

To: Members of the Licensing
Committee

Date: 26 November 2015

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Dear Councillor

You are invited to attend a meeting of the **LICENSING COMMITTEE** to be held at **9.30 am** on **WEDNESDAY, 2 DECEMBER 2015** in the **COUNCIL CHAMBER, COUNTY HALL, RUTHIN.**

Yours sincerely

G Williams
Head of Legal and Democratic Services

AGENDA

PART 1 - THE PRESS AND PUBLIC ARE INVITED TO ATTEND THIS PART OF THE MEETING

1 APOLOGIES

2 DECLARATION OF INTERESTS

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

3 URGENT MATTERS AS AGREED BY THE CHAIR

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

4 MINUTES OF THE LAST MEETING (Pages 9 - 18)

To receive the minutes of the Licensing Committee held on 23 September 2015 (copy enclosed).

5 PROPOSED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE POLICY (Pages 19 - 60)

To consider a report by the Head of Planning and Public Protection (copy enclosed) seeking approval of the proposed Hackney Carriage and Private Hire Vehicle Policy for public consultation.

6 LICENSING COMMITTEE FORWARD WORK PROGRAMME (Pages 61 - 62)

To consider a report by the Head of Planning and Public Protection (copy enclosed) presenting the committee's forward work programme for approval.

PART 2 - CONFIDENTIAL ITEMS

It is recommended in accordance with Section 100A(4) of the Local Government Act 1972, that the Press and Public be excluded from the meeting during consideration of the following item(s) of business because it is likely that exempt information as defined in paragraphs 12 and 13 of Part 4 of Schedule 12A of the Act would be disclosed.

7 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 15/1074/TXJDR (Pages 63 - 78)

To consider a confidential report by the Head of Planning and Public Protection (copy enclosed) seeking members' determination of an application from Applicant No. 15/1074/TXJDR.

8 REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - DRIVER NO. 15/1142/TXJDR (Pages 79 - 92)

To consider a confidential report by the Head of Planning and Public Protection (copy enclosed) seeking members' review of a licence to drive hackney carriage and private hire vehicles in respect of Driver No. 15/1142/TXJDR.

9 REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - DRIVER NO. 15/0833/TXJDR (Pages 93 - 116)

To consider a confidential report by the Head of Planning and Public Protection (copy enclosed) seeking members' review of a licence to drive hackney carriage and private hire vehicles in respect of Driver No. 15/0833/TXJDR.

MEMBERSHIP

Councillors

Cefyn Williams (Chair)

Barry Mellor (Vice-Chair)

Joan Butterfield
Bill Cowie
Richard Davies
Stuart Davies
Hugh Irving

Win Mullen-James
Pete Prendergast
Arwel Roberts
Huw Williams

COPIES TO:

All Councillors for information
Press and Libraries
Town and Community Councils

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LICENSING COMMITTEE PROCEDURE FOR THE DETERMINATION OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER LICENCE APPLICATIONS AND REVIEWS OF EXISTING LICENSED DRIVERS

STEP	DESCRIPTION
1.	The Chair to welcome and introduce the applicant/licence holder to all parties present.
2.	Solicitor to ask the applicant/licence holder to confirm that he/she has received the report and the Committee procedures. If applicant confirms same, move onto step 4.
3.	If it should occur that the applicant/licence holder states that the report has not been received, then such matter will be addressed at this stage. Members may wish to consider adjourning the matter, for a short period, in order for the applicant/licence holder to read the report.
4.	Head of Planning and Public Protection (or representative) briefly introduces the application/review
5.	The applicant/licence holder is requested to present his/her case The applicant/licence holder can call any witnesses he/she chooses in support of the application, for which advance notice should have been given to the Licensing Officers.
6.	Committee Members can question the applicant/licence holder and or his witnesses
7.	Technical officers are invited to present any findings (Licensing/Community Enforcement, First Contact Team (Social Services), School Transport.)
8.	The Committee Members followed by the applicant/licence holder can ask questions of the technical officers
9.	The applicant/licence holder will be invited to make a final statement, if they so wish
10.	The following will be requested to leave the meeting whilst the application/review is discussed by Members – the applicant/licence holder, all third parties, Head of Planning and Public Protection, technical officers NB The only people remaining should be – Committee Members, translator, committee’s legal adviser and the minute taker

11.	The committee members will consider the application/review taking into account the evidence heard
12	Should Committee Members prove it necessary to recommence the asking of questions and recall any party to provide further information or clarification, all persons who have withdrawn from the meeting will be invited to return. After the question(s) have been determined all third parties will be asked to withdraw again for Members to consider all evidence.
13.	When the Members have reached their decision, all parties will be recalled and the applicant/licence holder will be informed of the Members decision by the Chairman.
14.	The Chair will inform the applicant/licence holder of the decision reached. This will include any specific conditions or penalties which may have been imposed. If necessary the Council's Solicitor to provide further clarification of the decision and its implications to the applicant/licence holder.
15.	If the decision is to refuse or there is a decision to suspend or revoke, the Council's Solicitor to inform the applicant/licence holder of the right of appeal to the Magistrates' Court (the decision letter will also include these details).
16.	For an existing licensed driver (issued by Denbighshire), and the decision involves a resolution by the Committee to suspend or revoke the existing licence, Members may do so under either: 1. Section 61 (2A) of the Local Government (Miscellaneous Provisions) Act 1976. 2. Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976. This decision will have IMMEDIATE EFFECT and can only be used when the grounds for suspension/revocation are a public safety matter. The Solicitor will explain to the licence holder the implications of the decision.
17.	The applicant/licence holder will be informed of the decision in writing as soon as practicable.
18.	The applicant/licence holder will be invited to discuss any matter they are unsure of with Licensing Officers after the Committee

LOCAL GOVERNMENT ACT 2000

Code of Conduct for Members

DISCLOSURE AND REGISTRATION OF INTERESTS

I, *(name)*

a *member/co-opted member of
*(*please delete as appropriate)*

Denbighshire County Council

CONFIRM that I have declared a ***personal / personal and prejudicial** interest not previously declared in accordance with the provisions of Part III of the Council's Code of Conduct for Members, in respect of the following:-

*(*please delete as appropriate)*

Date of Disclosure:

Committee *(please specify)*:

Agenda Item No.

Subject Matter:

Nature of Interest:

*(See the note below)**

Signed

Date

*Note: Please provide sufficient detail e.g. 'I am the owner of land adjacent to the application for planning permission made by Mr Jones', or 'My husband / wife is an employee of the company which has made an application for financial assistance'.

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LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held in the Council Chamber, Russell House, Rhyl on Wednesday, 23 September 2015 at 9.30 am.

PRESENT

Councillors Joan Butterfield, Bill Cowie, Hugh Irving, Barry Mellor (Vice-Chair), Win Mullen-James, Pete Prendergast, Arwel Roberts and Cefyn Williams (Chair)

ALSO PRESENT

Head of Legal, HR and Democratic Services (GW), Public Protection Business Manager (IM), Licensing Officers (NJ & JT), Licensing Enforcement Officer (HB), Senior Community Safety Enforcement Officer (TWE) and Committee Administrator (KEJ)

POINT OF NOTICE

The Chair agreed to vary the order of the agenda to accommodate officers and individuals attending for particular items.

1 APOLOGIES

Councillors Richard Davies and Huw Williams

Councillor Pete Prendergast would be arriving late for the meeting.

2 DECLARATION OF INTERESTS

No declarations of personal or prejudicial interest had been raised.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 MINUTES OF THE LAST MEETING

The minutes of the Licensing Committee held on 10 June 2015 were submitted.

RESOLVED that the minutes of the meeting held on 10 June 2015 be received and confirmed as a correct record.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following items of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraph 12 of Part 4 of Schedule 12A of the Act.

5 REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - DRIVER NO. 14/0859/TXJDR

A confidential report by the Head of Planning and Public Protection (previously circulated) was submitted upon –

- (i) the suitability of Driver No. 14/0859/TXJDR to hold a licence to drive hackney carriage and private hire vehicles following accrual of 37 penalty points under the Council's penalty point scheme for parking a licensed vehicle in contravention of parking regulations, driving an unlicensed vehicle and driving the vehicle with two defective tyres;
- (ii) details of the incidents spanning May – July 2015 having been included within the report (a summary of facts together with associated witness statements and documentation had been attached to the report), and
- (iii) the Driver having been invited to attend the meeting in support of his licence review and to answer members' questions thereon.

The Driver confirmed he had received the report and committee procedures. The Enforcement Officer introduced the report and detailed the facts of the case. In cases where 20 or more penalty points had been accrued in a 24 month period the matter was referred to committee for review.

The Driver presented his case and explained he had made no deliberate attempt to deceive but had overlooked the fact that his vehicle licence had lapsed and the tyre defects had not been clearly visible because they had been worn on the inside. With regard to the parking ticket he explained that he had exceeded the permitted time. He referred to his previously unblemished record and apologised for his misdemeanors. When questioned, the Driver advised that he was owner/driver of the licensed vehicle but operated via a taxi company. In making his final statement the Driver advised that taxi driving was his livelihood and he could not afford a suspension or revocation of this licence.

The committee adjourned to consider the case and it was –

RESOLVED that the hackney carriage and private hire vehicle driver's licence issued to Driver No. 14/0859/TXJDR be revoked on public safety grounds with immediate effect.

The reasons for the Licensing Committee's decision were as follows –

Members carefully considered the evidence presented and representations made by the Driver in support of his case. It was found that the Driver had failed to submit the vehicle for a compliance check, had driven the vehicle some three months after the licence had expired and therefore uninsured, and that the vehicle was in a defective and dangerous state when presented for inspection. These factors contributed to a finding that the licence should be revoked with immediate effect in the interests of public safety. As a result of the Driver's conduct members

considered him to be a risk to public safety and not a fit and proper person to hold a hackney carriage/private hire vehicle driver's licence.

The committee's decision and reasons therefore were conveyed to the Driver and he was advised of his right to appeal against the decision to the Magistrates Court.

[Councillor Pete Prendergast took no part in the discussion or voting on this matter as he had not been present throughout the duration of the item]

6 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 14/0123/TXJDR

A confidential report by the Head of Planning and Public Protection (previously circulated) was submitted upon –

- (i) an application having been received from Applicant No. 14/0123/TXJDR for a licence to drive hackney carriage and private hire vehicles;
- (ii) officers having not been in a position to grant the application in light of the convictions disclosed relating to three offences between 1989 and 2014;
- (iii) the Applicant having previously held a licence and had been before the Licensing Committee on a separate occasion to answer for the most recent conviction in 2014 – a final warning had been issued on that occasion;
- (iv) the Council's current policy with regard to the relevance of convictions, and
- (v) the Driver having been invited to attend the meeting in support of his application and to answer members' questions thereon.

The Driver was in attendance together with his representative and confirmed he had received the report and committee procedures. The Licensing Officer (NJ) introduced the report and explained that the Applicant had been before the committee previously regarding his most recent conviction and had been found fit and proper to hold a licence. However because the licence had lapsed, and in light of the convictions, the new application required committee approval.

The Driver's representative explained that members had already adjudicated on this case and had allowed the Driver to retain his licence. He also attested to the Driver's good character and advised he was a valuable member of the workforce. The Driver accepted responsibility for his failure to renew the licence and apologised for the oversight. In mitigation he had not received a renewal reminder from the licensing authority. Officers confirmed there may have been a discrepancy over correspondence but the onus was on the licence holder to ensure the timely submission of a renewal application. In making a final statement the Driver spoke of his regret that the matter had to be brought before the committee and confirmed no incidents had occurred since his 2014 conviction.

The committee adjourned to consider the case and it was –

RESOLVED that the application for a hackney carriage and private hire vehicle driver's licence from Applicant No. 14/0123/TXJDR be granted.

The reasons for the Licensing Committee's decision were as follows –

During consideration of the application members had taken into account the Licensing Committee's previous finding that the Applicant was a fit and proper person to hold a licence. Members found no issues since then to change that view and decided to grant the application on the basis that the previous warning issued to the Applicant regarding his future conduct would stand. The Applicant was also advised that regardless of whether or not a renewal reminder was sent by the licensing authority it was his responsibility to ensure timely renewal of his licence.

The committee's decision and reasons therefore were conveyed to the Driver.

7 REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - DRIVER NO. 15/0896/TXJDR

A confidential report by the Head of Planning and Public Protection (previously circulated) was submitted upon -

- (i) the suitability of Driver No. 15/0896/TXJDR to hold a licence to drive hackney carriage and private hire vehicles following accrual of 9 penalty points on her DVLA Driving Licence;
- (ii) details of the motoring convictions having been provided spanning a period 2013 – 2015 including speeding and breach of requirements as to control the vehicle;
- (iii) the Council's current policy with regard to the relevance of convictions, and
- (iv) the Driver having been invited to attend the meeting in support of her licence review and to answer members' questions thereon.

The Driver confirmed she had received the report and committee procedures. The Licensing Officer (JT) introduced the report and detailed the facts of the case.

The Driver addressed the committee and accepted responsibility for the motoring convictions. She provided a detailed explanation of the circumstances surrounding each of the motoring offences, expressed remorse over the incidents, and gave assurances as to her future conduct. She also responded to members' questions regarding her driving history and clarified particular aspects of the motoring offences. When given the opportunity to make a final statement the Driver confirmed she had nothing further to add.

The committee adjourned to consider the case and it was –

RESOLVED that the renewal application for a hackney carriage and private hire vehicle drivers licence from Driver No. 15/0896/TXJDR be granted with a formal warning issued as to future conduct.

The reasons for the Licensing Committee's decision were as follows –

Members considered the report and explanation provided by the Driver in this case. The committee had found the Driver to be open and honest in her explanations and in response to questions and had been reassured with regard to her future conduct. Consequently members considered the Driver to be a fit and proper person to hold a licence and agreed to issue a formal warning in this case in light of the motoring convictions received.

The committee's decision and reasons therefore were conveyed to the Driver.

At this juncture (10.50 a.m.) the meeting adjourned for a refreshment break.

OPEN SESSION

Upon completion of the above business the meeting resumed in open session.

8 PRESENTATION BY FLEET SERVICES ON VEHICLE SAFETY AND LICENSING

The Transport Manager (TM) delivered a power point presentation on his role and responsibilities together with that of Fleet Services before explaining the relevance to taxi and private hire licensing. Whilst there were some good licensed operators in Denbighshire there was a need to improve the way operators managed and maintained their vehicles generally. Consequently the TM advocated adoption of a minimum standard for operators as part of policy conditions using a traffic light system similar to the Driver and Vehicle Standards Agency (DVSA) operator scoring system or the food system. Such a system would enable enforcement activity to target poor performers.

During a detailed debate members raised questions with the TM regarding various aspects of fleet management and the approach taken by Denbighshire to its own transport fleet and management responsibilities. In considering matters relating specifically to taxi and private hire licensing members reflected on measures introduced in order to raise standards such as the penalty point system. A scheme to provide a consistent approach to setting minimum vehicle standards via the management and maintenance of vehicles was welcomed to further raise standards of both taxis and private hire vehicles licensed by Denbighshire.

Main issues of debate focused on the following –

- whether there was a conflict of interest in cases where taxi firms had their own garages for MOT testing, and similarly, for the Council when carrying out MOTs on its own vehicles – the TM favoured the Council testing all licensed vehicles to ensure a consistent approach but accepted it could present difficulties given the size of the county. The MOT regime was administered independently by a DVSA examiner in all cases but it was a Denbighshire council licence plate displayed on the vehicle which reflected on the authority and testing was more subjective if carried out in a number of different garages

- cases brought before the committee regarding poor vehicle standards tended to relate to owner/drivers with larger taxi firms having some form of maintenance system in place; concerns were raised that the responsibility for the condition of licensed vehicles remained solely with the owner/driver with taxi companies sub-contracting work being absolved of any responsibility
- members supported challenging poor operators and highlighted the need to educate vehicle owners about their responsibilities to ensure vehicles met all requirements on a daily basis and not to use the MOT as a maintenance test
- some support was expressed for the use of standardised vehicles and colour schemes as a means of raising standards and officers agreed to look further into the matter – it was also suggested that vehicles could display a sign providing details of testing in order to provide customer assurance
- the need for quality licensed vehicles was emphasised to ensure high vehicle standards and convey a professional image of Denbighshire. The TM explained that changes to policy and conditions and an effective enforcement regime to target poor operators would be the best way to achieve that aim. The Public Protection Business Manager advocated a collaborative approach with Fleet Services in order to implement a robust process to improve standards.

The Chair thanked the Transport Manager for his informative presentation.

RESOLVED that the presentation from Fleet Services be noted.

[At this point in the proceedings Councillor Hugh Irving left the meeting].

EXCLUSION OF PRESS AND PUBLIC

RESOLVED that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following items of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraph 12 of Part 4 of Schedule 12A of the Act.

9 REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - DRIVER NO. 14/0892/TXJDR

A confidential report by the Head of Planning and Public Protection (previously circulated) was submitted upon –

- (i) the suitability of Driver No. 14/0892/TXJDR to hold a licence to drive hackney carriage and private hire vehicles following accrual of 20 penalty points under the Council's penalty point scheme for presenting a licensed vehicle for test in an unsafe and dangerous condition;
- (ii) details of the defects noted following presentation of the vehicle for a Compliance/MOT test had been included within the report together with associated witness statements and documentation, and
- (iii) the Driver having been invited to attend the meeting in support of her licence review and to answer members' questions thereon.

The Driver was not in attendance and had failed to contact officers regarding her licence review. Officers confirmed the necessary notification had been sent and on that basis members were content to hear the case in the Driver's absence. The Enforcement Officer introduced the report and detailed the facts of the case. In cases where 20 or more penalty points had been accrued in a 24 month period the matter was referred to committee for review.

The Enforcement Officer responded to questions confirming the Driver owned the vehicle in question but operated via a taxi firm. He confirmed the vehicle's previous six month compliance check had been undertaken and the Driver had no previous penalty points.

The committee adjourned to consider the case and it was –

RESOLVED that the hackney carriage and private hire vehicle driver's licence issued to Driver No. 14/0892/TXJDR be revoked on public safety grounds with immediate effect.

The reasons for the Licensing Committee's decision were as follows –

During deliberations members carefully considered the evidence presented in this case. The committee expressed serious concerns regarding the unsafe condition of the licensed vehicle as presented for testing and dangers posed to the public as a result. Members found the state of the vehicle so severe that a responsible driver would have known there was a problem with the vehicle and should have taken sufficient measures to address that. The Driver had operated the vehicle in an unsafe condition without due regard for public safety and in the absence of any representations from the Driver no assurance could be taken as to her future conduct. Consequently the committee found the Driver was not a fit and proper person and decided to revoke the licence on public safety grounds.

10 REVIEW OF A LICENCE TO DRIVE PRIVATE HIRE VEHICLES - DRIVER NO. 15/0123/TXPHD

A confidential report by the Head of Planning and Public Protection (previously circulated) was submitted upon –

- (i) the suitability of Driver No. 15/0123/TXPHD to hold a licence to drive private hire vehicles following accrual of 20 penalty points under the Council's penalty point scheme for driving an unlicensed vehicle;
- (ii) details and circumstances relating to the offence having been provided (a summary of facts together with associated witness statements and documentation had been attached to the report), and
- (iii) the Driver having been invited to attend the meeting in support of her licence review and to answer members' questions thereon.

The Senior Community Safety Enforcement Officer introduced the report and detailed the facts of the case. In cases where 20 or more penalty points had been accrued in a 24 month period the matter was referred to committee for review.

The Driver had submitted a letter of mitigation to the committee (circulated at the meeting) as she had been unable to attend. She explained that her actions had been spur of the moment and undertaken with the best intentions.

The officers clarified particular issues in response to questions thereon, including appropriate procedures to follow in such cases involving contract work.

The committee adjourned to consider the case and it was –

RESOLVED that a formal warning be issued to Driver No. 15/0123/TXPHD as to her future conduct.

The reasons for the Licensing Committee's decision were as follows –

Members considered the evidence presented and the letter of mitigation provided by the Driver in this case. The committee took an extremely serious view over the use of an unlicensed vehicle and in no way condoned such use. However, taking into account the evidence and mitigation provided, including the particular circumstances of this case and attempts made to fulfil the contract, members considered the Driver to be a fit and proper person to hold a licence. Nonetheless the committee felt the Driver should have taken further steps to make alternative arrangements to resolve the situation and in view of the seriousness of the offence it was appropriate that a stern warning be issued regarding future conduct and the Driver be reminded that the penalty points remained valid for two years. The committee was also keen for the Driver to be made aware of the alternative steps to be taken in such a situation without resorting to the use of an unlicensed vehicle.

OPEN SESSION

Upon completion of the above business the meeting resumed in open session.

11 PROPOSED REVIEW OF STATEMENT OF LICENSING POLICY

The Licensing Officer (JT) submitted a report by the Head of Planning and Public Protection (previously circulated) presenting the draft Statement of Licensing Policy for approval to formal consultation. In order to comply with statutory timescales the revised Policy must be effective from January 2016.

The Statement of Licensing Policy established a local framework for decision making when considering applications for relevant permissions or variations to existing terms and conditions. Members were advised of a collaborative approach carried out by North Wales authorities in preparation for the Policy review together with proposed revisions taking into account legislative changes. The final draft was expected to be ready for public consultation by October/November 2015.

Councillor Bill Cowie referred to paragraph 3.2.1 and queried whether Temporary Event Notices should also be subject to conditions to reflect any local crime prevention strategies or initiatives. Officers agreed to consult with colleagues in that regard and amend if necessary. Members noted an amendment to the recommendation to better reflect the fact that the draft policy may be changed as a result of the ongoing collaborative approach. Consequently it was –

RESOLVED that the draft Statement of Licensing Policy be approved for public consultation and that power be delegated to the Head of Planning and Public Protection to agree any changes arising from the collaboration project prior to consultation.

12 REVIEW OF CURRENT PENALTY POINTS POLICY AND PROCEDURE

The Public Protection Business Manager submitted a report by the Head of Planning and Public Protection (previously circulated) seeking approval of the revised Penalty Point Policy and Procedure for formal consultation. The document detailed how the Council dealt with minor breaches in respect of taxi licensing.

The Licensing Committee had approved the Penalty Point Policy and Procedure in September 2014 and requested an annual progress report on its implementation. A breakdown of points awarded had been included within the report and members' attention was drawn to a number of issues raised since the scheme's introduction including the level of awarded points for particular breaches. Consequently amendments to the scheme had been proposed which required formal consultation. Particular attention was drawn to the proposal for dealing with breaches resulting in a single award of 20 penalty points which were currently submitted to committee. To enable matters to be dealt with in a timely manner it was proposed that those cases be considered by either the Head of Planning and Public Protection or Head of Legal, HR and Democratic Services in consultation with the Chair or Vice Chair of the Licensing Committee.

Members considered the document and noted the proposed increase in penalty points for particular breaches and also proposed the following amendments –

- due to the increase in vehicle safety defects reported to the committee and given the need to raise vehicle standards and ensure public safety, members felt that an increase to 10 penalty points should be applied to offences involving vehicle defects where there was an immediate safety issue. This ruling applied to points 1a), 1b), 1c), 1d), 1e) and 1m) within the scale of penalty points (page 25 of the report), and
- members considered that the licensed driver of a licensed vehicle had a duty of care for the vehicle regardless of whether or not they owned the vehicle – consequently it was agreed that the driver, proprietor and/or operator of the licensed vehicle could be held accountable for breaches depending on the circumstances of the offence which should be reflected within the documentation.

In light of the above revisions to the draft policy it was agreed that the final draft be brought back before the committee for formal endorsement regardless of whether any relevant representations were received in response to formal consultation.

RESOLVED that –

- (a) *the information provided on the breakdown of the points issued as detailed in the report be acknowledged;*
- (b) *subject to the above changes officers be authorised to start formal consultation on the proposed revisions to the Penalty Point Policy and Procedure as detailed within the report, and*
- (c) *following consultation a report on the final draft of the Penalty Point Policy and Procedure together with any relevant representations received be brought back to the committee for formal approval.*

13 LICENSING COMMITTEE FORWARD WORK PROGRAMME 2015/16

A report by the Head of Planning and Public Protection was submitted (previously circulated) on the Licensing Committee's future work programme for 2015/16.

An item on the scheme to set minimum standards for licensed vehicles as discussed earlier on the agenda would be included in the work programme for either December or March.

RESOLVED that the Licensing Committee's work programme be approved.

The meeting concluded at 1.00 p.m.

REPORT TO:	Licensing Committee
DATE:	2 nd December 2015
LEAD OFFICER:	Head of Planning and Public Protection
CONTACT OFFICER:	Senior Technical Officer (Licensing) licensing@denbighshire.gov.uk 01824 706433
SUBJECT:	Proposed Hackney Carriage and Private Hire Vehicle Policy

1. PURPOSE OF THE REPORT

- 1.2 To present to Members a proposed Hackney Carriage and Private Hire Vehicle Policy.

2. EXECUTIVE SUMMARY

- 2.1 In line with the Forward Work Programme, agreed in March 2014, a full review of the existing Hackney Carriage and Private Hire Policy was requested.
- 2.2 Approval is now sought to present this draft Policy document for consultation with the trade, the travelling public and other representative bodies.

3. POWER TO MAKE THE DECISION

- 3.1 Local Government (Miscellaneous Provisions) Act 1976 and Town Police Clauses Act 1847

4. BACKGROUND INFORMATION

- 4.1 Taxis and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside “normal” hours of operation, such as in the evenings or on Sundays), or for those with mobility difficulties.
- 4.2 Members will recall that a report was presented back in June 2015 outlining an Action Plan to assist Officers in undertaking a full review of the existing Hackney Carriage and Private Hire Vehicle Policy, (including specification and conditions). This included two workshop sessions where the taxi trade, Elected Members and Fleet Services were involved, followed by a presentation to Members of the Licensing Committee by Fleet Services.

4.3 The review process has resulted in this draft Hackney Carriage & Private Hire Vehicle Policy, that sets out the policies, vehicle specification, conditions and procedures that the Council wishes now to apply in exercising its vehicle licensing function. A copy of the draft Policy can be found at Appendix 1 together with a table of major changes for ease of reference at Appendix 2.

4.4 The Department for Transport (DFT) has national responsibility for taxi and private hire legislation outside London in England and Wales. The DFT Best Practice Guidance is directed at local authorities in England and Wales with responsibility for taxi and PHV licensing. The document represents the Department for Transport's considered views about what constitutes "Best or Good Practice" in terms of hackney carriage and private hire licensing. It has, therefore, been used as a valuable tool to help shape this Policy

5. **CONSULTATION**

5.1 Before adopting the Policy, however, the Council wishes to consult with those who may be affected by it. It is committed to considering any representations made as a result and, if necessary, to amending the draft in the light of representations received

5.2 If approved by the Licensing Committee, the draft Policy document will undertake a period of 8 weeks public consultation. All members of the trade (drivers/proprietors/owners/operators) will be contacted and given the opportunity to view the draft Policy document, either 'on line' by the provision of a link or a hard copy, and they will be encouraged to submit comments. Representative bodies ie Disability Groups, Town and Community Councils etc, will be consulted with and it is proposed that a press release be issued with details of the consultation and how to view it.

5.3 Following the consultation, Officers will take all relevant responses into consideration. It is intended that a report outlining the responses received and the amended Policy document (as required), will be presented to the Licensing Committee in 2016.

6. **RECOMMENDATION**

6.1 That Members approve the proposed Hackney Carriage and Private Hire Vehicle Policy found at Appendix 1, for public consultation

6.2 Following consultation a report on the final draft of the Hackney Carriage and Private Hire Vehicle Policy together with any relevant representations received be brought back to the committee for formal approval

1. HACKNEY CARRIAGE VEHICLE POLICY

1.1 limitation of numbers

1.2 Many local Licensing Authorities, including Denbighshire, do not impose any quantitative restrictions for Hackney Carriages and the DfT regards this as best practice. Should an Authority elect to impose restrictions on numbers, the DfT guidance states that such a decision should be re-considered frequently, taking into account whether the restrictions should continue.

1.3 Where quantitative restrictions are imposed, vehicle licence plates can command a premium. This tends to suggest that there are people who want to enter the market and provide a service to the public but who are being prevented from doing so by the limitations of numbers. It may be difficult to justify a quantitative control in such circumstances.

1.4 If the Local Authority takes the view that a quantity restriction can be justified in principle, the DfT Guidance advises that the level at which the limit should be set be addressed by means of a survey, which would involve hefty costs

1.5 The Council has, at this time, decided not to set a limit on the number of Hackney Carriage Vehicles.

1.6 To apply for a new vehicle licence, the applicant must be able to supply a suitable vehicle and provide proof that the applicant can maintain the vehicle. The applicant must also provide a statement, including documentary evidence, as to why they believe there is a demand for another Hackney Carriage in the County.

2. SPECIFICATIONS AND CONDITIONS

2.1 Local Authorities have a wide range of discretion over the types of vehicles that they can licence as Hackney Carriage vehicles. Government guidance suggests that local licensing authorities should adopt the principle of specifying as many different types of vehicles as possible and encouraged to make use of the “type approval” rules within any specifications they determine.

2.2 Hackney Carriages, will generally be licensed for the carriage of 4 passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers will be considered provided that they comply with the manufacturer’s specifications applicable to such vehicles.

2.3 All Hackney Carriage vehicles will be black.

2.4 All existing licensed vehicles will have “grandfather rights” up to 5 years after the implementation of this policy, by which time all existing licensed

vehicles must be able to comply with 2.3 above eg all vehicles that are not black must have been replaced with one that complies with 2.3 above. This will only be relevant to vehicles that have had a continuous licence. Vehicles that are not renewed before the expiry date of the existing licence will be treated as a new vehicle and 2.3 above will apply. This also applies to any vehicle that is transferred or replaced eg licensed vehicle that has been involved in a road traffic collision.

- 2.5 The Authority shall impose such conditions, as it considers reasonably necessary, on Hackney Carriage vehicle licences. These vehicles provide a service to the public, so it is appropriate to set a criteria for the standard of the external and internal condition of the vehicle, provided that these are not unreasonably onerous.
- 2.6 Appendix 1 sets out the specification and minimum standards in respect of Hackney Carriage vehicles.

3. ACCESSIBILITY

- 3.1 The Authority fully supports the view of the Equality and Human Rights Commission that,
“making successful journeys is critical to the social inclusion of disabled people. Without the ability to travel, disabled people are denied access to life opportunities. Their access to education, shopping, employment, healthcare, as well as social and family life is significantly improved when journeys become accessible”
- 3.2 For this reason, the Authority considers it important that people with disabilities have access to all forms of public transportation. In addition to the general conditions, accessibility for disabled people including, but not limited to, people who need to travel in a wheelchair, is an important consideration.
- 3.3 Different accessibility considerations should apply to Hackney Carriages as opposed to Private Hire vehicles, as Hackney Carriages can be hired immediately in the street or at a Hackney Carriage Rank by the customer dealing directly with the driver, whereas Private Hire vehicles can only be used by pre-booking, usually through an Operator. On the basis that those with disabilities must have equal access to transport services, it is considered to be particularly important for a disabled person to be able to hire a Hackney Carriage vehicle on the spot with the minimum of delay or inconvenience and having accessible Hackney Carriages available helps make that possible.
- 3.4 Licensed Taxi drivers have a duty under Section 37 of the Disability Discrimination Act 2005 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 Denbighshire County Council for an exemption from the duty on medical grounds. Any other driver who fails to comply with this duty could be prosecuted through a Magistrates’ court and would be liable to a fine and could be deemed not to be a fit and proper person to hold a

Hackney Carriage or Private Hire Driver's licence. Further guidance on this matter can be found on the Department for Transport web-site <https://www.gov.uk/transport-disabled/taxis-and-minicabs>.

4. MAXIMUM AGE OF VEHICLES

- 4.1 The Authority shall consider how far its Policy can and should support any local environmental initiative and future initiatives, such as setting vehicle emissions standards or promoting cleaner fuels, as well as ensuring a modern standard of its licensed vehicles.
- 4.2 All vehicles licensed under a new application must be a maximum of 3 years old and, if compliant with the requirements for licence, shall therefore be granted a renewal of a vehicle licence until the age of 10 years, whereupon the vehicle must be replaced with one of a maximum age of 3 years. This also applies to any licensed vehicle that is transferred/replaced or been involved in a road traffic collision.
- 4.3 All existing licensed vehicles will have "grandfather rights" for 5 years after the implementation of this policy, by which time all existing licensed vehicles must be able to comply with 4.2 above eg all licensed vehicles aged 10 years or over must have been replaced with one of a maximum age of 3 years. This will only be relevant to vehicles that have had a continuous licence. Licensed vehicles that are not renewed before the expiry date of the existing licence will be treated as a new vehicle and 4.2 above will apply.

5. VEHICLE TESTING

- 5.1 Prior to the granting of a licence, each vehicle shall be examined and tested at a designated testing station, approved by the Authority.
- 5.2 Hackney Carriage vehicles are used for hire and reward purposes and as such are subject to much higher annual mileages and more arduous driving than normal private vehicles. Therefore, in the interests of passenger and other road user's safety, a more stringent maintenance and testing regime is required. This Policy Statement considers the MOT inspection Manual for Car and Light Commercial Vehicle Testing issued by DVSA as a basic inspection standard for Hackney Carriage vehicles. However, in addition to the DVSA standards, it is a requirement for all vehicles to conform to the Council's Hackney Carriage and Private Hire Vehicle Inspection Guidance. Therefore, when assessing the mechanical condition of a vehicle, it is more likely an item which would ordinarily pass an MOT test with an advisory note, could fail the Hackney Carriage and Private Hire vehicle test.
- 5.3 All Hackney Carriage vehicles must be maintained to no less than the standards set out in the DVSA publication 'MOT Inspection Manual – Car and Light Commercial', ISBN 0-9549239-0-1 as amended and the Council's Hackney Carriage and Private Hire Vehicle Inspection Guidance.

5.4 The purpose of the Hackney Carriage vehicle test is to confirm vehicles meet the more stringent standards set out in this Policy Statement. Vehicles must be submitted fully prepared for the test. It is not intended that the test be used in lieu of a regular preventative maintenance programme. It is an offence under the Vehicle Construction and Use Regulations 1986 to use an unroadworthy vehicle on the public highway. Hackney Carriage drivers/proprietors who fail to maintain their vehicles in a safe and roadworthy condition may have their licence(s) suspended, or revoked by the Council.

5.5

AGE OF VEHICLE (from date of first registration)	NUMBER OF MOT/COMPLIANCE TESTS	TEST VENUE
ALL NEW TO FLEET VEHICLES (irrespective of age)	2 x MOT to include Compliance Tests	Initial MOT and Compliance to take place at County's Fleet Services All further Compliances (up to the age of 5 years) to take place at any Designated Testing Station
Licensed Vehicles under 5 years old	2 x MOT and Compliance Tests (every 6 months)	At any Designated Testing Station
Licensed Vehicles 5 years and over and up to 10 years old	2 x MOT and Compliance Tests (every 6 months)	1 at Fleet Services and 1 at any Designated Testing Station

5.6 Vehicles that are presented for their MOT and Compliance tests in a condition that would result in a failure, will be subject to a re-test fee, to be determined by the Designated Testing Station.

5.7 The inspection regime for vehicles has not been designed so as to create difficulties for the Hackney Carriage and Private Hire trades, but to promote vehicle and road safety. The Council therefore considers the inspection requirements to be justified by the risks it aims to address.

5.8 Any authorised Officer of the Council or any Police Constable has the power at all reasonable times to inspect and test for the purpose of ascertaining its fitness, any Hackney Carriage vehicle licensed by Denbighshire. If the Officer feels the licensed vehicle is unfit for use as a Hackney Carriage, or the licensed vehicle is in breach with taxi legislation or the Council's Licensing Policy and Conditions, the vehicle licence may be suspended, revoked or not renewed.

6. SIGNAGE/PLATES AND ADVERTISING

- 6.1 It is important that the public should be able to identify and understand the difference between a Hackney Carriage and a Private Hire vehicle.
- 6.2 Vehicle identification plates are a key feature in helping to identify vehicles that are properly licensed. All licensed vehicles shall display one plate at the front and one on the rear of the vehicle
- 6.3 A Hackney Carriage licensed by the Council must carry an illuminated roof-mounted sign. The roof sign must state "Taxi/Tacsi" and must be illuminated when plying for hire.
- 6.4 Only one advert is permitted on Hackney Carriage vehicles. Details of any signs or advertising shall be submitted to the Senior Technical Licensing Officers for due consideration as to content. If the advertising is not approved by the Officer then the advertising request will be referred to the Licensing Committee for its consideration

7. SECURITY/CCTV

- 7.1 The Hackney Carriage trade provide a valuable public service particularly late at night when other forms of public transport are not available. Security for drivers and passengers is of paramount importance. CCTV can be a valuable deterrent as well as protection for the driver from unjustified complaints.
- 7.2 It is not proposed that such measures such as CCTV should be required, as part of the licensing regime, as it is considered that they are best left to the judgement of the owners and drivers themselves.
- 7.3 In any licensed vehicle where a CCTV security system is fitted, the proprietor shall ensure that the system is properly maintained and serviced to ensure clear images are recorded. It will be the driver/proprietor's responsibility to comply with all aspect of the law regarding such surveillance equipment. Please refer to Appendix (to be confirmed) for guidance.

8. APPLICATION PROCEDURES

- 8.1 The procedure for applying for a Private Hire vehicle licence is not prescribed but shall be made on the specified application form in accordance with the application procedure set out in Appendix (to be confirmed)

9. CONSIDERATION OF APPLICATIONS

- 9.1 The Council shall consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete.

10. RENEWAL OF LICENCE

- 10.1 Application forms, appropriate fees, and supporting documentation, as set out in Appendix (to be confirmed) shall be produced at the Licensing Office. It is the licence holder's responsibility to ensure that licences are renewed prior to their expiry.
- 10.2 Licences will not be renewed after expiry. If a licence holder fails to renew their licence on or before the respective expiry date, the licence will lapse and become invalid. Licence holders should note that if they allow their licence to expire, they will be required to make a new application in full. This will obviously incur a potentially significant time delay, and dependant upon the age of the existing licensed vehicle, it may require a change in vehicle to meet the age and colour requirements set out in Sections 2 and 4 of this policy. The cost implications of failing to renew a licence could therefore be significant, and licence holders are therefore strongly advised to ensure that they renew their licence before the expiry date. If the licence holder is aware of any reason that they may not be able to renew their licence before the expiry date, they must inform the Licensing Section immediately.

11. TRAILERS

- 11.1 Hackney Carriage Vehicles are prohibited to tow a trailer.

12. ACCIDENTS

- 12.1 A licence will be suspended if, upon reporting an accident to a vehicle, the Council is of the opinion that the damage caused materially effects the safety, performance or appearance of the vehicle or the comfort or convenience of passengers carried therein.

SPECIFICATION AND CONDITIONS OF LICENCE FOR HACKNEY CARRIAGE VEHICLES

1. SPECIFICATION OF VEHICLES

1.1 General

All vehicles shall have an appropriate "Type Approval" which is either a European Whole Vehicle Type Approval (EWVTA) or UK Low Volume Type Approval (UKLVTA). Vehicles shall not have been altered since that approval was granted. A Single Vehicle Type Approval (SVTA) or a Independent Vehicle Approval (IVA) may be accepted for wheelchair accessible vehicles. Vehicles presented for approval, and while in use, shall comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendments or re-enactments thereof.

- 1.2 No fittings, other than those approved, may be attached to, or carried on, the inside or outside of the vehicle.
- 1.3 A Hackney Carriage vehicle shall be capable of carrying at least 4 and no more than 8 passengers.
- 1.4 All vehicles must be right hand drive unless specifically exempt by the Council
- 1.5 All vehicles shall be less than 3 years old for new licences and less than 10 years old from the date of manufacture for existing licences.
- 1.6 All vehicles must be maintained to no less than the standards set out in the VOSA publication 'MOT Inspection Manual" – Car and Light Commercial', ISBN 0-9549239-0-1 as amended and the Council's Hackney Carriage and Private Hire Vehicle Inspection Guidance
- 1.7 The following sections provide the outline requirements of the Council's specification for Hackney Carriage vehicles prior to examination and testing by a designated testing station authorised by the Council. A list of authorised testing stations can be found at Appendix (to be confirmed) .

2. BODY

- 2.1 The vehicle shall have no exterior visible signs of previous significant accident damage
- 2.2 The paint work shall be of a professional finish and the bodywork (including roof) shall be BLACK only.
- 2.3 The bodywork shall have no significant signs of corrosion. Corrosion includes visible rust and signs of rust by virtue of the paintwork being blistered.

- 2.4 Running boards shall only be permitted where they are fitted by manufacturers. The board shall be a minimum 125mm in width, all of which shall be available as a step.

3. WHEELS AND TYRES

- 3.1 The vehicle shall have four road wheels of uniform standard, size and style, which conform to construction and use regulations.
- 3.2 An appropriate tyre repair system (as fitted by the manufacturer) must be provided.
- 3.3 The appropriate repair system to only be used as an emergency measure ie to allow the vehicle to be driven to a place of repair.
- 3.4 All tyres, including the spare tyre, shall comply with the vehicle manufacturer's specification
- 3.5 All tyres fitted to the vehicle shall meet current legal requirements at all times.

4. INTERIOR

- 4.1 The minimum leg room available to any passenger shall be 200mm. The measurement will be taken from the base of the seat to the centre of the rear of the seat in front when the front seat is at its full, rearwards extension. Where there is no seat in front the measurement will be taken from the base of the seat to the nearest obstruction in front.
- 4.2 The internal headroom from the seat cushion to the lowest part of the roof in a vertical line shall be a minimum of 920 mm
- 4.3 Vehicles must have adequate space for luggage to be kept in a clean, safe, secure and water tight manner
- 4.4 Vehicles must have a water tight roof covering and properly carpeted or covered flooring (with no rips or tears)

5. DOORS

- 5.1 The vehicle shall have a minimum of 4 side opening doors which are easily accessible to passengers. Access to and from vehicles such as minibuses will be determined on a case by case basis eg the rear door should not be a means of access.
- 5.2 All vehicles shall have doors that open sufficiently wide to allow easy access in and egress from the vehicle.
- 5.3 All doors shall be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism

5.4 The interior door handle shall be clearly visible and easily accessible to passengers when the door is in a fully open position and the means of operation of the door handle is easily identified.

6. SEATS

6.1 Vehicles shall have a passenger seating capacity of not less than 4 persons and not more than 8 persons

6.2 Each seat shall be fitted with fully operational seat belts, compliant with the appropriate Standards.

6.3 Each seat shall be properly cushioned and be in a clean condition.

6.4 Each seat shall not be less than 406 mm in width.

6.5 Where bench seats are provided, then the seat shall provide a minimum of 406mm seating space for each passenger i.e. a rear bench seat shall not be less than 1218 mm in order to accommodate 3 passengers.

6.6 Removed seating mounts must be rendered irreplaceable and the floor surface to be smooth and unencumbered.

6.7 All passenger seats must face forward or rearward to the direction of travel, (no passenger may sit sideways to direction of travel unless specifically exempt by an authorised officer of the Council eg limousines)

6.8 Any modification to seating configuration, including removal of seats, in any vehicle must be accompanied by an IVA Certificate.

6.9 If the vehicle was originally constructed to seat more than 8 passengers (excluding the driver) it must not have been converted, modified or altered in any way which allows it to carry eight or less passengers (excluding the driver).

7. WINDOWS

7.1 Opening windows shall be provided in the rear of the vehicle capable of being opened by the rear seat passengers

7.2 Vehicle windows shall have visual transmission to ensure that the interior of the vehicle is clearly visible from the outside of the vehicle at all times. All vehicles shall be fitted with windscreen glass that has a light transmittance of 75%, and all other window glass shall have a light transmittance of not less than 70% EXCEPT those parts of the rear window or any side window adjacent to the luggage space in any estate-type vehicle which can be of any tint fitted at manufacture providing it is not opaque

7.3 No vehicle shall be fitted with any form of additional means to darken or tint the glass on any part of the vehicle.

8. FACILITIES FOR WHEELCHAIR USERS

- 8.1 Any vehicle that has the facility for the carriage of wheelchair or wheelchair passengers shall be fitted with:
- a. Approved manufacturer installed anchorages that shall be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and passengers shall be independent of each other. Anchorages shall also be provided for the safe storage of a wheelchair, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints shall be so designed that they do not cause any danger to other passengers and maintained in accordance with manufacturer's specifications.
 - b. A ramp or ramps for the loading of a wheelchair and passenger shall be available at all times for use at the nearside rear passenger door. An adequate locking device shall be fitted to ensure that the ramp(s) do not slip or tilt when in use. Provision shall be made for the ramps to be stored safely in the vehicle when not in use.
- 8.2 The vehicle shall be equipped with a manufacturer's user manual /guide on the safe loading and unloading and security of wheelchair passengers.
- 8.3 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle shall have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 immediately prior to being first licensed and every 6 months thereafter. A LOLER Certificate of must be produced at the time of MOT and Compliance Testing to the Designated Testing Station and to the Licensing Office at grant or renewal of licence.

9. FUEL SYSTEMS

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

10. CCTV

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

CONDITIONS ATTACHED TO LICENCE

11. MAINTENANCE OF VEHICLE

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

*Clean condition is defined as follows:

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

- 11.1 Every licensed vehicle must be maintained in a safe and clean condition at all times and is subject to such examinations as are required by the Council.
- 11.2 Seats must be fully sprung, free of stains, tears, cigarette burns or repair and not threadbare. Floor coverings must not be unduly worn and present no trip hazards. Household carpeting or similar is unacceptable and must not be used. Upholstery (headlining and side panel coverings) must be free of ingrained grime, fractures and maintained in the manufacturers original style.
- 11.3 Without prejudice to the obligations imposed by 12.1 to 12.3 above and without prejudice to any other inspections as stipulated by the vehicle manufacturer, the proprietor of the licensed vehicle shall ensure that **as a minimum** the compliance of routine maintenance inspections must be adhered to, and such inspections shall be recorded and retained (for a minimum of 18 months) and kept available for immediate production to an Authorised Officer of the Council or Police Officer on request.
- 11.4 Please note that the requirement to inspect the licensed vehicle as imposed by the above condition does not release the proprietor of the vehicle for his obligations to carry out further daily inspections to ensure compliance with the above conditions.

12. ALTERATION OF VEHICLE

- 12.1 No material alteration or change in the specification, design, condition or appearance of the vehicle must be made subsequent to the inspection of the vehicle by the Council at any time whilst the licence is in fore and at all times the vehicle shall comply with the specifications of the Council for a licensed hackney carriage. Vehicles which have been modified in any way from the manufacturer's standard of construction may not be considered suitable for licensing purposes depending upon the nature of the modification.

13. IDENTIFICATION PLATE

- 13.1 The plates identifying the vehicle as a Hackney Carriage vehicle and required to be exhibited on the vehicle pursuant to Section..... shall be securely fixed on the outside of the vehicle at the front and rear, at or above bumper height and as near vertically as possible, but fixed nevertheless in such a manner as to be easily removable by an Authorised Officer of the Council or a Police Constable.
- 13.2 One internal window sticker, as provided by the Council, to be placed on the rear passenger window.
- 13.3 The licence plates and internal window signs must not be affixed to any other vehicle other than that stipulated on the current licence. This equipment remains the property of the Council and must be surrendered immediately upon expiry, suspension or revocation of the licence.

14. INTERIOR MARKINGS

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

15. SAFETY EQUIPMENT

- 15.1 There shall be provided and maintained in the vehicle at all times when it is in use or available for hire, a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliance, such equipment to be carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency. It should be noted that the first aid kit is intended for use by a person who has the appropriate knowledge of first aid.

16. SIGNS AND NOTICES

- 16.1 A Proprietor may display on the side and/or rear of the vehicle, below window level, the company name under which the vehicle is operated and/or its telephone number, but no other signs, emblems or notices shall be displayed either outside or inside the vehicle without specific written permission from the Council.
- 16.2 Any Proprietor wishing to use or sell space on the vehicle for the advertising of another company/business must first apply to the Council with a draft advert for consideration. Only one authorised advert will be permitted
- 16.3 Such adverts must not:
- i) contain anything religious or political
 - ii) advertise alcohol or tobacco
 - iii) be pornographic or offensive to good taste
 - iv) promote discounted fares, or
 - v) advertise jobs

17. RADIO EQUIPMENT

- 17.1 Neither the Operator, proprietor nor the driver of a Hackney Carriage vehicle shall use or cause or suffer to be used in any vehicle any radio equipment for operational communication between Operator and Driver, or between drivers of other Hackney Carriage and Private Hire vehicles. Only fully licensed closed channel equipment shall be used for operational communication.
- 17.2 Each Hackney Carriage Proprietor/Operator should have a written policy on the use of mobile phones whilst driving. Proprietors/Operators should not encourage drivers to use any form of mobile communication whilst driving.

18. METERS AND FARES

- 18.1 The vehicle must be fitted with a taxi meter which must comply with the current legislative requirements. The taxi meter shall:
- a. show the fare recorded on the taximeter in clearly legible figures, and the word 'FARE' shall be clearly displayed so as to apply such figures;
 - b. the meter shall be set in accordance with the Council's Table of Hackney Carriage Fares., the tariffs with which the meter has been calibrated must be displayed in the vehicle in such a position as to be visible to passengers. Such a table must show full particulars of all tariffs calibrated on the meter.
- 18.2 Meters in use must not facilitate fraudulent use. Any signs of tampering including the breaking of any seals will result in a suspension notice being issued immediately. For the suspension notice to be removed, the vehicle meter must have been sealed and calibrated by an approved meter company and presented to the Council for inspection

19. CARRIAGE OF CHILDREN

- 19.1 The vehicle should not carry children in pushchairs; the pushchair should be folded up and stored. If the vehicle does not have the correct child restraint then the child should be placed on the rear seat only. Children under 3 years old may travel unrestrained. Children aged 3 years old or over must use an adult seat belt as in accordance with Road Traffic Act (further details can be found at www.dft.gov.uk/think/focusarea/children/childincar)

20. CHANGE OF ADDRESS

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

21. CONVICTIONS

21.1 The proprietor shall, within seven days, disclose to the Council, in writing, details of any convictions, formal cautions, absolute discharges, or fixed penalties, imposed on him/her (or if the proprietor is a company or partnership, or any of the directors or partners) during the period of the licence.

22. DEPOSIT OF DRIVING LICENCE

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

23. PERMITTED DRIVERS OF THE VEHICLE

23.1 The proprietor or any other person permitted or employed to drive the vehicle as a Hackney Carriage vehicle, must be the holder of a current Private Hire driver's licence or a dual Hackney Carriage and Private Hire driver licence granted by Denbighshire County Council according with Section 51 of the Local Government (Miscellaneous Provisions) Act 1976

24. DEPOSIT OF VEHICLE LICENCE

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

25. INSPECTION AND TESTING

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

26. ACCIDENT

26.1 The proprietor shall report to the Licensing Officer, in writing, as soon as reasonably practicable and in any such event within 72 hours of the occurrence thereof, any accident to the vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers therein.

26.2 In the event of a licence being suspended due to the nature of the damage, the proprietor shall have the vehicle tested at a nominated testing station and submit the compliance certificate for examination prior to the licence being re-instated.

27. LICENSING POLICY

27.1 The Council's Hackney Carriage and Private Hire Licensing Policy (this document) shall be adhered to at all times.

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1. PRIVATE HIRE VEHICLE POLICY

1.1 limitation of numbers

1.2 No powers exist for Licensing Authorities to limit the number of Private Hire Vehicles that they licence.

2. SPECIFICATIONS AND CONDITIONS

2.1 Local Authorities have a wide range of discretion over the types of vehicles that they can licence as Private Hire vehicles. Government guidance suggests that local licensing authorities should adopt the principle of specifying as many different types of vehicles as possible and encouraged to make use of the “type approval” rules within any specifications they determine. Accordingly, the Council will require European Whole Vehicle Type Approval for all new licensed vehicles.

2.2 The Authority shall impose such conditions, as it considers reasonably necessary, on Private Hire vehicle licences. These vehicles provide a service to the public, so it is appropriate to set a criteria for the standard of the external and internal condition of the vehicle, provided that these are not unreasonably onerous.

2.3 Appendix 1 sets out the specification and minimum standards in respect of Private Hire vehicles.

2.4 Vehicles must be capable of carrying as least four and not more than eight passengers, provided that there is compliance with the specification applicable to such vehicles.

2.5 To apply for a new vehicle licence, the applicant must be able to supply a suitable vehicle and provide proof that the applicant can maintain the vehicle. The applicant must also provide a statement, including documentary evidence, as to why they believe there is a demand for another Private Hire vehicle in the County.

3. ACCESSIBILITY

3.1 The Authority fully supports the view of the Equality and Human Rights Commission that,
“making successful journeys is critical to the social inclusion of disabled people. Without the ability to travel, disabled people are denied access to life opportunities. Their access to education, shopping, employment, healthcare, as well as social and family life is significantly improved when journeys become accessible”

3.2 For this reason, the Authority considers it important that people with disabilities have access to all forms of public transportation and encourages Private Hire Operators and drivers to use vehicles that will assist those passengers with mobility difficulties.

4. MAXIMUM AGE OF VEHICLES

- 4.1 The Authority shall consider how far its Policy can and should support any local environmental initiative and future initiatives, such as setting vehicle emissions standards or promoting cleaner fuels, as well as ensuring a modern standard of its licensed vehicles.
- 4.2 All vehicles licensed under a new application must be a maximum of 5 years old and, if compliant with the requirements for licence, shall therefore be granted a renewal of a vehicle licence until the age of 12 years, whereupon the licensed vehicle must be replaced with one of a maximum age of 5 years. This also applies to any vehicle that is transferred/replaced or that has been involved in a road traffic collision.
- 4.3 All existing licensed vehicles will have “grandfather rights” for 5 years after the implementation of this policy, by which time all existing licensed vehicles must be able to comply with 4.2 above eg all licensed vehicles aged 12 years or over must have been replaced with one of a maximum age of 5 years. This will only be relevant to licensed vehicles that have had a continuous licence. Vehicles that are not renewed before the expiry date of the existing licence will be treated as a new vehicle and 4.2 above will apply.

5. VEHICLE TESTING

- 5.1 Prior to the granting of a licence, each vehicle shall be examined and tested at a designated testing station, approved by the Authority.
- 5.2 Private Hire vehicles are used for reward purposes and as such are subject to much higher annual mileages and more arduous driving than normal private vehicles. Therefore, in the interests of passenger and other road user’s safety, a more stringent maintenance and testing regime is required. This Policy Statement considers the MOT inspection Manual for Car and Light Commercial Vehicle Testing issued by DVSA as a basic inspection standard for Private Hire vehicles. However, in addition to the DVSA standards, it is a requirement for all vehicles to conform to the Council’s Hackney Carriage and Private Hire Vehicle Inspection Standards. Therefore, when assessing the mechanical condition of a vehicle, it is more likely an item which would ordinarily pass an MOT test with an advisory note, could fail the Hackney Carriage and Private Hire vehicle test.
- 5.3 All Private Hire vehicles must be maintained to no less than the standards set out in the DVSA publication ‘MOT Inspection Manual – Car and Light Commercial’, ISBN 0-9549239-0-1 as amended and the Council’s Hackney Carriage and Private Hire Vehicle Inspection Guidance.
- 5.4 The purpose of the Private Hire vehicle test is to confirm vehicles meet the more stringent standards set out in this Policy Statement. Vehicles must be submitted fully prepared for the test. It is not intended that the test be used in lieu of a regular preventative maintenance programme. It

is an offence under the Vehicle Construction and Use Regulations 1986 to use an unroadworthy vehicle on the public highway. Private Hire drivers/operators who fail to maintain their licensed vehicles in a safe and roadworthy condition may have their licence(s) suspended, or revoked by the Council.

5.5

AGE OF VEHICLE (from date of first registration)	NUMBER OF MOT/COMPLIANCE TESTS	TEST VENUE
ALL NEW TO FLEET VEHICLES (irrespective of age)	2 x MOT and Compliance Tests	Initial MOT and Compliance to take place at County's Fleet Services All further Compliances (up to the age of 5 years) to take place at any Designated Testing Station
Licensed Vehicles under 5 years old	2 x MOT and Compliance Tests (every 6 months)	At any Designated Testing Station
Licensed Vehicles 5 years and over and up to 12 years old	2 x MOT and Compliance Tests (every 6 months)	1 at Fleet Services and 1 at any Designated Testing Station

- 5.6 Vehicles that are presented for their MOT and Compliance tests in a condition that would result in a failure, will be subject to a re-test fee, to be determined by the Designated Testing Station.
- 5.7 The inspection regime for vehicles has not been designed so as to create difficulties for the Hackney Carriage and Private Hire trades, but to promote vehicle and road safety. The Council therefore considers the inspection requirements to be justified by the risks it aims to address.
- 5.8 Any authorised Officer of the Council or any Police Constable has the power at all reasonable times to inspect and test for the purpose of ascertaining its fitness, any Private Hire vehicle licensed by Denbighshire. If the Officer feels the licensed vehicle is unfit for use as a Private Hire vehicle, or the licensed vehicle is in breach with taxi legislation or the Council's Licensing Policy and Conditions, the vehicle licence may be suspended, revoked or not renewed.

6. SIGNAGE AND ADVERTISING

- 6.1 It is important that the public should be able to identify and understand the difference between a Hackney Carriage and a Private Hire vehicle. Private Hire vehicles shall not display roof-mounted signs of any description.
- 6.2 Vehicle identification plates are a key feature in helping to identify vehicles that are properly licensed. All licensed vehicles, except those Private Hire vehicles that have been granted exemption by the Authority shall display plates on the rear of the vehicle (refer to Section 15 of Appendix 1).
- 6.3 Private Hire vehicles shall display door signs, issued by the Council and fitted as set out in the conditions of licence.
- 6.4 Licensed Vehicles shall not be allowed to display any written or other material on any window with the exception of those permitted by the conditions of licence.
- 6.5 Private Hire vehicles shall not be allowed to display or advertise written or other material on its bodywork.

7. SECURITY/CCTV

- 7.1 The Private Hire trade provide a valuable public service particularly late at night when other forms of public transport are not available. Security for drivers and passengers is of paramount importance. CCTV can be a valuable deterrent as well as protection for the driver from unjustified complaints.
- 7.2 It is not proposed that such measures such as CCTV should be required, as part of the licensing regime, as it is considered that they are best left to the judgement of the owners and drivers themselves.
- 7.3 In any licensed vehicle where a CCTV security system is fitted, the proprietor shall ensure that the system is properly maintained and serviced to ensure clear images are recorded. It will be the driver/proprietor's responsibility to comply with all aspect of the law regarding such surveillance equipment. Please refer to Appendix (to be confirmed) for guidance.

8. APPLICATION PROCEDURES

- 8.1 The procedure for applying for a Private Hire vehicle licence is not prescribed but shall be made on the specified application form in accordance with the application procedure set out in Appendix (to be confirmed)

9. CONSIDERATION OF APPLICATIONS

- 9.1 The Council shall consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete.

10. RENEWAL OF LICENCE

- 10.1 Application forms, appropriate fees, and supporting documentation, as set out in Appendix (to be confirmed) shall be produced at the Licensing Office. It is the licence holder's responsibility to ensure that licences are renewed prior to their expiry.
- 10.2 Licences will not be renewed after expiry. If a licence holder fails to renew their licence on or before the respective expiry date, the licence will lapse and become invalid. Licence holders should note that if they allow their licence to expire, they will be required to make a new application in full. This will obviously incur a potentially significant time delay, and dependant upon the age of the existing licensed vehicle, it may require a change in vehicle to meet the age requirements set out in Section 4. The cost implications of failing to renew a licence could therefore be significant, and licence holders are therefore strongly advised to ensure that they renew their licence before the expiry date. If the licence holder is aware of any reason that they may not be able to renew their licence before the expiry date, they must inform the Licensing Section immediately.

11. STRETCHED LIMOUSINES

- 11.1 Stretched limousines are elongated saloon cars that have been increasing used for mainstream Private Hire work. The number of stretched limousines being imported, particularly from the United States of America, has been increasing. Their general use includes all Private Hire work plus special occasions such as birthday parties for all ages, stag and hen parties.
- 11.2 Most limousines are imported for commercial purposes and are therefore required to take an Individual Vehicle Approval (IVA) test. The IVA test verifies that the converted vehicle is built to a certain safety and environmental standards. When presented for IVA the vehicle is produced with a declaration that it will never carry more than 8 passengers. The importer must inform any person who may use it of this restriction.
- 11.3 Applications to licence stretched limousines as Private Hire vehicles will be treated on their own merits. It is however, proposed that imported stretched limousine type vehicles:
- a. be granted an exemption from the requirement under the conditions of licence for Private Hire vehicles to be right hand drive
 - b. be granted exemption to display the Private Hire vehicles plates as outlined in the Private Hire Vehicle Exemption Policy

c. be approved for licensing as Private Hire vehicles subject to the additional conditions detailed in Appendix (to be confirmed)

12. CONTRACT VEHICLES

12.1 The Road safety Act 2006 requires vehicles used for a contract with an organisation or company for carrying passengers for Hire or reward under a contract to be licensed as Private Hire vehicles. As a general guide this shall include executive hire, chauffeur service, airport travel, stretch limousines and novelty vehicles.

13. FUNERAL AND WEDDING VEHICLES

13.1 Funeral and wedding vehicles do not need to be licensed whilst it is being used in connection with a wedding or funeral.

14. TRAILERS

14.1 Licensed Vehicles are prohibited to tow a trailer.

15. ACCIDENTS

15.1 A licence will be suspended if, upon reporting an accident to a licensed vehicle, the Council is of the opinion that the damage caused materially affects the safety, performance or appearance of the licensed vehicle or the comfort or convenience of passengers carried therein.

16. PLATE EXEMPTION

16.1 The displaying of the external identification plates on a licensed Private Hire Vehicle and the wearing of a driver's identification badge is important in terms of public safety and reassurance. They indicate to the travelling public that the vehicle and driver are approved and therefore would have been subject to a number of important checks prior to the licence being granted.

16.2 However, there are a small number of occasions when the requirement to display external identification plates may have commercial and customer safety implications ie safety for dignitaries and famous people

16.3 It is not intended that all Private Hire vehicles licensed by the Council should be exempt from the Council's requirements to display an external identification plate, however the Council recognises that there may be circumstances when it would be appropriate for vehicles operating the type of service to be considered suitable for such an exemption. Please refer to the Private Hire Vehicle Plate Exemption Policy.

SPECIFICATION AND CONDITIONS OF LICENCE FOR PRIVATE HIRE VEHICLES**1. SPECIFICATION OF VEHICLES****1.1 General**

All vehicles shall have an appropriate "Type Approval" which is either a European Whole Vehicle Type Approval (EWVTA) or UK Low Volume Type Approval (UKLVTA). Vehicles shall not have been altered since that approval was granted. A Single Vehicle Type Approval (SVTA) or a Independent Vehicle Approval (IVA) may be accepted for wheelchair accessible vehicles. Vehicles presented for approval, and while in use, shall comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendments or re-enactments thereof.

- 1.2 No fittings, other than those approved, may be attached to, or carried on, the inside or outside of the vehicle.
- 1.2 A Private Hire vehicle shall be capable of carrying at least 4 and no more than 8 passengers.
- 1.3 All vehicles must be right hand drive unless specifically exempt by the Council
- 1.4 All vehicles shall be less than 5 years old for new licences and less than 12 years old from the date of manufacture for existing licences.
- 1.5 All vehicles must be maintained to no less than the standards set out in the VOSA publication 'MOT Inspection Manual" – Car and Light Commercial', ISBN 0-9549239-0-1 as amended and the Council's Hackney Carriage and Private Hire Vehicle Inspection Guidance
- 1.6 The following sections provide the outline requirements of the Council's specification for Private Hire vehicles prior to examination and testing by a designated testing station authorised by the Council. A list of authorised testing stations can be found attached. The exact mechanical requirements for inspection and testing are contained in the Council's Hackney Carriage and Private Hire Vehicle Inspection Guidance.

2. BODY

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

2.4 Running boards shall only be permitted where they are fitted by manufacturers. The board shall be a minimum 125mm in width, all of which shall be available as a step.

3. WHEELS AND TYRES

3.1 The vehicle shall have four road wheels of uniform standard, size and style, which conform to construction and use regulations.

3.2 An appropriate tyre repair system (as fitted by the manufacturer) must be provided.

3.3 The appropriate repair system must only be used as an emergency measure ie to allow the vehicle to be driven to a place of repair.

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

3.5 All tyres fitted to the vehicle shall meet current legal requirements at all times.

4. INTERIOR

4.1 The minimum leg room available to any passenger shall be 200mm. The measurement will be taken from the base of the seat to the centre of the rear of the seat in front when the front seat is at its full, rearwards extension. Where there is no seat in front the measurement will be taken from the base of the seat to the nearest obstruction in front.

4.2 The internal headroom from the seat cushion to the lowest part of the roof in a vertical line shall be a minimum of 920 mm

4.3 Vehicles must have adequate space for luggage to be kept in a clean, safe, secure and water tight manner

4.4 Vehicles must have a water tight roof covering and properly carpeted or covered flooring (with no rips or tears)

5. DOORS

5.1 The vehicle shall have a minimum of 4 side opening doors which are easily accessible to passengers. Access to and from vehicles such as minibuses will be determined on a case by case basis eg the rear door should not be a means of access.

5.2 All vehicles shall have doors that open sufficiently wide to allow easy access in and egress from the vehicle.

5.3 All doors shall be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism

5.4 The interior door handle shall be clearly visible and easily accessible to passengers when the door is in a fully open position and the means of operation of the door handle is easily identified.

6. SEATS

6.1 Vehicles shall have a passenger seating capacity of not less than 4 persons and not more than 8 persons

6.2 Each seat shall be fitted with fully operational seat belts, compliant with the appropriate Standards.

6.3 Each seat shall be properly cushioned and be in a clean condition.

6.4 Each seat shall not be less than 406 mm in width.

6.5 Where bench seats are provided, then the seat shall provide a minimum of 406mm seating space for each passenger i.e. a rear bench seat shall not be less than 1218 mm in order to accommodate 3 passengers.

6.6 Removed seating mounts must be rendered irreplaceable and the floor surface to be smooth and unencumbered.

6.7 All passenger seats must face forward or rearward to the direction of travel, (no passenger may sit sideways to direction of travel unless specifically exempt by an authorised officer of the Council eg limousines)

6.8 Any modification to seating configuration, including removal of seats, in any vehicle must be accompanied by an Individual Vehicle Approval Certificate (this includes removal of seats).

7. WINDOWS

7.1 Opening windows shall be provided in the rear of the vehicle capable of being opened by the rear seat passengers

7.2 Vehicle windows shall have visual transmission to ensure that the interior of the vehicle is clearly visible from the outside of the vehicle at all times. All vehicles shall be fitted with windscreen glass that has a light transmittance of 75%, and all other window glass shall have a light transmittance of not less than 70% EXCEPT those parts of the rear window or any side window adjacent to the luggage space in any estate-type vehicle which can be of any tint fitted at manufacture providing it is not opaque

7.3 No vehicle shall be fitted with any form of additional means to darken or tint the glass on any part of the vehicle.

8. FACILITIES FOR WHEELCHAIR USERS

- 8.1 Any vehicle that has the facility for the carriage of wheelchair or wheelchair passengers shall be fitted with:
- a. Approved manufacturer installed anchorages that shall be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and passengers shall be independent of each other. Anchorages shall also be provided for the safe storage of a wheelchair, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints shall be so designed that they do not cause any danger to other passengers and maintained in accordance with manufacturer's specifications.
 - b. A ramp or ramps for the loading of a wheelchair and passenger shall be available at all times for use at the nearside rear passenger door. An adequate locking device shall be fitted to ensure that the ramp(s) do not slip or tilt when in use. Provision shall be made for the ramps to be stored safely in the vehicle when not in use.
- 8.2 The vehicle shall be equipped with a manufacturer's user manual /guide on the safe loading and unloading and security of wheelchair passengers.
- 8.3 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle shall have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 immediately prior to being first licensed and every 6 months thereafter. A LOLER Certificate of must be produced at the time of MOT and Compliance Testing to the Designated Testing Station and to the Licensing Office at grant and renewal of licence.

9. FUEL SYSTEMS

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

10. CCTV

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

CONDITIONS ATTACHED TO LICENCE

11. MAINTENANCE OF VEHICLE

- 11.1 The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition* and all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations shall be fully complied with.
*Clean condition is defined as follows:
“All body panels to be of uniform colour and finish throughout, unless otherwise authorised by the Council in writing, and to be washed and polished to a high standard. Windows to be clear and smear free inside and out. Carpets and seating to be vacuumed and to be without cuts, tears or staining”
- 11.2 Every licensed vehicle must be maintained in a safe and clean condition at all times and is subject to such examinations as are required by the Council.
- 11.3 Seats must be fully sprung, free of stains, tears, cigarette burns or repair and not threadbare. Floor coverings must not be unduly worn and present no trip hazards. Household carpeting or similar is unacceptable and must not be used. Upholstery (headlining and side panel coverings) must be free of ingrained grime, factures and maintained in the manufacturers original style.
- 11.4 Without prejudice to the obligations imposed by 12.1 to 12.3 above and without prejudice to any other inspections as stipulated by the vehicle manufacturer, the proprietor of the licensed vehicle shall ensure that **as a minimum** the compliance of routine maintenance inspections must be adhered to, and such inspections shall be recorded and retained (for a minimum of 18 months) and kept available for immediate production to an Authorised Officer of the Council or Police Officer on request.
- 11.5 Please note that the requirement to inspect the licensed vehicle as imposed by the above condition does not release the proprietor of the vehicle for his obligations to carry out further daily inspections to ensure compliance with the above conditions.

12. ALTERATION OF VEHICLE

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

13. IDENTIFICATION OF VEHICLE

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

- 13.2 One Private Hire door sticker shall be adhered to each front door of the vehicle.
- 13.3 On the boot and each rear side of the vehicle (below window height) the company name, words "private hire" and one telephone number (which must be used by the Operator of the vehicle), may be placed, at the licensees expense, PROVIDED that the details that is to be used by the Operator is first approved by the Council
- 13.4 No pictures, icons, graphics, emblems or such like is allowed which may infer that the vehicle is a hackney carriage (taxi)
- 13.5 Vehicles must not display anywhere on or in the vehicle the word "Taxi", "Taksi", "cab" or any other word(s) which may, in the Council's opinion lead the public to believe the vehicle is a hackney carriage.
- 13.6 The licence plate and door signs must not be affixed to any other vehicle other than that stipulated on the current licence. This equipment remains the property of the Council and must be surrendered immediately upon expiry, suspension or revocation of the licence.

14. INTERIOR MARKINGS

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

15. SAFETY EQUIPMENT

- 15.1 There shall be provided and maintained in the vehicle at all times when it is in use or available for hire, a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliance, such equipment to be carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency. It should be noted that the first aid kit is intended for use by a person who has the appropriate knowledge of first aid.

16. SIGNS AND NOTICES

- 16.1 No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems, or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision, including byelaws or conditions

The above condition will not apply to:

- a. Any indication on a taximeter visible only from the interior of the vehicle, or
- b. The display by the driver of a hand-held card which is displayed in, on or from the vehicle whilst it is stationary, provided that such card;

- i. contains no words or numbers other than the names of the licensed operator of the vehicle or the name under which he carried on his business and, in either case, the name of a passenger or passengers to be carried in the vehicle, and
- ii. if the licensed operator charges for journeys in accordance with a scale of fares, a copy of such scale shall be displayed in the vehicle for the information of passengers in a form previously submitted and approved by the Council.
- iii. Any safety notices eg instructions on door latch operation

17. RADIO EQUIPMENT

- 17.1 Neither the Operator, proprietor nor the driver of a Private Hire vehicle shall use or cause or suffer to be used in any vehicle any radio equipment for operational communication between Operator and Driver, or between drivers of other Private Hire vehicles. Only fully licensed closed channel equipment shall be used for operational communication.
- 17.2 Each Private Hire Operator should have written policy on the use of mobile phones whilst driving. Operators should not encourage drivers to use any form of mobile communication whilst driving.

18. CHANGE OF ADDRESS

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

19. CONVICTIONS

- 19.1 The proprietor shall, within seven days, disclose to the Council, in writing, details of any convictions, formal cautions, absolute discharges, or fixed penalties, imposed on him/her (or if the proprietor is a company or partnership, or any of the directors or partners) during the period of the licence.

20. DEPOSIT OF DRIVING LICENCE

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

21. PERMITTED DRIVERS OF THE VEHICLE

- 21.1 The proprietor or any other person permitted or employed to drive the vehicle as a Private Hire vehicle, must be the holder of a current Private Hire driver's licence or a dual Hackney Carriage and Private Hire driver licence granted by Denbighshire County Council according with Section 51 of the Local Government (Miscellaneous Provisions) Act 1976

22. DEPOSIT OF VEHICLE LICENCE

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

23. INSPECTION AND TESTING

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

24. ACCIDENT

- 24.1 The proprietor shall report to the Licensing Officer, in writing, as soon as reasonably practicable and in any such event within 72 hours of the occurrence thereof, any accident to the vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers therein.
- 24.2 In the event of a licence being suspended due to the nature of the damage, the proprietor shall have the vehicle tested at a nominated testing station and submit the compliance certificate for examination prior to the licence being re-instated.

25. CARRIAGE OF CHILDREN

- 25.1 The vehicle should not carry children in pushchairs; the pushchair should be folded up and stored. If the vehicle does not have the correct child restraint then the child should be placed on the rear seat only. Children under 3 years old may travel unrestrained. Children aged 3 years old or over must use an adult seat belt as in accordance with Road Traffic Act (further details can be found at www.dft.gov.uk/think/focusarea/children/childincar)

26. LICENSING POLICY

- 26.1 The Council's Hackney Carriage and Private Hire Licensing Policy (this document) shall be adhered to at all times.

TABLE OF MAJOR PROPOSED CHANGES TO THE HACKNEY CARRIAGE VEHICLE POLICY AND SPECIFICATION – APPENDIX 2

Section	Proposed Condition	Existing Condition	Justification for proposal
VEHILCE POLICY			
1.6	To apply for a new vehicle licence, the applicant must be able to supply a suitable vehicle and provide proof that the applicant can maintain the vehicle. The applicant must also provide a statement, including documentary evidence, as to why they believe there is a demand for another Hackney Carriage vehicle in the County	N/A	Licence holders continually inform the Council that there are too many licensed hackney carriage vehicles within the County and that the standard of some new to fleet vehicles are unacceptable due to cheaper vehicles being bought to be licensed. To allow Officers to be confident that the vehicle will be in a safe condition at all times ie production of a projected maintenance plan.
2.3	All Hackney Carriage vehicles will be black	N/A	To easily identify a Hackney Carriage vehicle from a Private Hire vehicle.
4.4	All existing licensed vehicles will have “grandfather rights” up to 5 years after the implementation of this policy, by which time all existing licensed vehicles must be able to comply with 2.3 above eg all vehicles that are not black must have been replaced with one that complies with 2.3 above. This will only be relevant to vehicles that have had a continuous licence. Vehicles that are not renewed before the expiry date of the existing licence will be treated as a new vehicle and 2.3 above will apply. This also applies to any vehicle that is transferred or replaced eg vehicle that has been involved in a road traffic collision	N/A	The Council acknowledges that by proposing an immediate colour restriction will have financial burdens on existing licence holders, it is therefore considered necessary to allow a lead in time for existing licence holders.
4.2	All vehicles licensed under a new application must be a maximum of 3 years old and, if compliant with the requirements for licence, shall therefore be granted a vehicle licence until the age of 10 years, whereupon the vehicle must be replaced with one of a maximum age of 3 years. This also applies to any vehicle that is transferred/replaced or that have been involved in a road traffic collision	N/A	Hackney Carriage vehicles are used for hire and reward purposes and as such are subject to much higher annual mileages and more arduous driving, thus affecting their general wear and tear. To maintain a safe and reliable fleet of hackney

TABLE OF MAJOR PROPOSED CHANGES TO THE HACKNEY CARRAIGE VEHICLE POLICY AND SPECIFICATION – APPENDIX 2

			vehicles, they should be replaced on a regular basis.
4.3	All existing licensed vehicles will have “grandfather rights” for 5 years after the implementation of this policy, by which time all existing licensed vehicles must be able to comply with 4.2 above eg all vehicles aged 10 years or over must have been replaced with one of a maximum age of 3 years. This will only be relevant to vehicles that have had a continuous licence. Vehicles that are not renewed before the expiry date of the existing licence will be treated as a new vehicle and 4.2 above will apply	N/A	The Council acknowledges that by proposing an immediate age restriction will have financial burdens on existing licence holders, it is therefore considered necessary to allow a lead in time for existing licence holders
5.6	Vehicles that are presented for their MOT and Compliance in a condition that would result in a failure, will be subject to a re-test fee, to be determined by the Designated Testing Station	N/A	It is evident that some vehicles that are presented for MOT and compliance, are using the testing regime as a form of pre-test and any identified failures are then rectified and the vehicle is re-presented for a further test , at no extra cost, once all the works identified have been carried out. Vehicles should be compliant at all times therefore presented in a condition fit for passing the MOT and compliance
6.4	Only one advertise is permitted on Hackney Carriage vehicles. Details of any signs or advertising shall be submitted to the Senior Technical Licensing Officers for due consideration as to content. If the advertising is not approved by the Officer then the advertising request will be referred to the Licensing Committee for its consideration	Any proprietor wishing to use or sell space on the vehicle for the advertising of another company must first apply to the Council with a draft advert	Some hackney carriage vehicles are covered in advertising, which can distract the vehicle from actually being recognised as a licensed vehicle. The Council is also looking toward easily identifying licensed hackney carriages by proposing one colour for all.
11.1	Hackney Carriage Vehicles are prohibited to tow a trailer	N/A	Hackney Carriages can use taxi ranks. By allowing vehicles to tow a trailer would reduce space on a taxi rank. There is a potential for increased accidents. Vehicles

TABLE OF MAJOR PROPOSED CHANGES TO THE HACKNEY CARRAIGE VEHICLE POLICY AND SPECIFICATION – APPENDIX 2

			should have adequate luggage space within the vehicle for any eventuality.
12.1	A licence will be suspended if, upon reporting an accident to a vehicle, the Council is of the opinion that the damage caused materially effects the safety, performance or appearance of the vehicle or the comfort or convenience of passengers carried therein	N/A	Public Safety and a professional image.
VEHICLE SPECIFICATION AND CONDITIONS			
1.1	All vehicles shall have an appropriate “Type Approval” which is either a European Whole Vehicle Type Approval (EWVTA) or UK Low Volume Type Approval (UKLVTA)	Any conventional 4 or 5 door saloon or estate car, purpose built London Cabs, or other purpose built or adapted taxis of suitable mechanical and bodily condition, irrespective of colour.	Department for Transport recommend Local Authorities accept all “type approval”. In addition it is important that all passengers with disabilities have access to all types of vehicles.
Page 53	<p>MAINTENANCE OF VEHICLE</p> <p>The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition* and all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations shall be fully complied with.</p> <p>*Clean condition is defined as follows: “All body panels to be of uniform colour and finish throughout, unless otherwise authorised by the Council in writing, and to be washed and polished to a high standard. Windows to be clear and smear free inside and out. Carpets and seating to be vacuumed and to be without cuts, tears or staining”</p> <p>Every licensed vehicle must be maintained in a safe and clean condition at all times and is subject to such examinations as are required by the Council.</p>	N/A	Vehicle maintenance is a crucial part of running a licensed vehicle. Without a robust maintenance regime, the operator is potentially putting passengers and other road users/pedestrians at risk. Having a routine maintenance plan should assist licence holders as a well maintained vehicle will reduce big repair bills and in turn keeping licensed vehicles on the road for licence holders to earn a living

TABLE OF MAJOR PROPOSED CHANGES TO THE HACKNEY CARRAIGE VEHICLE POLICY AND SPECIFICATION – APPENDIX 2

Page 54	<p>Seats must be fully sprung, free of stains, tears, cigarette burns or repair and not threadbare. Floor coverings must not be unduly worn and present no trip hazards. Household carpeting or similar is unacceptable and must not be used. Upholstery (headlining and side panel coverings) must be free of ingrained grime, factures and maintained in the manufacturers original style.</p> <p>Without prejudice to the obligations imposed by 12.1 to 12.3 above and without prejudice to any other inspections as stipulated by the vehicle manufacturer, the proprietor of the licensed vehicle shall ensure that as a minimum the compliance of routine maintenance inspections must be adhered to, and such inspections shall be recorded and retained (for a minimum of 18 months) and kept available for immediate production to an Authorised Officer of the Council or Police Officer on request.</p> <p>Please note that the requirement to inspect the licensed vehicle as imposed by the above condition does not release the proprietor of the vehicle for his obligations to carry out further daily inspections to ensure compliance with the above conditions</p>		
20.1	<p>The vehicle should not carry children in pushchairs; the pushchair should be folded up and stored. If the vehicle does not have the correct child restraint then the child should be placed on the rear seat only. Children under 3 years old may travel unrestrained. Children aged 3 years old or over must use an adult seat belt as in accordance with Road Traffic Act (further details can be found at www.dft.gov.uk/think/focusarea/children/childincar)</p>	N/A	<p>It has been noted, some licensed vehicles allow children to be left in their pushchairs whilst travelling in a licensed vehicle. In the unfortunate case where a vehicle is involved in a road traffic collision or even if a vehicle has to break suddenly, a pushchair and the child can potentially causing serious harm/death to any passengers, other road users and obviously to the child. All road users transporting children have to comply with the Road Traffic Act.</p>

TABLE OF MAJOR PROPOSED CHANGES TO THE HACKNEY CARRAIGE VEHICLE POLICY AND SPECIFICATION – APPENDIX 2

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TABLE OF MAJOR CHANGES RELATING TO PROPOSED PRIVATE HIRE VEHICLE POLICY AND SPECIFICATION – APPENDIX 2

Section	Proposed Condition	Existing Condition	Justification for proposal
POLICY DOCUMENT			
2.1	All vehicles shall have an appropriate “Type Approval” which is either a European Whole Vehicle Type Approval (EWVTA) or UK Low Volume Type Approval (UKLVTA)	Any Society of Motor Manufacturers and Traders (S.M.M.T) designated 4 and 5 door lower medium estate or upper medium/large saloon or estate car, MPV, SUV, minibus and the like or suitable mechanical and bodily condition.	Department for Transport recommend Local Authorities accept all “type approval” vehicles . In addition it is important that that all passengers with disabilities have access to all types of vehicles.
2.5	To apply for a new vehicle licence, the applicant must be able to supply a suitable vehicle and provide proof that the applicant can finance and maintain the vehicle. The applicant must also provide a statement, including documentary evidence, as to why they believe there is a demand for another Private Hire vehicle in the County	N/A	To allow Officers to be confident that the vehicle will be in a safe condition at all times ie production of a projected maintenance plan.
4.2	All vehicles licensed under a new application must be a maximum of 5 years old and, if compliant with the requirements for licence, shall therefore be granted a vehicle licence until the age of 12 years, whereupon the vehicle must be replaced with one of a maximum age of 5 years. This also applies to any vehicle that is transferred/replaced or that have been involved in a road traffic collision.	All vehicles must be under 5 years old from the date of first registration, and on subsequent licence be in exceptionally good mechanical and bodily, interior and exterior condition.	
4.3	All existing licensed vehicles will have “grandfather rights” for 5 years after the implementation of this policy, by which time all existing licensed vehicles must be able to comply with 4.2 above eg all vehicles aged 12 years or over must have been replaced with one of a maximum age of 5 years. This will only be relevant to vehicles that have had a	N/A	

TABLE OF MAJOR CHANGES RELATING TO PROPOSED PRIVATE HIRE VEHICLE POLICY AND SPECIFICATION – APPENDIX 2

	continuous licence. Vehicles that are not renewed before the expiry date of the existing licence will be treated as a new vehicle and 4.2 above will apply		
5.6	Vehicles that are presented for their MOT and Compliance in a condition that would result in a failure, will be subject to a re-test fee, to be determined by the Designated Testing Station	N/A	It is evident that some vehicles that are presented for MOT and compliance, are using the testing regime as a form of pre-test and any identified failures are then rectified and the vehicle is re-presented for a further test , at no extra cost, once all the works identified have been carried out. Vehicles should be compliant at all times therefore presented in a condition fit for passing the MOT and compliance.
14.1	Vehicles are prohibited to tow a trailer	N/A	Potential for increase accidents. Vehicles should have adequate luggage space within the vehicle for any eventuality.
5.1	A licence will be suspended if, upon reporting an accident to a vehicle, the Council is of the opinion that the damage caused materially effects the safety, performance or appearance of the vehicle or the comfort or convenience of passengers carried therein	N/A	Protection of the travelling public and professional image.
SPECIFICATION AND CONDITIONS OF LICENCE			
1.1	All vehicles shall have an appropriate “Type Approval” which is either a European Whole Vehicle Type Approval (EWVTA) or UK Low Volume Type Approval (UKLVTA)	Any Society of Motor Manufacturers and Traders designated 4 or 5 door lower medium estate, or upper medium/large salon or estate car, MPV, SUV, minibus or the like.	Department for Transport recommend Local Authorities accept all “type approval”. In addition it is important that all passengers with disabilities have access to all types of vehicles
11	MAINTENANCE OF VEHICLE The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition* and all relevant statutory requirements (including	N/A	Vehicle maintenance is a crucial part of running a licensed vehicle. Without a robust maintenance regime, the operator is potentially putting passengers and other road

TABLE OF MAJOR CHANGES RELATING TO PROPOSED PRIVATE HIRE VEHICLE POLICY AND SPECIFICATION – APPENDIX 2

<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 59</p>	<p>in particular those contained in Motor Vehicles (Construction and Use) Regulations shall be fully complied with. *Clean condition is defined as follows: “All body panels to be of uniform colour and finish throughout, unless otherwise authorised by the Council in writing, and to be washed and polished to a high standard. Windows to be clear and smear free inside and out. Carpets and seating to be vacuumed and to be without cuts, tears or staining”</p> <p>Every licensed vehicle must be maintained in a safe and clean condition at all times and is subject to such examinations as are required by the Council.</p> <p>Seats must be fully sprung, free of stains, tears, cigarette burns or repair and not threadbare. Floor coverings must not be unduly worn and present no trip hazards. Household carpeting or similar is unacceptable and must not be used. Upholstery (headlining and side panel coverings) must be free of ingrained grime, factures and maintained in the manufacturers original style.</p> <p>Without prejudice to the obligations imposed by 12.1 to 12.3 above and without prejudice to any other inspections as stipulated by the vehicle manufacturer, the proprietor of the licensed vehicle shall ensure that as a minimum the compliance of routine maintenance inspections must be adhered to, and such inspections shall be recorded and retained (for a minimum of 18 months) and kept available for immediate production to an Authorised Officer of the Council or Police Officer on request.</p> <p>Please note that the requirement to inspect the licensed vehicle as imposed by the above condition does not release the proprietor of the vehicle for his obligations to carry out further daily inspections to ensure compliance with the above conditions.</p>		<p>users/pedestrians at risk. Having a routine maintenance plan should assist licence holders as a well maintained vehicle will reduce big repair bills and in turn keeping licensed vehicles on the road for licence holders to earn a living.</p>
<p>25</p>	<p>The vehicle should not carry children in pushchairs; the pushchair should be folded up and stored. If the vehicle does not have the correct child restraint then the child should be placed on the rear seat only.</p>	<p>N/A</p>	<p>It has been noted, some licensed vehicles allow children to be left in their pushchairs whilst travelling in a licensed vehicle. In</p>

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	<p>Children under 3 years old may travel unrestrained. Children aged 3 years old or over must use an adult seat belt as in accordance with Road Traffic Act (further details can be found at www.dft.gov.uk/think/focusarea/children/childincar)</p>		<p>the unfortunate case where a vehicle is involved in a road traffic collision or even if a vehicle has to break suddenly, a pushchair and the child can potentially causing serious harm/death to any passengers, other road users and obviously to the child. All road users transporting children have to comply with the Road Traffic Act</p>
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Agenda Item 6

REPORT TO: LICENSING COMMITTEE

DATE: 2nd December 2015

REPORT BY: THE HEAD OF PLANNING AND PUBLIC PROTECTION

SUBJECT: LICENSING COMMITTEE WORK PROGRAMME 2016

DATE	REPORT	COMMENT
9 th March 2016	Proposed Sex Establishment Policy	Report for Members to consider a revised policy
	Proposed Scrap Metal Dealers Policy	Report for Members consideration to support an all Wales Policy for approval by Full Council
8 th June 2016	Proposed revised Hackney Carriage and Private Hire Driver Policy	Report for Members to consider a revised Policy
	Proposed revised Private Hire Operator Policy	Report for Members to consider a revised Policy
22 nd September 2016	Proposed Street Trading Policy	Report for Members to consider a revised Street Trading Policy
	Forward Work Programme 2016/17	Report for Members to consider approving the FWP for 2016/17
7 th December 2016	Update and Review of Penalty Point Policy and Procedure	Report for Members to consider along with approval of reviewed policy
	RESERVED	

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