

To: Members of the Licensing
Committee

Date: 2 June 2016

Direct Dial: 01824 712568

e-mail: democratic@denbighshire.gov.uk

Dear Councillor

You are invited to attend a meeting of the **LICENSING COMMITTEE** to be held at **9.30 am** on **WEDNESDAY, 8 JUNE 2016** 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 APPOINTMENT OF CHAIR

To appoint a Chair of the Licensing Committee for the ensuing year.

3 APPOINTMENT OF VICE CHAIR

To appoint a Vice Chair of the Licensing Committee for the ensuing year.

4 DECLARATION OF INTERESTS (Pages 7 - 8)

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

5 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.

6 MINUTES OF THE LAST MEETING (Pages 9 - 20)

To receive the –

(a) minutes of the Licensing Committee held on 9 March 2016 (copy enclosed), and

(b) minutes of the Special Licensing Committee held on 24 March 2016 (copy enclosed).

7 PROPOSED HACKNEY CARRIAGE AND PRIVATE HIRE POLICY (Pages 21 - 76)

To consider a report by the Head of Planning and Public Protection (copy enclosed) informing members of the result of the consultation on the proposed Hackney Carriage and Private Hire Vehicle Policy.

8 LICENSING COMMITTEE FORWARD WORK PROGRAMME (Pages 77 - 78)

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.

9 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 15/1446/TXJDR (Pages 79 - 82)

To consider a confidential report by the Head of Planning and Public Protection (copy enclosed) seeking members' determination of an application from Applicant No. 15/1446/TXJDR.

10 APPLICATION FOR A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - APPLICANT NO. 16/0374/TXJDR (Pages 83 - 100)

To consider a confidential report by the Head of Planning and Public Protection (copy enclosed) seeking members' determination of an application from Applicant No. 16/0374/TXJDR.

11 REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - DRIVER NO. 15/1124/TXJDR (Pages 101 - 126)

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. 15/1124/TXJDR.

12 REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - DRIVER NO. 15/1567/TXJDR (Pages 127 - 134)

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. 15/1567/TXJDR.

13 APPLICATION FOR A PRIVATE HIRE VEHICLE LICENCE (Pages 135 - 138)

To consider a confidential report by the Head of Planning and Public Protection (copy enclosed) seeking members' determination of an application for a Private Hire Vehicle Licence.

MEMBERSHIP

Councillors

Councillor Cefyn Williams (Chair)

Councillor Barry Mellor (Vice-Chair)

Joan Butterfield
Bill Cowie
Stuart Davies
Hugh Irving
Merfyn Parry

Pete Prendergast
Arwel Roberts
David Simmons
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, 9 March 2016 at 9.30 am.

PRESENT

Councillors Stuart Davies, Barry Mellor (Vice-Chair), Arwel Roberts, Cefyn Williams (Chair) and Huw Williams

ALSO PRESENT

Principal Solicitor (AL), Public Protection Business Manager (IM), Licensing Officer (NJ), Community Safety Enforcement Officer (HB) and Committee Administrator (KEJ)

POINT OF NOTICE

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

1 APOLOGIES

Councillors Joan Butterfield, Bill Cowie, Richard Davies, Hugh Irving, Win Mullen-James and Pete Prendergast

2 DECLARATION OF INTERESTS

Councillor Barry Mellor declared a personal and prejudicial interest in Agenda Item 11 – Review of a Licence to Drive Hackney Carriage and Private Hire Vehicles because he knew the driver subject of the review.

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 2 December 2015 were submitted.

RESOLVED that the minutes of the meeting held on 2 December 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 item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraphs 12 and 13 of Part 4 of Schedule 12A of the Act.

5 DISPENSATION FROM REQUIREMENT TO DISPLAY PRIVATE HIRE VEHICLE LICENCE PLATES

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

- (i) an application for dispensation from the requirement to display licence plates on a Private Hire Vehicle;
- (ii) the Council's powers to grant a proprietor dispensation from displaying the licence plate taking into account the executive nature of the work along with the quality of the vehicle involved and where the vehicle would be operated;
- (iii) the applicant having provided full details of both the vehicle and nature of the business (Appendix B to the report);
- (iv) other determining factors requiring consideration together with the Council's draft policy when considering such requests (Appendix A to the report) and suggested conditions for consideration (Appendix C to the report) should members be minded to grant the dispensation request.

The Licensing Officer provided a summary of the report and application.

The Applicant elaborated upon the operation and nature of his business and reasoning behind his request for dispensation in order to meet the needs of his clients and enable him to compete with rival businesses. He provided two written endorsements from existing clients in support of his business and particular provision for unmarked but licensed vehicles. In response to questions from members the Applicant argued that he was best placed to choose a vehicle to meet the needs and expectations of his clients and he provided a discrete professional executive travel service. Officers confirmed that if members were minded to grant the application the relevant terms and conditions would apply in line with other licensed private hire vehicles subject to the requirement to display a licence plate and door stickers. It was also confirmed that the Council's current policy was to licence vehicles up to five years old unless the vehicle was in exceptional condition although that policy was currently under review.

The committee adjourned to consider the case and it was –

RESOLVED that the request for dispensation from the requirement to display the private hire vehicle plate and door stickers be approved subject to the conditions as detailed in Appendix C to the report.

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

Having considered the report and submission of the Applicant there was some debate as to whether the vehicle specification met the exemption requirements in terms of luxurious quality with mixed views in that regard. Members were satisfied that the nature of the work met the criteria for exemption in this case and overall it was agreed that the quality of the vehicle also met the criteria in terms of

specification taking into account the needs of the Applicant's clients and bespoke service provided. Consequently it was agreed that the application be granted. The conditions had been imposed in order to aid regulation and enforcement.

As an aside reference had been made to the draft policy for dealing with requests for exemptions to display private hire licence plates and door stickers. It was noted that the policy would be submitted to full Council for approval and it was suggested that more flexibility be applied in terms of vehicle specification taking into account some clients' needs for discretion and anonymity.

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

6 REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - DRIVER NO. 15/1123/TXJDR

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

- (i) the suitability of Driver No. 15/1123/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 his licence review and to answer members' questions thereon.

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 submitted a written response in support of his case advising that he took passenger safety seriously and would not knowingly drive passengers in a vehicle that was in a dangerous condition. The vehicle had been in for repair immediately prior to its submission for MOT/Compliance and some of the failures had been disputed. As far as the Driver was aware the vehicle had been in good condition except for an issue with the brakes. He had been a taxi driver for some considerable time without previous complaint.

Members took the opportunity to question the Driver regarding the circumstances of the case including the general condition of the vehicle and its maintenance regime which led to the presentation of the vehicle in a dangerous condition and him knowingly driving an unfit vehicle. In response to questions the Driver reiterated that he had submitted the vehicle for repair a week prior to the inspection and work had been carried out with that in mind. There was dust both inside and outside the vehicle from the repair work which he attempted to clean in the limited time available. He had driven directly from the garage to the testing station which was

when he had noticed an issue with the brakes and did not recall being advised at the time of failure that the vehicle was unsafe to drive. He had driven the vehicle from the testing station with a view to getting it repaired. The Driver assured the committee that he checked the vehicle on a daily basis and it was regularly serviced every three months.

In making a final statement the Driver advised that he considered himself a good driver and was willing to take on suggestions from the committee with regard to a future vehicle maintenance regime in light of the current failings.

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. 15/1123/TXJDR be revoked on the grounds of public safety with immediate effect.

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

During deliberations members carefully considered the evidence presented and the Driver's submissions in support of his licence review. The committee did not consider the Driver's version of events credible because he would have known the vehicle was in a filthy state, in addition to the dust from the repair work, because some were clearly visible and there were many other signs that it was not maintained properly. By his own admission the Driver presented the vehicle for inspection knowing that there was an issue with the brakes and the committee felt it was clear that he did not understand his responsibilities as a licensed driver and the need to maintain his vehicle to an acceptable standard. Serious concerns were expressed that the Driver had failed to maintain the vehicle to a safe standard and had knowingly driven the vehicle with dangerous defects following the MOT failure and had placed the public at risk. Consequently the committee considered that the Driver was not a fit and proper person to drive hackney carriage and private hire vehicles and it was resolved that his licence be revoked with immediate effect in the interests of public safety.

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

7 REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - DRIVER NO. 15/0427/TXJDR

Councillor Barry Mellor declared a personal and prejudicial interest in this item because he knew the Driver subject of the review and therefore could not adjudicate in this case. As a result the committee was inquorate and unable to proceed to hear the case.

It was agreed that a special meeting of the Licensing Committee be convened as soon as practicable to consider the licence review.

OPEN SESSION

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

8 PROPOSED SCRAP METAL DEALERS POLICY

The Licensing Officer submitted a report by the Head of Planning and Public Protection (previously circulated) presenting the Scrap Metal Dealers Act 2013 – Statement of Licensing Policy for consideration and approval for consultation.

The Council had previously approved the application process along with delegation of power and fees for licences required under the Scrap Metal Dealers Act. Members were advised of a collaborative approach with other Welsh authorities in preparing a draft policy which aimed to assist officers with enforcement and ensure consistency in dealing with applications. The policy would also provide guidance to new applicants, existing licence holders and the public as to how the Act would be administered and enforced. Following consultation with relevant parties a final report would be presented to Cabinet for adoption (not Full Council as referred to in the report). Officers confirmed that itinerant traders would also require a licence.

RESOLVED that –

- (a) *the Scrap Metal Dealers Act 2013 – Statement of Licensing Policy as detailed in Appendix A to the report be endorsed;*
- (b) *a suitable period of consultation be undertaken to those licensed by Denbighshire under the remit of the Scrap Metal Dealers Act 2013, North Wales Police, British Transport Police, Natural Resource Wales and Industry Associations be approved, and*
- (c) *to authorise officers that where any relevant responses received as a result of the consultation are considered and where relevant the policy is amended accordingly before presenting to Cabinet.*

9 CONSIDERATION OF TRAINING FOR LICENSED DRIVERS

The Public Protection Business Manager submitted a report by the Head of Planning and Public Protection (previously circulated) recommending mandatory safeguarding awareness training for licensed drivers following a number of recent high profile safeguarding issues around the country particularly relating to child sexual exploitation and links with local authority licensed vehicles.

Specific reference was made to the findings of Professor Alexis Jay's inquiry into child exploitation in Rotherham 1997 – 2013 which highlighted the prominent role of taxi drivers directly linked to children who were being abused. A training scheme for licensed drivers in Conwy had been introduced in September 2015 and community safety partners also encouraged this approach in Denbighshire.

Members welcomed the introduction of a mandatory training scheme to help identify exploitation and safeguarding issues and asked that the training also be extended to private hire operators. It was noted that some drivers licensed by other

authorities also operated within Denbighshire but the Council had no remit over their training provisions. However it was acknowledged that the Council may exercise some control when awarding school contracts to out of county operators. Officers agreed to liaise with school transport colleagues with a view to making safeguarding training for licensed drivers operating in Denbighshire a mandatory condition within future school contracts. In considering the training format officers advised that a standard training package subsequently tailored for Denbighshire would be used and would involve a number of events across the county. Members were also keen to see the development of formal training, such as BTEC or equivalent for licensed drivers.

RESOLVED that –

- (a) *officers be instructed to introduce mandatory safeguarding awareness training for all licensed Denbighshire hackney carriage and private hire drivers and operators during 2016, and*
- (b) *officers be instructed to prepare a proposal for formal training for licensed drivers and operators.*

10 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) presented an amended Penalty Point Policy and Procedure for approval following formal consultation.

The document detailed how the Council dealt with minor breaches in respect of taxi licensing and included a number of revisions as approved by the Licensing Committee in September 2015. No representations had been received during the consultation period and no further amendment had been made to the scheme.

Officers responded to questions regarding enforcement of the policy and confirmed the Council currently had two Licensing Enforcement Officers. Councillor Stuart Davies raised concerns regarding cross border hiring but officers confirmed that the practice was lawful. Any concerns regarding the licensing of those vehicles must be addressed with the relevant licensing authority. It was also noted that the number of penalty points for smoking in a licensed vehicle had increased to 10 points and if proven a fixed penalty notice would also be issued.

RESOLVED that –

- (a) *the revised Penalty Point Policy and Procedure detailed in Appendix A to the report be approved to replace the existing 2014 Penalty Point Scheme, and*
- (b) *the scheme be implemented with immediate effect.*

11 LICENSING COMMITTEE FORWARD WORK PROGRAMME

A report by the Head of Planning and Public Protection was submitted (previously circulated) on the Licensing Committee's future work programme for 2016. The only

change since the last meeting was slippage on the Sex Establishment Policy review which had been rescheduled from March to December 2016.

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

The meeting concluded at 11.45 a.m.

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LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held in Conference Room 1a, County Hall, Ruthin on Thursday, 24 March 2016 at 2.00 pm.

PRESENT

Councillors Bill Cowie, Stuart Davies, Hugh Irving, Arwel Roberts, Cefyn Williams (Chair) and Huw Williams

ALSO PRESENT

Head of Legal, HR and Democratic Services (GW), Public Protection Business Manager (IM), Licensing Enforcement Officer (HB) and Committee Administrator (KEJ)

TRIBUTE - COUNCILLOR RICHARD DAVIES

The Chair paid tribute to Councillor Richard Davies who sadly passed away on 22 March. Members and officers stood in silent tribute.

1 APOLOGIES

Councillors Barry Mellor, Win Mullen-James and Pete Prendergast

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.

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 item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraphs 12 and 13 of Part 4 of Schedule 12A of the Act.

4 REVIEW OF A LICENCE TO DRIVE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - DRIVER NO. 15/0427/TXJDR

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

- (i) the suitability of Driver No. 15/0427/TXJDR to hold a licence to drive hackney carriage and private hire vehicles following allegations of inappropriate behaviour whilst undertaking a school transport contract;

- (ii) details of the allegations and circumstances of the case having been provided (a summary of facts together with associated witness statements and documentation having been attached to the report);
- (iii) the Driver having submitted documentary evidence in support of his licence review which had been included as an appendix to the report, and
- (iv) the Driver having been invited to attend the meeting in support of his licence review and to answer members' questions thereon.

The Driver was in attendance at the meeting accompanied by his Union Representative and a fellow witness. The Union Representative confirmed receipt of the report and committee procedures.

The Licensing Enforcement Officer outlined the case as detailed within the report.

The Union Representative presented the Driver's case. He advised that the typed witness statements submitted by the Investigating Officer had not been signed and asked that they be discounted. He also submitted that the investigation had not been conducted in a fair and open manner highlighting where he considered there to be areas of bias within the case. It was argued that particular lines of enquiry which may have found in the Driver's favour had not been pursued and the credibility of particular evidence was also questioned. Representations were also made regarding the standard of proof required in such cases given that the right of appeal was to the Magistrates Court. In terms of the allegations detailed within the report the Union Representative clarified those allegations admitted by the Driver and put them into context giving the Driver's version of events. The committee was also advised of the allegations which had been denied by the Driver. It was highlighted that no complaints against the Driver had been made from other service users or the public. Given the contrary evidence presented and support detailed in the character references (previously circulated) the Union Representative asked that the Driver be permitted to retain his licence and continue as a licensed driver.

At this point the issue of the unsigned witness statements was discussed and copies of the original signed witness statements were made available. The Union Representative argued that he had not been given the opportunity to check the documents and asked that they be discounted in the interests of a fair hearing. The Head of Legal, HR and Democratic Services gave a legal viewpoint on the situation and fairness of the proceedings. The Licensing Enforcement Officer confirmed the statements had been typed to ensure they were legible and had been checked for accuracy. The committee adjourned to consider the legal arguments. Upon resuming the proceedings all parties were advised of the committee's decision to accept the statements in evidence and continue the proceedings. The committee did not consider there was a material unfairness on the basis that assurances had been given by the Licensing Enforcement Officer, who owed the committee a duty of candor, that the typed versions had been transcribed accurately and that the information contained within the statements had been made available in advance and could have been clarified earlier within the process. In making their decision the committee had also considered advice from the Head of Legal, HR and Democratic Services regarding the standard of proof required. It was clarified that

the committee's decision as to whether the Driver was a fit and proper person to hold a licence was based on the balance of probabilities. The point that the appeal route was to the Magistrates Court did not change that fact given that they did not sit on a criminal basis when considering such appeals and therefore the burden of proof was not beyond all reasonable doubt. Interviews carried out under the Police and Criminal Evidence Act could be used in cases involving both probability and criminal standards of proof.

Members took the opportunity to question the Driver and his accompanying witness regarding the facts of the case in order to ascertain whether or not they considered the Driver to be a fit and proper person to hold a licence. The witness clarified his relationship to the Driver and the extent of his involvement in the case and evidence he could corroborate. The Driver responded to questions regarding the allegations made and elaborated upon the circumstances surrounding particular incidents and discrepancies between his version of events and witness statements.

The Union Representative took the opportunity to make a final statement. He referred to the manner in which the Driver had responded to particular situations without the benefit of appropriate formal training as previously requested by the committee. There was no denial that mistakes had been made or that lessons could not be learned from the process. However, taking into account the explanation of the events and denial of particular allegations, and given the concerns raised regarding the investigation process, he asked that the Driver be allowed to retain his licence and be given appropriate support in order to achieve the best outcome in this case.

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. 15/0427/TXJDR be revoked.

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

Members had carefully considered the contents of the report together with the submissions presented for the Driver in this case and his response to questions. The committee found that, on the balance of probabilities, the Driver had behaved in an inappropriate manner by reasons of his actions, both those he had admitted and which the committee had found. Those actions had caused the committee to consider that the Driver was not a fit and proper person to hold a licence to drive hackney carriage and private hire vehicles. The committee was particularly concerned about the inappropriate behaviour and remarks towards a 16 year old girl. Given that their overriding consideration was protection of the public, members were minded to revoke the licence with immediate effect on public safety grounds.

The committee's decision and reasons therefore were conveyed to the Driver and his Union Representative. As they had not been given previous opportunity to respond to the basis for revocation on public safety grounds the Driver and his Union Representative were invited to make representations in that regard.

The Union Representative argued that the evidence had not been properly tested in this case and reiterated concerns over the investigation process. He drew members' attention to the written references attesting to the Driver's good character and submitted that immediate revocation was not warranted in this case.

The committee adjourned to consider the basis of the revocation and it was –

RESOLVED that the hackney carriage and private hire vehicle driver's licence issued to Driver No. 15/0427/TXJDR be revoked on public safety grounds with immediate effect.

Having considered the representations submitted on behalf of the Driver with regard to the basis for revocation members remained of the view that, given their concerns regarding his behaviour, the licence should be revoked with immediate effect on the grounds of public safety. The Head of Legal, HR and Democratic Services conveyed the committee's decision to the Driver and his Union Representative and explained the implications of that decision. The Driver and his Union Representative were also advised that they would be advised of the decision and reasons for the decision in writing as soon as practicable together with the right of appeal against the decision to the Magistrates Court within twenty one days.

The meeting concluded at 3.50 p.m.

REPORT TO:	Licensing Committee
DATE:	8 June 2016
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 inform the Licensing Committee of the results of the consultation on the proposed Hackney Carriage and Private Hire Vehicle Policy.

2. EXECUTIVE SUMMARY

- 2.1 At the Licensing Committee in December 2015 Members approved for Officers to start formal consultation with the trade, the travelling public and other representative bodies, and to report back to a future meeting with the results.

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 We believe that taxis are an integral part of the public transportation system and a part of the infrastructure of our society. There are few people who have not used a taxi service for some purpose at some time, whether it be for business, domestic or social purposes. Society takes the provision of such a service, whether private hire or hackney carriage, largely for granted and expects that the journey will be without incident or concern. We believe that this is exactly as it should be and that taxi passengers simply want a reliable, efficient and effective service delivered in a safe and secure manner.
- 4.2 Officers do recognise that there are many hardworking licence holders, within the industry, who are rightly proud of the service they provide. Nevertheless, any service to the public is a potential target for the less scrupulous in society. This may include those who might use their position to exploit the travelling public, for example by demanding more than the legal fare or to abuse them or their property (e.g. when carrying vulnerable individuals such as children or unaccompanied females)

- 4.3 However, we also recognise that while licensing of the taxi and PH trades seeks to protect the public from the unscrupulous, too restrictive an approach can work against the public interest. This can potentially create barriers of entry to the trade, restricting the supply of taxi services, and subsequently, having unintended safety implications (e.g. resulting in insufficient taxis to ensure the vulnerable get home safely). We therefore want to ensure that each of our licensing requirements is suitably justified and proportionate to the risks we seek to address and that the costs incurred are commensurate to the benefits.
- 4.4 As a reminder to Members, a full review of the existing Hackney Carriage and Private Hire Vehicle Policy has taken place, (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.
- 4.5 The review process resulted in the drafting of the Hackney Carriage & Private Hire Vehicle Policy, which went out to consultation in January of this year. A copy of the proposed that went out to consultation can be found at Appendix A for Members information.

5. **CONSULTATION**

- 5.1 A period of 8 weeks public consultation took place between January and March. All members of the trade (drivers/proprietors/owners/operators) were 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 were encouraged to submit comments. Representative bodies ie Disability Groups, Town and Community Councils etc, were also consulted with a press release and links via social media.
- 5.2 A total of 10 responses were received and a summary of those is available at Appendix B. The redacted versions of the full responses are available at Appendix C.
- 5.3 It is interesting to note that the majority of the responses to the policy have been positive. In fact the only areas where there has not been broad agreement relate to the colour requirement for Hackney Carriages and the requirement for hackney carriage vehicles to be 3 years old and private hire being 5 years old.
- 5.4 It is therefore proposed that further consideration should be given to the policy, in particular into the areas for age and colour of vehicles and the use of trailers. Members are directed to Appendix D and are advised to take account of the suggested options to assist in their deliberations, in addition to any other option that Members may identify.

6. **RECOMMENDATION**

- 6.1 If Members are minded to reach an agreement on any amendments to the policy that they instruct officers to amend the policy accordingly.
- 6.2 Members instruct officers to carry out further consultation with interested parties and to take account of any representations received in the final version of the policy that will be presented at a future meeting of the County Council.

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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 effects 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.

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 disable 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 effecting 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.

DRAFT

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.

Private Hire and Hackney Carriage Vehicle Policy Specification and Conditions

Summary of Consultation Responses

Response	Support	Colour	Age	Other
1	Fully support			
2	Mainly supportive but suggestions	Colour to be white or silver (as easier to distinguish)	HCV - Extend to 5 yrs for new to fleet but retain max age of 10 yrs PHV - Extend to 7 yrs for new to fleet but retain max age of 12 yrs	
3	Fully supportive			
4		Black is wrong colour for road safety – should be white or yellow.	Consider existing rule of over 7 yrs needs to be “showroom condition” is adequate.	<ul style="list-style-type: none"> Plates positioned above bumper height could mean placed in rear window (obstructing view). All HCV should be wheelchair accessible. Taxi owner and testing station should be independent of each other. All HCV testing should be by DCC garage to get uniform standard.
5		Roof signage is adequate to identify taxis. Black vehicles have a high percentage of involvement in road incidents.	Appropriate testing regime to identify poor vehicles. Significant concerns for the financial impact on the industry (replacement vehicles) and customers (higher taxi fares to meet industry cost). Some higher spec cars may be considered unfit due to age even though the spec is considered “executive”	<ul style="list-style-type: none"> Trailers – disagree with the ban on trailers (with supporting information on road safety).
6	Supportive with comments		Minibuses are generally commercial and longer life than cars. Owners may	<ul style="list-style-type: none"> Trailers should be permitted (except on ranks). Owners should present confirmation of the financial

			not replace such vehicles in turn impacting on the number of wheelchair accessible vehicles.	<p>ability to maintain a vehicle.</p> <ul style="list-style-type: none"> • Second hand tyres should be banned. • Vehicles should be permitted in line with their approved seating capacity. • Increase costs of HCV plate, thus reducing number of HCVs. • Reduce PHV costs thus increasing PHV numbers.
7			Remove minimum age restriction of 3 yrs but retain maximum of 10 yrs.	
8		Black is difficult to maintain and is uncomfortable in the warmer months. Signage exists to identify taxis. Additional industry costs for obtaining black vehicles.	No age restriction in DSA guidelines.	<ul style="list-style-type: none"> • Quality of vehicles has improved due to increased enforcement activity. • Increase costs for industry and users.
9		London has withdrawn the black cab only requirement.	Owner / drivers at disadvantage against fleet operators (economies of scale?)	<ul style="list-style-type: none"> • Doesn't support the unrestricted numbers of HCV. • No way of enforcing confirmation of the financial ability to maintain a vehicle. • Trailers – doesn't support proposal (can use vehicle for personal use for which may involve use of a trailer).
10	Supports and welcomes improvements		Age (minimum and maximum) is one factor but mileage is better indicator. Consideration should be given for relaxation in certain specific circumstances e.g. school transport. Age implications may give unfair competition to neighbouring companies (who do not have age	<ul style="list-style-type: none"> • Ability to licence 8-seater vehicles must be retained for efficiency / cost savings. • Access for wheelchair users should include side and rear access (not side only). • No benefit in providing documentary financial evidence of ability to maintain a vehicle. • Policy should specify what is acceptable damage /

			restrictions in their licensing authority).	<p>corrosion</p> <ul style="list-style-type: none">• Wording of PHV 4.2 needs clarification.• Vehicle testing should be done only by DCC Fleet.• Para 5.2 and 5.3 are repetitive• Results of compliance testing should be able to be captured to identify problematic areas.• CCTV needs robust guidelines / conditions so as to protect users and drivers (human rights and safeguarding reasons).• Rewording of “accidents” to “collisions”• Clarity is required for operational communication equipment and mobile phone usage as conflicting messages in policy.• Should be a requirement to record the daily inspection of vehicles.• Vehicles should be equipped with booster seats.• Stricter conditions for taxi licensing may result in licensees moving out of county to obtain licences but still being able to operate within DCC.
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Can you arrange for a response to be sent ASAP.

Thanks

Graham H Boase
Pennaeth Gwasanaethau Cynllunio a Gwarchod y Cyhoedd
Head of Planning and Public Protection Services
Cyngor Sir Ddinbych/Denbighshire County Council
Caledfryn, Dinbych / Denbigh LL16 3RJ
Rhif Ffôn / Tel No: 01824 706925
Mobile: 07768 171589
E-bost: graham.boase@sirddinbych.gov.uk
E-mail: graham.boase@denbighshire.aov.uk

Safle
Web

From:
Sent: 10 March 2016 12:20
To: Graham Boase
Subject: Hackney Carriage, Private Hire and Penalty points consultation

Good Afternoon

Please accept our full support in the new rules.

Please can you confirm implementation date of the new rules.

I see a new Skoda fabia has been added to the licensed fleet of Denbighshire, I thought this wasn't going to happen again as you can't seat four adult passengers.

Licensing did inform us previously when the Fabia's were put on Grab a Cabs fleet, that this was an error on Licensing's part and wouldn't happen again.

Small vehicle were only allowed as Private Hire in the past.

Is this going to be continued to be allowed in the future?

Drivers are looking for a cheap option when replacing vehicles and asking me for advice.

Nicky F Jones Enquiry

From :

To : "licensing@denbighshire.gov.uk"

CC :

26/01/2016 15:22

Subject : Amendments to Hackney and Private hire policy

2

Dear Sir/Madam,

I am contacting you with regards to the proposed amendments to the Hackney and Private hire Policy.

Whilst I agree in the main with many of the proposals, there are a couple of proposals I would amend slightly these are;

Specification of Hackney Vehicles;

General 1.5

This section specifies a maximum vehicle age of 3 years for new to fleet vehicles, extend this to 5 years but retain the 10 year cut off point regardless of condition of vehicle at 10 years

Body 2.2

Under this section you are specifying the uniform colour of all hackney carriages to be Black, perhaps a more easily maintained colour ie; White or Silver. I agree that there needs to be a standard colour to distinguish Hackney Carriages easily to members of the public.

Apart from these two suggestions I agree with the proposals for Hackney Carriages.

Specification of Private Hire Vehicles;

General 1.4

This section specifies a maximum vehicle age of 5 years for new to fleet vehicles, extend this to 7 years but retain the 12 year cut off point regardless of condition of vehicle at 12 years.

Again apart from the suggestion above I have no issues with any proposals.

My reasoning for the changes I have submitted above is that I think that many owner drivers would suffer some difficulties in obtaining suitable finances for a 3 year old vehicle whereas a 5 year old vehicle in good condition can be purchased at a reasonable cost, avoiding any financial constraints the purchase of a newer vehicle could//would put on family finances for those with such commitments.

I hope you are able to consider these notes and any others should other license holders contact you.

~~██████████~~

~~████████████████████~~

Hackney Plate ~~██████~~

Sent from [Mail](#) for Windows 10

Licensing Web Query V3 Enquiry

To : "licensing@denbighshire.gov.uk" <licensing@denbighsh
cc: :

Subject : New proposals

Ian Millington/EN/DCC, Nicky P Jones/EN/DCC	<input checked="" type="radio"/> New <input type="radio"/> Assigned To But Not Started Closed Date: 26/01/2016	<input type="radio"/> In Progress <input checked="" type="radio"/> Dealt With	<input type="radio"/> Ignore <input type="radio"/> Information Only
Action Taken:			

Dear Sir or Madam. I have read your draft proposals and I would be very supportive of the new measures. The all "black fleet" especially pleases me, but with the sensible phased in aspects of 5 years is very fair and should be more than enough time for operators to get prepared for the colour change. I welcome the draft proposals. This is the first time I have actually wanted to reply to any of the licencing changes due to indifference of the previous proposals but I would say well done and credit were credit is due.

Audit Trail

Audit Trail

29/01/2016 12:23:37 Nicky P Jones : Reply with History Created
 26/01/2016 13:05:46 Ian Millington CLOSEDDATE from "" to 26/01/2016
 26/01/2016 13:05:46 Ian Millington STATUS from 'ASSIGNED TO BUT NOT STARTED' to DEALT WITH
 26/01/2016 09:49:49 Stephen Tomes ASSIGNEDTO from "" to IAN MILLINGTON/EN/DCC NICKY P JONES/EN/DCC
 26/01/2016 09:49:49 Stephen Tomes STATUS from 'NEW' to ASSIGNED TO BUT NOT STARTED
 26/01/2016 09:49:49 Stephen Tomes has forwarded to the assigned officer : Ian Millington/EN/DCC Nicky P Jones/EN/DCC



To : licensing@denbighshire.gov.uk
CC: :

Subject : Taxi consultation

Assigned To:	Status:	<input type="radio"/> In Progress	<input type="radio"/> Ignore
	<input checked="" type="radio"/> New	<input type="radio"/> Not Started	<input type="radio"/> Information Only
		<input checked="" type="radio"/> Dealt With	
	ate:		
	16		

Dear sir

In response to your e mail ref the changes you would like to bring in i would like to make a few points

Firstly i understand why the council are doing this as from my point of view (and i have driven taxis for 28yrs in rhyll) they need to take control of the trade again but just bringing more rules in is not the answer when the council are not enforcing the ones we have already
I you want to bring in a max 3 year rule for a car coming on the rank going off after 10yrs
We already have a rule where after 7yrs a. Car must be in showroom condition this rule is not enforced

Also the department of transport on best practice guide recomends against an age limit as they say it is perfectly possible for an older vehical to be in good condition they recomend testing twice a year which we have already

And you proposed that all taxis are black which i think is the wrong colour for road safety the colour should be white or yellow also after the sillyness of this shorts fiasco where the council backed down and allowed then to wear shorts the worse colour car to be in is Black
I also notice that you say plates should be bumper height or above which will mean people placing plates in there back windows which is wrong

I think that we need to remember what the main purpose of a hackney vehicals is to serve the ranks and NOT radio and school contracts with this in mind i think we should go down the road of all hackney vehicals being wheelchair accessible vehicals M1 approved

And finally i think its wrong that a person can own a taxi firm and also a garage that does hackney test would it not be a fairer system that all hackney test are done at the council garage this will give a more uniform standard of test

Hope these point are put to the councillors at the meeting
From a Driver who is very passionate about the trade

Audit Tr:

Audit Trail

24/03/2016 10:32:51 Nicky P Jones CLOSEDDATE from ""
24/03/2016 10:32:51 Nicky P Jones ACTIONTAKEN from ""
24/03/2016 10:32:51 Nicky P Jones STATUS from 'ASSIGN WITH

Licensing Web Query V3 Enquirv

To : licensing@denbighshire.gov.uk
cc: :
Subject : Consultation paper for PHV and Hackney

Status:

Assigned To But Not Started In Progress Ignore
 Dealt With Information Only
Date: 2016

FAO Nicky

Further to our discussions please see below a number of points which I wish to raise concerning some of the proposed changes that you are trying to bring to the Hackney and Private Hire Sector in Denbighshire.

Trailers - you plan to ban the use of trailers for Private Hire on the grounds that they are more likely to be involved in an RTA - and that the PHV being used should have sufficient seating and luggage space for their passengers.

I have obtained information from North Wales Police that confirm that there were 92 Injury Collisions in North Wales between 2011 and 2015 involving a single axle trailer - 42 of those 92 were with cars towing them. NO Private Hire Vehicles were involved in towing a trailer that resulted in an RTA.

The ability to offer a trailer service to my clients is an essential part of my business. Even with an Extra Long Wheel Base Mercedes Vito there are times when a trailer is required to transport luggage in a safe way.

I cater for Ski holidays - where skis cannot be transported in the luggage area of the vehicle and cause a danger if placed in the main cabin. Skis, ski boots, luggage and 8 passengers - can only be serviced with the use of a trailer.

Golf holidays and golfing days - a party of 8 with 8 sets of clubs, golf trolleys and holiday luggage also can also only be catered for with the use of a trailer.

I have also recently be transporting a delegation of Indian workers visiting north Wales - where there stay was up to 2 months. Even just meeting and greeting 5 or 6 off different planes could only be serviced by the use of the trailer - the massive amount of luggage that they brought with them could not have fitted even in my very large luggage area - something that many 9seater minibuses do not have.

Hackney Cars a need for them to be black to distinguish from PHV.

I cannot understand why this is even up for discussion - this seems to be making rules and creating work for the sake of it.

The large white light on the roof of the Hackney car saying "Taxi" should be enough of a highly visible symbol to show the public that they are entering a Hackney car.

Should you pass this ruling - will I have to change the colour of my PHV from Black so as not to add the the confusion?

A study over 20 years has concluded that black cars are 47 per cent more likely to be involved in road accidents. - Daily Telegraph June 2010

Age restrictions on Hackney and PHV

Whilst I applaud the Authority's vision to improve the fleet of vehicles that service the public of Denbighshire I have real reservations about the tightening of age restrictions especially on vehicles new to fleet.

Case Study 1 - looking at cars with approx 60k - 80k mileage.

Popular cars are Vauxhall Insignias and Ford Mondeos.

Insignia - up to 3 yrs old cost ave £7800

Insignia - up to 6 yrs old cost ave £4800

A taxi company running 30 vehicles adopting a policy of renewing a 1/5th of his fleet every year would need to find an extra £18000 EVERY year to fulfill your guidelines.

Similar figures are also true of Mondeos

The problem is accentuated further if you take into consideration the staple vehicle essential for DCC to fulfill its own School Transport policy - the 9 seater minibus.

Mercedes Vito up to 3yr old - £22000

Vito up to 6 yrs old - £14000 - an £8000 difference to enter the market or renew a vehicle.

A Ford Torneo - up to 3 yrs old £15000 - up to 6 yrs old £7000 - again an £8000 prohibitive difference for the Operators

The vehicles already face stringent Compliance Testing every 6 months - you may want to consider introducing a policy whereby once the car is over 6 years old that the Licensing Officer can request a random Compliance Test anytime within the year to be complete at DCC Test Centre with 72 hours of you making the request.

Where are these shortfalls to be made up? Will the people of Denbighshire ultimately pay the price for their own authority's policy?

Prices/fares will have to rise significantly to meet these changes. I suspected many smaller operators could fold - resulting in a declining supply of Taxi's to the public.

Llangollen currently has 1 registered Hackney car with Denbighshire - and the town is serviced by Shropshire plated vehicles who openly advertise in the town and I feel Denbighshire just turn a blind eye to it.

Whilst raising the School Transport concerns - if Licensing push ahead with this restrictive policy I assume that they will have to put in to force for all of the Private Hire and Hackney vehicles that currently service their school contracts.

You will be challenged if you allow taxi companies from outside Denbighshire to continue servicing Denbighshire contracts but not in vehicles up to the standard that you are forcing on your own fleet of Operators.

In addition to the concerns laid out above - I also must look at my business and the high standard of vehicles that I use and will want to buy in the future.

A 5 and a half year old Audi A8 at £22000 or a £13000 BMW 5 Series would be deemed unfit for purpose under your proposed new rules - The Age of the Vehicle can not hold such a high level of judgment on whether that vehicle is suitable for the carriage of Denbighshire's public.

To Licence a Mercedes S Class under 5 yrs old would cost me over £20000 - a 7 year old immaculate S Class with massaging seats, full leather and extra leg room at £14000 would be deemed unfit for purpose!

Having discussed these issues with many of my clients over that last 2 months they have made it clear that the Age of the car as little significance to them.

I look forward to hearing from you.

Kind regards

Licensing Web Query V3 Enquiry

From : To : "licensing@denbighshire.gov.uk" <licensing@denbighsh
cc: :
Subject : Proposed Changes Hackney/PH

Assigned To But Not Started In Progress Ignore
 Dealt With Information Only

Action Taken:

To whom it may concern,

I think the new proposals are excellent, However I have some concerns listed below:

1. Minibus type vehicles are generally commercial vehicles and should have a longer life than cars. If you treat them the same as a car the trade may stop investing in them, this would have an adverse effect on taxi's suitable for wheelchair users.
2. Trailers should be allowed on PH and Taxi's, they should be excluded from ranks due to space. I think its dangerous transporting people to the airports etc. sharing space with loose luggage. Even a purpose built cab couldn't take 4 adults and 4 cases safely using the current rules.
3. With immediate effect, owners/operators should prove they have available funds to maintain their vehicles. Public safety is paramount, I'm shocked how the taxi fraternity gets back street garages to bodge their cars when they break down, they have no maintenance schedule. The use of second hand tyres should be banned, how hard up must an operator be to be fitting tyres off another vehicle that's possibly been involved in an accident.
4. DCC should be more flexible when allowing Private Hire vehicles on. The likes of a Ford Galaxy could carry 6 passengers like it was designed to, because we accept bookings for these cars over the telephone, we can determine its suitability before its dispatched.
5. DCC could reduce the amount of hackneys by increasing the price of the plate and encourage Private Hire by reducing the plate price? (Just a thought)

I hope you have found my comments useful

Sent from [my iPhone](#)

Audit Trail

Audit Trail

09/03/2016 10:20:50 Stephen Tomes ASSIGNEDTO from "" to NICKY P JONES/EN/DCC
09/03/2016 10:20:50 Stephen Tomes STATUS from 'NEW' to ASSIGNED TO BUT NOT STARTED

7

To : "licensing@denbighshire.gov.uk" <licensing@denbighsh
cc: :

Subject : Hackney Draft Vehicle Policy.

In Progress
ned To But Not Started Dealt With Ignore
Date: Information Only
'16

The taxi trade earnings have declined over the past few years.

1. With help from the increase in Licensed Plates Issued.
2. Certain companies applying £3.00 fares any where in Rhyl.
3. A lack of visitor's to the area.

Would the Licensing Authority reconsider your draft proposal concerning. PARA 4.2
That all new vehicle's must be three years old.

I believe this may lead to financial hardship for new and existing owner drivers.

Due to the payment cost of vehicle's up to three years old.

A fairer system would be to replace the word three years old. To the maximum ten years old.

Auc

Audit Trail

23/03/2016 10:03:08 Stephen Tomes CLOSEDDATE from "" to 23/03/2016
 23/03/2016 10:03:08 Stephen Tomes ASSIGNEDTO from "" to IAN MILLINGTON/EN/DCC
 NICKY P JONES/EN/DCC
 23/03/2016 10:03:08 Stephen Tomes STATUS from 'NEW' to INFORMATION ONLY
 23/03/2016 10:03:07 Stephen Tomes has forwarded to the assigned officer : Ian Millington/EN/DCC
 Nicky P Jones/EN/DCC

8

Licences Enquiry

From :
onlineforms@denbighshire.gov.uk
01/04/2016 17:01

To : licences@denbighshire.gov.uk
cc: :

Subject : Website enquiry - Licences and permits

Assigned To: Ian Millington/EN/DCC, Jo Thomas/EN/DCC	Status: <input type="radio"/> New <input checked="" type="radio"/> Assigned To But Not Started <input type="radio"/> In Progress <input type="radio"/> Dealt With <input type="radio"/> Ignore <input type="radio"/> Information Only
Action Taken :	

Denbighshire County Council website: Online form submission.

Posted on: 01/04/2016 17:00:37

Posted from: <https://www.denbighshire.gov.uk/en/resident/contact-us/licences-and-permits.aspx>

Form post

First name:

Last name:

Your email address:

What would you like to contact us about:

Road and highway licences

I don't expect this to be heard as I am late to submit due to not seeing the email. Firstly a black car is terrible to drive in the summer and is one of the worst colours to keep clean. if the colour is to identify my car as a taxi then what is the top sign for? Then there is costs not only to owners but for the council. You can pay an extra £1000 for black paint so you are looking at about £12000 upwards for a decent 3 year old vehicle. To be honest I couldn't afford it especially if I were to have an accident and have to replace again. We have been on this path before regarding age of

vehicles and as I run a reasonable maintained car that is 7 years old and will last for a few more years I would hope to keep it. There is no age restrictions in the dsa guidelines so until it becomes a national requirement then I am against this rule. This past couple of years Howard has made several visits to the ranks along with VOSA and I feel that the quality of vehicles has improved a lot so these changes are unnecessary and could prove to be very costly. School, hospital, police contracts that the council pays for would inevitable go up in price. Personally I feel these changes could put me out of work, then I would be seeking legal advice and if I had a case I would be looking to recover costs. I really don't want to go down that path. Maybe if I was earning a good living from taxiing my views would possibly be different but the town is dead and I'm not Thank you for your time ~~XXXXXXXXXX~~ Ps. On a lighter note. ..What shade of black???

Message:

This automated email has been sent from Denbighshire County Council's Website. The information contained in this email is confidential.

Audit Trail

Audit Trail

04/04/2016 14:49:03 Stephen Tomes ASSIGNED TO from "" to IAN MILLINGTON/EN/DCC
JO THOMAS/EN/DCC
04/04/2016 14:49:02 Stephen Tomes STATUS from 'NEW' to ASSIGNED TO BUT NOT STARTED
04/04/2016 14:49:02 Stephen Tomes has forwarded to the assigned officer : Ian Millington/EN/DCC

24/3/16

Ref Hackney Proposals

I sent the following email unfortunately I received a failed delivery notice so missed the deadline. Could you please include this in your consultation?

I have an issue with the statement that you will not restrict the numbers of licences issued yet the new proposals will require applicants to provide documentary evidence that there is a need for further licences to be issued.

You will require applicants to provide documentary proof that they have the financial means to maintain their vehicle. How will you enforce this?

The proposal to limit the age of vehicle new to fleet to 3 yrs old and then replace when 10 yrs old will favour the larger fleet operators putting the owner driver at a disadvantage.

Why require black only when London the origin of black cabs have relaxed their r black only rule.

You propose to ban towing. Some licence holders have only one vehicle for work and personal use this restrict their use. If it is an issue of insurance my policy did not exclude towing.

30 MAR 2016

Nicky Jones

From:
Sent:
To:
Subject:

Policy Changes

Nicky

Thank you for the opportunity to comment on revisions to the Hackney carriage and private hire policy and vehicle specifications.

The Hackney carriage and private hire industry is important to Denbighshire Passenger Transport. We currently spend some £2½m of our school transport budget on such vehicles, some 80% of which is paid to Denbighshire operators. At the outset, I therefore need to emphasise the significance of such these industries. I also need to give you some context in that the budget is currently four per cent overspent with the real likelihood this will increase next and in future years as a result of market and forthcoming transport policy changes, both of which are likely to increase the amount and proportion we spend within these sectors.

The Passenger Transport Section supports and welcomes the improvements you wish to make but would like to raise the following, relating chiefly but not exclusively to PHVs:

1. May I seek assurances that proposals under type approval (Policy para 2.1 and Appendix 1 para 1.1) will not preclude the future licensing or use of so-called minibuses or other seven & eight seat vehicles (including class 4A and 5 vehicles with nine to 16 seats but reseated to eight) always provided that the operator has undergone the necessary recertification and approvals. The reason for this is that such vehicles form an important part of the private hire fleet and their size offers school transport maximum flexibility (and some larger Hackneys are capable of carrying a wheelchair). Any changes to the cohort of such vehicles will have a detrimental impact on the school transport budget. In some areas, the supply of these vehicles is already low and, as a consequence, costs are unreasonably increasing. School transport suppliers need the flexibility to convert vehicles with due haste and with minimum hassle. Any local inflexibilities may result in a commercial advantage to suppliers based in neighbouring areas, such as adjacent to Rhyl and Llangollen.
2. The use of minibuses is also pertinent to vehicles that can carry wheelchairs. Under 3., you quote "making successful journeys is critical [crucial perhaps rather than critical?] to the social inclusion of disabled people... Their education... is specifically improved when journeys become accessible" and I would agree with this rubric. Under 8.1 (b), however, you appear specifically to rule out the majority of larger vehicles capable of carrying chairs (those which can carry more than one) by insisting upon vehicles with only a side entrance. I understand your reasoning but would contend that rear loading can be safe if managed correctly (e.g. if off-street or if the vehicle is so positioned as to face on-coming traffic). Additionally, for those vehicles requiring a tail-lift, owing to the weight and dynamics of that apparatus and the vehicular centre of gravity, the only practical position for such equipment is the rear. The reasons for these comments, therefore, are that the current cohort of such vehicles is already small, demand for them is increasing and other authorities' conditions may not be as robust as those you propose and hence the market may as a result be skewed away from Denbighshire operators. Where we currently carry more than one chair at a time, side-loaders would increase the overall pool required, owing to two vehicles replacing one. Owing to the current disproportionately high costs of hiring such vehicles, any change will have an excessively adverse impact on the school transport budget. The

use of rear loading vehicles should nevertheless only be deemed acceptable for use on school transport following an appropriate risk assessment.

3. I understand the reasons why you wish to set a maximum age limit on vehicles of 12 years. Age is but one factor in terms of quality and an older vehicle need not in itself be either roadworthy or of poor cosmetic appearance. Other determinants such as the mileage travelled may be a better measure. Some specific school transport vehicles undertake fewer than 4,000 miles p.a. Would Licensing be prepared to consider a relaxation for vehicles used solely on school transport. If properly policed, this would not exempt any vehicle, driver or operator from the provisions of the licensing régime (e.g. vehicle testing, plating, etc.) but would relax the age limit in specific, controlled circumstances, perhaps introducing a mileage or condition ceiling. In such circumstances, there should be clear, additional sanctions were an operator or driver to diverge from expected outcomes. There might also be a requirement for such vehicles to undergo additional testing, at the operators' expense. The reason for my raising these issues is that I am concerned that any changes will have a detrimental impact on the school transport budget, one which, as stated above, is already under considerable strain and one where Members are expecting savings on the supply (i.e. commissioning) side.
4. Similarly, under 4.2, you are proposing that new vehicles to the fleet are no more than five years old. I understand the reasoning behind this and the principal is laudable. I would, however, wish to comment that this, too, will have an adverse impact on the school transport budget, perhaps even more so than a 12 year limit. The authority needs to strike a balance between the various competing priorities it faces and I would contend that there are other ways of trying to improve standards (e.g. the requirement for more monitoring/testing and the strategic use of intelligence gathered from test results and roadside monitoring) without such a high bar in terms of vehicle ages that will elevate a budget already under strain. I assume other authorities are not considering such a change, in which case this will disadvantage Denbighshire operators compared to those licensed by neighbours. Subject to suitable controls, you may consider some exemptions for low mileage vehicles as per 3. above.
5. To what benefit (under 2.5 of the proposed PH policy) is the statement, including a requirement for documentary evidence, as to why an applicant believes there is demand for the licensing of an addition PHV. The reason for questioning this is because the higher the volume of PHVs we have, the stronger the market for school transport purposes.
6. Noting that vehicles shall have neither significant corrosion nor accident damage (Appendix 1, 2.1/3), in order to ensure a uniform and high standard, the documents should specify what is reasonable.
7. Notwithstanding my comments under 3. and 4. above, you state under 4.2 that "All vehicles licensed under a new application must be a maximum of five years old...". To me, this implies the vehicle must not be younger than five when, to be consistent with how I read the remainder of the documents, I think you need to revise this to mean the maximum age of five years.
8. Vehicle testing (para 5.1) should in the opinion of Passenger Transport be undertaken solely by Fleet. Specifically, vehicles with sliding service doors should be expected to undergo a more thorough examination (by Fleet) than previously. The reasons for these requests are to ensure consistency, full adherence to the standards you are now prescribing, full confidence, reliable intelligence and, specifically regarding doors, to mitigate against issues we have recently experienced with more than one operator.

9. Are paras 5.2 and 5.3 mutually exclusive? 5.2 implies there will be a higher standard; 5.3 states PHVs shall be maintained to no less a standard than the MOT inspection régime. Do you or will you define the specific standards you require?
10. 5.4 states that PHVs shall be properly maintained and presented. When the new standards begin, would you be able to record and therefore interrogate information on compliance test failures, other issues and spot checks. The reason for this request is, along with your penalty points system already in place, to identify trends within operators as regards their vehicles and use that information as part of a pre- and post-contract quality assessment. The use of management information such as these could obviate or mitigate the need for reactive monitoring, thus saving officer resources within both Licensing and Passenger Transport. Such reports might then usefully be available to your Committee in considering the appropriateness or otherwise of operators. Currently, there is no such information available.
11. Both appendices refer to CCTV. CCTV is of benefit to both driver *and* passenger safety. Information therein should be strengthened. Where fitted, no driver should have ready access to the system being used to record within a vehicle and neither should they be able to turn it off. Only the proprietor should have access. This results in something of an anomaly as regards owner-drivers. In such circumstances, it may therefore be that CCTV may be misused. It may also be that parents who are content to have CCTV on school buses may actually feel uncomfortable with there being CCTV in, for example, a feeder taxi for that bus unless there are specific safeguards in place. In such circumstances, Passenger Transport requests that CCTV only be available or used when specifically agreed with school transport colleagues. The reason for this request is to ensure that no driver can misuse CCTV to the safeguarding detriment of a learner.
12. Consider altering the heading "Accidents" to "Collisions". The reason for this request is that the latter term is now the more accepted and "accidents" tend to infer a lack of responsibility.
13. In para 11.4, you refer to paras 12.1 and 12.3. There is no 12.3.
14. Under 13.5, the addition of the word "minicab" might be considered.
15. I do not understand 17.1. Only closed channel equipment shall be used yet earlier in 17.1 you say that effectively drivers should not use such equipment. Under 17.2, rather than drivers be discouraged from using mobile communications while driving, they should be explicitly told not to. This in no way detracts from the importance of mobile communications. The reason for this request is that road safety opinion now suggests the use of any form of mobile communications, including handsfree, poses a road safety risk.
16. Under para 11., drivers and operators should additionally keep records regarding their daily walkround checks. The reason for this request is that this is a key determinant as to how an operator is performing, is a requirement by DVSA for larger vehicles (with nine or more passenger seats) and also to some extent protects the driver and operator in the event of a failure or collision. Where investigation is required, this also gives audit trail.
17. For the purposes of school transport, vehicles should always have an appropriate child restraint available. I am unsure of the current local regulations regarding the carrying and use of booster seats.

The foregoing relates principally to PHVs. To a lesser extent, the principles also apply to Hackney carriages. The use of taxis rather than PHVs on school transport is rarer though, particularly in the

north of the county and in some areas elsewhere, we do rely on both categories of vehicle, including for those users who require transport in their own chairs. Given the scale of our expenditure, ensuring a strong and healthy market is to the benefit of learners who qualify for free school transport as well as the Council itself.

Specifically, regarding Hackney carriages:

18. Proposed vehicle ages for Hackneys are more stringent than for PHVs. This will result in increased expenditure for the school transport budget. The principles as outlined in 3. and 4. above apply. Note, however, it would be unreasonable to ask for any exemption regarding low mileage, as Hackneys are unlikely ever to be solely used on school contracts.

In order to maintain the highest possible standards, how realistic is it for Licensing to ensure that operators and or vehicles stationed in Denbighshire are tested and plated locally. I am aware of one operator who is based within the county but whose vehicles (and drivers) are licensed some distance away. I have no difficulties with or issues in using contractors from other authorities, as this not only satisfies the Council's requirements under its Contract Procurement Regulations, it also makes commercial and operational sense where service users live close to neighbouring authority boundaries. Such operators tend to be licensed with their "home" authority. It does strike me as somewhat perverse, however, that an operator may if they wish licence themselves some distance from their bases when competitors are all certified locally. As standards in Denbighshire improve as a result of your proposals, this may result in this unintended consequence becoming more common.

Finally, may I reiterate the importance of the Hackney/PHV sectors in terms of school transport and that some of the changes you propose will inevitably result in cost increases for which not only is budget unavailable, it is unlikely to be so in the immediate future.

Peter Daniels BSc CMILT MCIHT
Rheolwr Cludiant Teithwyr /
Passenger Transport Manager
Ffôn/Tel: 01824 706847

9. Are paras 5.2 and 5.3 mutually exclusive? 5.2 implies there will be a higher standard; 5.3 states PHVs shall be maintained to no less a standard than the MOT inspection régime. Do or will you define the specific standards you require?
10. 5.4 states that PHVs shall be properly maintained and presented. When the new standards begin, would you be able to record and therefore interrogate information on compliance test failures, other issues and spot checks. The reason for this request is, along with your penalty points system already in place, to identify trends within operators as regards their vehicles and use that information as part of a pre- and post-contract quality assessment. The use of management information such as these could obviate or mitigate the need for reactive monitoring, thus saving officer resources within both Licensing and Passenger Transport. Such reports might then usefully be available to your Committee in considering the appropriateness or otherwise of operators. Currently, there is no such information available.
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The foregoing relates principally to PHVs. To a lesser extent, the principles also apply to Hackney carriages. The use of taxis rather than PHVs on school transport is rarer though, particularly in the

OPTIONS FOR MEMBERS' CONSIDERATIONS

AREA OF POLICY FOR CONSIDERATION	OPTIONS FOR MEMBERS TO CONSIDER
<p>Proposed to stipulate all Hackney Carriages to be black – (section 2.3 Hackney Carriage Vehicle Policy and 2.2 Hackney Carriage Vehicle Specifications)</p>	<ul style="list-style-type: none"> • To not have a colour restriction for hackney carriages (as is proposed for private hire vehicles) • To consider whether another colour is more appropriate ie a lighter colour • To consider whether having a different colour roof/bonnet/boot would be more appropriate • To keep the proposal of black being the only colour
<p>Age of Vehicle for Hackney Carriage Vehicles new to fleet to be brought in line with the proposed Private Hire Vehicles new to fleet (Section 1.5 hackney carriage specification and 1.4 private hire specification)</p>	<ul style="list-style-type: none"> • To not have an age policy for new to fleet vehicles (for private hire and /or hackney carriage) • To keep the proposal of 3 years old for all new to fleet hackney carriage vehicles • To consider increasing the age limit for new to fleet vehicles for hackney carriage purposes to 5 years (in line with private hire vehicles)
<p>Maximum age of Private Hire and Hackney Carriage Vehicles (once licensed and remaining on fleet) (Section 4 -hackney carriage and private hire policy)</p>	<ul style="list-style-type: none"> • To consider not having a maximum age policy for both private hire or hackney carriage vehicles • To consider whether a maximum age for both private hire and hackney carriage vehicles should be brought in line ie both 10 or 12 years old • To keep the proposal of 10 years for hackney carriage vehicles and 12 years for private hire vehicles
<p>Trailers (Section 14.1 private hire policy and Section 11.1 hackney carriage policy)</p>	<ul style="list-style-type: none"> • To consider prohibiting trailers for both private hire and hackney carriage • To consider accepting trailers for private hire vehicles only and also to consider whether relevant training would be required for those drivers currently exempt from the need to pass the DVLA driver trailer entitlement • To consider whether hackney carriage vehicles should be approved to use trailers
<p>Wheelchair accessible</p>	<ul style="list-style-type: none"> • To consider whether all Hackney Carriage vehicles should be wheelchair accessible

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Agenda Item 8

REPORT TO: LICENSING COMMITTEE

DATE: 8th June 2016

REPORT BY: THE HEAD OF PLANNING AND PUBLIC PROTECTION

SUBJECT: LICENSING COMMITTEE WORK PROGRAMME 2015/16

DATE	REPORT	COMMENT
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
	Review of Sex Establishment Policy	Report for Members to consider a revised Policy. This item has been moved from the March Committee.

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