** that the report be noted.

## **7. Policing and Crime Bill**

Considered report previously circulated, concerning the Policing and Crime Bill which had been introduced to the House of Commons on 18 December 2008 and was likely to take effect during Summer 2009.

The Policing and Crime Bill was made up of seven parts and the impact that the legislation was anticipated to have on Licensing Authorities was summarised.

The Bill sought to:-

- Place a duty on Police Authorities to have regard to public views in policing areas;
- Introduce measures to protect vulnerable groups such as prostitutes, including Sex Offender Prevention Orders and Foreign Travel Orders;
- Introduce provisions to prevent low level crime and disorder by introducing mandatory licensing conditions relating to alcohol, amending Police powers to deal with children drinking alcohol in public, increasing penalties for those who sold to children and those who refused to stop drinking in public;
- Implement the main recommendations of Asset Recovery Action Plan (2007) and strengthen arrangement for recovery of assets obtained through criminal means;
- Implement the key recommendations of Independent Review of Airport Policing.

This included additional duties of Police Authorities to have regard to public views on policing in their area.

With regard to the introduction of measures to reduce the demand for prostitution, a new offence of paying for sex with someone who was controlled for gain would be introduced and courts would be given powers to make Premises Closure Orders where there was evidence of the premises being used for certain prostitution and pornography offences. The Bill would implement the recommendations from 'Tackling the demand for prostitution: A Review'. It would also amend how lap dancing was licensed so that it was treated in the same way as other sex establishments.

The Bill would amend Police powers to reduce alcohol misuse and deal with young people drinking alcohol in public. Provisions would also be introduced to raise maximum penalties for premises that sold alcohol to young people and those people who refused to stop drinking in public. It also made provisions to allow the Secretary of State to create, through Secondary

Legislation, mandatory conditions relating to alcohol to be added to premises licences that included the licensable activity of the sale of alcohol.

Additional powers for the Police, aimed at improving the recovery of criminal assets was also included.

The Bill amended and clarified a number of provisions within the Extradition Act 2003, enhanced airport security and included provisions for the Criminal Records Bureau to supply criminal convictions certificates to employers.

Two parts of the Bill had an effect on Licensing Authorities, Part 2 and Part 3, and the main changes were summarised.

A new category of 'sex establishment' called a 'sex encounter venue' would be inserted into Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Licensing of lap dancing and pole dancing clubs would also be introduced.

A Sex Encounter Venue would be defined as a premises where certain entertainment was provided or permitted to be provided, by or on behalf of the organiser in front of a live audience for the financial gain of the organiser or entertainer.

The Bill included a provision so that it did not matter whether those admitted to the premises paid for admission to, or membership of, the club. It also provided powers to Local Authorities to limit the number of sex establishments of a certain type in a locality as well as the number of sex establishments generally and the Local Authority could refuse an application on this basis.

Local Authorities would have the power to prescribe regulations, standard terms and conditions for sex establishment licences and the standard conditions on a sex encounter venue licence which could be different to those on other kinds of sex establishment licences.

As far as alcohol misuse was concerned, the Bill would amend the Licensing Act 2003 to create enabling powers that allowed the Secretary of State to set out in Secondary Legislation a small number of mandatory licence conditions.

These conditions would be aimed at reducing and dealing with the abuse of alcohol and would apply to all new and existing premises licences and club premises certificates which permitted the sale of alcohol. The Secretary of State would also set out a larger number of permitted conditions, which the Licensing Authority could, in consultation with Responsible Authorities apply to more than one licensed premises or club at a time.

All the conditions related to the four licensing objectives set out in the Licensing Act 2003 and the new conditions would take precedence over any existing licensing conditions. The Bill provided the enabling powers for a mandatory code of practice for alcohol retailing.

The mandatory list of conditions would be mainly prohibitive and would be set down by the Secretary of State after consultation with relevant stake-holders. The conditions were likely to be aimed at stopping promotions that encouraged people to drink more, helping consumers make an informed choice when purchasing alcohol about the amount of alcohol their drink contained and to complement the Licensing Act in tackling underage sales.

Licensing Authorities would also be given the power to impose blanket conditions on premises in a locality where there had been significant alcohol-related nuisance or disorder. This imposition could either be instigated by the Local Authority or by a Statutory Responsible Authority on application. The pool of conditions would again be set down by the Secretary of State and were likely to be aimed at the following:-

- Stopping promotions or activities aimed at encouraging people to drink more than they might otherwise;
- The training of staff to complement the Licensing Act and to ensure that problems were minimised;
- The responsible management of the premises to ensure that incidents of crime and disorder were minimised;
- To ensure the orderly dispersal of customers from premises to minimise likelihood of crime and disorder occurring; and
- Risk assessments being undertaken to minimise the likelihood of crime and disorder occurring.

A list of permitted conditions which Local Authorities could impose, the procedure for imposing and advertising them and the procedure for varying, reviewing and appealing against them would be specified by the Secretary of State in Secondary Legislation and Statutory Guidance in due course.

There were no financial resources available for Licensing Authorities to administer or enforce the Act once made. Existing premises licences and club premises certificates would not be replaced however each licence holder would receive an amendment to their licence by way of new conditions. The Council had over 400 premises licences and club premises certificates.

**Resolved** that the report be noted.

(The meeting ended at 7.50pm)