RHONDDA CYNON TAF

RECORD OF DELEGATED OFFICER DECISION

SUBJECT: **Revised Technical Specification / Conditions of Licence for Hackney Carriage & Private Hire Vehicles**

PURPOSE OF ATTACHED REPORT:

The purpose of the report is to consider the recommendations of the Director of Public Health & Protection to adopt a revised Technical Specification/Conditions of Licence for Hackney Carriage & Private Hire Vehicles.

DELEGATED DECISION (Date):

(i) The recommendation of the Licensing Committee, (as per Min 14/17) to adopt the proposals of the Director of Public Health & Protection in respect of the Revised Technical Standard/ Conditions of Licence for Hackney Carriage & Private Hire Vehicles be noted;

(ii) The implementation of a revised charging structure for vehicle testing be deferred , subject to a whole scale review of Hackney Carriage & Private Hire (Taxi) fees;

(iii) The review of fees & charges to be implemented by the Director of Public Health & Protection, (in accordance with existing delegated authority) scheduled to be included in annual fee review for April 2015;

(iv) The remaining provisions in the Technical Standard/Conditions of Licence for Hackney Carriage & Private Hire Vehicles as outlined at Appendix 1C be adopted with immediate effect;

(v) The target implementation date for the revised policy to be 1st September 2014; this will allow an appropriate period for notification of the implementation to licensees & partner agencies.

	P.J. MEE	19.8.14
Chief Officer Signature	***Print Name***	***Date***

The decision is taken in accordance with Section 15 of the Local Government Act, 2000 (Executive Functions) and in the terms set out in Section 5 of Part 3 of the Council's Constitution

19/8/14

CONSULTEE CABINET MEMBER SIGNATURE **DATE**

OFFICER CONSULTEE SIGNATURE **DATE**

Directorate:	ENVIRONMENTAL SERVICES
Contact Name:	MERYL D WILLIAMS
Designation:	LICENSING MANAGER
Tel.No.	01443 425361

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2014/2015: REPORT TO ACCOMPANY DECISION OF THE ACTING GROUP DIRECTOR, ENVIRONMENTAL SERVICES

Review & Amendment of Technical Specification/ Conditions of Licence for Hackney Carriage & Private Hire Vehicles

1.0 PURPOSE OF REPORT

The purpose of the report is to consider the recommendations of the Director of Public Health & Protection to adopt a revised Technical Specification/Conditions of Licence for Hackney Carriage & Private Hire Vehicles.

2.0 RECOMMENDATIONS

It is recommended that:

(i) The recommendation of the Licensing Committee, (as per Min 14/17) to adopt the proposals of the Director of Public Health & Protection in respect of the Revised Technical Standard/ Conditions of Licence for Hackney Carriage & Private Hire Vehicles be noted;

(ii) The implementation of a revised charging structure for vehicle testing be deferred , subject to a whole scale review of Hackney Carriage & Private Hire (Taxi) fees;

(iii) The review of fees & charges to be implemented by the Director of Public Health & Protection, (in accordance with existing delegated authority) scheduled to be included in annual fee review for April 2015;

(iv) The remaining provisions in the Technical Standard/Conditions of Licence for Hackney Carriage & Private Hire Vehicles as outlined at Appendix 1C be adopted with immediate effect;

(v) The target implementation date for the revised policy to be 1st September 2014; this will allow an appropriate period for notification of the implementation to licensees & partner agencies.

3.0 BACKGROUND/EXECUTIVE SUMMARY

A recent review of the technical specification for Hackney Carriages & Private Hire Vehicles/ Conditions of Licence established that the current policy was no longer meeting service needs, primarily as a result of changes in legislation, external economic factors and changes in business practice by the licensed trade.

A comprehensive fleet review was undertaken to establish the suitability of vehicles being licensed for hire & reward and also to identify any problems within the existing fleet and/or business practices which could adversely affect the safety & comfort of passengers and the viability of the future trade position.

Changes in legislation in respect of the Equalities Act and the accredited vehicle standards from VOSA also needed to be formally adopted by the Licensing Authority to ensure that standards were both maintained and suitable to meet future service needs.

3.1 Matters to be Addressed

The fleet review identified several anomalies which required redress, namely:-

1. An artificial 'cap' on the number of Hackney Carriages permitted as a result of the policy preference for 'Purpose Built vehicles' which effectively prevented newer vehicles entering the fleet;
2. Commercial disadvantage to Private Hire Vehicles , where no extended licence life was permitted for wheelchair accessible Private Hire Vehicles;
3. A preference by the trade for ADAPTED wheelchair accessible vehicles, where there was a very limited technical specification to determine suitability of adaptation (or otherwise), and support refusal of vehicle where decision could withstand legal challenge;
4. Vehicles accepted for licence inconsistent with policy provisions where licensable life of vehicle was questionable, giving rise to regular challenge from the Trade representatives;
5. An increase in the age profile of the fleet, where there was an apparent reluctance from the Trade to invest in newer vehicles;
6. An unacceptable level of vehicle test failure, potentially attributable to an aging fleet, limited investment in newer vehicles and poor quality vehicle maintenance.

3.2 Key Changes proposed

Key changes were proposed to address concerns identified, as follows;-

1. A revised technical standard for Hackney Carriages & Private Hire Vehicles to make explicit the type of vehicles that will be accepted for licence; (this included a revision to the age limit that vehicles can accepted for licence and a removal of the 'purpose built' criteria for new licences);
2. A change to inspection frequency for vehicle testing, with provisions for vehicles 7 years+ to be tested on a 4 monthly basis, rather than a 6 monthly basis;
3. The introduction of a new vehicle test standard with an adoption of the Freight Transport Association (FTA) ' Best Practice Guide to Inspection of Hackney Carriage & Private Hire Vehicles' which is a national accredited standard approved by VOSA;
4. The introduction of a' Vehicle Test Challenge' process for licensees, to offer an additional dispute resolution process, which would not affect statutory right of appeal to Magistrates Court;
5. A review of fees & charges, with a focus on vehicle test failures in tended to reward good practice for vehicle maintenance – and heavily penalise poor practice. (This proposal was deferred to allow a comprehensive review of fees to ensure that the legislative requirement of 'cost recovery' was achieved across all aspects of the Taxi service.)

3.3 Consultation Process

Extensive consultation with the licensed trade and partner agencies was undertaken to ensure that the proposals would meet the respective aims of various stakeholders. The original proposals were presented to the Licensing Committee for information, subject to consultation, on 30th April 2014.

A copy of the report is reproduced for information as Appendix 1A

An interactive 'Road Show' was held for the Licensed Trade on DATE and was also attended by partner agencies. The 'Road Show' was complimentary to the publication of the proposals on the Council's website and circulation of a summary to all licensees.

The final version of the policy proposals, (which incorporated amendments as a result of consultation process) was presented to the Licensing Committee on 29th July 2014 where it was approved for recommendation to the Executive. (Min ? refers)

A copy of the report is reproduced for information as Appendix 1B

3.4 Final Outcome

The final revisions are incorporated in the document entitled 'Technical Standards/Conditions of Licence for Hackney Carriage & Private Hire Vehicles', reproduced as Appendix 1C

APPENDIX 1A

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2013 – 2014

SPECIAL LICENSING COMMITTEE
30th April 2014

REPORT OF:

SERVICE DIRECTOR
PUBLIC HEALTH AND PROTECTION

Item No.
Policy Statement & Revision of Technical Standards; Hackney Carriage/Private Hire Vehicles

PURPOSE OF THE REPORT

The purpose of the report is to:

(i) appraise Members of the proposed policy regarding vehicles considered suitable for licence as Hackney Carriages & Private Hire Vehicles;

(ii) review conditions of licence for such vehicles to ensure the comfort & safety of fare paying passengers;

(iii) ensure the vehicle fleet meets the transport needs of the communities it seeks to service.

RECOMMENDATION

It is recommended that:

(i) Members note the contents of the report, which is provided for information;

(ii) Agree to the proposal of the Divisional Director Public Health & Protection to consult with stakeholders in respect of the proposed changes; such consultation to be for a period of 28 days

(iii) That the outcome of the consultation process be the subject of a further report to this Committee, together with any changes to the draft policy that may be necessary, prior to their inclusion in a formal policy statement.

3. BACKGROUND

3.1 Current Policy

The current technical specification for vehicles is included in conditions of licence. Relevant extracts are reproduced for information as follows:-

Hackney Carriage - **Appendix 1A**
Private Hire Vehicle - **Appendix 1B**

The current specification was determined as a result of the proposed implementation of the Disability Discrimination Act 2005 which placed a duty on Licensing Authorities to ensure that Hackney Carriages available for hire & reward could be readily accessible to passengers with disabilities.

The specification/policy was intended to provide a 'year on year' increase in the number of wheelchair accessible vehicles within the Hackney Carriage fleet and also contribute to an improvement in the standard of vehicles purchased for licence.

3.2 To promote this policy, certain commercial advantages were offered to licensees who were seeking to purchase **wheelchair accessible, purpose built Hackney Carriages** as an incentive to invest in the additional costs that such vehicles incurred.

This included.

- An acceptance of 'Purpose Built vehicles' for licence, provided they were **less than 8 years old**;
- Consecutive **renewal of the licence for a period of 15 years**, (subject to fitness).
- **NEW Hackney Carriage Licences** were restricted to 'Purpose Built Vehicles', which by nature of their definition were intended for 'conveyance of passengers for hire & reward' and also met the requirements of the Disability Discrimination Act 2005. This made provision for WHEELCHAIR ACCESSIBLE VEHICLES (WAV), where passengers could be conveyed whilst seated in their wheelchairs.

3.3 Best practice at that time, (as advocated by Department of Transport) was considered to be the provision of 'Purpose Built' Wheelchair Accessible Vehicles. Licensing Authorities were encouraged to maximise the numbers of such vehicles in their fleet, with the expectation that certain Authorities, (Rhondda Cynon Taf being one), would meet a quota that was considered desirable.

Discretion was afforded to local authorities as to how the provisions should be implemented, mindful of local conditions.

3.4 The response from the licensed trade in Rhondda Cynon Taf was a request that a provision be made to retain the facility for replacement of existing saloon vehicles with an alternative saloon vehicle. The Trade position was that some operators in the County Borough may not be able to meet the additional costs for 'Purpose Built vehicles' and this would be to the detriment of the service resulting in a reduction in the numbers of licensed vehicles available. The proposal for the continuation of both types of vehicle was therefore accepted, subject to further advice from the Department of Transport and the need to meet the requirements of the impending Disability Discrimination legislation.

The age limits for saloons, (licensed as Hackney carriages or Private Hire Vehicles) were retained as follows:

- An acceptance of such vehicles for licence, provided they were less than 5 years old;
- Consecutive renewal of the licence for a period of 10 years.

4. **Unintended Consequences**

4.1 Initially the revised specification partially met its aims and resulted in a small increase in the number of wheelchair accessible, 'Purpose Built vehicles' in the Hackney Carriage fleet. There was also a complimentary improvement in the standard of licensed vehicles. However, a considerable number of Hackney Carriage licensees continued to operate saloon vehicles, choosing to replace' like with like' on the basis that cost of the 'Purpose Built' vehicles was prohibitive.

4.2 The changes introduced primarily affected Hackney Carriages, (in accordance with the provisions of the Disability Discrimination Act) and Private Hire Vehicles continued to be primarily saloon type vehicles, small mini buses and Multi Purpose Vehicles (MPVs). (No commercial advantage was offered to wheelchair accessible Private Hire Vehicles, as it was outside the remit of the legislation and this is a source of concern to the licensed trade.)

4.3 However, a combination of factors, which included the deferral of the implementation of the legislation; a change in the approach of the Department of Transport to wheelchair accessible vehicles and the economic climate resulted in an increasing reluctance of the Trade to purchase 'Purpose Built' wheelchair accessible vehicles, primarily as a result of cost.

4.4 As an alternative response and in order to meet an increasing demand for wheelchair accessible vehicles, Licensees sought to licence vehicles adapted for wheelchair access ,circumventing the policy in respect of the 'Purpose Built Vehicles', whilst seeking to take advantage of the potential commercial advantages offered for such vehicles.

4.5 In principle the acceptance of adapted wheelchair accessible vehicles is seen as a positive action, as it effectively increases the number of wheelchair accessible vehicles in the fleet. However, the combination of the existing policy on age limit and preference for 'Purpose Built' Wheelchair Accessible Vehicles and the ambiguity associated with the definition of adapted vehicles has resulted in some unintended consequences which has adversely impacted on the fleet profile.

A summary of the unintended consequences is as follows:-

(i) an artificial limit on number of Hackney Carriage Licences, where prospective licensees appear reluctant to invest in the 'purpose built' disability accessible vehicles required to warrant a new licence. (Whilst there is no limit on the number of Private Hire Vehicles there are certain trading limitations attached to such licences which do not make them such an attractive commercial proposition.)

(ii) An aging fleet, where there is limited investment in newer vehicles; at the time of preparing this report approximately 52% of the fleet is aged 7 years or over.

Whilst the age of the vehicle in itself is not a problem if the vehicle is effectively maintained, an analysis of vehicle test results indicates an unacceptable level of failure in vehicles of this age category.

(iii) a flourishing trade in vehicle licence transfers, where there is now a significant 'inflated' commercial value to a licensed Hackney Carriage, whatever its condition, as it can be purchased by someone wishing to enter the trade or increase their Hackney Carriage fleet without sourcing a 'Purpose Built vehicle; this has potentially contributed to the retention of vehicles in the fleet that otherwise would have been replaced.

(iv) Licensees seeking to source potentially unsuitable vehicles, of lower cost & quality which do not meet the current policy and actually may reduce the standard of vehicles entering the fleet. This is particularly the case with 'Adapted Vehicles', where as a result of a perceived shortage of suitable vehicles, certain licensees are seeking to carry out their own adaptations.

4.7 Whilst it is possible to refuse to accept unsuitable vehicles for licence, it has become evident that the ambiguity of the current policy is a contributory factor to confusion amongst the Trade regarding acceptable standards. Although advice & guidance is given to potential applicants on what constitutes an acceptable vehicle, Officers are subject to regular challenge on the suitability of vehicles, (mindful that there have also been changes in legislation in respect of approved vehicle standards) and a disproportionate amount of resource is being dedicated to dealing with individual applications/refusals.

4.8 It is considered that the foregoing may in turn have a negative impact on the level of service for the travelling public and also results in a position of potential financial detriment for licensees, where it has been necessary to refuse to accept a vehicle for licence **after it has been purchased**.

Licensees are afforded the opportunity of a pre-purchase inspection to ensure that the vehicle is suitable, but few appear to take advantage of this option and there is clearly an increase in vehicles purchased at auction, where officers are presented with a 'fait accomplis' and have to deal with an unsuitable vehicle and an aggrieved applicant.

It is accepted that it is the responsibility of the applicant to source the vehicle, but good practice requires any policy/guidance/specification to be clear and unambiguous and when considering the changes that have impacted on the current vehicle specification it is considered that it no longer meets best practice standards.

5. Way Forward

5.1 Members will be aware that a comprehensive fleet review has recently been undertaken in order to inform the process of review. This has highlighted anomalies in the types of vehicles that have recently been accepted for licence.

5.2 Whilst the safety & comfort of passengers is assured and has not in any way been compromised, it appears that vehicles have been accepted for licence inconsistent with policy provisions. This may give rise to a legitimate expectation that vehicles have a 15 year licence life entitlement as opposed to a 10 year licence life as intended by the current policy.

5.3 There are also anomalies in the type of vehicle accepted for licence which could detract from the desired professional appearance of the fleet and in certain circumstances the comfort of passengers.

5.4 Changes have already been implemented in the existing regime to ensure that the 'licensable life' of a vehicle is displayed on the vehicle licence. This will avoid any ambiguity for the licensee and also afford a legitimate right of appeal, where there is a dispute.

It will also assist licensees in assessing the commercial value of a vehicle where there is a proposal to purchase/sell an existing licensed vehicle.

In order to make best use of available resources, a decision was taken to issue the revised format of licence on renewal, albeit the information is available to any licensee in the interim period on request.

A copy of a revised vehicle licence is reproduced for information as Appendix 1C.

5.5 In order to address both the anomalies identified and the unintended consequences of the current policy it has been necessary to undertake a comprehensive review of current vehicle licence conditions. In addition, in order to meet best practice standards it is also considered necessary to publish a policy statement, which sets out the position of the Licensing Authority in respect of such matters.

5.6 **Revised Vehicle Specification/Technical Standards**

Officers are currently preparing the policy statement which will need to be approved by the Executive. However, a substantive part of the policy statement will be the revised vehicle specification/technical standards. Any changes in this respect will undoubtedly impact on the licensed trade as well as other stakeholders and it is considered important that there is appropriate consultation on this aspect prior to finalising the policy statement.

A copy of the draft revised vehicle specification for licensing of Hackney Carriage & Private Hire Vehicles is reproduced for information as Appendix 1D

(Note: key changes are highlighted RED within Appendix 1D for ease of reference)

There are no proposed changes to conditions of licence for Private Hire (Executive) Vehicles or Private Hire (Specialist Vehicles/ Stretch Limousine) Vehicles and such conditions are therefore not included in this report.

5.7 Key Changes – Summary

Whilst substantive parts of conditions of licence for both Hackney Carriage & Private Hire vehicles remain unchanged and are incorporated into the revised policy statement, there are a number of key changes that are likely to be of particular interest to stakeholders, some of which will have a financial impact on the licensed trade. Such changes are as follows:

(i) Revision of the technical standard for vehicles acceptable for licence, to make explicit the type of vehicle that will be accepted (or refused) for licence. This will be to the advantage of applicants who will be assisted in sourcing appropriate vehicles and also provide evidence to support the position of the Licensing Authority in defending appeals where refusals are challenged.

(ii) A change to the vehicle inspection programme for vehicles in excess of seven years old, in that a frequency of 'four monthly testing' is advocated in recognition of the higher test failure rate of such vehicles;

(iii) A change to the Vehicle Testing Standards to adopt the 'FTA Best Practice Guide to Inspection of Hackney Carriage & Private Hire Vehicles', which is a nationally accepted standard approved by VOSA . This will provide consistency/assure probity of the vehicle testing regime. (This will replace the Supplementary Testing Manual currently in use.)

(iv) A stated requirement that vehicles be presented for test suitably prepared, where there will be an expectation that a vehicle will PASS the vehicle test on first presentation. Provision for ANY re test will be charged at the appropriate fee, with NO FREE RETEST. Fee will be set at a level to provide an incentive for compliance; reward responsible vehicle owners and penalise non- compliance, consistent with the requirement for a vehicle to be maintained 'fit for purpose' at all times.

(v) A change to the type of vehicle that will be accepted for NEW Hackney Carriage & Private Hire Vehicle Licences. This will assist in removing the artificial cap on Hackney Carriage licences that has been created and will allow unrestricted access to any persons wishing to enter the trade. There is also equal incentive to bring purpose built vehicles into Hackney Carriage or Private Hire Vehicle fleet. It is anticipated that this will in turn serve to eliminate the trade in older, less desirable vehicles and mitigate the trade in vehicle licence transfers. This

will have a positive effect on the service standards, releasing a resource within the Team and potentially increasing choice for customers allowing market forces to prevail.

(Revised Best Practice Guidance issued by Department of Transport advocates that *"Purpose built vehicles should be amongst those which the local authority could be expected to licence"* and confirms the position that a mixed fleet is desirable.)

It is considered necessary to continue to provide a commercial incentive to increase the number of wheelchair accessible vehicles in the overall fleet, to include both Hackney Carriage & Private Hire Vehicles.

(vi) A reduction in the age limits that vehicles will be accepted for licences, in order to mitigate the aging profile of the fleet and encourage investment in better quality vehicles.

(vii) A review of fees & charges to promote compliance and target non- compliance, particularly in respect of vehicle testing. Whilst this is not part of the policy statement per se, it will be a complimentary action where the Licensing Authority would welcome feedback from stakeholders.

6. Existing Licensees/Grandfather Rights

It will be necessary to take a position in respect of current licensed vehicles, particularly where anomalies have been identified to ensure that standards of safety & comfort for passengers are maintained and also that Licensees are not in a position of detriment.

However, the overriding concern will be protection of public safety and to ensure that the taxi fleet continues to meet the needs of the communities it serves – in the widest possible sense.

It is proposed that licensees will have notice of the impending changes by means of a comprehensive consultation process. This will include an opportunity to make written representations, but also an open day/ roadshow to allow licensees to raise matters of concern where there will be an opportunity to receive an explanation/clarification of the proposals from Officers.

Where vehicles have been accepted for licence, contrary to current policy such licences will be allowed to continue to the conclusion of their licensable life, provided that the vehicle continues to meet the safety & comfort standards required.

The licensable life of the vehicle will be assessed using the current conditions of licence.

It is proposed that following the expiry of the licensable life of the current vehicle, any replacement vehicle will be subject to new criteria. This will allow a reasonable period for licensees to source an appropriate replacement vehicle.

However, this commitment will not preclude the suspension of a vehicle licence ,the review of vehicle suitability or review of 'fit & proper person criteria' where the vehicle fails to meet satisfactory standards at any time.

7. Consultation

Best practice requires the proposed changes to be the subject of consultation with stakeholders, particularly where there will be a financial impact to the parties. This will be particularly important to licensees, but no less so to the users of the service and parties representing interests such as equalities and social inclusion.

It is proposed that there be a public consultation on the proposals which will last 28 days. It is considered that such a time period' is appropriate to ensure stakeholder views are considered but in a timely manner to ensure minimal delay in respect of implementation.

The outcome of such consultation to be the subject of a further report to this Committee.

8. Conclusion

The revision of vehicle specification/technical standards is a substantive element of the proposed policy document and at this stage there has been no consultation with stakeholders in respect of same. Consequently, it is proposed to consult on the proposed changes to the vehicle specification, independent of any consultation that may be required on the policy statement.

This will expedite progress in respect of the implementation of the policy, ensuring that the views of relevant stakeholders are properly reflected in the final technical specification.

9. It is recommended that:

(i) Members note the contents of the report, which is provided for information;

(ii) Agree to the proposals of the Divisional Director Public Health & Protection to consult with stakeholders in respect of the proposed changes to the vehicle specification / technical standards for Hackney Carriage & Private Hire Vehicles; such consultation to be for a period of 28 days;

(iii) That the outcome of the consultation process be the subject of a further report to this Committee, together with any changes to the draft vehicle specification that may be necessary, prior to their inclusion in a formal policy statement .

Paul J Mee

Service Director Public Health & Protection

Appendix 1A

Extract of Hackney Carriage Technical Standards

Technical Standards

Before being licensed a vehicle must meet the technical standards of either;

a European Whole Vehicle Type approval
a British National Type Approval or
a British Single Vehicle Approval

in addition if a purpose built vehicle it must have M1 certification

Height (Inside)

From the top of the seat cushions to the roof at the lowest part must not be less than **81.3 cms (thirty-two inches)**.

Knee Space

The measurement between the squab of the seat and the rear of the seat in front, and in the case of all front seats from the squab of the seat to the console or any part of the vehicle immediately in front of the seat must not be less than 27 inches or 68.5 cms.

For the purposes of this condition the squab of the seat will be the point at which the front of the backrest on the vertical axis meets the seat cushion on the horizontal access, and will be measured from the outermost point of seat cushion.

*This measurement will **not apply** to the middle, rear seat where a centre console between the two front seats protrudes beyond the rear of the front seats. The discretion of the Licensing Officer will be used to assess the suitability of the knee space available to fare paying passengers.*

Seat (Width)

The width of the back seat from the squab to the front edge must not be less than **45.7 cms (eighteen inches).**

Where the vehicle is purpose built & wheelchair accessible, the discretion of the Licensing Officer will be used to assess the suitability of the seat width available to fare paying passengers, giving due regard to the specialist nature of the vehicle.

Rear Seat (Length)

The length of the rear seat measured in a straight line, lengthwise on the front of the seat must be such as will allow adequate sitting accommodation to the extent of at least **40.6cms (sixteen inches)** per person.

Engine Capacity

The engine capacity of the vehicle shall be not less than as recorded on the original registration document (V5), other than in cases approved by the Council.

3. Licences & Ages of Vehicles

(a) Grant of a Licence

New licences will only be issued in respect of purpose built vehicles

A licence will be granted in respect of a **purpose built vehicle**, provided such a vehicle is **less than eight years** old (from date of first registration) at date of licence issue. The licence may be renewed until the vehicle becomes **fifteen years old**, provided that every renewal takes effect immediately upon the expiry of the licence as the case may be.

(b) Renewal of a Licence

On renewal of an existing licence, licencees are permitted to replace an existing vehicle with an alternative vehicle, provided such vehicle is **less than 5 years old** (from date of first registration) at date of licence issue. The licence may be renewed **until the vehicle becomes 10 years old**, provided that once the vehicle reaches **five years of age** every renewal takes effect immediately upon expiry of the earlier licence.

For the avoidance of doubt

- any subsequent application for a licence (which application must comply in all respects with the Councils "Conditions of Application") shall be treated in all respects as an application for a "new" licence as opposed to a renewal of the expired earlier licence;
- unless the proprietor can show to the satisfaction of the Chair/Vice Chair of the Licensing Committee, together with the appropriate Director, that this failure to make an application prior expiry of the current licence was due to some unavoidable cause/exceptional circumstances beyond his/her control.
- Accordingly applications in respect of vehicles over eight years for purpose built vehicles and five years for other vehicles, from date of first registration* will not be entertained.

  (*In the case of vehicles, which have been re-registered, the date of the first registration of the vehicle by identification of the Vehicle Identification Number (VIN) will apply. In the case of vehicles imported into the country, the date of first registration with the DVLA will apply).

  The onus will be on the applicant to prove the date of first registration.

N.B. Following the grant of a Hackney Carriage licence to a ***purpose built vehicle****, and the subsequent transfer of that licence to a second vehicle. No further applications for the grant of a Hackney Carriage licence for the original vehicle will be considered, unless exceptional circumstances exist. For the purposes of this condition the identity of the vehicle will be determined by reference to the Vehicle Identification Number* (VIN) as contained in the V5 Registration document for the vehicle.

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5. Vehicle Colour

The vehicle must be black in colour, (or any other colour specified by the council at the time of licensing).

6. Passenger Seating Capacity

The vehicle must be of sufficient seating capacity to carry at least four and not more than eight passengers in addition to the driver. The seating capacity shall be determined in accordance with paragraphs (i)(a) and (i)(b) and paragraph (ii) of Regulation 42 of the Road Vehicles (Registration & Licensing) Regulations 1971.

7. Estate Cars, Multi Purpose Vehicles & People Carriers

If the vehicle is an Estate Car or a Multi Purpose Vehicle as described on the Vehicle Registration Document (V5), it must be fitted with a grille sufficient to prevent luggage carried in the rear compartment from coming into contact with persons in the rear seat.

Appendix 1B

Extract of Private Hire Vehicle Technical Standards

Technical Standards

Before being licensed a vehicle must meet the technical standards of either;

a European Whole Vehicle Type approval
a British National Type Approval or
a British Single Vehicle Approval

Height (Inside)

From the top of the seat cushions to the roof at the lowest part must not be less than **81.3 cms (thirty-two inches).**

Knee Space

The measurement between the squab of the seat and the rear of the seat in front, and in the case of all front seats from the squab of the seat to the console or any part of the vehicle immediately in front of the seat must not be less than 27 inches or 68.5 cms.

For the purposes of this condition the squab of the seat will be the point at which the front of the backrest on the vertical axis meets the seat cushion on the horizontal access, and will be measured from the outermost point of seat cushion.

This measurement will ***not apply*** *to the middle, rear seat where a centre console between the two front seats protrudes beyond the rear of the front seats. The discretion of the Licensing Officer will be used to assess the suitability of the knee space available to fare paying passengers.*

Seat (Width)

The width of the back seat from the squab to the front edge must not be less than **45.7 cms (eighteen inches).**

Where the vehicle is purpose built & wheelchair accessible, the discretion of the Licensing Officer will be used to assess the suitability of the seat width available to fare paying passengers, giving due regard to the specialist nature of the vehicle.

Rear Seat (Length)

The length of the rear seat measured in a straight line, lengthwise on the front of the seat must be such as will allow adequate sitting accommodation to the extent of at least **40.6 cms (sixteen inches)** per person.

Engine Capacity

The engine capacity of the vehicle shall be not less than as recorded on the original registration document (V5), other than in cases approved by the Council.

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3. **Age of Vehicle**

Vehicles must be under **five years** of age before being licensed and that licence may be renewed until the vehicle becomes **ten years** old, (provided that all licences run consecutively).

For the avoidance of doubt, if there is any period after the expiry of a licence:-

- any subsequent application for a licence (which application must comply in all respects with the Councils "Conditions of Application") shall be treated in all respects as an application for a "new" licence as opposed to a renewal of the expired earlier licence;
- unless the proprietor can show to the satisfaction of the Chair/Vice Chair of the Licensing Committee, together with the appropriate Director, that this failure to make an application prior expiry of the current licence was due to some unavoidable cause/exceptional circumstances beyond his/her control.
- Accordingly applications in respect of vehicles over five years from date of first registration* will not be entertained.

  (*In the case of vehicles, which have been re-registered, the date of the first registration of the vehicle by identification of the Vehicle Identification Number (VIN) will apply. In the case of vehicles imported into the country, the date of first registration with the DVLA will apply).

  The onus will be on the applicant to prove the date of first registration.

4. Vehicle Colour

The vehicle must be **white** in colour. It must not resemble the London type taxicab or otherwise be of such design or appearance as to lead any person to believe that the vehicle is a Hackney carriage.

5. Passenger Seating Capacity

The vehicle must be of sufficient seating capacity to carry at least four and not more than eight passengers in addition to the driver. The seating capacity shall be determined in accordance with paragraphs (i)(a) and (i)(b) and paragraph (ii) of Regulation 42 of the Road Vehicles (Registration & Licensing) Regulations 1971.

6. Estate Cars, Multi Purpose Vehicles & People Carriers

If the vehicle is an Estate Car or a Multi Purpose Vehicle as described on the Vehicle Registration Document (V5), it must be fitted with a grille sufficient to prevent luggage carried in the rear compartment from coming into contact with persons in the rear seat.

Appendix 1C

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

Licence No: **Ref**

HACKNEY CARRIAGE VEHICLE LICENCE

The Rhondda Cynon Taf County Borough Council pursuant to the powers conferred upon them by the Town Police Clauses Act, 1847 and the Local Government (Miscellaneous Provisions) Act, 1976 and upon the application of

Name
Address

HEREBY LICENCE this vehicle as a Hackney Carriage to ply for hire within the Cynon Valley, the Rhondda and Taf Ely districts, being parts of the district of the Council:-

Plate Number	**XXXX XXX**
Vehicle Registration Number	**RCT XXX**
Maximum Number of Passengers Authorised to Convey	**X**
Effective Date of Licence	**Date**
Expiry Date of Licence *(unless previously suspended or revoked)*	**Date**
6 Month Roadworthiness Test due	**Date**
Licensable Life of Vehicle expires	**Date**

This Licence is issued subject to the attached conditions which must be adhered to at all times.

Service Director Public Health & Protection
Date

LICENSING TEAM
PUBLIC HEALTH AND PROTECTION
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Appendix 1D

1. VEHICLE SPECIFICATION

1.1 Technical Specification/Vehicle Type

To be eligible for licence as a Hackney Carriage/Private Hire Vehicle, a vehicle must meet the following technical standards:

Have European Community M1 type approval, which includes

a. Whole European Type approval, or
b. UK Low Volume/Small series Type Approval for Passenger cars
c. UK Individual Vehicle Approval

and must comply with the Road Vehicles (Construction and Use) Regulations 1986

1.2 Modified vehicles

Motor vehicles which have M 1 type approval (European Community Whole Vehicle Type Approval) and have been MODIFIED or have been subject to ANY ALTERATIONS since manufacture will be considered, provided that they are provided with:

a. UK Low Volume/Small series Type Approval for Passenger cars; OR
b. UK Individual Vehicle Approval

1.3 Exception

UK Individual Vehicle Type approval will **not be accepted where:**

a. the seat belts fitted to the vehicle are not those fitted by the manufacturer and tested in accordance with the vehicle's original type approval; OR

b. where the vehicle has been fitted with seating/ Wheelchair tracking which may invalidate the original type approval for any seats fitted to the vehicle, except where evidence is produced by the applicant that this is not the case.

NOTE:The purpose of the required certification is to ensure that modified vehicles carry a nationally recognised accreditation and safety standard. It is the responsibility of the applicant to present the vehicle with appropriate documentation. A failure to do so will result in refusal to accept the vehicle as suitable for licence.

Motor Vehicle which have **N Type Approval** (European Community Whole vehicle type Approval) will not normally be considered unless they are presented with UK Low Volume/Small Series Type Approval for Passenger Cars.

1.4 New Applications (Effective DATE to be confirmed)

All vehicles for **NEW Hackney Carriage/Private Hire Vehicle Licence** applications must be:

a. a suitable wheelchair accessible vehicle, designed to trade for hire & reward i.e. a **PURPOSE BUILT** VEHICLE;

b. a Wheelchair Accessible **ADAPTED VEHICLE** which meets the criteria as detailed in this Policy

c. a NEW VEHICLE where the vehicle is **NON WHEELCHAIR ACCESSIBLE** e.g a saloon

1.5 Grandfather Rights

A vehicle licence is issued for a specific vehicle for a maximum period of one year. At the end of that one year period, the licensee may apply for further licences up to the end of the vehicle's 'licensable life', **subject to maintaining the fitness of the vehicle**

'Licensable life' of the vehicle will be assessed using;

- the date of first registration of the vehicle;
- conditions of licence in force at the time the respective licence was granted.

The relevant date will appear on the paper copy of the vehicle licence held by the licensee, or where the licence was issued prior to the introduction of changes to licences (1/4/14), the licensable life can be confirmed by Licensing Officers on request.

On reaching the end of 'licensable life' date, any vehicle licence in force at that time will be allowed to continue to expiry of that particular licence – provided the fitness of the vehicle is maintained. No further applications for licence will be considered in respect of the vehicle.

Any subsequent application for licence made by the licensee will be subject to the criteria detailed in this policy statement.

Licensees who wish to replace their existing vehicle during the currency of a licence, before the expiry of the 'licensable life' will be required to comply with the revised vehicle specification detailed in the policy statement.

2. AGE OF VEHICLES

2.1 Grant of Licence

Type of Vehicle	Minimum Age	Maximum Age
Purpose Built Hackney Carriage OR Private Hire Vehicle (Wheelchair Accessible)	Less than 8 years old (from date of first registration) (Admission Age)	15 years (provided each subsequent licence takes effect immediately upon expiry of the previous licence).
Wheelchair Accessible (Adapted) Vehicles	Less than 3 years old (from date of first registration) (Admission Age)	10 years (provided each subsequent licence takes effect immediately upon expiry of the previous licence).
Non Wheelchair Accessible Vehicles	New vehicles (Admission Age)	10 years (provided each subsequent licence takes effect immediately upon expiry of the previous licence).

2.2 Consecutive Licences

Following the GRANT of a first licence for a vehicle at the 'Admission Age' specified above, the vehicle will continue to be accepted for licence until it reaches the end of 'licensable life' as detailed on the licence.

The acceptance of the vehicle for subsequent licences after the 'admission age' will be subject to the following criteria:

- The continuing fitness/suitability of the vehicle;
- That each licence takes effect immediately upon expiry of the previous licence

Should a vehicle licence be allowed to expire/lapse, any subsequent application for licence shall be treated as a new application with the requirement that it satisfies the criteria set out in this policy. Vehicles will not be accepted for licence in excess of their 'Admission Age' (as detailed above).

2.3 Exceptional Circumstances

Licensees are encouraged to make timely applications to ensure that vehicle licences run consecutively from 'admission age' to 'end of licensable life'.

However, where the proprietor of a vehicle can demonstrate EXCEPTIONAL CIRCUMSTANCES to the satisfaction of the Chairman/Vice Chairman, together with the Director of Public Health & Protection that the failure to make an application prior to expiry of the current licence was due to circumstances beyond his/her control, an application may be considered.

When considering such an application, the Service Director will have regard to the trading profile of the licensee, the test history of the vehicle and any ancillary information considered relevant to the determination of the application.

2.4 Vehicle Replacement Policy

To assist owners who wish to be able to change vehicles during the period of an existing licence, the Council will operate a 'replacement vehicle policy' This will allow the existing licence to be surrendered and a new one year licence granted for the replacement vehicle. Any vehicle presented for licence must comply with the specifications contained in this policy.

There is no basis in legislation for the TRANSFER of VEHICLE LICENCES from VEHICLE TO VEHICLE and this transaction is therefore not permitted.

3. VEHICLE LIVERY/COLOUR

Hackney Carriage

The vehicle must be **BLACK in colour**, (or any other colour specified by the Council at the time of licensing).

Private Hire Vehicle

The vehicle must be **WHITE in colour**, (or any other colour specified by the Council at the time of licensing).

4. INTERIOR SPECIFICATION

4.1 The vehicle must be suitable in type, size, design and colour as a Hackney Carriage/Private Hire vehicle and comply with the following requirements;

a. be a car fitted with four road wheels, have at least four doors and be right hand drive

b. be of adequate seating capacity and head and knee room etc.as follows;

4.2 Height (Inside)

From the top of the seat cushions to the roof at the lowest part must not be less than **81.3 cms (thirty-two inches)**

4.3 Knee Space

The measurement between the squab of the seat and the rear of the seat in front, and in the case of all front seats from the squab of the seat to the console or any part of the vehicle immediately in front of the seat must not be less than 27 inches or 68.5 cms.

For the purposes of this condition the squab of the seat will be the point at which the front of the backrest on the vertical axis meets the seat cushion on the horizontal access, and will be measured from the outermost point of seat cushion.

*This measurement will **not apply** to the middle, rear seat where a centre console between the two front seats protrudes beyond the rear of the front seats. The discretion of the Licensing Officer will be used to assess the suitability of the knee space available to fare paying passengers.*

4.4 Seat (Width)

The width of the back seat from the squab to the front edge must not be less than **45.7 cms (eighteen inches).**

Where the vehicle is purpose built & wheelchair accessible, the discretion of the Licensing Officer will be used to assess the suitability of the seat width available to fare paying passengers, giving due regard to the specialist nature of the vehicle.

4.5 Rear Seat (Length)

The length of the rear seat measured in a straight line, lengthwise on the front of the seat must be such as will allow adequate sitting accommodation to the extent of at least **40.6cms (sixteen inches)** per person.

5. PASSENGER SEATING CAPACITY/CONFIGURATION

5.1 The vehicle must be of sufficient seating capacity to carry at least four and not more than eight passengers in addition to the driver. The seating capacity shall be determined in accordance with paragraphs (i)(a) and (i)(b) and paragraph (ii) of Regulation 42 of the Road Vehicles (Registration & Licensing) Regulations 1971.

5.2 Multi Purpose vehicles

The Licensing Authority is committed to licensing different types of vehicles as either Hackney Carriage or Private Hire Vehicle, the suitability of the seating configuration will be a matter for consideration in order to allow appropriate access & egress for passengers. The preferred seating configuration for multi purpose vehicles is detailed as Appendix 1D(i)

6. SEAT BELTS

All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with the relevant British Standard, except where legislation specifically provides an exemption.

In relation to the carriage of all passengers, including children, the requirements of all relevant legislation must be complied with.

7. TYRES

All tyres, including the spare wheel, must be suitable for use on the vehicle and conform to the requirements of the Original Manufacturers' Specification.

Run-flat tyres are acceptable on licensed vehicles.

'Space-saver' spare tyres are acceptable on licensed vehicles if they conform to the Original Manufacturers' Specification.

If a 'space-saver' spare tyre is used on a licensed vehicle it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the 'space- saver' spare tyre is being used on the vehicle.

Original Manufacturers' Specification 'tyre repair kits /compressor' are permitted within licensed vehicles provided they comply with the relevant British Standards.

If a 'tyre repair kit / compressor' is used on a licensed vehicle in lieu of a spare tyre it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the tyre repaired with the 'tyre repair kit / compressor' is being used on the vehicle.

8. LUGGAGE

8.1 Adequate storage for passenger luggage must be available. Luggage carried must be suitably secured in place without obstructing any emergency exits.

8.2 If the licensed vehicle is an estate, hatchback, or multi-passenger type vehicle, it must be fitted with a guard-rail or manufacturer's specification compartment cover, approved by the Council, to prevent luggage from entering the rear passenger compartments. Exemption from this requirement will only be given where the construction of the vehicle, in the Council's opinion, does not require such a rail or cover.

9. VEHICLES POWERED BY LIQUID PETROLEUM GAS (LPG)

9.1 An applicant for a licence involving a vehicle that has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with LPG Association Code of Practice. This certification is required to ensure that the vehicle is considered safe by an approved inspector.

9.2 If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle. Alternatively, if the vehicle is fitted with 'run-flat' tyres, exemption from carrying a spare wheel will be granted.

10. VENTILATION

10.1 Windows must be provided to all passenger compartments along with adequate means of opening and closing not less than one window on either side of the vehicle, in both the front and rear passenger compartments.

10.2 Rear passenger windows must be capable of being opened by passengers when seated unless air conditioning is available, in which case the air conditioning must be operated by the driver upon request.

11. WHEELCHAIR ACCESSIBLE VEHICLES

11.1 In the case of all hackney carriages/private hire vehicles, which are built or adapted for disabled passengers, the preferred design of the vehicle is that any wheelchair is loaded from the side rather than the rear of the vehicle. Whilst the Council prefer vehicles to be loaded from the side, each vehicle will be assessed on its own merits.

The following conditions are supplementary to the vehicle standard specification applicable to all licensed vehicles (Hackney Carriage & Private Hire) with facilities to convey passengers whilst seated in Wheelchairs.

Additional Conditions for Wheelchair Accessible Vehicles

11.2 For every designated space for a wheelchair user, suitable independent restraint systems, incorporating webbing, must be fitted for both wheelchair and occupant, adjustable to suit a range of wheelchairs and occupant sizes. The restraint systems must be installed and operated in accordance with the manufacturer's instructions. The wheelchair restraint system must incorporate four-point webbing or be of a kind that is integral with a seat or backrest – clamps alone will not be accepted.

11.3 The wheelchair occupant restraint system shall comprise a minimum of a three-point anchorage system (lap and diagonal). This can either be integral with the wheelchair tie down equipment or provided separately.

11.4 Vehicles may be fitted with either ramps or power operated lifts to facilitate entry and exit by passengers in wheelchairs, unless the vehicle has a floor height measured from the road of more than 610mm, in which case it must be fitted with a power operated lift and the use of ramps will not be permitted.

11.5. All ramps must comply with BS6109 (pt2) Category A or Category B, including the requirement to cater for wheelchair tracks from 450mm to 735mm and to deliver a gradient no steeper than 1 in 12 (8.3%).

11.6 Ancillary equipment must be installed, operated and maintained in accordance with the manufacturer's instructions, and any lifts must be tested according to LOLER (Lifting Operations and Lifting Equipment Regulations 1998/2307).

a. A copy of the six-monthly LOLER certificate of inspection for passenger lifts must be supplied to RCTCBC on request. All power-operated lifts must comply with BS6109 (pt2) Category A.
b. A copy of the LOLER certificate must be produced as part of the annual licensing application and during the inspection regime, applicable to the age of the vehicle.
c. In addition a copy of the LOLER certificate must be kept on the vehicle at all times and produced for inspection when requested by an authorized officer of the council or a Police Officer.

11.7 Stowed ramps or lifts must not prevent service and emergency doors from being operated from inside and outside the vehicle. Internally stored lifts must fold down as designed to allow access to the emergency exit when the door is open.

12. MODIFICATIONS

No material alteration or change in the specification, design, condition or appearance of any licensed vehicle may be made without:

a) compliance with road traffic legislation,
b) compliance with insurance requirements, and
c) obtaining approval for the change(s) from the Council

13. INSPECTION AND FITNESS OF VEHICLES

In addition to statutory MOT requirements, vehicles are required to be mechanically tested and inspected at the Council's approved testing centre. A PASS certificate from the approved Testing Centre must be produced to support vehicle licence applications and satisfy interim fitness tests.

The vehicle inspection facility available is located at **Ty Glantaff, Treforest Trading Estate, CF37 5TF.** (Any amendment to the Council's inspection facility will be notified in writing to licensees.)

13.1 Frequency of Vehicle Testing

Age of Vehicle	Test Frequency
Less than 3 Years (from date of first registration)	Annually
Over 3 Years, but less than 7 Years (from date of first registration	6 Monthly
Over 7 Years (from date of first registration)	4 Monthly

13.2 Test Fees

The appropriate test fee will be charged for this inspection and is payable to the Council **prior to the test taking place**. The vehicle licence shall automatically be suspended should the vehicle fail to be submitted for a vehicle inspection on or before the inspection date specified in the licence.

The suspension shall remain in force until such time as the vehicle has undertaken a satisfactory inspection or until the vehicle licence is automatically revoked.

A vehicle may not be submitted for such an inspection earlier than 28 days prior to the scheduled date of the test, which will be required:

- six months from the date of the annual inspection for vehicles up to seven years old; and
- four months for vehicles in excess of seven years old.

13.3 Standard of Testing

a. The standard of additional testing relevant to licensed vehicles is based on the' **FTA *Best Practice Guide to Inspection Of Hackney Carriage & Private Hire Vehicles 2012*'**.

The guide is provided to set a minimum national standard for inspection of licensed vehicles and can be used as a reference for Licensing Authority Authorised Officers, Vehicle Inspectors and Vehicle Proprietors.

b. The Best Practice Guide will be complimentary to the Council's policy on the suitability of vehicles and relevant conditions of licence and will **REPLACE** the **'Supplementary Testing Manual'** previously used.

c. All vehicles must be submitted **fully prepared for test and it is expected that vehicles will pass the Council's test on first presentation.** It is not intended that the test be used in lieu of a regular preventative maintenance programme, or to identify faults that need to be rectified. Vehicle are required to be maintained in a condition 'fit for purpose' at all times. Procedures outlined in this policy are intended to provide incentive for compliance, reward for responsible vehicle owners where costs of non-compliance are borne by operators who fail to meet standards required.

13.4 Test Failures/Retests

Where a vehicle is subject to a test failure, the defect will be graded as follows:

a) **Category 'A'** – serious defect which presents imminent risk to public safety and renders vehicle unfit for continued trading with immediate suspension of vehicle licence;

Guidance on defects likely to incur Category 'A' Failures is available from Licensing Officers on request. This list is not exhaustive as it is not possible to forecast all eventualities but will give Operators a guide to expectations. The guidance must be read in conjunction with the **FTA *Best Practice Guide to Inspection Of Hackney Carriage & Private Hire Vehicles 2012***

In the event of a vehicle being subject to an 'A' Grade failure, the vehicle licence will immediately be suspended and the Licence Plate will be removed from the vehicle until such time as the vehicle successfully completes a further inspection. A further inspection must be carried out within two months of the failure otherwise the licence will deemed to have been revoked.

b) **Category 'B'** - a defect where the vehicle is considered suitable to continue trading, subject to defect being remedied within 14 days of test.

A vehicle, which has failed the vehicle inspection test, must be submitted for a re-test to the vehicle examiner approved and appointed by the Council on the defects found within 14 days from the date of the test.

A failure to make the vehicle fit within the 14 day period permitted will result in the suspension of the vehicle licence until the vehicle is subject to a satisfactory vehicle test. Should the period of suspension be in excess of 2 months, the licence will be deemed to be revoked.

13.5 Re Test Fees

a) Any vehicle subject to a test failure will be subject to a RETEST FEE to be determined by the Director of Public Health & Protection in accordance with procedures for setting/reviewing fees. The fee will be linked to the level of failure where there will be a higher fee for 'A' category defects, which will reflect the need to suspend the vehicle licence in the interest of protecting public safety.

b) Licensees/Vehicle Proprietors are strongly advised to review the requirements of the Best Practice Standards/Conditions of Licence and policy when considering their maintenance regime and preparation of vehicles for test. Where vehicles are subject to multiple test failures, the Licensing Authority may conduct a review of trading activity to consider whether the 'fit & proper person' criteria continues to be met. A poor test record could result in a review of licence(s) held by the Licensing Committee and an adverse impact on the business.

c) ***Exception – Accident Damage***

Where a vehicle has been subject to accident damage and must be presented for inspection to assess the fitness of the vehicle, there will be an alternative inspection and retest fee, set by the Director of Public Health & Protection, in accordance with procedures for setting/reviewing of fees.

13.6 Vehicle Test Dispute & Challenge

Any vehicle licensee/proprietor who disputes the result of a vehicle test must make their concerns known to the Testing Station Supervisor BEFORE LEAVING THE TESTING STATION.

a) A failure to do so will make any challenge INVALID.

b) Where the licensee/proprietor wishes to challenge the result of a test, he/she will be required to complete a form detailing the reason(s) for such challenge. A copy of the challenge procedure will be provided on completion of a test, on request.

c) The Testing Station Supervisor will arrange for the test to be reviewed by a Supervisor, having regard to the details contained in the record of challenge form.

d) Where the outcome of the vehicle test is MAINTAINED, no further review of the test will be undertaken. A statutory right of appeal exists for a refusal to accept/renew a vehicle licence and such appeal must be made to a Magistrates Court within 21 days of the date of the written decision of refusal.

e) Where the challenge is upheld, the test result will be amended accordingly and details will be forwarded to Licensing Officers.

14. GENERAL FITNESS OF THE VEHICLE

14.1 Maintenance and Condition of the Vehicle

a) The exterior of all licensed vehicles shall be maintained in a clean, safe and proper manner at all times. In particular, the exterior of the vehicle shall:

i) be free of large and/or sharp-edged dents,
ii) be free of visible rust,
iii) be free of unrepaired accident damage (except where a Licensing Officer has agreed a time period for cosmetic repairs
iv) have uniform paintwork equivalent to that applied by the manufacturer, and
v) be maintained in an acceptable state of cleanliness, (discretion may be given during periods of adverse weather)

b) The interior of all licensed vehicles shall be maintained in a clean, safe and proper manner at all times. In particular, the interior of the vehicle shall:

i) be free of all stains to the upholstery,
ii) be free of all splits and tears to the seats,
iii) be maintained in an acceptable state of cleanliness, and iv) provide seats functioning in accordance with the Original Manufacturers' Specification.

15. VEHICLE INSURANCE

15.1 There shall be a policy of insurance, or such security as complies with the requirements of Part IV of the road Traffic Act 1972, during the duration of the vehicle licence. Under no circumstances will a vehicle licence be issued or renewed without proof that a valid policy of insurance is in place.

15.2 The registered owner/keeper of the vehicle shall ensure that it is adequately insured to the satisfaction of the Council (and meets all statutory provisions) at all times that it is available for the carrying of passengers.

15.3 At any time when the requirements of this section of the Policy have not been satisfied, the vehicle licence will be automatically suspended until such time as adequate insurance has been obtained.

16. ACCIDENT REPORTING

16.1 In accordance with Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976, any accident to a hackney carriage or private hire vehicle causing damage materially affecting:

a) the safety, performance or appearance of the vehicle, or
b) the comfort or convenience of the passengers,

must be reported to the Council as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence thereof.

16.2 Where, following an accident or damage to a licensed vehicle , and it is the intention of the owner or operator to continue licensed use, the vehicle must immediately be inspected by the Council's Testing Station to determine its fitness for continued use.

If the Council's approved garage determines that the vehicle is fit for continued use, the time-scale for cosmetic repairs must be agreed with a Council Licensing Officer.

The Council may suspend the use of a licensed vehicle until it is suitably repaired and subject to a satisfactory vehicle test at the Council's Testing Station.

16.3 A licensed vehicle which has suffered major accident damage or requires substantial mechanical repair may be temporarily replaced by a hire vehicle, provided that it meets the vehicle specification detailed in this policy statement.

17. VEHICLE IDENTIFICATION

17.1 the proprietor shall cause the number of the licence to be fixed and displayed on the vehicle at all times during which the vehicle is licensed , this number to be displayed by means of a licence disc and licence plate issued by the Council to the proprietor on payment of a deposit, the amount of which to be fixed by the Council.

17.2 the licence disc shall be fixed and displayed inside the vehicle in such a manner and place that the particulars thereon are clear and visible to any passenger being conveyed in the vehicle.

17.3 The licence plate shall be fixed and displayed outside and on the rear of the vehicle as close in proximity to the rear bumper as is practicably possible in such a position as the vehicles registration mark is not obscured, with the particulars thereon facing outwards and in such a

manner and place that the licence plate is clearly visible by daylight from the road to the rear of the vehicle.

17.4 the licence disc and licence plate shall remain the property of the Council and shall be returned to them within seven days after service on the proprietor of an appropriate notice by an authorised officer of the Council, if the proprietor no longer holds a licence with the Council which is in force in respect of the vehicle.

17.5 all vehicles must have the official Council crest to be supplied only by the Council in the form of a Decal placed on the near and offside front doors, adhered directly to the paintwork where it is clearly visible.
NOTE: The use of magnetic devices is not allowed

Hackney Carriages Only

17.6 the operator must display an illuminated dome to the roof of the vehicle. The dome shall contain the word 'TAXI' or the Welsh Language version 'TACSI' displayed to both front and rear of the dome and shall contain no other writing of any kind. (Operators may display one version to the front and the alternative version to the rear should they wish to do so)

The illuminated roof dome must be switched off when the vehicle has been hired and illuminated when the vehicle is available for hire.

Private Hire Vehicles ONLY

17.7 The operator may if they so wish, display a dome to the roof of the vehicle. If fitted the dome is for identification purposes only and should not be capable of being illuminated as this may be confused as plying for hire. The dome should only contain the name & telephone number of the operator, together with the words Private Hire Vehicle displayed to both front and rear of the dome, and shall contain no other writing of any kind.

18. LICENCE PLATES

18.1 At all times when a vehicle is licensed as a hackney carriage or private hire vehicle, unless an exemption has been granted. The vehicle must display the Licence Plate provided by the Council, securely fixed externally in a prominent position on or above the rear bumper of the vehicle

18.2 The interior licence disc shall be fixed and displayed inside the vehicle in such a manner and place that it is clearly visible to any passenger being conveyed in the vehicle

18.3 The Licence Plate/interior disc remains the property of the Council and must be returned within seven days when:

a) the vehicle ceases to be licensed as a hackney carriage or private hire vehicle, or

b) requested to do so by an Authorised Officer of the Council in writing when the plate is suspended, revoked, or has expired.

19. VEHICLE SIGNAGE/LICENSEE TRADING NAME

19.1 In the case of vehicles licensed to carry up to four passengers a sign/panel not more than 61 x 30.4 cms (24" x 12") in dimension may be displayed only on the rear nearside and rear offside doors.

19.2 In the case of vehicles licensed to carry between five & eight passengers a sign/panel not more than 91.4 x 70 cms (36" x 24") in dimension may be displayed only on the rear nearside and rear offside doors.

Hackney Carriage Only

19.3 This sign, (Trading Name identification) must contain only the proprietor or operator company name, telephone number, e-mail or website address.

Private Hire Only

19.4 This sign, (Trading Name identification) must contain only the proprietor or operator companyny name, telephone number, e-mail or website address together with the words "Advance Bookings Only". The words taxi, hire and cab must not be included). The legend "Advance Bookings Only" must be included on this display and theses words must be no less prominent than the properietor's name. The wording "24 Hour Service Available" may also be included, if appropriate, A 7.6 cms (3") sun strip is also permitted in the front and rear windows.

19.5 A 7.6 cms (3") sun strip is also permitted in the front and rear windows. No other identification/advertising signs except those issued by and previously agreed by the Council shall be attached to or carried upon the inside or outside of the vehicle.

The Council has a policy in respect of commercial advertising on Hackney Carriages & Private Hire Vehicles, provisions of which are detailed below:

19.6 A screen displaying scrolling or moving advertisements may be securely fitted within the vehicle, provided that the screen shall not be within the vision of the driver of the vehicle, and that the Council has previously approved in writing the content of any material shown.

All advertisements must conform with the standards of the Advertising Standards Council in all matters relating to good taste, both in content and appearance and must not relate to matters concerning tobacco, alcohol or matters of a sexual nature. A notice must be fitted within view of the rear seat passengers stating that the screen will be switched off at the request of the passenger.

20. COMMERCIAL ADVERTISING

20.1 All applications for advertising on a Hackney Carriage or Private Hire vehicle must be made in writing to the Director of Public Health & Protection and accompanied by a sample of the advertising proposed.

20.2 The quality of submissions must be of an acceptable standard. No faxes will be accepted. Coloured artwork is to be provided in every case and full details of the advertising proposals must be provided ***(NB: It is essential that all the detail of the proposed advertisement be shown in the original submission. If it is not, then the advertisement may subsequently be rejected.)***

20.3 The submission, if it is considered acceptable, will be given **Provisional Approval.**

20.4 **Final Approval** will be given once the advertisement has been placed on the vehicle. An appointment must be made with a Taxi Licensing Officer for a final inspection when the Officer will confirm that the work has been completed in accordance with the provisional approval granted.

20.5 The proprietor of any vehicle displaying an advertisement that has not received its final inspection will be required to remove it immediately.

20.6 Vehicles displaying advertising without approval of the Council will be in contravention of the conditions attached to the vehicle licence and may be liable to suspension until such time as the material has been removed from the vehicle.

20.7 All advertising must comply with the British Codes of Advertising and Sales Promotion and is the responsibility of the agency or individual seeking the Licensing Authority's approval to ensure that they do so.

20.8 Any advertisement approved shall be placed on the back passenger doors , and/or rear quarter panels only, below the windows **with the exception** of the *"Trading Name identification signs"* displaying the company details (see Point 12 below), which may be displayed on the front door of the vehicle, below the window and must not obscure the sign displaying the licence number of the vehicle. (Licensees who choose NOT to have commercial advertising will continue to display Trading Name identification on rear doors.)

20.9 Materials used for advertisement must be of a quality not easily defaced or detached. No paper-based materials or water-soluble adhesive paste shall be used. Advertisements must be affixed directly to the exterior rear door panels of the vehicle or initially attached to an approved magnetic panel, which is then attached to the vehicle.

20.10 Reflective material is not to be used for advertising purposes.

20.11 Each proposal will be considered on its merits but the following advertisements will not be approved:

- Those with political, racial, religious, sexual or controversial texts;
- Those for escort agencies, gaming establishments or massage parlours;
- Those displaying nude or semi-nude figures;
- Those likely to offend public taste (depicting violence, obscene or distasteful language);
- Those which have any reference to alcohol, tobacco/cigarettes and drugs;
- Those promoting discounted fares;
- Those advertising jobs;
- Those which detract from the integrity and/or identity of the vehicle;
- Those which seek to advertise more than one company/service or product.

21. METERS/TARIFF

Hackney carriages

21.1 An approved taximeter must be fitted in all hackney carriages and must be correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure.

21.2 All taximeters must be appropriately stamped to ensure compliance with The Measuring Instruments (Taximeters) Regulations 2006, or any subsequent legislation.

21.3 The taximeter shall be positioned so that the display on the face of the meter may clearly visible to any person being conveyed in the vehicle at all times. The dial of the taximeter shall be kept properly illuminated throughout any part of the hiring including during the hours of darkness and also at any time at the request of the hirer.

21.4 When the meter is operating there shall be recorded on the face of the meter in clearly legible figures a fare not exceeding the maximum fare that may be charged for a journey.

21.5 An official copy of the Council's fare tariff shall be clearly displayed and legible in the vehicle so as to be plainly visible to passengers carried therein.

21.6 The vehicle taximeter shall be brought into operation at the commencement of the journey and the fare demanded by the driver shall not be greater than that fixed by this Council in connection with the fare tariff for the hire of hackney carriages.

21.7 In the event of such a journey commencing in but ending outside the District, there may be charged for the journey such fare as was agreed before the hiring was effected. If no such agreement was made then the fare to be charged should be no greater than that fixed by the Council in connection with the fare tariff for the hire of hackney carriages.

21.8 'Calendar' meters are permitted in hackney carriages providing that they operate in accordance with the Council's agreed fare tariff. For the avoidance of doubt, the tariff that is in operation at the time of the commencement of a journey must remain throughout that journey.

Private Hire Vehicle Only

21.9 Private hire vehicles are not required to be fitted with a taximeter. Where a taximeter or other device for recording fares is fitted, however, it must be of a type approved by the Council.

21.10 Private hire vehicle driver's must agree the cost of the journey with the passenger(s) prior to undertaking the journey. At the conclusion of the journey, the fare charged should not exceed the amount previously agreed.

22. HEALTH ACT 2006

It is the responsibility of both the driver and the proprietor to ensure no smoking signage, as prescribed by the Health Act 2006, is displayed in all licensed hackney carriages or private hire vehicles at all times.

23. CHANGES AND TRANSFERS OF LICENCE

Changes

23.1 the proprietor of the Hackney Carriage/ Private Hire Vehicle in respect of which a vehicle licence has been granted by the Council shall inform the Council of any change of address as soon as is practicable and in any event within seven days.

Licence Transfers (Person to Person)

23.2 When the holder of a vehicle licence wishes to transfer the licence to another person he must notify the Council, in writing, using the prescribed application form and pay the appropriate fee before such change takes place.

Transfer of the licence will not be deemed effective until such time as the prescribed procedure has been completed and a new vehicle licence has been issued.

3.4 The response from the licensed trade in Rhondda Cynon Taf was a request that a provision be made to retain the facility for replacement of existing saloon vehicles with an alternative saloon vehicle. The Trade position was that some operators in the County Borough may not be able to meet the additional costs for 'Purpose Built vehicles' and this would be to the detriment of the service resulting in a reduction in the numbers of licensed vehicles available. The proposal for the continuation of both types of vehicle was therefore accepted, subject to further advice from the Department of Transport and the need to meet the requirements of the impending Disability Discrimination legislation.

The age limits for saloons, (licensed as Hackney carriages or Private Hire Vehicles) were retained as follows:

- An acceptance of such vehicles for licence, provided they were less than 5 years old;
- Consecutive renewal of the licence for a period of 10 years.

4. **Unintended Consequences**

4.1 Initially the revised specification partially met its aims and resulted in a small increase in the number of wheelchair accessible, 'Purpose Built vehicles' in the Hackney Carriage fleet. There was also a complimentary improvement in the standard of licensed vehicles. However, a considerable number of Hackney Carriage licensees continued to operate saloon vehicles, choosing to replace' like with like' on the basis that cost of the 'Purpose Built' vehicles was prohibitive.

4.2 The changes introduced primarily affected Hackney Carriages, (in accordance with the provisions of the Disability Discrimination Act) and Private Hire Vehicles continued to be primarily saloon type vehicles, small mini buses and Multi Purpose Vehicles (MPVs). (No commercial advantage was offered to wheelchair accessible Private Hire Vehicles, as it was outside the remit of the legislation and this is a source of concern to the licensed trade.)

4.3 However, a combination of factors, which included the deferral of the implementation of the legislation; a change in the approach of the Department of Transport to wheelchair accessible vehicles and the economic climate resulted in an increasing reluctance of the Trade to purchase 'Purpose Built' wheelchair accessible vehicles, primarily as a result of cost.

4.4 As an alternative response and in order to meet an increasing demand for wheelchair accessible vehicles, Licensees sought to licence vehicles adapted for wheelchair access ,circumventing the policy in respect of the 'Purpose Built Vehicles', whilst seeking to take advantage of the potential commercial advantages offered for such vehicles.

4.5 In principle the acceptance of adapted wheelchair accessible vehicles is seen as a positive action, as it effectively increases the number of wheelchair accessible vehicles in the fleet. However, the combination of the existing policy on age limit and preference for 'Purpose Built' Wheelchair Accessible Vehicles and the ambiguity associated with the definition of adapted vehicles has resulted in some unintended consequences which has adversely impacted on the fleet profile.

A summary of the unintended consequences is as follows:-

(i) an artificial limit on number of Hackney Carriage Licences, where prospective licensees appear reluctant to invest in the 'purpose built' disability accessible vehicles required to warrant a new licence. (Whilst there is no limit on the number of Private Hire Vehicles there are certain trading limitations attached to such licences which do not make them such an attractive commercial proposition.)

(ii) An aging fleet, where there is limited investment in newer vehicles; at the time of preparing this report approximately 52% of the fleet is aged 7 years or over.

Whilst the age of the vehicle in itself is not a problem if the vehicle is effectively maintained, an analysis of vehicle test results indicates an unacceptable level of failure in vehicles of this age category.

(iii) a flourishing trade in vehicle licence transfers, where there is now a significant 'inflated' commercial value to a licensed Hackney Carriage, whatever its condition, as it can be purchased by someone wishing to enter the trade or increase their Hackney Carriage fleet without sourcing a 'Purpose Built vehicle; this has potentially contributed to the retention of vehicles in the fleet that otherwise would have been replaced

(iv) Licensees seeking to source potentially unsuitable vehicles, of lower cost & quality which do not meet the current policy and actually may reduce the standard of vehicles entering the fleet. This is particularly the case with 'Adapted Vehicles', where as a result of a perceived shortage of suitable vehicles, certain licensees are seeking to carry out their own adaptations.

4.7 Whilst it is possible to refuse to accept unsuitable vehicles for licence, it has become evident that the ambiguity of the current policy is a contributory factor to confusion amongst the Trade regarding acceptable standards. Although advice & guidance is given to potential applicants on what constitutes an acceptable vehicle, Officers are subject to regular challenge on the suitability of vehicles, (mindful that there have also been changes in legislation in respect of approved vehicle standards) and a disproportionate amount of resource is being dedicated to dealing with individual applications/refusals.

4.8 It is considered that the foregoing may in turn have a negative impact on the level of service for the travelling public and also results in a position of potential financial detriment for licensees, where it has been necessary to refuse to accept a vehicle for licence **after it has been purchased.**

Licensees are afforded the opportunity of a pre-purchase inspection to ensure that the vehicle is suitable, but few appear to take advantage of this option and there is clearly an increase in vehicles purchased at auction, where officers are presented with a 'fait accomplis' and have to deal with an unsuitable vehicle and an aggrieved applicant.

It is accepted that it is the responsibility of the applicant to source the vehicle, but good practice requires any policy/guidance/specification to be clear and unambiguous and when considering the changes that have impacted on the current vehicle specification it is considered that it no longer meets best practice standards.

5. Way Forward

5.1 Members will be aware that a comprehensive fleet review has recently been undertaken in order to inform the process of review. This has highlighted anomalies in the types of vehicles that have recently been accepted for licence.

5.2 Whilst the safety & comfort of passengers is assured and has not in any way been compromised, it appears that vehicles have been accepted for licence inconsistent with policy provisions. This may give rise to a legitimate expectation that vehicles have a 15 year licence life entitlement as opposed to a 10 year licence life as intended by the current policy.

5.3 There are also anomalies in the type of vehicle accepted for licence which could detract from the desired professional appearance of the fleet and in certain circumstances the comfort of passengers.

5.4 Changes have already been implemented in the existing regime to ensure that the 'licensable life' of a vehicle is displayed on the vehicle licence. This will avoid any ambiguity for the licensee and also afford a legitimate right of appeal, where there is a dispute

It will also assist licensees in assessing the commercial value of a vehicle where there is a proposal to purchase/sell an existing licensed vehicle.

In order to make best use of available resources, a decision was taken to issue the revised format of licence on renewal, albeit the information is available to any licensee in the interim period on request.

A copy of a revised vehicle licence is reproduced for information as Appendix 1C.

5.5 In order to address both the anomalies identified and the unintended consequences of the current policy it has been necessary to undertake a comprehensive review of current vehicle licence conditions. In addition, in order to meet best practice standards it is also considered necessary to publish a policy statement, which sets out the position of the Licensing Authority in respect of such matters.

5.6 **Revised Vehicle Specification/Technical Standards**

Officers are currently preparing the policy statement which will need to be approved by the Executive. However, a substantive part of the policy statement will be the revised vehicle specification/technical standards. Any changes in this respect will undoubtedly impact on the licensed trade as well as other stakeholders and it is considered important that there is appropriate consultation on this aspect prior to finalising the policy statement.

A copy of the draft revised vehicle specification for licensing of Hackney Carriage & Private Hire Vehicles is reproduced for information as Appendix 1D

(Note: key changes are highlighted RED within Appendix 1D for ease of reference)

There are no proposed changes to conditions of licence for Private Hire (Executive) Vehicles or Private Hire (Specialist Vehicles/ Stretch Limousine) Vehicles and such conditions are therefore not included in this report.

5.7 Key Changes – Summary

Whilst substantive parts of conditions of licence for both Hackney Carriage & Private Hire vehicles remain unchanged and are incorporated into the revised policy statement, there are a number of key changes that are likely to be of particular interest to stakeholders, some of which will have a financial impact on the licensed trade. Such changes are as follows:

(i) Revision of the technical standard for vehicles acceptable for licence, to make explicit the type of vehicle that will be accepted (or refused) for licence. This will be to the advantage of applicants who will be assisted in sourcing appropriate vehicles and also provide evidence to support the position of the Licensing Authority in defending appeals where refusals are challenged.

(ii) A change to the vehicle inspection programme for vehicles in excess of seven years old, in that a frequency of 'four monthly testing' is advocated in recognition of the higher test failure rate of such vehicles;

(iii) A change to the Vehicle Testing Standards to adopt the 'FTA Best Practice Guide to Inspection of Hackney Carriage & Private Hire Vehicles', which is a nationally accepted standard approved by VOSA . This will provide consistency/assure probity of the vehicle testing regime. (This will replace the Supplementary Testing Manual currently in use.)

(iv) A stated requirement that vehicles be presented for test suitably prepared, where there will be an expectation that a vehicle will PASS the vehicle test on first presentation. Provision for ANY re test will be charged at the appropriate fee, with NO FREE RETEST. Fee will be set at a level to provide an incentive for compliance; reward responsible vehicle owners and penalise non- compliance, consistent with the requirement for a vehicle to be maintained 'fit for purpose' at all times.

(v) A change to the type of vehicle that will be accepted for NEW Hackney Carriage & Private Hire Vehicle Licences. This will assist in removing the artificial cap on Hackney Carriage licences that has been created and will allow unrestricted access to any persons wishing to enter the trade. There is also equal incentive to bring purpose built vehicles into Hackney Carriage or Private Hire Vehicle fleet. It is anticipated that this will in turn serve to eliminate the trade in older, less desirable vehicles and mitigate the trade in vehicle licence transfers. This

will have a positive effect on the service standards, releasing a resource within the Team and potentially increasing choice for customers allowing market forces to prevail.

(Revised Best Practice Guidance issued by Department of Transport advocates that *"Purpose built vehicles should be amongst those which the local authority could be expected to licence"* and confirms the position that a mixed fleet is desirable.)

It is considered necessary to continue to provide a commercial incentive to increase the number of wheelchair accessible vehicles in the overall fleet, to include both Hackney Carriage & Private Hire Vehicles.

(vi) A reduction in the age limits that vehicles will be accepted for licences, in order to mitigate the aging profile of the fleet and encourage investment in better quality vehicles

(vii) A review of fees & charges to promote compliance and target non- compliance, particularly in respect of vehicle testing Whilst this is not part of the policy statement per se, it will be a complimentary action where the Licensing Authority would welcome feedback from stakeholders

6. Existing Licensees/Grandfather Rights

It will be necessary to take a position in respect of current licensed vehicles, particularly where anomalies have been identified to ensure that standards of safety & comfort for passengers are maintained and also that Licensees are not in a position of detriment.

However, the overriding concern will be protection of public safety and to ensure that the taxi fleet continues to meet the needs of the communities it serves – in the widest possible sense.

It is proposed that licensees will have notice of the impending changes by means of a comprehensive consultation process. This will include an opportunity to make written representations, but also an open day/ roadshow to allow licensees to raise matters of concern where there will be an opportunity to receive an explanation/clarification of the proposals from Officers.

Where vehicles have been accepted for licence, contrary to current policy such licences will be allowed to continue to the conclusion of their licensable life, provided that the vehicle continues to meet the safety & comfort standards required.

The licensable life of the vehicle will be assessed using the current conditions of licence.

It is proposed that following the expiry of the licensable life of the current vehicle, any replacement vehicle will be subject to new criteria. This will allow a reasonable period for licensees to source an appropriate replacement vehicle.

However, this commitment will not preclude the suspension of a vehicle licence ,the review of vehicle suitability or review of 'fit & proper person criteria' where the vehicle fails to meet satisfactory standards at any time.

7. Consultation

Best practice requires the proposed changes to be the subject of consultation with stakeholders, particularly where there will be a financial impact to the parties. This will be particularly important to licensees, but no less so to the users of the service and parties representing interests such as equalities and social inclusion.

It is proposed that there be a public consultation on the proposals which will last 28 days. It is considered that such a time period is appropriate to ensure stakeholder views are considered but in a timely manner to ensure minimal delay in respect of implementation.

The outcome of such consultation to be the subject of a further report to this Committee.

8. Conclusion

The revision of vehicle specification/technical standards is a substantive element of the proposed policy document and at this stage there has been no consultation with stakeholders in respect of same. Consequently, it is proposed to consult on the proposed changes to the vehicle specification, independent of any consultation that may be required on the policy statement.

This will expedite progress in respect of the implementation of the policy, ensuring that the views of relevant stakeholders are properly reflected in the final technical specification.

Appendix 1A

Extract of Hackney Carriage Technical Standards

Technical Standards

Before being licensed a vehicle must meet the technical standards of either;

a European Whole Vehicle Type approval
a British National Type Approval or
a British Single Vehicle Approval

in addition if a purpose built vehicle it must have M1 certification

Height (Inside)

From the top of the seat cushions to the roof at the lowest part must not be less than **81.3 cms (thirty-two inches)**.

Knee Space

The measurement between the squab of the seat and the rear of the seat in front, and in the case of all front seats from the squab of the seat to the console or any part of the vehicle immediately in front of the seat must not be less than 27 inches or 68.5 cms.

For the purposes of this condition the squab of the seat will be the point at which the front of the backrest on the vertical axis meets the seat cushion on the horizontal access, and will be measured from the outermost point of seat cushion.

*This measurement will **not apply** to the middle, rear seat where a centre console between the two front seats protrudes beyond the rear of the front seats. The discretion of the Licensing Officer will be used to assess the suitability of the knee space available to fare paying passengers.*

Seat (Width)

The width of the back seat from the squab to the front edge must not be less than **45.7 cms (eighteen inches).**

Where the vehicle is purpose built & wheelchair accessible, the discretion of the Licensing Officer will be used to assess the suitability of the seat width available to fare paying passengers, giving due regard to the specialist nature of the vehicle.

Rear Seat (Length)

The length of the rear seat measured in a straight line, lengthwise on the front of the seat must be such as will allow adequate sitting accommodation to the extent of at least **40.6cms (sixteen inches)** per person.

Engine Capacity

The engine capacity of the vehicle shall be not less than as recorded on the original registration document (V5), other than in cases approved by the Council.

3. Licences & Ages of Vehicles

(a) Grant of a Licence

New licences will only be issued in respect of purpose built vehicles

A licence will be granted in respect of a **purpose built vehicle**, provided such a vehicle is **less than eight years** old (from date of first registration) at date of licence issue. The licence may be renewed until the vehicle becomes **fifteen years old**, provided that every renewal takes effect immediately upon the expiry of the licence as the case may be.

(b) Renewal of a Licence

On renewal of an existing licence, licencees are permitted to replace an existing vehicle with an alternative vehicle, provided such vehicle is **less than 5 years old** (from date of first registration) at date of licence issue. The licence may be renewed **until the vehicle becomes 10 years old**, provided that once the vehicle reaches **five years of age** every renewal takes effect immediately upon expiry of the earlier licence.

For the avoidance of doubt

- any subsequent application for a licence (which application must comply in all respects with the Councils "Conditions of Application") shall be treated in all respects as an application for a "new" licence as opposed to a renewal of the expired earlier licence;
- unless the proprietor can show to the satisfaction of the Chair/Vice Chair of the Licensing Committee, together with the appropriate Director, that this failure to make an application prior expiry of the current licence was due to some unavoidable cause/exceptional circumstances beyond his/her control.
- Accordingly applications in respect of vehicles over eight years for purpose built vehicles and five years for other vehicles, from date of first registration* will not be entertained.

  (*In the case of vehicles, which have been re-registered, the date of the first registration of the vehicle by identification of the Vehicle Identification Number (VIN) will apply. In the case of vehicles imported into the country, the date of first registration with the DVLA will apply).

  The onus will be on the applicant to prove the date of first registration.

*N.B. Following the grant of a Hackney Carriage licence to a **purpose built vehicle**, and the subsequent transfer of that licence to a second vehicle. No further applications for the grant of a Hackney Carriage licence for the original vehicle will be considered, unless exceptional circumstances exist. For the purposes of this condition the identity of the vehicle will be determined by reference to the Vehicle Identification Number* (VIN) as contained in the V5 Registration document for the vehicle.

****

5. Vehicle Colour

The vehicle must be black in colour, (or any other colour specified by the council at the time of licensing).

6. Passenger Seating Capacity

The vehicle must be of sufficient seating capacity to carry at least four and not more than eight passengers in addition to the driver. The seating capacity shall be determined in accordance with paragraphs (i)(a) and (i)(b) and paragraph (ii) of Regulation 42 of the Road Vehicles (Registration & Licensing) Regulations 1971.

7. Estate Cars, Multi Purpose Vehicles & People Carriers

If the vehicle is an Estate Car or a Multi Purpose Vehicle as described on the Vehicle Registration Document (V5), it must be fitted with a grille sufficient to prevent luggage carried in the rear compartment from coming into contact with persons in the rear seat.

Appendix 1B

Extract of Private Hire Vehicle Technical Standards

Technical Standards

Before being licensed a vehicle must meet the technical standards of either;

a European Whole Vehicle Type approval
a British National Type Approval or
a British Single Vehicle Approval

Height (Inside)

From the top of the seat cushions to the roof at the lowest part must not be less than **81.3 cms (thirty-two inches)**.

Knee Space

The measurement between the squab of the seat and the rear of the seat in front, and in the case of all front seats from the squab of the seat to the console or any part of the vehicle immediately in front of the seat must not be less than 27 inches or 68.5 cms.

For the purposes of this condition the squab of the seat will be the point at which the front of the backrest on the vertical axis meets the seat cushion on the horizontal access, and will be measured from the outermost point of seat cushion.

*This measurement will **not apply** to the middle, rear seat where a centre console between the two front seats protrudes beyond the rear of the front seats. The discretion of the Licensing Officer will be used to assess the suitability of the knee space available to fare paying passengers*

Seat (Width)

The width of the back seat from the squab to the front edge must not be less than **45.7 cms (eighteen inches).**

Where the vehicle is purpose built & wheelchair accessible, the discretion of the Licensing Officer will be used to assess the suitability of the seat width available to fare paying passengers, giving due regard to the specialist nature of the vehicle.

Rear Seat (Length)

The length of the rear seat measured in a straight line, lengthwise on the front of the seat must be such as will allow adequate sitting accommodation to the extent of at least **40.6 cms (sixteen inches)** per person.

Engine Capacity

The engine capacity of the vehicle shall be not less than as recorded on the original registration document (V5), other than in cases approved by the Council.

****

3. **Age of Vehicle**

Vehicles must be under **five years** of age before being licensed and that licence may be renewed until the vehicle becomes **ten years** old, (provided that all licences run consecutively).

For the avoidance of doubt, if there is any period after the expiry of a licence:-

- any subsequent application for a licence (which application must comply in all respects with the Councils "Conditions of Application") shall be treated in all respects as an application for a "new" licence as opposed to a renewal of the expired earlier licence;
- unless the proprietor can show to the satisfaction of the Chair/Vice Chair of the Licensing Committee, together with the appropriate Director, that this failure to make an application prior expiry of the current licence was due to some unavoidable cause/exceptional circumstances beyond his/her control.
- Accordingly applications in respect of vehicles over five years from date of first registration* will not be entertained.

  (*In the case of vehicles, which have been re-registered, the date of the first registration of the vehicle by identification of the Vehicle Identification Number (VIN) will apply. In the case of vehicles imported into the country, the date of first registration with the DVLA will apply).

  The onus will be on the applicant to prove the date of first registration.

4. Vehicle Colour

The vehicle must be **white** in colour. It must not resemble the London type taxicab or otherwise be of such design or appearance as to lead any person to believe that the vehicle is a Hackney carriage

5. Passenger Seating Capacity

The vehicle must be of sufficient seating capacity to carry at least four and not more than eight passengers in addition to the driver. The seating capacity shall be determined in accordance with paragraphs (i)(a) and (i)(b) and paragraph (ii) of Regulation 42 of the Road Vehicles (Registration & Licensing) Regulations 1971.

6. Estate Cars, Multi Purpose Vehicles & People Carriers

If the vehicle is an Estate Car or a Multi Purpose Vehicle as described on the Vehicle Registration Document (V5), it must be fitted with a grille sufficient to prevent luggage carried in the rear compartment from coming into contact with persons in the rear seat.

Appendix 1C

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

Licence No: Ref

HACKNEY CARRIAGE VEHICLE LICENCE

The Rhondda Cynon Taf County Borough Council pursuant to the powers conferred upon them by the Town Police Clauses Act, 1847 and the Local Government (Miscellaneous Provisions) Act, 1976 and upon the application of

Name
Address

HEREBY LICENCE this vehicle as a Hackney Carriage to ply for hire within the Cynon Valley, the Rhondda and Taf Ely districts, being parts of the district of the Council:-

Plate Number	**XXXX XXX**
Vehicle Registration Number	**RCT XXX**
Maximum Number of Passengers Authorised to Convey	**X**
Effective Date of Licence	**Date**
Expiry Date of Licence *(unless previously suspended or revoked)*	**Date**
6 Month Roadworthiness Test due	**Date**
Licensable Life of Vehicle expires	**Date**

This Licence is issued subject to the attached conditions which must be adhered to at all times.

Service Director Public Health & Protection
Date

LICENSING TEAM
PUBLIC HEALTH AND PROTECTION
RHONDDA CYNON TAF COUNTY BOROUGH C[illegible]N
TY ELAI, DINAS ISAF EAST,
WILLIAMSTOWN, TONYPANDY
CF40 1NY
TEL: 01443 425001
FAX: 01443 425301

Appendix 1D

1. VEHICLE SPECIFICATION

1.1 Technical Specification/Vehicle Type

To be eligible for licence as a Hackney Carriage/Private Hire Vehicle, a vehicle must meet the following technical standards:

Have European Community M1 type approval, which includes

a. Whole European Type approval, or
b. UK Low Volume/Small series Type Approval for Passenger cars
c. UK Individual Vehicle Approval

and must comply with the Road Vehicles (Construction and Use) Regulations 1986

1.2 Modified vehicles

Motor vehicles which have M 1 type approval (European Community Whole Vehicle Type Approval) and have been MODIFIED or have been subject to ANY ALTERATIONS since manufacture will be considered, provided that they are provided with:

a. UK Low Volume/Small series Type Approval for Passenger cars; OR
b. UK Individual Vehicle Approval

1.3 Exception

UK Individual Vehicle Type approval will **not be accepted where:**

a. the seat belts fitted to the vehicle are not those fitted by the manufacturer and tested in accordance with the vehicle's original type approval; OR

b. where the vehicle has been fitted with seating/ Wheelchair tracking which may invalidate the original type approval for any seats fitted to the vehicle, except where evidence is produced by the applicant that this is not the case.

NOTE:The purpose of the required certification is to ensure that modified vehicles carry a nationally recognised accreditation and safety standard. It is the responsibility of the applicant to present the vehicle with appropriate documentation. A failure to do so will result in refusal to accept the vehicle as suitable for licence.

Motor Vehicle which have **N Type Approval** (European Community Whole vehicle type Approval) will not normally be considered unless they are presented with UK Low Volume/Small Series Type Approval for Passenger Cars.

1.4 New Applications (Effective DATE to be confirmed)

All vehicles for **NEW Hackney Carriage/Private Hire Vehicle Licence** applications must be:

a. a suitable wheelchair accessible vehicle, designed to trade for hire & reward i.e. a **PURPOSE BUILT** VEHICLE;

b. a Wheelchair Accessible **ADAPTED VEHICLE** which meets the criteria as detailed in this Policy

c a NEW VEHICLE where the vehicle is **NON WHEELCHAIR ACCESSIBLE** e.g a saloon

1.5 Grandfather Rights

A vehicle licence is issued for a specific vehicle for a maximum period of one year. At the end of that one year period, the licensee may apply for further licences up to the end of the vehicle's 'licensable life', **subject to maintaining the fitness of the vehicle**

'Licensable life' of the vehicle will be assessed using;

- the date of first registration of the vehicle;
- conditions of licence in force at the time the respective licence was granted

The relevant date will appear on the paper copy of the vehicle licence held by the licensee, or where the licence was issued prior to the introduction of changes to licences (1/4/14), the licensable life can be confirmed by Licensing Officers on request.

On reaching the end of 'licensable life' date, any vehicle licence in force at that time will be allowed to continue to expiry of that particular licence – provided the fitness of the vehicle is maintained. No further applications for licence will be considered in respect of the vehicle.

Any subsequent application for licence made by the licensee will be subject to the criteria detailed in this policy statement.

Licensees who wish to replace their existing vehicle during the currency of a licence, before the expiry of the 'licensable life' will be required to comply with the revised vehicle specification detailed in the policy statement.

2. AGE OF VEHICLES

2.1 Grant of Licence

Type of Vehicle	Minimum Age	Maximum Age
Purpose Built Hackney Carriage OR Private Hire Vehicle (Wheelchair Accessible)	Less than 8 years old (from date of first registration) (Admission Age)	15 years (provided each subsequent licence takes effect immediately upon expiry of the previous licence).
Wheelchair Accessible (Adapted) Vehicles	Less than 3 years old (from date of first registration) (Admission Age)	10 years (provided each subsequent licence takes effect immediately upon expiry of the previous licence).
Non Wheelchair Accessible Vehicles	New vehicles (Admission Age)	10 years (provided each subsequent licence takes effect immediately upon expiry of the previous licence).

2.2 Consecutive Licences

Following the GRANT of a first licence for a vehicle at the 'Admission Age' specified above, the vehicle will continue to be accepted for licence until it reaches the end of 'licensable life' as detailed on the licence.

The acceptance of the vehicle for subsequent licences after the 'admission age' will be subject to the following criteria:

- The continuing fitness/suitability of the vehicle;
- That each licence takes effect immediately upon expiry of the previous licence

Should a vehicle licence be allowed to expire/lapse, any subsequent application for licence shall be treated as a new application with the requirement that it satisfies the criteria set out in this policy. Vehicles will not be accepted for licence in excess of their 'Admission Age' (as detailed above).

2.3 Exceptional Circumstances

Licensees are encouraged to make timely applications to ensure that vehicle licences run consecutively from 'admission age' to 'end of licensable life'.

However, where the proprietor of a vehicle can demonstrate EXCEPTIONAL CIRCUMSTANCES to the satisfaction of the Chairman/Vice Chairman, together with the Director of Public Health & Protection that the failure to make an application prior to expiry of the current licence was due to circumstances beyond his/her control, an application may be considered.

When considering such an application, the Service Director will have regard to the trading profile of the licensee, the test history of the vehicle and any ancillary information considered relevant to the determination of the application.

2.4 Vehicle Replacement Policy

To assist owners who wish to be able to change vehicles during the period of an existing licence, the Council will operate a 'replacement vehicle policy' This will allow the existing licence to be surrendered and a new one year licence granted for the replacement vehicle. Any vehicle presented for licence must comply with the specifications contained in this policy.

There is no basis in legislation for the TRANSFER of VEHICLE LICENCES from VEHICLE TO VEHICLE and this transaction is therefore not permitted.

3. VEHICLE LIVERY/COLOUR

Hackney Carriage

The vehicle must be **BLACK in colour**, (or any other colour specified by the Council at the time of licensing).

Private Hire Vehicle

The vehicle must be **WHITE in colour**, (or any other colour specified by the Council at the time of licensing).

4. INTERIOR SPECIFICATION

4.1 The vehicle must be suitable in type, size, design and colour as a Hackney Carriage/Private Hire vehicle and comply with the following requirements;

a. be a car fitted with four road wheels, have at least four doors and be right hand drive

b. be of adequate seating capacity and head and knee room etc.as follows;

4.2 Height (Inside)

From the top of the seat cushions to the roof at the lowest part must not be less than **81.3 cms (thirty-two inches)**

4.3 Knee Space

The measurement between the squab of the seat and the rear of the seat in front, and in the case of all front seats from the squab of the seat to the console or any part of the vehicle immediately in front of the seat must not be less than 27 inches or 68.5 cms.

For the purposes of this condition the squab of the seat will be the point at which the front of the backrest on the vertical axis meets the seat cushion on the horizontal access, and will be measured from the outermost point of seat cushion.

This measurement will not apply to the middle, rear seat where a centre console between the two front seats protrudes beyond the rear of the front seats. The discretion of the Licensing Officer will be used to assess the suitability of the knee space available to fare paying passengers.

4.4 Seat (Width)

The width of the back seat from the squab to the front edge must not be less than **45.7 cms (eighteen inches).**

Where the vehicle is purpose built & wheelchair accessible, the discretion of the Licensing Officer will be used to assess the suitability of the seat width available to fare paying passengers, giving due regard to the specialist nature of the vehicle.

4.5 **Rear Seat (Length)**

The length of the rear seat measured in a straight line, lengthwise on the front of the seat must be such as will allow adequate sitting accommodation to the extent of at least **40.6cms (sixteen inches)** per person.

5. PASSENGER SEATING CAPACITY/CONFIGURATION

5.1 The vehicle must be of sufficient seating capacity to carry at least four and not more than eight passengers in addition to the driver. The seating capacity shall be determined in accordance with paragraphs (i) (a) and (i)(b) and paragraph (ii) of Regulation 42 of the Road Vehicles (Registration & Licensing) Regulations 1971.

5.2 **Multi Purpose vehicles**

The Licensing Authority is committed to licensing different types of vehicles as either Hackney Carriage or Private Hire Vehicle, the suitability of the seating configuration will be a matter for consideration in order to allow appropriate access & egress for passengers. The preferred seating configuration for multi purpose vehicles is detailed as Appendix 1D(i)

6. SEAT BELTS

All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with the relevant British Standard, except where legislation specifically provides an exemption.

In relation to the carriage of all passengers, including children, the requirements of all relevant legislation must be complied with.

7. TYRES

All tyres, including the spare wheel, must be suitable for use on the vehicle and conform to the requirements of the Original Manufacturers' Specification.

Run-flat tyres are acceptable on licensed vehicles.

'Space-saver' spare tyres are acceptable on licensed vehicles if they conform to the Original Manufacturers' Specification.

If a 'space-saver' spare tyre is used on a licensed vehicle it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the 'space- saver' spare tyre is being used on the vehicle.

Original Manufacturers' Specification 'tyre repair kits /compressor' are permitted within licensed vehicles provided they comply with the relevant British Standards.

If a 'tyre repair kit / compressor' is used on a licensed vehicle in lieu of a spare tyre it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the tyre repaired with the 'tyre repair kit / compressor' is being used on the vehicle.

8. LUGGAGE

8.1 Adequate storage for passenger luggage must be available. Luggage carried must be suitably secured in place without obstructing any emergency exits.

8.2 If the licensed vehicle is an estate, hatchback, or multi-passenger type vehicle, it must be fitted with a guard-rail or manufacturer's specification compartment cover, approved by the Council, to prevent luggage from entering the rear passenger compartments. Exemption from this requirement will only be given where the construction of the vehicle, in the Council's opinion, does not require such a rail or cover.

9. VEHICLES POWERED BY LIQUID PETROLEUM GAS (LPG)

9.1 An applicant for a licence involving a vehicle that has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with LPG Association Code of Practice. This certification is required to ensure that the vehicle is considered safe by an approved inspector.

9.2 If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle. Alternatively, if the vehicle is fitted with 'run-flat' tyres, exemption from carrying a spare wheel will be granted.

10. VENTILATION

10.1 Windows must be provided to all passenger compartments along with adequate means of opening and closing not less than one window on either side of the vehicle, in both the front and rear passenger compartments.

10.2 Rear passenger windows must be capable of being opened by passengers when seated unless air conditioning is available, in which case the air conditioning must be operated by the driver upon request.

11. WHEELCHAIR ACCESSIBLE VEHICLES

11.1 In the case of all hackney carriages/private hire vehicles, which are built or adapted for disabled passengers, the preferred design of the vehicle is that any wheelchair is loaded from the side rather than the rear of the vehicle. Whilst the Council prefer vehicles to be loaded from the side, each vehicle will be assessed on its own merits.

The following conditions are supplementary to the vehicle standard specification applicable to all licensed vehicles (Hackney Carriage & Private Hire) with facilities to convey passengers whilst seated in Wheelchairs.

Additional Conditions for Wheelchair Accessible Vehicles

11.2 For every designated space for a wheelchair user, suitable independent restraint systems, incorporating webbing, must be fitted for both wheelchair and occupant, adjustable to suit a range of wheelchairs and occupant sizes. The restraint systems must be installed and operated in accordance with the manufacturer's instructions. The wheelchair restraint system must incorporate four-point webbing or be of a kind that is integral with a seat or backrest – clamps alone will not be accepted.

11.3 The wheelchair occupant restraint system shall comprise a minimum of a three-point anchorage system (lap and diagonal). This can either be integral with the wheelchair tie down equipment or provided separately.

11.4 Vehicles may be fitted with either ramps or power operated lifts to facilitate entry and exit by passengers in wheelchairs, unless the vehicle has a floor height measured from the road of more than 610mm, in which case it must be fitted with a power operated lift and the use of ramps will not be permitted.

11.5 All ramps must comply with BS6109 (pt2) Category A or Category B, including the requirement to cater for wheelchair tracks from 450mm to 735mm and to deliver a gradient no steeper than 1 in 12 (8.3%).

11.6 Ancillary equipment must be installed, operated and maintained in accordance with the manufacturer's instructions, and any lifts must be tested according to LOLER (Lifting Operations and Lifting Equipment Regulations 1998/2307).

a. A copy of the six-monthly LOLER certificate of inspection for passenger lifts must be supplied to RCTCBC on request. All power-operated lifts must comply with BS6109 (pt2) Category A.
b. A copy of the LOLER certificate must be produced as part of the annual licensing application and during the inspection regime, applicable to the age of the vehicle.
c. In addition a copy of the LOLER certificate must be kept on the vehicle at all times and produced for inspection when requested by an authorized officer of the council or a Police Officer.

11.7 Stowed ramps or lifts must not prevent service and emergency doors from being operated from inside and outside the vehicle. Internally stored lifts must fold down as designed to allow access to the emergency exit when the door is open

12. MODIFICATIONS

No material alteration or change in the specification, design, condition or appearance of any licensed vehicle may be made without:

a) compliance with road traffic legislation,
b) compliance with insurance requirements, and
c) obtaining approval for the change(s) from the Council

13. INSPECTION AND FITNESS OF VEHICLES

In addition to statutory MOT requirements, vehicles are required to be mechanically tested and inspected at the Council's approved testing centre. A PASS certificate from the approved Testing Centre must be produced to support vehicle licence applications and satisfy interim fitness tests.

The vehicle inspection facility available is located at **Ty Glantaff, Treforest Trading Estate, CF37 5TF.** (Any amendment to the Council's inspection facility will be notified in writing to licensees.)

13.1 Frequency of Vehicle Testing

Age of Vehicle	Test Frequency
Less than 3 Years (from date of first registration)	Annually
Over 3 Years, but less than 7 Years (from date of first registration	6 Monthly
Over 7 Years (from date of first registration)	4 Monthly

13.2 Test Fees

The appropriate test fee will be charged for this inspection and is payable to the Council **prior to the test taking place.** The vehicle licence shall automatically be suspended should the vehicle fail to be submitted for a vehicle inspection on or before the inspection date specified in the licence.

The suspension shall remain in force until such time as the vehicle has undertaken a satisfactory inspection or until the vehicle licence is automatically revoked.

A vehicle may not be submitted for such an inspection earlier than 28 days prior to the scheduled date of the test, which will be required:

- six months from the date of the annual inspection for vehicles up to seven years old; and
- four months for vehicles in excess of seven years old.

13.3 Standard of Testing

a The standard of additional testing relevant to licensed vehicles is based on the' **FTA *Best Practice Guide to Inspection Of Hackney Carriage & Private Hire Vehicles 2012*'**.

The guide is provided to set a minimum national standard for inspection of licensed vehicles and can be used as a reference for Licensing Authority Authorised Officers, Vehicle Inspectors and Vehicle Proprietors.

b. The Best Practice Guide will be complimentary to the Council's policy on the suitability of vehicles and relevant conditions of licence and will **REPLACE** the **'Supplementary Testing Manual'** previously used.

c. All vehicles must be submitted **fully prepared for test and it is expected that vehicles will pass the Council's test on first presentation.** It is not intended that the test be used in lieu of a regular preventative maintenance programme, or to identify faults that need to be rectified. Vehicle are required to be maintained in a condition 'fit for purpose' at all times. Procedures outlined in this policy are intended to provide incentive for compliance, reward for responsible vehicle owners where costs of non-compliance are borne by operators who fail to meet standards required.

13.4 Test Failures/Retests

Where a vehicle is subject to a test failure, the defect will be graded as follows:

a) **Category 'A'** – serious defect which presents imminent risk to public safety and renders vehicle unfit for continued trading with immediate suspension of vehicle licence;

Guidance on defects likely to incur Category 'A' Failures is available from Licensing Officers on request. This list is not exhaustive as it is not possible to forecast all eventualities but will give Operators a guide to expectations. The guidance must be read in conjunction with the **FTA *Best Practice Guide to Inspection Of Hackney Carriage & Private Hire Vehicles 2012***

In the event of a vehicle being subject to an 'A' Grade failure, the vehicle licence will immediately be suspended and the Licence Plate will be removed from the vehicle until such time as the vehicle successfully completes a further inspection. A further inspection must be carried out within two months of the failure otherwise the licence will deemed to have been revoked.

b) **Category 'B'** - a defect where the vehicle is considered suitable to continue trading, subject to defect being remedied within 14 days of test.

A vehicle, which has failed the vehicle inspection test, must be submitted for a re-test to the vehicle examiner approved and appointed by the Council on the defects found within 14 days from the date of the test.

A failure to make the vehicle fit within the 14 day period permitted will result in the suspension of the vehicle licence until the vehicle is subject to a satisfactory vehicle test. Should the period of suspension be in excess of 2 months, the licence will be deemed to be revoked.

13.5 Re Test Fees

a) Any vehicle subject to a test failure will be subject to a RETEST FEE to be determined by the Director of Public Health & Protection in accordance with procedures for setting/reviewing fees. The fee will be linked to the level of failure where there will be a higher fee for 'A' category defects, which will reflect the need to suspend the vehicle licence in the interest of protecting public safety.

b) Licensees/Vehicle Proprietors are strongly advised to review the requirements of the Best Practice Standards/Conditions of Licence and policy when considering their maintenance regime and preparation of vehicles for test. Where vehicles are subject to multiple test failures, the Licensing Authority may conduct a review of trading activity to consider whether the 'fit & proper person' criteria continues to be met. A poor test record could result in a review of licence(s) held by the Licensing Committee and an adverse impact on the business.

c) ***Exception – Accident Damage***

Where a vehicle has been subject to accident damage and must be presented for inspection to assess the fitness of the vehicle, there will be an alternative inspection and retest fee, set by the Director of Public Health & Protection, in accordance with procedures for setting/reviewing of fees.

13.6 Vehicle Test Dispute & Challenge

Any vehicle licensee/proprietor who disputes the result of a vehicle test must make their concerns known to the Testing Station Supervisor BEFORE LEAVING THE TESTING STATION.

a) A failure to do so will make any challenge INVALID.

b) Where the licensee/proprietor wishes to challenge the result of a test, he/she will be required to complete a form detailing the reason(s) for such challenge. A copy of the challenge procedure will be provided on completion of a test, on request.

c) The Testing Station Supervisor will arrange for the test to be reviewed by a Supervisor, having regard to the details contained in the record of challenge form.

d) Where the outcome of the vehicle test is MAINTAINED, no further review of the test will be undertaken. A statutory right of appeal exists for a refusal to accept/renew a vehicle licence and such appeal must be made to a Magistrates Court within 21 days of the date of the written decision of refusal.

e) Where the challenge is upheld, the test result will be amended accordingly and details will be forwarded to Licensing Officers.

14. GENERAL FITNESS OF THE VEHICLE

14.1 Maintenance and Condition of the Vehicle

a) The exterior of all licensed vehicles shall be maintained in a clean, safe and proper manner at all times. In particular, the exterior of the vehicle shall:

i) be free of large and/or sharp-edged dents,
ii) be free of visible rust,
iii) be free of unrepaired accident damage (except where a Licensing Officer has agreed a time period for cosmetic repairs
iv) have uniform paintwork equivalent to that applied by the manufacturer, and
v) be maintained in an acceptable state of cleanliness, (discretion may be given during periods of adverse weather)

b) The interior of all licensed vehicles shall be maintained in a clean, safe and proper manner at all times. In particular, the interior of the vehicle shall:

i) be free of all stains to the upholstery,
ii) be free of all splits and tears to the seats,
iii) be maintained in an acceptable state of cleanliness, and iv) provide seats functioning in accordance with the Original Manufacturers' Specification.

15. VEHICLE INSURANCE

15.1 There shall be a policy of insurance, or such security as complies with the requirements of Part IV of the road Traffic Act 1972, during the duration of the vehicle licence. Under no circumstances will a vehicle licence be issued or renewed without proof that a valid policy of insurance is in place.

15.2 The registered owner/keeper of the vehicle shall ensure that it is adequately insured to the satisfaction of the Council (and meets all statutory provisions) at all times that it is available for the carrying of passengers.

15.3 At any time when the requirements of this section of the Policy have not been satisfied, the vehicle licence will be automatically suspended until such time as adequate insurance has been obtained.

16. ACCIDENT REPORTING

16.1 In accordance with Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976, any accident to a hackney carriage or private hire vehicle causing damage materially affecting:

a) the safety, performance or appearance of the vehicle, or
b) the comfort or convenience of the passengers,

must be reported to the Council as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence thereof.

16.2 Where, following an accident or damage to a licensed vehicle , and it is the intention of the owner or operator to continue licensed use, the vehicle must immediately be inspected by the Council's Testing Station to determine its fitness for continued use.

If the Council's approved garage determines that the vehicle is fit for continued use, the time-scale for cosmetic repairs must be agreed with a Council Licensing Officer.

The Council may suspend the use of a licensed vehicle until it is suitably repaired and subject to a satisfactory vehicle test at the Council's Testing Station.

16.3 A licensed vehicle which has suffered major accident damage or requires substantial mechanical repair may be temporarily replaced by a hire vehicle, provided that it meets the vehicle specification detailed in this policy statement.

17. VEHICLE IDENTIFICATION

17.1 the proprietor shall cause the number of the licence to be fixed and displayed on the vehicle at all times during which the vehicle is licensed , this number to be displayed by means of a licence disc and licence plate issued by the Council to the proprietor on payment of a deposit, the amount of which to be fixed by the Council.

17.2 the licence disc shall be fixed and displayed inside the vehicle in such a manner and place that the particulars thereon are clear and visible to any passenger being conveyed in the vehicle.

17.3 The licence plate shall be fixed and displayed outside and on the rear of the vehicle as close in proximity to the rear bumper as is practicably possible in such a position as the vehicles registration mark is not obscured, with the particulars thereon facing outwards and in such a

manner and place that the licence plate is clearly visible by daylight from the road to the rear of the vehicle.

17.4 the licence disc and licence plate shall remain the property of the Council and shall be returned to them within seven days after service on the proprietor of an appropriate notice by an authorised officer of the Council, if the proprietor no longer holds a licence with the Council which is in force in respect of the vehicle.

17.5 all vehicles must have the official Council crest to be supplied only by the Council in the form of a Decal placed on the near and offside front doors, adhered directly to the paintwork where it is clearly visible.
NOTE: The use of magnetic devices is not allowed

Hackney Carriages Only

17.6 the operator must display an illuminated dome to the roof of the vehicle. The dome shall contain the word 'TAXI' or the Welsh Language version 'TACSI' displayed to both front and rear of the dome and shall contain no other writing of any kind. (Operators may display one version to the front and the alternative version to the rear should they wish to do so)

The illuminated roof dome must be switched off when the vehicle has been hired and illuminated when the vehicle is available for hire.

Private Hire Vehicles ONLY

17.7 The operator may if they so wish, display a dome to the roof of the vehicle. If fitted the dome is for identification purposes only and should not be capable of being illuminated as this may be confused as plying for hire. The dome should only contain the name & telephone number of the operator, together with the words Private Hire Vehicle displayed to both front and rear of the dome, and shall contain no other writing of any kind.

18. LICENCE PLATES

18.1 At all times when a vehicle is licensed as a hackney carriage or private hire vehicle, unless an exemption has been granted. The vehicle must display the Licence Plate provided by the Council, securely fixed externally in a prominent position on or above the rear bumper of the vehicle

18.2 The interior licence disc shall be fixed and displayed inside the vehicle in such a manner and place that it is clearly visible to any passenger being conveyed in the vehicle

18.3 The Licence Plate/interior disc remains the property of the Council and must be returned within seven days when:

a) the vehicle ceases to be licensed as a hackney carriage or private hire vehicle, or

b) requested to do so by an Authorised Officer of the Council in writing when the plate is suspended, revoked, or has expired.

19. VEHICLE SIGNAGE/LICENSEE TRADING NAME

19.1 In the case of vehicles licensed to carry up to four passengers a sign/panel not more than 61 x 30.4 cms (24" x 12") in dimension may be displayed only on the rear nearside and rear offside doors.

19.2 In the case of vehicles licensed to carry between five & eight passengers a sign/panel not more than 91.4 x 70 cms (36" x 24") in dimension may be displayed only on the rear nearside and rear offside doors.

Hackney Carriage Only

19.3 This sign, (Trading Name identification) must contain only the proprietor or operator company name, telephone number, e-mail or website address.

Private Hire Only

19.4 This sign, (Trading Name identification) must contain only the proprietor or operator companyny name, telephone number, e-mail or website address together with the words "Advance Bookings Only". The words taxi, hire and cab must not be included). The legend "Advance Bookings Only" must be included on this display and theses words must be no less prominent than the properietor's name. The wording "24 Hour Service Available" may also be included, if appropriate, A 7.6 cms (3") sun strip is also permitted in the front and rear windows.

19.5 A 7.6 cms (3") sun strip is also permitted in the front and rear windows. No other identification/advertising signs except those issued by and previously agreed by the Council shall be attached to or carried upon the inside or outside of the vehicle.

The Council has a policy in respect of commercial advertising on Hackney Carriages & Private Hire Vehicles, provisions of which are detailed below:

19.6 A screen displaying scrolling or moving advertisements may be securely fitted within the vehicle, provided that the screen shall not be within the vision of the driver of the vehicle, and that the Council has previously approved in writing the content of any material shown.

All advertisements must conform with the standards of the Advertising Standards Council in all matters relating to good taste, both in content and appearance and must not relate to matters concerning tobacco, alcohol or matters of a sexual nature. A notice must be fitted within view of the rear seat passengers stating that the screen will be switched off at the request of the passenger.

20. COMMERCIAL ADVERTISING

20.1 All applications for advertising on a Hackney Carriage or Private Hire vehicle must be made in writing to the Director of Public Health & Protection and accompanied by a sample of the advertising proposed.

20.2 The quality of submissions must be of an acceptable standard. No faxes will be accepted. Coloured artwork is to be provided in every case and full details of the advertising proposals must be provided ***(NB: It is essential that all the detail of the proposed advertisement be shown in the original submission. If it is not, then the advertisement may subsequently be rejected.)***

20.3 The submission, if it is considered acceptable, will be given **Provisional Approval.**

20.4 **Final Approval** will be given once the advertisement has been placed on the vehicle. An appointment must be made with a Taxi Licensing Officer for a final inspection when the Officer will confirm that the work has been completed in accordance with the provisional approval granted.

20.5 The proprietor of any vehicle displaying an advertisement that has not received its final inspection will be required to remove it immediately.

20.6 Vehicles displaying advertising without approval of the Council will be in contravention of the conditions attached to the vehicle licence and may be liable to suspension until such time as the material has been removed from the vehicle.

20.7 All advertising must comply with the British Codes of Advertising and Sales Promotion and is the responsibility of the agency or individual seeking the Licensing Authority's approval to ensure that they do so.

20.8 Any advertisement approved shall be placed on the back passenger doors , and/or rear quarter panels only, below the windows **with the exception** of the *"Trading Name identification signs"* displaying the company details (see Point 12 below), which may be displayed on the front door of the vehicle, below the window and must not obscure the sign displaying the licence number of the vehicle. (Licensees who choose NOT to have commercial advertising will continue to display Trading Name identification on rear doors.)

20.9 Materials used for advertisement must be of a quality not easily defaced or detached. No paper-based materials or water-soluble adhesive paste shall be used. Advertisements must be affixed directly to the exterior rear door panels of the vehicle or initially attached to an approved magnetic panel, which is then attached to the vehicle.

20.10 Reflective material is not to be used for advertising purposes.

20.11 Each proposal will be considered on its merits but the following advertisements will not be approved:

- Those with political, racial, religious, sexual or controversial texts;
- Those for escort agencies, gaming establishments or massage parlours;
- Those displaying nude or semi-nude figures;
- Those likely to offend public taste (depicting violence, obscene or distasteful language);
- Those which have any reference to alcohol, tobacco/cigarettes and drugs;
- Those promoting discounted fares;
- Those advertising jobs;
- Those which detract from the integrity and/or identity of the vehicle,
- Those which seek to advertise more than one company/service or product.

21. METERS/TARIFF

Hackney carriages

21.1 An approved taximeter must be fitted in all hackney carriages and must be correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure.

21.2 All taximeters must be appropriately stamped to ensure compliance with The Measuring Instruments (Taximeters) Regulations 2006, or any subsequent legislation.

21.3 The taximeter shall be positioned so that the display on the face of the meter may clearly visible to any person being conveyed in the vehicle at all times. The dial of the taximeter shall be kept properly illuminated throughout any part of the hiring including during the hours of darkness and also at any time at the request of the hirer.

21.4 When the meter is operating there shall be recorded on the face of the meter in clearly legible figures a fare not exceeding the maximum fare that may be charged for a journey.

21.5 An official copy of the Council's fare tariff shall be clearly displayed and legible in the vehicle so as to be plainly visible to passengers carried therein.

21.6 The vehicle taximeter shall be brought into operation at the commencement of the journey and the fare demanded by the driver shall not be greater than that fixed by this Council in connection with the fare tariff for the hire of hackney carriages.

21.7 In the event of such a journey commencing in but ending outside the District, there may be charged for the journey such fare as was agreed before the hiring was effected. If no such agreement was made then the fare to be charged should be no greater than that fixed by the Council in connection with the fare tariff for the hire of hackney carriages.

21.8 'Calendar' meters are permitted in hackney carriages providing that they operate in accordance with the Council's agreed fare tariff. For the avoidance of doubt, the tariff that is in operation at the time of the commencement of a journey must remain throughout that journey.

Private Hire Vehicle Only

21.9 Private hire vehicles are not required to be fitted with a taximeter. Where a taximeter or other device for recording fares is fitted, however, it must be of a type approved by the Council.

21.10 Private hire vehicle driver's must agree the cost of the journey with the passenger(s) prior to undertaking the journey. At the conclusion of the journey, the fare charged should not exceed the amount previously agreed.

22. HEALTH ACT 2006

It is the responsibility of both the driver and the proprietor to ensure no smoking signage, as prescribed by the Health Act 2006, is displayed in all licensed hackney carriages or private hire vehicles at all times.

23. CHANGES AND TRANSFERS OF LICENCE

Changes

23.1 the proprietor of the Hackney Carriage/ Private Hire Vehicle in respect of which a vehicle licence has been granted by the Council shall inform the Council of any change of address as soon as is practicable and in any event within seven days.

Licence Transfers (Person to Person)

23.2 When the holder of a vehicle licence wishes to transfer the licence to another person he must notify the Council, in writing, using the prescribed application form and pay the appropriate fee before such change takes place.

Transfer of the licence will not be deemed effective until such time as the prescribed procedure has been completed and a new vehicle licence has been issued.

Appendix 10(i)

SEATING CONFIGURATIONS IN MULTI-PASSENGER VEHICLES

Six-seater vehicle

Eight-seater vehicle

Driver

Passenger Seat

Passenger facing

Door

Consultation Response

Draft Policy Ref (No)	Detail of Concern	Comment Alternative Proposal	Operator Date Received
	Good idea to have brand new cars	Need to stop the sale of second hand taxis otherwise operators will be buying new cars and you will be giving them a new plate and they will sell their old car as a taxi to someone else so before we know we will have a lot more taxis in RCT than before and we have too many now.	Lee Braund 28/04/14
	The 4 plating a year	Is going to cost money from the licensing budget which I believe you will get back in other ways many of us think is to penalise the operators who is failing plating on a regular basis give them one warning if it happens again take their plate for good.	
1.1 and 1.2	Both quote the UK low volume/small series type approval for passenger cars and UK Individual Approval	so to be clear a vehicle with this type approval, would it be regarded as Purpose Built and **eligible** as quoted in point 1.1 or would it be **considered** as a possibility of being eligible as quoted in point 1.2. I ask this as my next point re 1.4 clarifies that all vehicles other than London Cabs are adapted after original manufacture. No alternative proposal	11/05/14 Kim Greedy
1.4a	Can you clarify which vehicles you regard as Purpose Built Vehicles.	The only actual vehicles purpose built by a manufacturer is a London Cab which is not built to sustain the hilly terrain of the Valleys or to be able to sustain the cost of such a vehicle in our area. All the other vehicles are modified/adapted after production by various Taxi specialists, can you please clarify if these are regarded as "Purpose Built Vehicles" and if so give examples of models you will accept. No alternative proposal	
14c	New Vehicle can you clarify the term 'New'	Vehicles when purchased Brand New do not always come with the purchaser as the first named person on the log book (V5 Certificate) although the invoice will clock (500 being the distance if delivered from Scotland) The vehicles are very often registered in the first instance to such Organisations as Patons Taxiworld, Burntree etc as they buy in bulk to obtain a greater discount so they can pass it onto the purchaser No alternative proposal	

Draft Policy Ref (No)	Detail of Concern	Comment Alternative Proposal	Operator Date Received
5.2	Multi Purpose Vehicles Preferred seating configuration Appendix 1D(i) Can you confirm what vehicle has this seating configuration? as it is not one we have come across	The example shown for an eight seater vehicle is of great concern as if the vehicle was fully loaded the vehicle would be listing going up the road as the weight would be unevenly distributed with 4 persons seated on one side and just two with open flooring on the other side. The current 8 seater configuration in the Vauxhall Vivaro/Renault Traffic etc of flipping the middle row seat forward to allow passengers to enter and exit the vehicle has not caused any problems for passengers and are widely used as taxi vehicles countrywide. All the seats are full size, firmly fixed to the floor and are not an issue to passenger or vehicle safety. No alternative proposal	
13.5	Re Test Fees	Can we be provided with a table of fees with regard to consultation on this point as it needs to be looked at in conjunction with cost. Also an important point to be considered regards a retest is the reason for the failure. Sometimes there are minor issues that can occur on the way to test e.g. a bulb can fail, a tyre can pick up a nail on the way to the test centre, the external taxi plate itself is looking a little worn. These are some of the valid reasons for not having to pay for a retest as it has been known for some examiners to fail a vehicle for such occurrences. The retest fee has to be based on a valid need for a retest not just implemented as a money making exercise No alternative proposal	
	Age of Saloon Vehicle	The cost of new vehicles is too high to afford To licence vehicles from 3 years would be better as you can buy a vehicle with low mileage which is a lot cheaper and the vehicle is still in good condition	Mr A Alias 13/05/14
	Frequency of test	The cost of checking the vehicle 3 times a year would bee too high. It would also take up too much time The testing frequency should stay as it is	

Draft Policy Ref (No)	Detail of Concern	Comment Alternative Proposal	Operator Date Received
	Testing Standards	Consistency is non existent, cant see why we don't go to an MOT standard. Good idea free 1st tests No alternative proposal	Darryl Price 21/05/14
	Age of Vehicles	Proposal is to leave age as it is to alleviate any financial strain on all ready struggling businesses	ShaneMc Donald 21/05/14
	Cap on Hackney Licences	To remove cap by allowing brand new saloon cars a new licence	
	Licensable life of vehicle	Price of new vehicle would be too high Propose that vehicle can be licensed up until 8 years old. Can be first licensed up until 3 years old	Andy Kerry 21/05/14
	The age limit should stay the same	Cost and expense of new vehicles Age should stay at 3 years minimum	Stephen Lloyd 21/05/14
	Seating arrangement not acceptable on 8 seater vehicles	No alternative proposal	
	Mercedes Vito 109 (9 seater) (423) P15 NGU Wheelchair friendly vehicle	Clarification on adapted vehicle much appreciated No alternative proposal	Steven Gregory 21/05/14
	Seating configuration diagram provided during consultation	Own research conducted, no mainstream manufacturers manufacture seating in plans provided for 6 & 8 seater vehicles Either amend or not have a specified seating configuration	Neil Jenkins 21/05/14
	Age of vehicles. New vehicles too high standard. Why should I be forced to change my 3 licensed vehicles for 3 brand new ones at £17,000 each	As above. 3 New vehicles would cost on average £51,000. This is ridiculous in the current climate. Would cost me more than my house. Vehicles up to 3 years old	Paul Smith 21/05/14
	I cannot afford to buy new vehicle	I don't think I would be capable of being a taxi driver if everything changes I would be unemployed 4-5 years old. I think that everything should remain as it is	Harun Orrashid 21/05/14
	Age of replacement of vehicle (Saloon)	Cannot afford a brand new vehicle at today's economic climate but could be able to afford a good vehicle up to 2 years old at half the cost Reduce from 5 years to 3 or 2 years for replacement vehicles to have younger vehicles entering the trade	William Parr 21/05/14

Draft Policy Ref (No)	Detail of Concern	Comment Alternative Proposal	Operator Date Received
	Seating configuration for 6 & 8 seat vehicles	Seating arrangements by the manufacturer should be more than adequate, not everybody likes to face rearward when travelling. Plus luggage space would be reduced resulting in luggage in walkways Leave seating to vehicle designers	
	My concern is regarding the new vehicle for a saloon car	Taxi job is my only source of income and cannot afford to leave this job. Please can you consider this matter I would like to request the Council to not make any changes for a saloon car. I have got a plate at the moment and would like to transfer it to a vehicle but I cannot purchase a vehicle which has to be brand new as I cannot afford it. Please accept vehicle up to 5 years old	Mohammad Kowsor Chowdhury 22/05/14
	It will be too expensive for owner drivers with just a single vehicle to buy brand new	There are a vast amount of cars for sale that are brand new and pre registered which means they are cheaper to buy at the same time as being up to 1 year old with under 1000 miles. I'd like to see a voting system put in place for us all to have the chance to vote on whether new proposal should be "new cars, up to 1 year or up to 2 years old" it gives everyone the chance to say which they prefer and gives you as the Council a clear view of the best way to go. I really hope this whole situation is taken into account as buying new cars could put a lot of operators out of business and in know this isn't the intention the Council has, I know that when it comes to myself buying a different car I'd be happier buying up to 1 year old to save myself money.	Vincent Baldwin 22/05/14

Draft Policy Ref (No)	Detail of Concern	Comment Alternative Proposal	Operator Date Received
	Please accept saloon vehicle up to 5 years old Plating twice a year as it is at the moment Also please can you not increase plate prices as we are all struggling at the moment financially and cant afford any increase in price	Taxi job is my only source of income and I cant afford to leave this job I have got a saloon vehicle which is already plated and I would like to change the vehicle in a few years time but cannot afford car up to 5 years old. Therefore please don't make any changes toward saloon vehicle. Please accept vehicle up to 5 years old	Mr Shebul Ali 25/05/14
	Age of vehicle up to 5 years old Vehicle plating twice a year	My main concern regarding the new vehicle technical standards is that buying a new saloon vehicle is going to be very difficult for every driver who owns their own licensed vehicle because we cannot afford to buy at the moment Please accept saloon vehicle up to 5 years old At the moment we are all facing difficulties working in Pontypridd, because there is no Taxi rank therefore its going to be very tough for all the drivers to get their vehicle plated 3 times a year. My request to the Council is that please do not make any changes towards saloon vehicles	M D Abdul Malik 25/05/14
	Age of Vehicle (Saloon)	In light of the current financial situation especially in the South Wales Valleys it would be impossible to buy brand new vehicles. The Taxi trade is already struggling to make ends meet and this legislation will definitely mean a loss of jobs and less taxi's available. Accept vehicle up to 3 years old	R J Hughes 27/05/14

Draft Policy Ref (No)	Detail of Concern	Comment Alternative Proposal	Operator Date Received
	Seating configuration 7 seater MPV	The seating configuration on the plans is not possible for the 7 seater MPV as manufacturers don't build them with this seating plan Make seating plans more flexible (Diagram included)	
	My concern for the new proposal for the new vehicle technical standard for a non disable saloon car	With regarding buying a new vehicle for a saloon car, my opinion is that I cannot afford to buy a car which has to be brand new Please can you keep it as it is at the moment.	Sadek Ahmed Kadir 27/05/14
	We as a company do not see it as fair or financially viable for all vehicles to be under 12 months old	We at Town Taxis currently operate using a 6 seated car an 8 seated minibus and 2 four seated cars and have operated for 20+ years. If this legislation is enforced it would not be financially viable or attainable for us to replace our vehicles with brand new vehicles when our current vehicles need to be replaced as I replace my vehicles long before the 10 year cut off as the engines cannot take the mileage needed. If we are forced to purchase new vehicles the finance payments would long exceed the life of the vehicle and thus lead to less reliable vehicles and increasing breakdown frequency. Also leaving us with a loan and no vehicle so if the legislation is enforced we as a company would have no choice but to retire all of our staff and cease to trade We at Town Taxis personally think up to 4 years would be fair as we have recently purchased an ex mobility car which was 3 and a half years old with only 29,000 miles on the clock, it was in excellent condition and very affordable it easily passed your plating	Wayne Williams 27/05/14

Draft Policy Ref (No)	Detail of Concern	Comment Alternative Proposal	Operator Date Received
		Age of vehicle to stay the same and last 10 years as before	Graham Roberts 27/05/14
	Is the reason why you want the age to change is the failure rate on vehicle after seven year are high with some operators? Is the testing station manufacturing the high rate of fails e.g. indicator bulbs are not orange enough, failing things that cannot be an MOT failure.	Why should you penalise other operators for trying their best to look after their taxis? Some kind of training may be worth while. I have been an MOT inspector for twenty years and the testing station makes up things as they go along, then it changes on the next test. No consistency. Would this be a better way of bringing down the failure rate down ONE testing standard that everybody uses NOT the testing stations standard as these are not qualified MOT inspectors. All vehicles will reach the same state in five years so obviously back to square one you would need new vehicle again.	
	The cost of buying a new vehicle looking in the private hire monthly magazine a Ford Transit is £85 plus vat per week for five years and a balloon payment at the end, insurance is approximately £50 to £70 per week, maintaining the vehicle per week £30 & £50 this is without Taxi licensing fees and road tax. This is approximately £215 per week some operators could not support these cost as the economy we are in at the present time less people are using taxi through the week.	Buying the vehicle from new to its fifth birthday the vehicle could have reached a mileage of approximately 250,000 miles the operator would have just paid off the finance. The only way for that operator getting any money back for the vehicle would be by selling it to someone who may not be able to afford the cost of a new vehicle or would not be able to get finance on a new vehicle.	

Draft Policy Ref (No)	Detail of Concern	Comment Alternative Proposal	Operator Date Received
	New Vehicle Purchases There are very few companies in RCT that can afford to buy a new vehicle to plate as a taxi, even with depreciation of three years a second hand saloon car will still be to expensive for me to finance.	I've been to my bank (National Westminster, Pentre Branch) and asked the manager where I will stand in borrowing the money. Basically the answer was no. In three years I have four taxis to change. My plan is to change all these vehicles with cars of up to four years of age which I know I can finance myself. I will then keep these vehicles for a further three years, this means they will only reach an age of up to seven years old and the process will continue again No alternative proposal	Barry Mc Donald 27/05/14
	No Plating Fee This will be very welcoming as the financial climate at the moment is very bad.	Failure in plating test is the owners responsibility and they should be the ones paying for the failure, as was mentioned an increase in re plating fees. I personally always send my cars for pre plating tests at a reputable garage and would never send a car to the test centre knowing that something was wrong or even use the test centre as a pre plating check. Companies that do this should be penalised No alternative proposal	
	New Hackney Licence Layout This seems a much better way to understand the full life of the said vehicle in plain and clear view	No alternative proposal	
	Three Platings per year after seven years	As discussed older cars are not always a load of rubbish as long as they are maintained properly, so it will be up to the individual company to decide weather to change the car when it gets to seven years of or not, if the plating fees are abolished and the car is maintained properly it may well last the ten years, if not they will be paying a heafty sum to keep this car as a taxi In an ideal world new cars would be the way forward but in the financial climate that we are in at the moment , it would mean as I mentioned in the meeting a loss of jobs within my company Cars of up to four/five years old to first plating with a total life of eight years is what I will request	

Draft Policy Ref (No)	Detail of Concern	Comment Alternative Proposal	Operator Date Received
	The age of a vehicle should be judged on its current condition and not its age	i.e. we have had new vehicles that have been an absolute nightmare and old vehicles that still drive like new i.e. our Lugana WN55 GSY I do not know that in the Human Rights Act, a Local Authority cannot change rules at will that will affect a persons livelihood or business. The current vehicle age conditions are working, so I'm one of those, if its not broke don't fix it. There are a few Operators who can afford new vehicles but the overwhelming majority cannot. Us personally cannot answer the question as who can predict what he future economy will unfold Licence fees-as we discussed, all fees should be scrapped and a pre plate check introduced with an independent qualified VOSA tester who can liase with RCT Licensing and then on. The failure of Council plate tests, any defects which an operator had been advised of can result of a fine being imposed. The current fee of £225.00 cost I doubt it. Removal of plates at the test a Council mechanic cannot removed a plate unless it has a GV9 from the Ministry of Transport or 7 days notice under the revocation or suspension part of the National Law Act, then the licence holder has a further 21 days right of appeal, so in essence, unless a plate/disc licence holder is GV9 ordered by the ministry has 28 days in which he can operate his business under the possession part of the Human Rights Act.	Darran Hughes 27/05/14

Draft Policy Ref (No)	Detail of Concern	Comment Alternative Proposal	Operator Date Received
	Wheelchair Accessible Vehicles	Should not be limited to an 8 seater vehicle. Wheelchair accessible vehicles need to be 14 seater vehicles with the seats removed to allow easy access for wheelchairs or special needs people Accept vehicles up to 5 years old and not just vehicles that state 8 seats on the log book	Kenneth Smart 28/05/14
	Age of Vehicles	There is not enough work in the Rhondda to justify paying £16,000 for a car, £25,000 for a minibus or £25,000 for a purpose built vehicle. Rhondda does not have the work that a city has. The purpose built category should be scrapped. Any vehicle should be able to be licensed until its 5 years old but then only have a life span of 5 years regardless of when it was brought on. A 10 year old car that's been a taxi for 5 years will be in much better condition than a 10 year old car that's been a taxi for 10 years	
Appendix 1D 1.3 B	Appendix 1D 1.3 B	If a vehicle has been adapted to carry wheelchairs then the tracking and wheelchair hoist needs to be _____ through the floor which will invalidate the original type approval. The IVA test will then certify that the adaption's are safe so there for an IVA should be accepted for adapted vehicles. IVA test should be accepted as a certificate to show that any modifications made are safe	

Draft Policy Ref (No)	Detail of Concern	Comment Alternative Proposal	Operator Date Received
	Fee for re-test	The testing system is too inconsistent to guarantee a pass every time. As I've before I've a Code A, Code B, Code C and an advisory for the same defect. Different testers fail different defects and different codes. The garage should employ 2 or 3 testers to do all of the taxi tests. They should have good knowledge of the standards their testing to e.g. be an MOT tester so that they know what they're looking for. The test should be governed by a 3rd party such as VOSA so that if the test is not done properly they'll have to answer to VOSA and not just have to talk to their work mate	
	Need set standards for testing no interpretations so all can comply Age cost of vehicle in present climate/costs stay the same Adapted/conversions meet needs of customers Test fees stat the same as now	I think that we must now set standards so that all vehicles are fit for purpose. The current system is correct and meeting the needs but a standard needs to be must so no operator/tester can interpret it wrong and then all vehicles will and should be fit for purpose. As for adaption's/conversions if they are done correctly they are than purpose built vehicle as new wheelchairs do no fit in the purpose built (all). If you need any clarification on this please phone All the present standards on vehicles age and condition should stay the same and work on a set and _____ standard as the current climate is too bad to have new vehicles. With no new customer base and a dwindling clientele i.e. no money for Taxis expect necessary trips	Mr A Owen 29/05/14

July 2014

Appendix 1C

TAXI NEWS

Key Changes to vehicle policy proposals (arising from consultation process)

- Removal of category of Purpose Built Vehicle & 15 year vehicle life (Grandfather rights maintained for existing licenses)
- Licensed vehicles to be categorised as 'Wheelchair Accessible' or 'Non Wheelchair Accessible'
- Admission age of vehicle: 3 years (Saloons / non wheelchair accessible) & 5 years (Wheelchair accessible)

Age limits as follows –

Type of Vehicle	Type of Licence	Minimum Age	Maximum Age
Wheelchair Accessible Vehicles; (to include 'Purpose Built; OR Adapted Vehicles with/or without Tail Lift)	Hackney Carriage/ Private Hire Vehicle	**Less than 5 years** old (from date of first registration)	10 years (provided each subsequent licence takes effect immediately upon expiry of the previous licence).
Non Wheelchair Accessible Vehicles	Hackney Carriage/ Private Hire Vehicle	**Less than 3 years** old (from date of first registration)	10 years (provided each subsequent licence takes effect immediately upon expiry of the previous licence).

Licensing Section,
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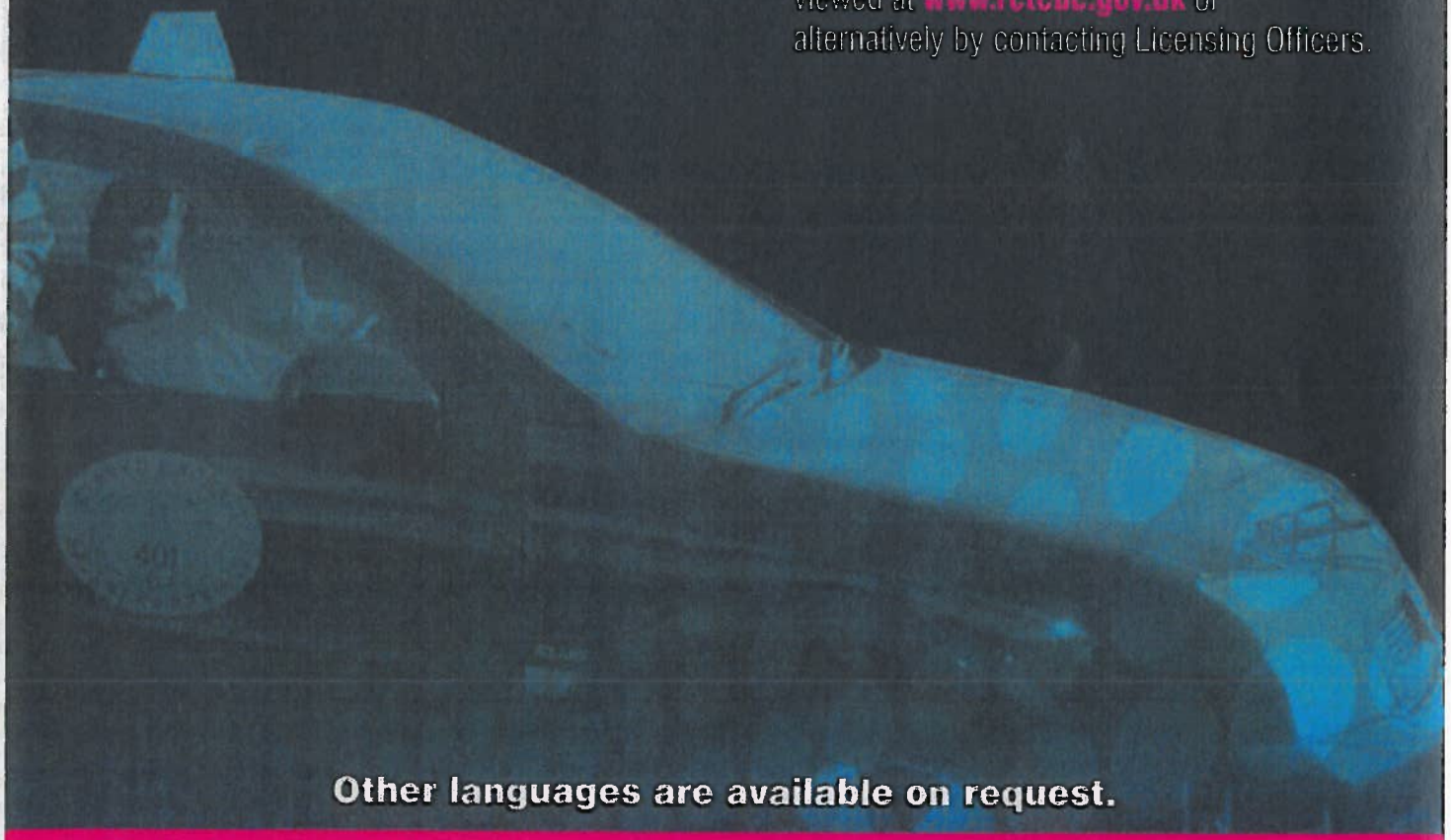
TREFTADAETH GADARN | DYFODOL SICR

- Acceptance of M2 type approval vehicles (subject to appropriate accreditation after adaptation) for licence in recognition of trade comments that there is a business case to do so.
- 4 monthly testing of vehicles (in excess of 7 years old) to proceed.
- Current vehicle test fees to be maintained, subject to a full fee review (likely to be April 2015)
- Deferral of increased fee for test hitline (subject to fee review April 2015)
- Change of process for mid term vehicle tests (SIX MONTH PLATING), no need to produce documents, remote payments encouraged (telephone payments preferred) – removing need to attend Licensing Officers in person.
- Annual grant of licence - all relevant documents to be produced, as current practice.
- Introduction of formal vehicle test challenge process. (guidance note to be issued with all test results)
- Preferred Passenger Seating layout on 8 seater vehicles **WITHDRAWN**

What's next?

- The amended proposals will go back before Licensing Committee for consideration on Tuesday 29th July 2014.
- This will be an open public meeting and all licensees are able to attend. **IF YOU WISH TO SPEAK AT THE MEETING, YOU MUST GIVE A MINIMUM OF 2 DAYS NOTICE - CONTACT LICENSING OFFICERS FOR FURTHER ADVICE**
- The full committee report will be published on the 22nd July 2014 and is available on the Councils website.
- Full details of the policy amendments can be viewed at **www.rctcbc.gov.uk** or alternatively by contacting Licensing Officers.



Other languages are available on request.

Question and Answers

Do you have a burning question to ask a Licensing Officer?

Are you in need of any advice?

If you have answered **YES** to any of the above,

Please send through your questions using the contact details provided and we will aim to provide a response.

A copy of all application forms and conditions can be obtained from the Licensing Section

Licensing Section,
Ty Elai, Dinas Isaf East,
Williamstown, Tonypandy CF40 1NY

Telephone: 01443 425001
Fax: 01443 425301
Licensing.Section@rctcbc.gov.uk

3. BACKGROUND

3.1 Current Policy

The current technical specification for vehicles is included in conditions of licence. Relevant extracts are reproduced for information as follows -

Hackney Carriage - **Appendix 1A**
Private Hire Vehicle - **Appendix 1B**

The current specification was determined as a result of the proposed implementation of the Disability Discrimination Act 2005 which placed a duty on Licensing Authorities to ensure that Hackney Carriages available for hire & reward could be readily accessible to passengers with disabilities.

The specification/policy was intended to provide a 'year on year' increase in the number of wheelchair accessible vehicles within the Hackney Carriage fleet and also contribute to an improvement in the standard of vehicles purchased for licence.

3.2 To promote this policy, certain commercial advantages were offered to licensees who were seeking to purchase **wheelchair accessible, purpose built Hackney Carriages** as an incentive to invest in the additional costs that such vehicles incurred.

This included:

- An acceptance of 'Purpose Built vehicles' for licence, provided they were **less than 8 years old**;
- Consecutive renewal of the **licence for a period of 15 years**, (subject to fitness).
- **NEW Hackney Carriage Licences** were restricted to 'Purpose Built Vehicles', which by nature of their definition were intended for 'conveyance of passengers for hire & reward' and also met the requirements of the Disability Discrimination Act 2005. This made provision for WHEELCHAIR ACCESSIBLE VEHICLES (WAV), where passengers could be conveyed whilst seated in their wheelchairs.

3.3 Best practice at that time, (as advocated by Department of Transport) was considered to be the provision of 'Purpose Built' Wheelchair Accessible Vehicles. Licensing Authorities were encouraged to maximise the numbers of such vehicles in their fleet, with the expectation that certain Authorities, (Rhondda Cynon Taf being one), would meet a quota that was considered desirable.

Discretion was afforded to local authorities as to how the provisions should be implemented, mindful of local conditions.

APPENDIX 1A

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2013 – 2014

SPECIAL LICENSING COMMITTEE
30th April 2014

REPORT OF:

SERVICE DIRECTOR
PUBLIC HEALTH AND PROTECTION

Item No.
Policy Statement & Revision of Technical Standards; Hackney Carriage/Private Hire Vehicles

PURPOSE OF THE REPORT

The purpose of the report is to:

(i) appraise Members of the proposed policy regarding vehicles considered suitable for licence as Hackney Carriages & Private Hire Vehicles;

(ii) review conditions of licence for such vehicles to ensure the comfort & safety of fare paying passengers;

(iii) ensure the vehicle fleet meets the transport needs of the communities it seeks to service.

RECOMMENDATION

It is recommended that:

(i) Members note the contents of the report, which is provided for information;

(ii) Agree to the proposal of the Divisional Director Public Health & Protection to consult with stakeholders in respect of the proposed changes; such consultation to be for a period of 28 days

(iii) That the outcome of the consultation process be the subject of a further report to this Committee, together with any changes to the draft policy that may be necessary, prior to their inclusion in a formal policy statement.

A copy of the revised Vehicle Specification for licensed vehicles, (which incorporates all the changes detailed) is reproduced for information as **Appendix 1E**

An integral part of the implementation process will be the retention of 'Grandfather Rights' for existing licensees. This will ensure that licensees are afforded an appropriate level of protection for their business, provided that satisfactory standards are maintained.

Should any licensee fail to maintain their vehicle to an acceptable standard, then enforcement action will be taken, proportionate to the matter of concern identified, consistent with current practice.

It is recommended that Members:

(i) Note the views of the Trade received in response to the consultation process;
(ii) Acknowledge the amendments to the proposals that have been prepared by the Director of Public Health & Protection ;
(iii) Note the proposal to defer the implementation of a revised charging structure for vehicle testing, subject to a whole scale review of Hackney Carriage & Private Hire (Taxi) fees;
(iv) Commend the remaining revised proposals, (incorporated into the draft policy document as per Appendix 1E) to the Executive for adoption and implementation as soon as possible.

Paul J Mee
Director of Public Health & Protection

4.7 Frequency of Vehicle Testing & Test Challenge Process

(Policy Section 13 'Inspection & Fitness of Vehicles' refers)

Representations Received

Trade Representations x 6 expressing concern regarding;-

- the potential cost to the trade for increase frequency of test for vehicles 7 years +
- vehicles should be judged on their condition not their age
- Support for increased fee for regular test failures

The proposal for 4 monthly testing of vehicles in excess of 7 years old will proceed, under the existing charging regime.

Some administrative changes are also being introduced to the mid term testing process, which will remove the need for licensees to attend in person with documentation and remote payments will be encouraged. This should mitigate the impact on licensees whilst securing the improvement in standards required.

This process will be supported by the implementation of a robust vehicle test challenge process, which is consistent with recent guidance published by the Law Commission where the Licensing Authority, in the first instance, will be asked to reconsider any decision subject to appeal.

A copy of the 'Vehicle Test Challenge Guidance Note' for licensees is provided for information as **Appendix 1D**

The proposals for review of 'fit & proper person' criteria, for licensees who consistently present vehicles for test below an acceptable standard will be maintained, being brought before this Committee when appropriate.

5. CONCLUSION

The foregoing explains the amendments that have been made to the original proposals in light of representations received. It is considered that the implementation of the revised vehicle specification, as detailed, will make a significant contribution to protection of public safety and take the vehicle fleet forward for the future to ensure that it meets the needs of the communities it serves.

It is considered that the adoption of the revised ' **FTA Hackney Carriage & Private Hire Vehicle National Inspection Standards'** (Best Practice Guide) will successfully address concerns raised in that there will be a consistent and transparent standard, which will be aligned with MOT standards, with which everyone is familiar.

There are currently several items within the current testing regime where the standard applied is in excess of that required by VOSA for MOT standard. Best Practice Guide advocates that MOT standards can be adopted across the range of standards applied to licensed vehicles without compromise to public safety, provided that there are complimentary initiatives which recognise the additional demands placed on vehicles trading for hire & reward. (These issues primarily cover the interior design & comfort of the vehicle, provision of Taxi Meter etc which are unique to the trading position of the vehicle.)

There was considerable support from the Trade for the principle of rewarding good practice in respect of vehicle maintenance, whilst ensuring that those businesses, who fail to maintain their vehicle to an acceptable standard, bear the full cost of their actions.

Whilst it is intended to proceed with this proposal at some time in the near future, it is recognised that fees & charges associated with the process would have to be reviewed. This cannot be done on a piecemeal basis, given that the licensing regime for Hackney Carriage & Private Hire is intended to be operated on a cost recovery basis. In order to ensure that appropriate costs are recovered and restructure the fees payable, a whole scale review of fees & charges across the Hackney Carriage & Private Hire regime is required. Such a review will take several months and it is not considered appropriate to delay the implementation of the revised vehicle standards for this time period.

(It is also noted that revision of fees requires a statutory consultation process, which also incurs a cost, which has very recently been incurred for this financial year.)

Consequently it is proposed that the charging amendments to the vehicle testing regime be deferred to allow a comprehensive review of all fees & charges across the regime. It is anticipated that such changes can be incorporated into the next annual fee review (April 2015), mitigating costs of the process accordingly.

The complimentary proposals to improve routine maintenance should also contribute further to a general improvement in standards, which can also be monitored after implementation. Should the desired improvements not be achieved there will be the option to revisit this decision and amend as service demand dictates.

The end of licensable life for all vehicles is maintained as 10 years. (This excludes vehicles currently licensed, where 'Grandfather Rights' will apply.) As with all policies, should there be 'exceptional circumstances' any licensee is able to make application for a departure from policy should it be considered appropriate to do so.

4.5 Passenger Seating Capacity/Configuration

(Policy Section 5 'Passenger Seating' refers)

Representations Received

- Trade Representations x 5 seating configuration not viable and would limit choice of vehicles available for licence

The preferred seating configuration specified previously is WITHDRAWN on the basis that it would limit the choice of vehicle able to be licensed. The purpose of the configuration was to eliminate unsuitable seating layout which afforded restricted access/egress for fare paying passengers. This will now be addressed by alternative means.

4.6 Arrangements for Testing Vehicles

(Policy Section 13 'Inspection & Fitness of Vehicles' refers)

Representations Received

- Trade Representations x 5 expressing concerns which include test fees; and consistency of vehicle tests
- Trade representations x ? supporting initiative for reward of good vehicle maintenance

Several representations were made regarding the vehicle testing regime, citing inconsistency of process and lack of confidence as evidence of concerns, particularly where this would incur additional fee.

Revised Standards:

Type of Vehicle	Type of Licence	Minimum Age	Maximum Age
Wheelchair Accessible Vehicles; (to include 'Purpose Built; OR Adapted Vehicles with/or without Tail Lift)	**Hackney Carriage/ Private Hire Vehicle**	**Less than 5 years old (from date of first registration) (Admission Age)**	**10 years (provided each subsequent licence takes effect immediately upon expiry of the previous licence).**
Non Wheelchair Accessible Vehicles	**Hackney Carriage/ Private Hire Vehicle**	**Less than 3 years old (from date of first registration) (Admission Age)**	**10 years (provided each subsequent licence takes effect immediately upon expiry of the previous licence).**

Several representations were received from the trade regarding the prohibitive cost of new vehicles in the current economic climate, (albeit some operators supported the proposal).

An analysis of typical saloons currently licensed indicates a reduction in purchase price for a 1 year old vehicle of between 25 & 32%; with the reduction for a 2 year old vehicle being between 33 & 49%.

Given the views expressed from the consultation process it is therefore considered reasonable to phase in the move towards newer vehicles, moving the admission age for NON WHEELCHAIR ACCESSIBLE VEHICLES to 3 years.

It is considered good practice to continue to offer a commercial advantage to wheelchair accessible vehicles as an incentive to include in the fleet. Having considered the purchase cost of such vehicles, (together with cost of certification for adaptations), the admission age for WHEELCHAIR ACCESSIBLE VEHICLES (WAV) is set as 5 years.

The number of WAV in the fleet will be monitored to ensure that there are sufficient vehicles to meet service demand. It is expected that initially there will be a reduction in the number of WAV licensed, but this is expected to stabilise and local authority transport contracts are likely to impact on this position.

The category/definition of 'Purpose Built' Vehicle is the cause of confusion amongst the Trade, where operators seek to secure the advantage offered of a 15 year licence without meeting the criteria for the entitlement. The resultant challenges consume a considerable resource, which is disproportionate to the potential advantages offered by a purpose built vehicle at this time.

At the time of preparing this report, there is little empirical evidence to demonstrate that such vehicles will continue to be fit to trade for 15 years, albeit the regular maintenance and care of the vehicle will have a significant impact on the position. Feedback from the trade to date in respect of such vehicles has not been positive; only 6 purpose built vehicles are currently included in the licensed fleet; cost of purchase being cited as most significant factor.

Best Practice guidance advocates that "Purpose Built Vehicles' are amongst those (vehicle types) which a local authority could be expected to licence".....; which is a significant move away from the previous position where such vehicles were viewed as 'Best Practice'.

Duties imposed by legislation in respect of 'accessible vehicles' can be met by alternative means in respect of **Adapted Vehicles** which are available at a preferential cost, without compromising standards of safety & comfort for passengers. A compromise may be the acceptance that such vehicles have a shorter licensable life, but this appears to be the preference of the trade.

Therefore it is proposed that the specific category of **'purpose built vehicle'** be withdrawn and all licensed vehicles be classified as either WHEELCHAIR ACCESSIBLE OR NON WHEELCHAIR ACCESSIBLE.

4. Admission Age of Vehicles

(Policy Section 2.2 'Grant of Licence' refers)

Representations Received

- Trade Representations x 11 proposing alternative age limits
- Trade Representation x 2 supporting new vehicles

4. SUMMARY OF AMENDMENTS ARISING FROM THE CONSULTATION.

4.1 M2 Vehicles (Usually 8+ Seat Passenger Vehicles)

(Policy Section 1.1 'Technical Specification & Vehicle Type' refers)

Representations Received:-

- 1 x Operator highlighted business case for use of larger vehicles that can accommodate multiple wheelchair passengers and/or increased space to accommodate certain passenger requirements
- Integrated Transport Unit (ITU) support business case for licensing such vehicles.

M2 type approval vehicles will be accepted for licence in recognition of the representations received that there is a business case to do so.

Operators are able to maintain the flexibility of their vehicle to accommodate either multiple wheelchair passengers, or a combination of both wheelchair & non wheelchair passengers, **(up to a maximum of 8)**, subject to service demands.

In order to be licensed, this type of vehicle would need to **permanently reduce the seating capacity to no more than 8 passenger seats, including wheelchair passengers**. Consequently such vehicles would need to be adapted or modified.

Certification in respect of modifications will then be required, namely:

1. The Certificate of Initial Fitness (COIF) (to provide historic evidence that seat & seatbelt anchor points meet VOSA standards; **AND**
2. Low Volume National Type Approval
3. European Whole vehicle Type approval; (items 2 & 3 are normally issued by the vehicle convertor or manufacturer and any certification costs usually form part of the purchase price of the vehicle).

Removal of 'Purpose Built Vehicle' as criteria for licence

(Policy Section 2.2 'Grant of Licence' refers)

Representations Received

- Trade Representation x 1 challenging definition of Purpose Built Vehicle and appropriate use

All attendees were offered the opportunity of formally recording their concerns on the day and several did so.

(iv) Several individual operators also choose to meet with the Licensing Manager to discuss matters of particular concern to their company and this opportunity was afforded to any licensee who made the request.

3.2 Consultation Responses

Responses received were correlated and summarised into a table for ease of reference. A copy of the summary is reproduced for information as **Appendix 1B**

In order to ensure transparency & probity of the process, all individual responses received have been retained and are able for inspection on request.

Twenty four formal responses were received, albeit some responses covered several issues of concern. Some operators proposed alternatives to that in the consultation document, (such proposals are highlighted in the summary document in red); other operators choose only to comment on the suitability (or otherwise) of the proposals.

The key concern emerging was the admission age for vehicles where licensees felt that cost of new vehicles was prohibitive. (Alternatively, two licensees strongly supported this proposal.) Other concerns included consistency with vehicle testing standards; definition of 'purpose built vehicle'; additional frequency of vehicle tests and test fees.

Following consideration of the responses received, several amendments were made to the original proposals and such amendments are detailed later in this report. **(Section 4 refers)**

At the time of preparing this report arrangements are in hand to circulate a newsletter to all licensees advising them of the outcome of the consultation process and providing a brief summary of the changes that it has generated.

A copy of the newsletter is reproduced for information as **Appendix 1C**

This information is also being posted on the Council's website for general information.

Licensees are also being notified of the consideration of the revised proposals at the meeting of this Committee scheduled for 29th July 2014, which includes the process for attendance and addressing Members should they wish to do so.

A copy of the report and relevant minute is reproduced for information as **Appendix 1A.**

3.1 Public Consultation

(i) The key element of the public consultation, targeted at the Trade was undertaken by means of a 'Taxi Roadshow', held at Abercynon Sports Centre on Wednesday 21st May 2014.

Details of the 'Roadshow' were provided to all licensees by mail, together with complimentary information being posted on the Council's website. The consultation period was 28 days from 1st May 2014 to 28th May 2014.

Arrangements were made for a pro forma response form to be available to those licensees who wished to use it, but comments/representations were also accepted by letter or e mail, provided that they were in writing and attributed to the author.

It was considered prudent only to accept written representations in order to ensure the probity & transparency of the process and this was explained to licensees.

(ii) Members will be aware that numerous licensees attended the Committee meeting held 30th April 2014 and it was necessary to afford a brief adjournment to allow an explanation of the process to those who were present. There was initial frustration at the inability to speak at the meeting, but this was addressed when licensees realised that the presentation of the proposals at that time was for information only and that Trade consultation would follow, prior to formal determination.

Following the meeting and publication of the proposals, a record of telephone enquiries were kept by Licensing Officers in order to incorporate information to address frequently asked questions at the Taxi Roadshow.

(iii) The Roadshow was reasonably well attended, attendance sheets reflecting some 32 licensees. In addition, there were representatives from Integrated Transport Unit; Vehicle Testing Station, the Equalities team and indeed some members of this Committee.

The Roadshow took the format of a short presentation to explain both the proposals and the reasons they were made. There followed a robust question & answer session, where there was participation from the various Teams who contribute to the licensing process and indeed the Trade who raised several matters of concern.

APPENDIX 1B

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2014 - 2015

LICENSING COMMITTEE
29th July 2014

REPORT OF:
Service Director
Public Health and Protection

Part I	Item No.
Consideration of Proposals for Revised Technical Standards for Hackney Carriage & Private Hire Vehicles	

1. PURPOSE OF REPORT

To consider the outcome of the public consultation in respect of the changes proposed for Hackney Carriage & Private Hire Vehicles; and the response of the Director of Public Health & Protection to the issues raised.

2. RECOMMENDATION

Members are requested to:

(i) Note the views of the Trade received in response to the consultation process;

(ii) Acknowledge the amendments to the proposals that have been prepared by the Director of Public Health & Protection ;

(iii) Note the proposal to defer the implementation of a revised charging structure for vehicle testing, subject to a whole scale review of Hackney Carriage & Private Hire (Taxi) fees;

(iv) Commend the remaining revised proposals, incorporated into the draft policy document (as per **Appendix 1E**) to the Executive for adoption and implementation as soon as possible.

3. BACKGROUND

At the meeting of this committee held 30th April 2014, Members were asked to:

1. note the content of the report which outlined proposed changes to technical standards of vehicles suitable for licence;
2. Further consider the proposals in the light of any responses received, subject to the completion of a public consultation exercise which may or may not generate amendment to the proposals.

Appendix 1D

Guidance Note for Licensees – Vehicle Test Challenge

- The Licensing Authority has introduced a process to enable Vehicle Licensees to challenge the outcome of a vehicle test. This may be necessary where the licensee has reason to believe that the vehicle test is incorrect or that the assessment of the fitness of the vehicle needs to be amended.
- It is not possible to list all the possibilities that may occur; but the licensee has a right to challenge the assessment made and to receive a written explanation of the decision.
- Each case will be considered on merit but only the Vehicle Licensee can make the request, as they have legal responsibility for the fitness vehicle in the licensing process. What to do?

What to do?

1. If you are dissatisfied with the outcome of a vehicle test, you will need to tell the Workshop Supervisor immediately after the test, BEFORE THE VEHICLE LEAVES THE GARAGE. If the vehicle leaves the Testing Station after the test, there is no right of appeal. (Please do not try to discuss your problem with the mechanic undertaking the test as he/she will be unable to help you.)
2. The Testing Station Supervisor will provide a form for you to complete, to explain your concerns. (The form is called a' Notice of Challenge'). The completed form must be handed to Test Station Support staff. (No fee is payable).
3. The person presenting the vehicle for test will be required to remain at the Test Station, with the vehicle until the process is concluded.
4. The Notice of Challenge will be passed to a Charge-hand Fitter or Workshop Supervisor whenever possible who will then re-examine the vehicle and make a further assessment of the test, having regard to the comments made.
5. The second assessment will be recorded on the 'Notice of Challenge' and a copy of the decision will be provided to you for information.
6. If the challenge is upheld, the test result will be amended accordingly.
7. If the challenge is NOT upheld the outcome of the test will be maintained and the vehicle will be subject to any enforcement action that may be appropriate, (e.g. suspension of the licence for 'A' Category failure).
8. The Notice of Challenge will be faxed to Licensing Enforcement Officers, with the test report to be recorded against the vehicle record.
9. The licensee will receive a written confirmation of the decision from Licensing Enforcement Officers.

Further right of Appeal

10. If a challenge is NOT upheld and the licensee continues to dispute the outcome, a right of appeal exists to Magistrates Court, provided such appeal is lodged within 21 days of the date of the decision.

Amended 01.07.14

APPENDIX 1E

Revised Draft Vehicle Specification (following Consultation Process)

1. VEHICLE SPECIFICATION

1.1 Technical Specification / Vehicle Type

To be eligible for licence as a Hackney Carriage/Private Hire Vehicle, a vehicle must meet the following technical standards:

Have European Community M1 type approval, which includes

a. Whole European Type approval, or
b. UK Low Volume/Small series Type Approval for Passenger cars c. UK Individual Vehicle Approval

and must comply with the Road Vehicles (Construction and Use) Regulations 1986

1.2 Modified vehicles

Motor vehicles which have M 1 type approval (European Community Whole Vehicle Type Approval) and have been MODIFIED or have been subject to ANY ALTERATIONS since manufacture will be considered, provided that they are provided with:

a. UK Low Volume/Small series Type Approval for Passenger cars; OR
b. UK Individual Vehicle Approval

1.3 Exception

UK Individual Vehicle Type approval will **not be accepted where:**

a. the seat belts fitted to the vehicle are not those fitted by the manufacturer and tested in accordance with the vehicle's original type approval; OR

b. where the vehicle has been fitted with seating/ Wheelchair tracking which may invalidate the original type approval for any seats fitted to the vehicle, except where evidence is produced by the applicant that this is not the case.

NOTE: The purpose of the required certification is to ensure that modified vehicles carry a nationally recognised accreditation and safety standard. It is the responsibility of the applicant to present the vehicle with appropriate documentation. A failure to do so will result in refusal to accept the vehicle as suitable for licence.

Motor Vehicle which have **N Type Approval** (European Community Whole vehicle type Approval) will not normally be considered unless they are presented with UK Low Volume/Small Series Type Approval for Passenger Cars.

1.4 **M2 Vehicles (Usually 8+ Seat Passenger Vehicles)**

M2 type approval vehicles will be accepted for licence in recognition of the need for Operators to be able to maintain the flexibility of their vehicle to accommodate either multiple wheelchair passengers, or a combination of both wheelchair & non wheelchair passengers, (up to a maximum of 8).

In order to be licensed, this type of vehicle would need to **permanently** reduce the seating capacity to **no more than 8 passenger seats, including wheelchair passengers**. Consequently such vehicles would need to be adapted or modified.

Certification in respect of modifications would then be required, namely:

1. The Certificate of Initial Fitness (COIF) (to provide historic evidence that seat & seatbelt anchor points meet VOSA standards; AND
2. Low Volume National Type Approval
3. European Whole vehicle Type approval; (items 2 & 3 are normally issued by the vehicle convertor or manufacturer and any certification costs usually form part of the purchase price of the vehicle).

1.5 **Grandfather Rights**

A vehicle licence is issued for a specific vehicle for a maximum period of one year. At the end of that one year period, the licensee may apply for further licences up to the end of the vehicle's 'licensable life', **subject to maintaining the fitness of the vehicle.**

'Licensable life' of the vehicle will be assessed using;

- the date of first registration of the vehicle;
- conditions of licence in force at the time the respective licence was granted.

The relevant date will appear on the paper copy of the vehicle licence held by the licensee, or where the licence was issued prior to the introduction of changes to licences (1/4/14), the licensable life can be confirmed by Licensing Officers on request.

On reaching the end of 'licensable life' date, any vehicle licence in force at that time will be allowed to continue to expiry of that particular licence – provided the fitness of the vehicle is maintained. No further applications for licence will be considered in respect of the vehicle.

Any subsequent application for licence made by the licensee will be subject to the criteria detailed in this policy statement.

Licensees who wish to replace their existing vehicle during the currency of a licence, before the expiry of the 'licensable life' will be required to comply with the revised vehicle specification detailed in the policy statement.

2. AGE OF VEHICLES

2.1 Grant of Licence

Admission Age of Vehicles

Type of Vehicle	Type of Licence	Minimum Age	Maximum Age
Wheelchair Accessible Vehicles; (to include 'Purpose Built; OR Adapted Vehicles with/or without Tail Lift)	Hackney Carriage/ Private Hire Vehicle	Less than 5 years old (from date of first registration) (Admission Age)	10 years (provided each subsequent licence takes effect immediately upon expiry of the previous licence).
Non Wheelchair Accessible Vehicles	Hackney Carriage/ Private Hire Vehicle	Less than 3 years old (from date of first registration) (Admission Age)	10 years (provided each subsequent licence takes effect immediately upon expiry of the previous licence).

2.2 Consecutive Licences

Following the GRANT of a first licence for a vehicle at the 'Admission Age' specified above, the vehicle will continue to be accepted for licence until it reaches the end of 'licensable life' as detailed on the licence.

The acceptance of the vehicle for subsequent licences after the 'admission age' will be subject to the following criteria:

- The continuing fitness/suitability of the vehicle;
- That each licence takes effect immediately upon expiry of the previous licence

Should a vehicle licence be allowed to expire/lapse, any subsequent application for licence shall be treated as a new application with the requirement that it satisfies the criteria set out in this policy. Vehicles will not be accepted for licence in excess of their 'Admission Age' (as detailed above).

2.3 Exceptional Circumstances

Licensees are encouraged to make timely applications to ensure that vehicle licences run consecutively from 'admission age' to 'end of licensable life'.

However, where the proprietor of a vehicle can demonstrate EXCEPTIONAL CIRCUMSTANCES to the satisfaction of the Chairman/ Vice Chairman, together with the Director of Public Health & Protection that the failure to make an application prior to expiry of the current licence was due to circumstances beyond his/her control, an application may be considered.

When considering such an application, the Service Director will have regard to the trading profile of the licensee, the test history of the vehicle and any ancillary information considered relevant to the determination of the application.

2.4 Vehicle Replacement Policy

To assist owners who wish to be able to change vehicles during the period of an existing licence, the Council will operate a 'replacement vehicle policy' This will allow the existing licence to be surrendered and a new one year licence granted for the replacement vehicle. Any vehicle presented for licence must comply with the specifications contained in this policy.

There is no basis in legislation for the TRANSFER of VEHICLE LICENCES from VEHICLE TO VEHICLE and this transaction is therefore not permitted.

3. VEHICLE LIVERY/COLOUR

Hackney Carriage

The vehicle must be **BLACK in colour,** (or any other colour specified by the Council at the time of licensing).

Private Hire Vehicle

The vehicle must be **WHITE in colour,** (or any other colour specified by the Council at the time of licensing).

4. INTERIOR SPECIFICATION

4.1 The vehicle must be suitable in type, size, design and colour as a Hackney Carriage/Private Hire vehicle and comply with the following requirements;

a. be a car fitted with four road wheels, have at least four doors and be right hand drive

b. be of adequate seating capacity and head and knee room etc.as follows;

4.2 Height (Inside)

From the top of the seat cushions to the roof at the lowest part must not be less than **81.3 ems (thirty-two inches).**

4.3 Knee Space

The measurement between the squab of the seat and the rear of the seat in front, and in the case of all front seats from the squab of the seat to the console or any part of the vehicle immediately in front of the seat must not be less than 27 inches or 68.5 ems.

For the purposes of this condition the squab of the seat will be the point at which the front of the backrest on the vertical axis meets the seat cushion on the horizontal access, and will be measured from the outermost point of seat cushion.

*This measurement will **not apply** to the middle rear seat where a centre console between the two front seats protrudes beyond the rear of the front seats. The discretion of the Licensing Officer will be used to*

assess the suitability of the knee space available to fare paying passengers.

4.4 Seat (Width)

The width of the back seat from the squab to the front edge must not be less than **45.7 ems (eighteen inches).**

Where the vehicle is purpose built & wheelchair accessible, the discretion of the Licensing Officer will be used to assess the suitability of the seat width available to fare paying passengers, giving due regard to the specialist nature of the vehicle.

4.5 **Rear Seat (Length)**

The length of the rear seat measured in a straight line, lengthwise on the front of the seat must be such as will allow adequate sitting accommodation to the extent of at least **40.6cms (sixteen inches)** per person.

5. PASSENGER SEATING CAPACITY/CONFIGURATION

5.1 The vehicle must be of sufficient seating capacity to carry at least four and not more than eight passengers in addition to the driver. The seating capacity shall be determined in accordance with paragraphs (i) (a) and (i)(b) and paragraph (ii) of Regulation 42 of the Road Vehicles (Registration & Licensing) Regulations 1971.

5.2 **Multi Purpose vehicles**

The Licensing Authority is committed to licensing different types of vehicles as either Hackney Carriage or Private Hire Vehicle, the suitability of the seating configuration will be a matter for consideration in order to allow appropriate access & egress for passengers.

6. SEAT BELTS

All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with the relevant British Standard, except where legislation specifically provides an exemption.

In relation to the carriage of all passengers, including children, the requirements of all relevant legislation must be complied with.

7. TYRES

All tyres, including the spare wheel, must be suitable for use on the vehicle and conform to the requirements of the Original Manufacturers' Specification.

Run-flat tyres are acceptable on licensed vehicles.

'Space-saver' spare tyres are acceptable on licensed vehicles if they conform to the Original Manufacturers' Specification.

If a 'space-saver' spare tyre is used on a licensed vehicle it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the 'space- saver' spare tyre is being used on the vehicle.

Original Manufacturers' Specification 'tyre repair kits /compressor' are permitted within licensed vehicles provided they comply with the relevant British Standards.

If a 'tyre repair kit / compressor' is used on a licensed vehicle in lieu of a spare tyre it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the tyre repaired with the 'tyre repair kit / compressor' is being used on the vehicle.

8. LUGGAGE

8.1 Adequate storage for passenger luggage must be available. Luggage carried must be suitably secured in place without obstructing any emergency exits.

8.2 If the licensed vehicle is an estate, hatchback, or multi-passenger type vehicle, it must be fitted with a guard-rail or manufacturer's specification compartment cover, approved by the Council, to prevent luggage from entering the rear passenger compartments. Exemption from this requirement will only be given where the construction of the vehicle, in the Council's opinion, does not require such a rail or cover.

9. VEHICLES POWERED BY LIQUID PETROLEUM GAS (LPG)

9.1 An applicant for a licence involving a vehicle that has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with LPG Association Code of Practice. This certification is required to ensure that the vehicle is considered safe by an approved inspector.

9.2 If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle. Alternatively, if the vehicle is fitted with 'run-flat' tyres, exemption from carrying a spare wheel will be granted.

10. VENTILATION

10.1 Windows must be provided to all passenger compartments along with adequate means of opening and closing not less than one window on either side of the vehicle, in both the front and rear passenger compartments.

10.2 Rear passenger windows must be capable of being opened by passengers when seated unless air conditioning is available, in which case the air conditioning must be operated by the driver upon request.

11. WHEELCHAIR ACCESSIBLE VEHICLES

11.1 In the case of all hackney carriages/private hire vehicles, which are built or adapted for disabled passengers, the preferred design of the vehicle is that any wheelchair is loaded from the side rather than the rear of the vehicle. Whilst the Council prefer vehicles to be loaded from the side, each vehicle will be assessed on its own merits.

The following conditions are supplementary to the vehicle standard specification applicable to all licensed vehicles (Hackney Carriage & Private Hire) with facilities to convey passengers whilst seated in Wheelchairs.

Additional Conditions for Wheelchair Accessible Vehicles

11.2 For every designated space for a wheelchair user, suitable independent restraint systems, incorporating webbing, must be fitted for both wheelchair and occupant, adjustable to suit a range of wheelchairs and occupant sizes. The restraint systems must be installedand operated in accordance with the manufacturer's instructions. The wheelchair restraint system must incorporate four- point webbing or be of a kind that is integral with a seat or backrest – clamps alone will not be accepted.

11.3 The wheelchair occupant restraint system shall comprise a minimum of a three-point anchorage system (lap and diagonal). This can either be integral with the wheelchair tie down equipment or provided separately.

11.4 Vehicles may be fitted with either ramps or power operated lifts to facilitate entry and exit by passengers in wheelchairs, unless the vehicle has a floor height measured from the road of more than 61Omm, in which case it must be fitted with a power operated lift and the use of ramps will not be permitted.

11.5. All ramps must comply with 886109 (pt2) Category A or Category 8, including the requirement to cater for wheelchair tracks from 450mm to 735mm and to deliver a gradient no steeper than 1 in 12 (8.3%).

11.6 Ancillary equipment must be installed, operated and maintained in accordance with the manufacturer's instructions, and any lifts must be tested according to LOLER (Lifting Operations and Lifting Equipment Regulations 1998/2307).

a. A copy of the six-monthly LOLER certificate of inspection for passenger lifts must be supplied to RCTCBC on request. All power-operated lifts must comply with BS6109 (pt2) Category A.
b. A copy of the LOLER certificate must be produced as part of the annual licensing application and during the inspection regime, applicable to the age of the vehicle.
c. In addition a copy of the LOLER certificate must be kept on the vehicle at all times and produced for inspection when requested by an authorized officer of the council or a Police Officer.

11.7 Stowed ramps or lifts must not prevent service and emergency doors from being operated from inside and outside the vehicle. Internally stored lifts must fold down as designed to allow access to the emergency exit when the door is open.

12. MODIFICATIONS

No material alteration or change in the specification, design, condition or appearance of any licensed vehicle may be made without:

a) compliance with road traffic legislation,
b) compliance with insurance requirements, and
c) obtaining approval for the change(s) from the Council

13. INSPECTION AND FITNESS OF VEHICLES

In addition to statutory MOT requirements, vehicles are required to be mechanically tested and inspected at the Council's approved testing centre. A PASS certificate from the approved Testing Centre must be produced to support vehicle licence applications and satisfy interim fitness tests.

The vehicle inspection facility available is located at **Ty Glantaff, Treforest Trading Estate, CF37 STF.** (Any amendment to the Council's inspection facility will be notified in writing to licensees.)

13.1 Frequency of Vehicle Testing

Age of Vehicle	Test Frequency
Less than 3 years (from date of first registration)	Annually
Over 3 years, but less than 7 Years (from date of first registration)	6 Monthly
Over 7 years (from date of first registration)	4 Monthly

13.2 Test Fees

The appropriate test fee will be charged for this inspection and is payable to the Council **prior to the test taking place.** The vehicle licence shall automatically be suspended should the vehicle fail to be submitted for a vehicle inspection on or before the Inspection date specified in the licence.

The suspension shall remain in force until such time as the vehicle has undertaken a satisfactory inspection or until the vehicle licence is automatically revoked.

A vehicle may not be submitted for such an inspection earlier than 28 days prior to the scheduled date of the test, which will be required:

- six months from the date of the annual inspection for vehicles up to seven years old; and
- four months for vehicles in excess of seven years old.

13.3 Standard of Testing

a. The standard of additional testing relevant to licensed vehicles is based on the' **FTA *Best Practice Guide to Inspection Of Hackney Carriage & Private Hire Vehicles 2012***'.

The guide is provided to set a minimum national standard for inspection of licensed vehicles and can be used as a reference for Licensing Authority Authorised Officers, Vehicle Inspectors and Vehicle Proprietors.

b. The Best Practice Guide will be complimentary to the Council's policy on the suitability of vehicles and relevant conditions of licence and will **REPLACE** the **'Supplementary Testing Manual'** previously used.

c. All vehicles must be submitted **fully prepared for test and it is expected that vehicles will pass the Council's test on first presentation.** It is not intended that the test be used in lieu of a regular preventative maintenance programme, or to identify faults that need to be rectified. Vehicle are required to be maintained in a condition 'fit for purpose' at all times. Procedures outlined in this policy are intended to provide incentive for compliance, reward for responsible vehicle owners where costs of non-compliance are borne by operators who fail to meet standards required.

13.4 Test Failures/Retests

Where a vehicle is subject to a test failure, the defect will be graded as follows:

a) **Category 'A'** – serious defect which presents imminent risk to public safety and renders vehicle unfit for continued trading with immediate suspension of vehicle licence;

Guidance on defects likely to incur Category 'A' Failures is available from Licensing Officers on request. This list is not exhaustive as it is not possible to forecast all eventualities but will give Operators a guide to expectations. The guidance must be read in conjunction with the ***FTA Best Practice Guide to Inspection Of Hackney Carriage & Private Hire Vehicles 2012***

In the event of a vehicle being subject to an 'A' Grade failure, the vehicle licence will immediately be suspended and the Licence Plate will be removed from the vehicle until such time as the vehicle successfully completes a further inspection. **A further satisfactory inspection must be completed within two months of the failure otherwise the licence will deemed to have been revoked.**

b) **Category 'B'**- a defect where the vehicle is considered suitable to continue trading, subject to defect being remedied within 14 days of test.

A vehicle, which has failed the vehicle inspection test, must be submitted for a re-test to the vehicle examiner approved and appointed by the Council on the defects found within 14 days from the date of the test.

A failure to make the vehicle fit within the 14 day period permitted will result in the suspension of the vehicle licence until the vehicle is subject to a satisfactory vehicle test. Should the period of suspension be in excess of 2 months, the licence will be deemed to be revoked.

13.5 Re Test Fees

a) Any vehicle subject to a test failure will be subject to a RETEST FEE to be determined by the Director of Public Health & Protection in accordance with procedures for setting/reviewing fees. The fee will be linked to the level of failure where there will be a higher fee for 'A' category defects, which will reflect the need to suspend the vehicle licence in the interest of protecting public safety.

b) Licensees / Vehicle Proprietors are strongly advised to review the requirements of the Best Practice Standards/Conditions of Licence and policy when considering their maintenance regime and preparation of vehicles for test. Where vehicles are subject to multiple test failures, the Licensing Authority may conduct a review of trading activity to consider whether the 'fit & proper person' criteria required by the licensee/operator continues to be met. A poor test record could result in a review of licence(s) held by the Licensing Committee and an adverse impact on the business.

c) *Exception -Accident Damage*

Where a vehicle has been subject to accident damage and must be presented for inspection to assess the fitness of the vehicle, there will be an alternative inspection and retest fee, set by the Director of Public Health & Protection, in accordance with procedures for setting/reviewing of fees.

13.6 Vehicle Test Dispute & Challenge

Any vehicle licensee/proprietor who disputes the result of a vehicle test must make their concerns known to the Testing Station Supervisor BEFORE LEAVING THE TESTING STATION.

a) A failure to do so will make any challenge INVALID.

b) Where the licensee/proprietor wishes to challenge the result of a test, he/she will be required to complete a form detailing the reason(s) for such challenge. A copy of the challenge procedure will be provided on completion of a test, on request.

A fee may be payable to register such challenge, which will be set by the Director of Public Health & Protection, in accordance with procedures for setting/reviewing of fees.

Should the challenge be UPHELD, the fee charged will be REFUNDED to the licensee.

c) The Testing Station Supervisor will arrange for the test to be reviewed by a Supervisor, having regard to the details contained in the record of challenge form.

d) Where the outcome of the vehicle test is MAINTAINED, no further review of the test will be undertaken. A statutory right of appeal exists for a refusal to accept/renew a vehicle licence and such appeal must be made to a Magistrates Court within 21days of the date of the written decision of refusal.

e) Where the challenge is upheld, the test result will be amended accordingly and details will be forwarded to Licensing Officers.

14. GENERAL FITNESS OF THE VEHICLE

14.1 Maintenance and Condition of the Vehicle

a) The exterior of all licensed vehicles shall be maintained in a clean, safe and proper manner at all times. In particular, the exterior of the vehicle shall:

i) be free of large and/or sharp-edged dents,
ii) be free of visible rust,
iii) be free of unrepaired accident damage (except where a Licensing Officer has agreed a time period for cosmetic repairs
iv) have uniform paintwork equivalent to that applied by the manufacturer, and
v) be maintained in an acceptable state of cleanliness, (discretion may be given during periods of adverse weather)

b) The interior of all licensed vehicles shall be maintained in a clean, safe and proper manner at all times. In particular, the interior of the vehicle shall:

i) be free of all stains to the upholstery,
ii) be free of all splits and tears to the seats,
iii) be maintained in an acceptable state of cleanliness, and iv) provide seats functioning in accordance with the Original Manufacturers' Specification

5. VEHICLE INSURANCE

15.1 There shall be a policy of insurance or such security as complies with the requirements of Part IV of the road Traffic Act 1972, during the duration of the vehicle licence. Under no circumstances will a vehicle licence be issued or renewed without proof that a valid policy of insurance is in place.

15.2 The registered owner/keeper of the vehicle shall ensure that it is adequately insured to the satisfaction of the Council (and meets all statutory provisions) at all times that it is available for the carrying of passengers.

15.3 At any time when the requirements of this section of the Policy have not been satisfied, the vehicle licence will be automatically suspended until such time as adequate insurance has been obtained.

16. ACCIDENT REPORTING

16.1 In accordance with Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976, any accident to a hackney carriage or private hire vehicle causing damage materially affecting:

a) the safety, performance or appearance of the vehicle, or b) the comfort or convenience of the passengers,

must be reported to the Council as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence thereof.

16.2 Where following an accident or damage to a licensed vehicle , and it is the intention of the owner or operator to continue licensed use the vehicle must immediately be inspected by the Council's Testing Station to determine its fitness for continued use.

If the Council's approved garage determines that the vehicle is fit for continued use, the time-scale for cosmetic repairs must be agreed with a Council Licensing Officer.

The Council may suspend the use of a licensed vehicle until it is suitably repaired and subject to a satisfactory vehicle test at the Council's Testing Station.

16.3 A licensed vehicle which has suffered major accident damage or requires substantial mechanical repair may be temporarily replaced by a hire vehicle, provided that it meets the vehicle specification detailed in this policy statement.

17. VEHICLE IDENTIFICATION

17.1 the proprietor shall cause the number of the licence to be fixed and displayed on the vehicle at all times during which the vehicle is licensed , this number to be displayed by means of a licence disc and licence plate issued by the Council to the proprietor on payment of a deposit, the amount of which to be fixed by the Council.

17.2 the licence disc shall be fixed and displayed inside the vehicle in such a manner and place that the particulars thereon are clear and visible to any passenger being conveyed in the vehicle.

17.3 The licence plate shall be fixed and displayed outside and on the rear of the vehicle as close in proximity to the rear bumper as is practicably possible in such a position as the vehicles registration mark is not obscured with the particulars thereon facing outwards and in such a

manner and place that the licence plate is clearly visible by daylight from the road to the rear of the vehicle.

17.4 the licence disc and licence plate shall remain the property of the Council and shall be returned to them within seven days after service on the proprietor of an appropriate notice by an authorised officer of the Council, if the proprietor no longer holds a licence with the Council which is in force in respect of the vehicle.

17.5 all vehicles must have the official Council crest to be supplied only by the Council in the form of a Decal placed on the near and offside front doors, adhered directly to the paintwork where it is clearly visible. **NOTE: The use of magnetic devices is not allowed**

Hackney Carriages Only

17.6 the operator must display an illuminated dome to the roof of the vehicle. The dome shall contain the word 'TAXI' or the Welsh Language version 'TACSI' displayed to both front and rear of the dome and shall contain no other writing of any kind. (Operators may display one version to the front and the alternative version to the rear should they wish to do so)

The illuminated roof dome must be switched off when the vehicle has been hired and illuminated when the vehicle is available for hire.

Private Hire Vehicles ONLV

17.7 The operator may if they so wish, display a dome to the roof of the vehicle. If fitted the dome is for identification purposes only and should not be capable of being illuminated as this may be confused as plying for hire. The dome should only contain the name & telephone number of the operator, together with the words Private Hire Vehicle displayed to both front and rear of the dome, and shall contain no other writing of any kind.

18. LICENCE PLATES

18.1 At all times when a vehicle is licensed as a hackney carriage or private hire vehicle, unless an exemption has been granted. The vehicle must display the Licence Plate provided by the Council, securely fixed externally in a prominent position on or above the rear bumper of the vehicle

18.2 The interior licence disc shall be fixed and displayed inside the vehicle in such a manner and place that it is clearly visible to any passenger being conveyed in the vehicle

18.3 The Licence Plate/interior disc remains the property of the Council and must be returned within seven days when:

a) the vehicle ceases to be licensed as a hackney carriage or private hire vehicle, or

b) requested to do so by an Authorised Officer of the Council in writing when the plate is suspended, revoked, or has expired.

19. VEHICLE SIGNAGE/LICENSEE TRADING NAME

19.1 In the case of vehicles licensed to carry up to four passengers a sign/panel not more than 61 x 30.4 ems (24" x 12") in dimension may be displayed only on the rear nearside and rear offside doors.

19.2 In the case of vehicles licensed to carry between five & eight passengers a sign/panel not more than 91.4 x 70 ems (36" x 24") in dimension may be displayed only on the rear nearside and rear offside doors.

Hackney Carriage Only

19.3 This sign, (Trading Name identification) must contain only the proprietor or operator company name, telephone number, e-mail or website address.

Private Hire Only

19.4 This sign, (Trading Name identification) must contain only the proprietor or operator company name, telephone number, e-mail or website address together with the words "Advance Bookings Only". The words taxi, hire and cab must not be included). The legend "Advance Bookings Only" must be included on this display and theses words must be no less prominent than the properietor's name. The wording "24 Hour Service Available" may also be included, if appropriate, A 7.6 ems (3") sun strip is also permitted in the front and rear windows.

19.5 A 7.6 ems (3") sun strip is also permitted in the front and rear windows.
No other identification/advertising signs except those issued by and previously agreed by the Council shall be attached to or carried upon the inside or outside of the vehicle.

The Council has a policy in respect of commercial advertising on Hackney Carriages & Private Hire Vehicles, provisions of which are detailed below:

19.6 **A** screen displaying scrolling or moving advertisements may be securely fitted within the vehicle, provided that the screen shall not be within the vision of the driver of the vehicle, and that the Council has previously approved in writing the content of any material shown.

All advertisements must conform with the standards of the Advertising Standards Council in all matters relating to good taste, both in content and appearance and must not relate to matters concerning tobacco, alcohol or matters of a sexual nature. A notice must be fitted within view of the rear seat passengers stating that the screen will be switched off at the request of the passenger.

20. COMMERCIAL ADVERTISING

20.1 All applications for advertising on a Hackney Carriage or Private Hire vehicle must be made in writing to the Director of Public Health & Protection and accompanied by a sample of the advertising proposed.

20.2 The quality of submissions must be of an acceptable standard. No faxes will be accepted. Coloured artwork is to be provided in every case and full details of the advertising proposals must be provided. ***(NB: It is essential that all the detail of the proposed advertisement be shown in the original submission. If it is not, then the advertisement may subsequently be rejected.)***

20.3 The submission, if it is considered acceptable, will be given **Provisional Approval.**

20.4 **Final Approval** will be given once the advertisement has been placed on the vehicle. An appointment must be made with a Taxi Licensing Officer for a final inspection when the Officer will confirm that the work has been completed in accordance with the provisional approval granted.

20.5 The proprietor of any vehicle displaying an advertisement that has not received its final inspection will be required to remove it immediately.

20.6 Vehicles displaying advertising without approval of the Council will be in contravention of the conditions attached to the vehicle licence and may be liable to suspension until such time as the material has been removed from the vehicle.

20.7 All advertising must comply with the British Codes of Advertising and Sales Promotion and is the responsibility of the agency or individual seeking the Licensing Authority's approval to ensure that they do so.

20.8 Any advertisement approved shall be placed on the back passenger doors , and/or rear quarter panels only, below the windows **with the exception** of the *"Trading Name identification signs"* displaying the company details (see Point 12 below), which may be displayed on the front door of the vehicle, below the window and must not obscure the sign displaying the licence number of the vehicle. (Licensees who choose NOT to have commercial advertising will continue to display Trading Name identification on rear doors.)

20.9 Materials used for advertisement must be of a quality not easily defaced or detached. No paper-based materials or water-soluble adhesive paste shall be used. Advertisements must be affixed directly to the exterior rear door panels of the vehicle or initially attached to an approved magnetic panel, which is then attached to the vehicle.

20.10 Reflective material is not to be used for advertising purposes.

20.11 Each proposal will be considered on its merits but the following advertisements will not be approved:

- Those with political, racial, religious, sexual or controversial texts;
- Those for escort agencies, gaming establishments or massage parlours;
- Those displaying nude or semi-nude figures;
- Those likely to offend public taste (depicting violence, obscene or distasteful language);
- Those which have any reference to alcohol, tobacco/cigarettes and drugs;
- Those promoting discounted fares;
- Those advertising jobs;
- Those which detract from the integrity and/or identity of the vehicle;
- Those which seek to advertise more than one company/service or product.

21. METERSITARIFF

Hackney carriages

21.1 An approved taximeter must be fitted in all hackney carriages and must be correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure.

21.2 All taximeters must be appropriately stamped to ensure compliance with The Measuring Instruments (Taximeters) Regulations 2006, or any subsequent legislation.

21.3 **The** taximeter shall be positioned so that the display on the face of the meter may clearly visible to any person being conveyed in the vehicle at all times. The dial of the taximeter shall be kept properly illuminated throughout any part of the hiring including during the hours of darkness and also at any time at the request of the hirer.

21.4 When the meter is operating there shall be recorded on the face of the meter in clearly legible figures a fare not exceeding the maximum fare that may be charged for a journey.

21.5 An official copy of the Council's fare tariff shall be clearly displayed and legible in the vehicle so as to be plainly visible to passengers carried therein.

21.6 The vehicle taximeter shall be brought into operation at the commencement of the journey and the fare demanded by the driver shall not be greater than that fixed by this Council in connection with the fare tariff for the hire of hackney carriages.

21.7 In the event of such a journey commencing in but ending outside the District, there may be charged for the journey such fare as was agreed before the hiring was effected. If no such agreement was made then the fare to be charged should be no greater than that fixed by the Council in connection with the fare tariff for the hire of hackney carriages.

21.8 'Calendar' meters are permitted in hackney carriages providing that they operate in accordance with the Council's agreed fare tariff. For the avoidance of doubt, the tariff that is in operation at the time of the commencement of a journey must remain throughout that journey.

Private Hire Vehicle Only

21.9 Private hire vehicles are not required to be fitted with a taximeter. Where a taximeter or other device for recording fares is fitted, however, it must be of a type approved by the Council.

21.10 Private hire vehicle driver's must agree the cost of the journey with the passenger(s) prior to undertaking the journey. At the conclusion of the journey, the fare charged should not exceed the amount previously agreed.

22. HEALTH ACT 2006

It is the responsibility of both the driver and the proprietor to ensure no smoking signage, as prescribed by the Health Act 2006, is displayed in all licensed hackney carriages or private hire vehicles at all times.

23. CHANGES AND TRANSFERS OF LICENCE

Changes

23.1 the proprietor of the Hackney Carriage/ Private Hire Vehicle in respect of which a vehicle licence has been granted by the Council shall inform the Council of any change of address as soon as is practicable and in any event within seven days.

Licence Transfers (Person to Person)

23.2 When the holder of a vehicle licence wishes to transfer the licence to another person he must notify the Council in writing using the prescribed application form and pay the appropriate fee before such change takes place.

Transfer of the licence will not be deemed effective until such time as the prescribed procedure has been completed and a new vehicle licence has been issued.

ENDS

COLOUR KEY:

RED Text: Amendments proposed Lic Cttee 30/4/14

GREEN Text: Further Amendment following conclusion of consultation process.

APPENDIX 1C

Rhondda Cynon Taf County Borough Council

Technical Specification/Conditions of Licence for Hackney Carriage/Private Hire Vehicles

STRONG HERITAGE | STRONG FUTURE
RHONDDA CYNON TAF
TREFTADAETH GADARN | DYFODOL SICR

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1. VEHILE SPECIFICATION

1.1 Technical Specification / Vehicle Type

To be eligible for licence as a Hackney Carriage/Private Hire Vehicle, a vehicle must meet the following technical standards:
Have European Community M1 type approval, which includes

a. Whole European Type approval, or
b. UK Low Volume/Small series Type Approval for Passenger cars
c. UK Individual Vehicle Approval

and must comply with the Road Vehicles (Construction and Use) Regulations 1986

1.2 Modified vehicles

Motor vehicles which have M 1 type approval (European Community Whole Vehicle Type Approval) and have been MODIFIED or have been subject to ANY ALTERATIONS since manufacture will be considered, provided that they are provided with:

a. UK Low Volume/Small series Type Approval for Passenger cars; OR
b. UK Individual Vehicle Approval

1.3 Exception

UK Individual Vehicle Type approval will **not be accepted where:**

a. the seat belts fitted to the vehicle are not those fitted by the manufacturer and tested in accordance with the vehicle's original type approval; OR

b. where the vehicle has been fitted with seating/ Wheelchair tracking which may invalidate the original type approval for any seats fitted to the vehicle, except where evidence is produced by the applicant that this is not the case.

NOTE: The purpose of the required certification is to ensure that modified vehicles carry a nationally recognised accreditation and safety standard. It is the responsibility of the applicant to present the vehicle with appropriate documentation. A failure to do so will result in refusal to accept the vehicle as suitable for licence.

Motor Vehicle which have **N Type Approval** (European Community Whole vehicle type Approval) will not normally be considered unless they are presented with UK Low Volume/Small Series Type Approval for Passenger Cars.

1.4 M2 Vehicles (Usually 8+ Seat Passenger Vehicles)

M2 type approval vehicles will be accepted for licence in recognition of the need for Operators to be able to maintain the flexibility of their vehicle to accommodate either multiple wheelchair passengers, or a combination of both wheelchair & non wheelchair passengers, (up to a maximum of 8).
In order to be licensed, this type of vehicle would need to **permanently** reduce the seating capacity to **no more than 8 passenger seats**, **including wheelchair passengers**. Consequently such vehicles would need to be adapted or modified.

Certification in respect of modifications would then be required, namely:

1. The Certificate of Initial Fitness (COIF) (to provide historic evidence that seat & seatbelt anchor points meet VOSA standards; AND

2. Low Volume National Type Approval

3. European Whole vehicle Type approval; (items 2 & 3 are normally issued by the vehicle convertor or manufacturer and any certification costs usually form part of the purchase price of the vehicle).

1.5 Grandfather Rights

A vehicle licence is issued for a specific vehicle for a maximum period of one year. At the end of that one year period, the licensee may apply for further licences up to the end of the vehicle's 'licensable life', **subject to maintaining the fitness of the vehicle.**

'Licensable life' of the vehicle will be assessed using;

- the date of first registration of the vehicle;

- conditions of licence in force at the time the respective licence was granted.

The relevant date will appear on the paper copy of the vehicle licence held by the licensee, or where the licence was issued prior to the introduction of changes to licences (1/4/14), the licensable life can be confirmed by Licensing Officers on request.

On reaching the end of 'licensable life' date, any vehicle licence in force at that time will be allowed to continue to expiry of that particular licence – provided the fitness of the vehicle is maintained. No further applications for licence will be considered in respect of the vehicle.

Any subsequent application for licence made by the licensee will be subject to the criteria detailed in this policy statement.

Licensees who wish to replace their existing vehicle during the currency of a licence, before the expiry of the 'licensable life' will be required to comply with the revised vehicle specification detailed in the policy statement.

2. AGE OF VEHICLES

2.1 Grant of Licence

Admission Age of Vehicles

Type of Vehicle	Type of Licence	Minimum Age	Maximum Age
Wheelchair Accessible Vehicles; (to include 'Purpose Built; OR Adapted Vehicles with/or without Tail Lift)	**Hackney Carriage/ Private Hire Vehicle**	**Less than 5 years old (from date of first registration) (Admission Age)**	**10 years (provided each subsequent licence takes effect immediately upon expiry of the previous licence).**
Non Wheelchair Accessible Vehicles	**Hackney Carriage/ Private Hire Vehicle**	**Less than 3 years old (from date of first registration) (Admission Age)**	**10 years (provided each subsequent licence takes effect immediately upon expiry of the previous licence).**

2.2 Consecutive Licences

Following the GRANT of a first licence for a vehicle at the 'Admission Age' specified above, the vehicle will continue to be accepted for licence until it reaches the end of 'licensable life' as detailed on the licence.

The acceptance of the vehicle for subsequent licences after the 'admission age' will be subject to the following criteria:

- The continuing fitness/suitability of the vehicle;
- That each licence takes effect immediately upon expiry of the previous licence

Should a vehicle licence be allowed to expire/lapse, any subsequent application for licence shall be treated as a new application with the requirement that it satisfies the criteria set out in this policy. Vehicles will not be accepted for licence in excess of their 'Admission Age' (as detailed above).

2.3 Exceptional Circumstances

Licensees are encouraged to make timely applications to ensure that vehicle licences run consecutively from 'admission age' to 'end of licensable life'.

However, where the proprietor of a vehicle can demonstrate EXCEPTIONAL CIRCUMSTANCES to the satisfaction of the Chairman/ Vice Chairman, together with the Director of Public Health & Protection that the failure to make an application prior to expiry of the current licence was due to circumstances beyond his/her control, an application may be considered.

When considering such an application, the Service Director will have regard to the trading profile of the licensee, the test history of the vehicle and any ancillary information considered relevant to the determination of the application.

2.4 Vehicle Replacement Policy

To assist owners who wish to be able to change vehicles during the period of an existing licence, the Council will operate a 'replacement vehicle policy' This will allow the existing licence to be surrendered and a new one year licence granted for the replacement vehicle. Any vehicle presented for licence must comply with the specifications contained in this policy.

There is no basis in legislation for the TRANSFER of VEHICLE LICENCES from VEHICLE TO VEHICLE and this transaction is therefore not permitted.

3. VEHICLE LIVERY/COLOUR

Hackney Carriage

The vehicle must be **BLACK in colour,** (or any other colour specified by the Council at the time of licensing).

Private Hire Vehicle

The vehicle must be **WHITE in colour,** (or any other colour specified by the Council at the time of licensing).

4. INTERIOR SPECIFICATION

4.1 The vehicle must be suitable in type, size, design and colour as a Hackney Carriage/Private Hire vehicle and comply with the following requirements;

a. be a car fitted with four road wheels, have at least four doors and be right hand drive

b. be of adequate seating capacity and head and knee room etc.as follows;

4.2 Height (Inside)

From the top of the seat cushions to the roof at the lowest part must not be less than **81.3 ems (thirty-two inches).**

4.3 Knee Space

The measurement between the squab of the seat and the rear of the seat in front, and in the case of all front seats from the squab of the seat to the console or any part of the vehicle immediately in front of the seat must not be less than 27 inches or 68.5 ems.

For the purposes of this condition the squab of the seat will be the point at which the front of the backrest on the vertical axis meets the seat cushion on the horizontal access, and will be measured from the outermost point of seat cushion.

*This measurement will **not apply** to the middle, rear seat where a centre console between the two front seats protrudes beyond the rear of the front seats. The discretion of the Licensing Officer will be used to assess the suitability of the knee space available to fare paying passengers.*

4.4 Seat (Width)

The width of the back seat from the squab to the front edge must not be less than **45.7 ems (eighteen inches).**

Where the vehicle is purpose built & wheelchair accessible, the discretion of the Licensing Officer will be used to assess the suitability of the seat width available to fare paying passengers, giving due regard to the specialist nature of the vehicle.

4.5 Rear Seat (Length)

The length of the rear seat measured in a straight line, lengthwise on the front of the seat must be such as will allow adequate sitting accommodation to the extent of at least **40.6cms (sixteen inches)** per person.

5. PASSENGER SEATING CAPACITY/CONFIGURATION

5.1 The vehicle must be of sufficient seating capacity to carry at least four and not more than eight passengers in addition to the driver. The seating capacity shall be determined in accordance with paragraphs (i) (a) and (i)(b) and paragraph (ii) of Regulation 42 of the Road Vehicles (Registration & Licensing) Regulations 1971.

5.2 Multi Purpose vehicles

The Licensing Authority is committed to licensing different types of vehicles as either Hackney Carriage or Private Hire Vehicle, the suitability of the seating configuration will be a matter for consideration in order to allow appropriate access & egress for passengers.

6. SEAT BELTS

All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with the relevant British Standard, except where legislation specifically provides an exemption.

In relation to the carriage of all passengers, including children, the requirements of all relevant legislation must be complied with.

7. TYRES

All tyres, including the spare wheel, must be suitable for use on the vehicle and conform to the requirements of the Original Manufacturers' Specification.

Run-flat tyres are acceptable on licensed vehicles.

'Space-saver' spare tyres are acceptable on licensed vehicles if they conform to the Original Manufacturers' Specification.

If a 'space-saver' spare tyre is used on a licensed vehicle it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the 'space- saver' spare tyre is being used on the vehicle.

Original Manufacturers' Specification 'tyre repair kits /compressor' are permitted within licensed vehicles provided they comply with the relevant British Standards.

If a 'tyre repair kit / compressor' is used on a licensed vehicle in lieu of a spare tyre it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement. No further fares may be taken whilst the tyre repaired with the 'tyre repair kit / compressor' is being used on the vehicle.

8. LUGGAGE

8.1 Adequate storage for passenger luggage must be available. Luggage carried must be suitably secured in place without obstructing any emergency exits.

8.2 If the licensed vehicle is an estate, hatchback, or multi-passenger type vehicle, it must be fitted with a guard-rail or manufacturer's specification compartment cover, approved by the Council, to prevent luggage from entering the rear passenger compartments. Exemption from this requirement will only be given where the construction of the vehicle, in the Council's opinion, does not require such a rail or cover.

9. VEHICLES POWERED BY LIQUID PETROLEUM GAS (LPG)

9.1 An applicant for a licence involving a vehicle that has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with LPG Association Code of Practice. This certification is required to ensure that the vehicle is considered safe by an approved inspector.

9.2 If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle. Alternatively, if the vehicle is fitted with 'run-flat' tyres, exemption from carrying a spare wheel will be granted.

10. VENTILATION

10.1 Windows must be provided to all passenger compartments along with adequate means of opening and closing not less than one window on either side of the vehicle, in both the front and rear passenger compartments.

10.2 Rear passenger windows must be capable of being opened by passengers when seated unless air conditioning is available, in which case the air conditioning must be operated by the driver upon request.

11. WHEELCHAIR ACCESSIBLE VEHICLES

11.1 In the case of all hackney carriages/private hire vehicles, which are built or adapted for disabled passengers, the preferred design of the vehicle is that any wheelchair is loaded from the side rather than the rear of the vehicle. Whilst the Council prefer vehicles to be loaded from the side, each vehicle will be assessed on its own merits.

The following conditions are supplementary to the vehicle standard specification applicable to all licensed vehicles (Hackney Carriage & Private Hire) with facilities to convey passengers whilst seated in Wheelchairs.

Additional Conditions for Wheelchair Accessible Vehicles

11.2 For every designated space for a wheelchair user, suitable independent restraint systems, incorporating webbing, must be fitted for both wheelchair and occupant, adjustable to suit a range of wheelchairs and occupant sizes. The restraint systems must be installedand operated in accordance with the manufacturer's instructions. The wheelchair restraint system must incorporate four-point webbing or be of a kind that is integral with a seat or backrest – clamps alone will not be accepted.

11.3 The wheelchair occupant restraint system shall comprise a minimum of a three-point anchorage system (lap and diagonal). This can either be integral with the wheelchair tie down equipment or provided separately.

11.4 Vehicles may be fitted with either ramps or power operated lifts to facilitate entry and exit by passengers in wheelchairs, unless the vehicle has a floor height measured from the road of more than 610mm, in which case it must be fitted with a power operated lift and the use of ramps will not be permitted.

11.5 All ramps must comply with 886109 (pt2) Category A or Category 8, including the requirement to cater for wheelchair tracks from 450mm to 735mm and to deliver a gradient no steeper than 1 in 12 (8.3%).

11.6 Ancillary equipment must be installed, operated and maintained in accordance with the manufacturer's instructions, and any lifts must be tested according to LOLER (Lifting Operations and Lifting Equipment Regulations 1998/2307).

a. A copy of the six-monthly LOLER certificate of inspection for passenger lifts must be supplied to RCTCBC on request. All power-operated lifts must comply with BS6109 (pt2) Category A.
b. A copy of the LOLER certificate must be produced as part of the annual licensing application and during the inspection regime, applicable to the age of the vehicle.
c. In addition a copy of the LOLER certificate must be kept on the vehicle at all times and produced for inspection when requested by an authorized officer of the council or a Police Officer.

11.7 Stowed ramps or lifts must not prevent service and emergency doors from being operated from inside and outside the vehicle. Internally stored lifts must fold down as designed to allow access to the emergency exit when the door is open.

12. MODIFICATIONS

No material alteration or change in the specification, design, condition or appearance of any licensed vehicle may be made without:

a) compliance with road traffic legislation,
b) compliance with insurance requirements, and
c) obtaining approval for the change(s) from the Council

13. INSPECTION AND FITNESS OF VEHICLES

In addition to statutory MOT requirements, vehicles are required to be mechanically tested and inspected at the Council's approved testing centre. A PASS certificate from the approved Testing Centre must be produced to support vehicle licence applications and satisfy interim fitness tests.

The vehicle inspection facility available is located at **Ty Glantaff, Treforest Trading Estate, CF37 STF.** (Any amendment to the Council's inspection facility will be notified in writing to licensees.)

13.1 Frequency of Vehicle Testing

Age of Vehicle	Test Frequency
Less than 3 years (from date of first registration)	Annually
Over 3 years, but less than 7 Years (from date of first registration)	6 Monthly
Over 7 years (from date of first registration)	4 Monthly

13.2 Test Fees

The appropriate test fee will be charged for this inspection and is payable to the Council **prior to the test taking place.** The vehicle licence shall automatically be suspended should the vehicle fail to be submitted for a vehicle inspection <u>on or before the inspection date specified in the licence.</u>

The suspension shall remain in force until such time as the vehicle has undertaken a satisfactory inspection or until the vehicle licence is automatically revoked.

A vehicle may not be submitted for such an inspection earlier than 28 days prior to the scheduled date of the test, which will be required:

- six months from the date of the annual inspection for vehicles up to seven years old; and
- four months for vehicles in excess of seven years old.

13.3 Standard of Testing

a. The standard of additional testing relevant to licensed vehicles is based on the' **FTA *Best Practice Guide to Inspection Of Hackney Carriage & Private Hire Vehicles 2012*'.**

The guide is provided to set a minimum national standard for inspection of licensed vehicles and can be used as a reference for Licensing Authority Authorised Officers, Vehicle Inspectors and Vehicle Proprietors.

b. The Best Practice Guide will be complimentary to the Council's policy on the suitability of vehicles and relevant conditions of licence and will **REPLACE** the **'Supplementary Testing Manual'** previously used.

c. All vehicles must be submitted **fully prepared for test and it is expected that vehicles will pass the Council's test on first presentation.** It is not intended that the test be used in lieu of a regular preventative maintenance programme, or to identify faults that need to be rectified. Vehicle are required to be maintained in a condition 'fit for purpose' at all times. Procedures outlined in this policy are intended to provide incentive for compliance, reward for responsible vehicle owners where costs of non-compliance are borne by operators who fail to meet standards required.

13.4 Test Failures/Retests

Where a vehicle is subject to a test failure, the defect will be graded as follows:

a) **Category 'A'** – serious defect which presents imminent risk to public safety and renders vehicle unfit for continued trading with immediate suspension of vehicle licence;

Guidance on defects likely to incur Category 'A' Failures is available from Licensing Officers on request. This list is not exhaustive as it is not possible to forecast all eventualities but will give Operators a guide to expectations. The guidance must be read in conjunction with the ***FTA Best Practice Guide to Inspection Of Hackney Carriage & Private Hire Vehicles 2012***

In the event of a vehicle being subject to an 'A' Grade failure, the vehicle licence will immediately be suspended and the Licence Plate will be removed from the vehicle until such time as the vehicle successfully completes a further inspection. **A further satisfactory inspection must be completed within two months of the failure otherwise the licence will deemed to have been revoked.**

b) **Category 'B'-** a defect where the vehicle is considered suitable to continue trading, subject to defect being remedied within 14 days of test.

A vehicle, which has failed the vehicle inspection test, must be submitted for a re-test to the vehicle examiner approved and appointed by the Council on the defects found within 14 days from the date of the test.

A failure to make the vehicle fit within the 14 day period permitted will result in the suspension of the vehicle licence until the vehicle is subject to a satisfactory vehicle test. Should the period of suspension be in excess of 2 months, the licence will be deemed to be revoked.

13.5 Re Test Fees

a) Any vehicle subject to a test failure will be subject to a RETEST FEE to be determined by the Director of Public Health & Protection in accordance with procedures for setting/reviewing fees. The fee will be linked to the level of failure where there will be a higher fee for 'A' category defects, which will reflect the need to suspend the vehicle licence in the interest of protecting public safety.

b) Licensees / Vehicle Proprietors are strongly advised to review the requirements of the Best Practice Standards/Conditions of Licence and policy when considering their maintenance regime and preparation of vehicles for test. Where vehicles are subject to multiple test failures, the Licensing Authority may conduct a review of trading activity to consider whether the 'fit & proper person' criteria required by the licensee/operator continues to be met. A poor test record could result in a review of licence(s) held by the Licensing Committee and an adverse impact on the business.

c) *Exception - Accident* ***Damage***

Where a vehicle has been subject to accident damage and must be presented for inspection to assess the fitness of the vehicle, there will be an alternative inspection and retest fee, set by the Director of Public Health & Protection, in accordance with procedures for setting/reviewing of fees.

13.6 Vehicle Test Dispute & Challenge

Any vehicle licensee/proprietor who disputes the result of a vehicle test must make their concerns known to the Testing Station Supervisor BEFORE LEAVING THE TESTING STATION.

a) A failure to do so will make any challenge INVALID.

b) Where the licensee/proprietor wishes to challenge the result of a test, he/she will be required to complete a form detailing the reason(s) for such challenge. A copy of the challenge procedure will be provided on completion of a test, on request.

A fee may be payable to register such challenge, which will be set by the Director of Public Health & Protection, in accordance with procedures for setting/reviewing of fees.

Should the challenge be UPHELD, the fee charged will be REFUNDED to the licensee.

c) The Testing Station Supervisor will arrange for the test to be reviewed by a Supervisor, having regard to the details contained in the record of challenge form.

d) Where the outcome of the vehicle test is MAINTAINED, no further review of the test will be undertaken. A statutory right of appeal exists for a refusal to accept/renew a vehicle licence and such appeal must be made to a Magistrates Court within 21days of the date of the written decision of refusal.

e) Where the challenge is upheld, the test result will be amended accordingly and details will be forwarded to Licensing Officers.

14. GENERAL FITNESS OF THE VEHICLE

14.1 Maintenance and Condition of the Vehicle

a) The exterior of all licensed vehicles shall be maintained in a clean, safe and proper manner at all times. In particular, the exterior of the vehicle shall:

i) be free of large and/or sharp-edged dents,
ii) be free of visible rust,
iii) be free of unrepaired accident damage (except where a Licensing Officer has agreed a time period for cosmetic repairs
iv) have uniform paintwork equivalent to that applied by the manufacturer, and
v) be maintained in an acceptable state of cleanliness, (discretion may be given during periods of adverse weather)

b) The interior of all licensed vehicles shall be maintained in a clean, safe and proper manner at all times. In particular, the interior of the vehicle shall:

i) be free of all stains to the upholstery,
ii) be free of all splits and tears to the seats,
iii) be maintained in an acceptable state of cleanliness, and
iv) provide seats functioning in accordance with the Original Manufacturers' Specification.

15. VEHICLE INSURANCE

15.1 There shall be a policy of insurance, or such security as complies with the requirements of Part IV of the road Traffic Act 1972, during the duration of the vehicle licence. Under no circumstances will a vehicle licence be issued or renewed without proof that a valid policy of insurance is in place.

15.2 The registered owner/keeper of the vehicle shall ensure that it is adequately insured to the satisfaction of the Council (and meets all statutory provisions) at all times that it is available for the carrying of passengers.

15.3 At any time when the requirements of this section of the Policy have not been satisfied, the vehicle licence will be automatically suspended until such time as adequate insurance has been obtained.