



Regulatory Committee

Wednesday, 24 September 2008 6.30 p.m.
Council Chamber, Runcorn Town Hall



Chief Executive

COMMITTEE MEMBERSHIP

Councillor Ged Philbin (Chairman)
Councillor Pamela Wallace (Vice-Chairman)
Councillor Bob Bryant
Councillor Philip Drakeley
Councillor Harry Howard
Councillor Diane Inch
Councillor Alan Lowe
Councillor Peter Murray
Councillor Ernest Ratcliffe
Councillor Kevan Wainwright
Councillor Mike Wharton

*Please contact Gill Ferguson on 0151 471 7395 or e-mail gill.ferguson@halton.gov.uk for further information.
The next meeting of the Committee is on Wednesday, 1 October 2008*

**ITEMS TO BE DEALT WITH
IN THE PRESENCE OF THE PRESS AND PUBLIC**

Part I

Item No.	Page No.
1. DECLARATION OF INTEREST	
Members are reminded of their responsibility to declare any personal or personal and prejudicial interest which they have in any item of business on the agenda, no later than when that item is reached and (subject to certain exceptions in the Code of Conduct for Members) to leave the meeting prior to discussion and voting on the item.	
2. APPLICATION TO (1) VARY A PREMISES LICENCE AND (2) TWO PREMISES LICENCES THE GALA BINGO WINDMILL CENTRE LUGSDALE ROAD WIDNES	1 - 11
3. TAXI LICENSING MATTER	12 - 14
4. REVIEW OF QUALIFYING VEHICLES	15 - 32

PART II

In this case the Sub Committee has a discretion to exclude the press and public, but in view of the nature of the business to be transacted it is **RECOMMENDED** that under Section 100(A)(4) of the Local Government Act 1972, having been satisfied that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.

5. TAXI LICENSING MATTER	33 - 36
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In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

REPORT TO: Regulatory Committee

DATE: 24 September 2008

REPORTING OFFICER: Chief Executive

SUBJECT: Application to (1) vary a Premises Licence and (2) two premises licences The Gala Bingo Windmill Centre Lugsdale Road Widnes

WARDS: Appleton

1.0 PURPOSE OF THE REPORT

1.1 To hold a hearing to assess relevant representations made in response to applications in respect of The Gala Bingo Windmill Centre Lugsdale Road Widnes.

2.0 RECOMMENDATION: That the Committee considers the applications and the relevant representations together with all other material considerations and make a determination accordingly.

3.0 SUPPORTING INFORMATION

3.1 An application has been made under section 187 Gambling Act 2005 ("the 2005 Act") for a variation of premises licence in relation to the above property. This is referred to as the "Variation Application"

3.2 Two applications have been made under Section 159 of the 2005 Act for the Grant of Premises Licences. These are referred to as the "Grant Applications".

3.3 All applications relate to the same address.

3.4 This hearing is held in accordance with the 2005 Act and the Licensing Act 2005 (Proceedings of Licensing Committee and Sub Committees) (Premises Licences and Provisional Statements) (England & Wales) Regulations 2007.

3.5 The procedure to be followed has been circulated to all parties and will be repeated at the beginning of the hearing.

3.6 The hearing is solely concerned with those aspects of the application which have been the subject of relevant representations as defined in the 2005 Act.

4.0 RELEVANT REPRESENTATIONS

4.1 Halton Borough Council as a Responsible Authority by virtue of Section 157 of the Gambling Act 2005 has made representation under the provisions of Section 161 of the Act in respect of the two Grant

Applications for Bingo Premises Licence by Gala Leisure Ltd, Windmill Centre Lugsdale Road Widnes.

- 4.2 The applications were dated 18 March 2008 and are referenced in the Representations as Site A and Site B.
- 4.3 The applications effectively seek to sub-divide the existing premises into three sets of premises, something to which the Responsible Authority objects to on the grounds of both fact and law. Details of the Representations are set out in **Appendix 1**.

5.0 THE ISSUE FOR DETERMINATION

- 5.1 Essentially, there is one issue to determine: Are Site A and Site B genuinely separate premises within the meaning of the 2005 Act?

6.0 INTERESTED PARTIES

- 6.1 No representations have been received from interested parties.

7.0 OPTIONS

- 7.1 The Committee has two options: grant or refuse the Grant Applications.
- 7.2 To assist the Committee in its determination **Appendix 2** sets out relevant advice issued by the Gambling Commission.
- 7.3 The Gambling Commission is currently consulting on "Split Premises and Primary Gambling Activity". However, the consultation period only expired on 8th September and any new guidance to local authorities is not expected before October 2008.
- 7.3 It should be pointed out that should the Grant Applications be refused the Applicant would not wish to pursue the Variation Application at this time. To do so would leave two 'holes' in the existing Premises Licence. It has therefore been agreed that the Variation Application will be held over pending the decisions on the Grant Applications.
- 7.4 Should the Grant Applications be approved the conditions detailed in **Appendix 3** would apply to the new Premises Licences.

8.0 POLICY IMPLICATIONS FOR THE COUNCIL'S POLICIES AND PRIORITIES (INCLUDING EQUALITY AND DIVERSITY ISSUES) AND RISK ANALYSIS

- 8.1 This item relates to a hearing under the 2005 Act and must be determined solely in accordance with matters specified in accordance with that Act.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document
Application Documents

Place of Inspection
Legal Services

Contact Officer
John Tully/Kay Cleary

APPENDIX 1

REPRESENTATIONS ON BEHALF OF HALTON BOROUGH COUNCIL AS RESPONSIBLE AUTHORITY IN RELATION TO AN APPLICATION RECEIVED FROM:

THE GALA LEISURE LTD FOR TWO PREMISES LICENCES PURSUANT TO SECTION 159 GAMBLING ACT 2005

1 - Halton Borough Council as a Responsible Authority by virtue of Section 157 of the Gambling Act 2005 wishes to make representation under the provisions of Section 161 of the Act in respect of the 2 new applications for Bingo Premises Licence by Gala Leisure Ltd, Windmill Centre Lugsdale Road Widnes

2 - The applications were dated 18 March 2008 and are referenced in these Representations as Site A and Site B

3-Those applications effectively seek to sub-divide the premises into three sets of premises, something to which the Responsible Authority objects to on the grounds of both fact and law

Background

4 - The premises which are the subject of the two applications have been licensed as apart of a larger premises as a bingo hall since being granted its Premises licence by Halton Borough Council under the Gambling Act 2005. Throughout that period they have been managed by the Gala Leisure Ltd, and there have been no concerns, in so far as the Responsible Authority is aware, about the way in which those premises have been run.

5 - In addition to the two applications to which these Representations relate the Applicant has made a separate (third) application to remove Site A and Site B from their existing Premises Licence.

6 - Section 150(1) of the Gambling Act 2005 states that a premises licence is a licence that authorises the premises to be used for one of the purposes permitted by the 2005 Act; in this case as a "Bingo Premises".

7 - Parliament has imposed a limit on the number of category B gaming machines that may be made available for use within any one Bingo Premise.

8 - Unless it can be shown that the operator is operating more than one set of premises the maximum number of category B3 machines permitted by Parliament cannot be exceeded by the Applicant and the Licensing Authority is not permitted to vary that limit.

9 - The Responsible Authority representation will argue that although in some circumstances it may be possible for separate premises to coexist under a

single roof the proposals submitted by the applicant in this case are incapable of creating separate premises as a matter of both fact and law.

The maximum limit of permitted category B machines

10 – Parliament has decreed within section 172 (7) of the Gambling Act 2005 that no more than four category B machines shall be made available for use on any one set of bingo premises together with any number of category C and D machines.

Guidance to Licensing Authorities

11 -The Guidance to Licensing Authorities was issued by the Gambling Commission in accordance with section 25 of the Gambling Act 2005 in June 2007. Relevant extracts are set out at **Appendix 1**. Paragraph 7.16 of the Guidance is highlighted below:-

“An issue that may arise when division of premises is being considered is the nature of the unlicensed area from which a customer may access licensed gambling premises. *For casinos, bearing in mind the wide definition of a street, access might be from a foyer or other area, which the public might enter for purposes other, than gambling.* The precise nature of this public area will depend on the location and nature of the premises. Licensing Authorities will need to consider whether the effect of any division is to create a machine shed - type environment with very large banks of machines, which is not the intention of the access conditions, or whether it creates a public environment with gambling facilities available if desired. Licensing Authorities should, in particular, remember that where they have concerns about the use of premises for gambling, these may be addressed through licensing conditions.”

Details of ground of objection

10 – The Responsible Authority submits that the proposal to sub-divide the premises is nothing more than a fiction designed to create the impression of separate premises, so as to avoid Parliament’s intention to limit the maximum number of Category B3 machines that may be available for use on any one set of premises.

11 – This raises the question of what it means to constitute premises and indeed a bona-fide bingo premises. The Responsible Authority contends that the Applications do not constitute premises (by virtue of their configuration) nor bingo premises (essentially for the same reason)

12 – The Responsible Authority contends that on a proper application of the Gambling Act 2005 and its associated guidance the proposal is not one that creates separate premises as a matter of fact or in law.

15 - The Responsible Authority contends that in seeking to divide the existing premises into 3 separate units the Applicant is “creating a machine shed-type

of environment” in order to increase the number of category B machines it may make available from 4 to 12.

16 – The conditions referred to at paragraph 11 are set out at **Appendix 2**. It will be apparent that the case put forward by the Responsible Authority cannot be satisfied by the use of conditions.

17 - When the new legislation was introduced one of the prime objectives was to ensure that gambling should generally take place in gambling-specific premises. The limitation on the number of gaming machines in premises was subject to much debate when the legislation was introduced. The intention of Parliament in how to interpret the legislation is therefore quite clear.

18 – The Responsible Authority points to paragraph 7.6 of the notes for guidance that accompany the Gambling Act 2005 (Mandatory and Default Conditions) (England & Wales) Regulations 2007 [for the text of which refer to **Appendix 2**] and in particular the statement that “There were concerns that some unscrupulous operators might seek to circumvent this by artificially subdividing their premises and securing separate premises licences for its composite parts which would undermine the different categories of premises licence created by the Act” it is submitted that the applications under consideration are the type of application contemplated by those remarks.

Summary

- Neither Site A nor Site B constitute separate premises.
- Neither Site A nor Site B constitute separate bingo premises.
- The Applications are simply designed to circumvent the clear intention of the legislation in order to increase the number of category B machines

Dated this: 14th day of April 2008

Revised after consultation with Gambling Commission

APPENDIX 2

GUIDANCE ISSUED UNDER THE GAMBLING ACT

Section 153(1)(b) of the 2005 Act compels a Licensing Authority to have regard to any guidance issued by the Gambling Commission. The Commission has issued guidance, the latest version being dated June 2007. Relevant sections of that guidance are as follows:

Paragraph 7.11 - In the Act 'premises' is defined as including any place. Section 152 prevents more than one premises licence applying to any place but there is no reason in principle why a single building could not be subject to more than one premise licence, provided they are for different parts of the building and the different parts of the building can reasonably be regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, track or shopping mall to obtain discrete premises licenses, where appropriate safeguards are in place. However, licensing Authorities should pay particular attention if there are issues about sub-division of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

Paragraph 7.12 - In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street, but that does not mean that 32 High Street cannot be the subject of separate premises licenses for the basement and ground floor, if they are configured acceptably. Whether different parts of the building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the Licensing Officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example: - by ropes or moveable partitions, can properly be regarded as different premises.

Paragraph 7.16 - An issue that may arise when division of a premises is being considered is the nature of the unlicensed area from which a customer may access a licensed gambling premise. For casinos, bearing in mind the wide definition of a street, access might be from a foyer or other area which the public might enter for purposes other than gambling. The precise nature of this public area will depend on the location and nature of the premises. Licensing Authorities will need to consider whether the effect of any division is to create a machine shed type environment with very large banks of machines, which is not the intention of the access conditions, or whether it creates a public environment with gambling facilities available if desired. Licensing authorities should, in particular, remember that where they have concerns about the use of premises for gambling these may be addressed through licence conditions.

Paragraph 7.17 – (Mandatory and Default Conditions) Regulations set out the access provisions for each type of premises. The broad principle is that there can be no access from one licensed gambling premises and another, except between premises which allow access to those under the age of 18.

Paragraph 7.19 - There is no definition of direct access in the Act or Regulations. However, it could be said that there should be an area separating the premises concerned (e.g. a street or café), which the public go to for purposes other than gambling, for there to be no direct access.

APPENDIX 3

Mandatory and Default Conditions

The Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007 (2007/1409)

Mandatory conditions attaching to every premises licence

3.—(1) The conditions specified in paragraphs (2), (3) and (4) shall be attached to every premises licence.

(2) The summary of the terms and conditions of the premises licence issued under section 164(1)(c) of the 2005 Act shall be displayed in a prominent place within the premises.

(3) The layout of the premises shall be maintained in accordance with the plan.

(4) The premises shall not be used for—

(a) the sale of tickets in a private lottery or customer lottery, or

(b) the sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited.

Mandatory conditions attaching to bingo premises licences

10. The conditions specified in Part 1 of Schedule 2 shall be attached to bingo premises licences.

Default conditions attaching to bingo premises licences

11. The conditions specified in Part 2 of Schedule 2 shall be attached to bingo premises licences unless excluded by the licensing authority who issue the licence, in exercise of their powers under section 169(1)(b) of the 2005 Act.

SCHEDULE 2 Conditions attaching to bingo premises licences

PART 1 Mandatory conditions attaching to bingo premises licences

1. A notice stating that no person under the age of 18 years is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.

2. No customer shall be able to enter the premises directly from any other premises in respect of which one of the following permissions has effect—

(a) a casino premises licence;

(b) an adult gaming centre premises licence;

(c) a betting premises licence other than a track premises licence; and

3.—(1) This paragraph shall apply where children or young persons or both are permitted by the licence holder to enter the premises, and Category B or C gaming machines are made available for use on the premises.

(2) Any area of the premises to which category B and C gaming machines are located—

(a) shall be separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for the purpose;

(b) shall be supervised at all times to ensure children or young persons or both do not enter the area; and

(c) shall be arranged in such a way that ensures all parts of the area can be observed by the persons mentioned in sub-paragraph (3).

(3) The reference to supervision in this paragraph means supervision by—

(a) one or more persons whose responsibilities include ensuring children or young persons or both do not enter the area; or

(b) closed circuit television which is monitored by one or more persons whose responsibilities include ensuring that children or young persons or both do not enter the area.

(4) A notice stating that no person under the age of 18 years is permitted to enter the area shall be displayed in a prominent place at the entrance to any area of the premises in which Category B or C gaming machines are made available for use.

4.—(1) In the case of a charge for admission to the premises, a notice of that charge shall be displayed in a prominent place at the principal entrance to the premises.

(2) In the case of any other charges in respect of gaming, a notice setting out the information in sub-paragraph (3) shall be displayed at the main point where payment for the charge is to be made.

(3) The notice in sub-paragraph (2) shall include the following information—

(a) the cost (in money) of each game card (or set of game cards) payable by an individual in respect of a game of bingo;

(b) in respect of each game card (or set of game cards) referred to in paragraph (a) the amount that will be charged by way of a participation fee for entitlement to participate in that game; and

(c) a statement to the effect that all or part of the participation fee may be waived at the discretion of the person charging it.

(4) The notice may be displayed in electronic form.

(5) A reference in this paragraph to a charge in respect of gaming does not include an amount paid for an opportunity to win one or more prizes in gaming to which section 288 of the 2005 Act (meaning of “prize gaming”) applies.

5.—(1) The rules of each type of game that is available to be played the premises other than games played on gaming machines shall be made available to customers within the premises.

- (2) The condition in sub-paragraph (1) may be satisfied by—
- (a) displaying a sign setting out the rules,
 - (b) making available leaflets or other written material containing the rules, or
 - (c) running an audio-visual guide to the rules prior to any bingo game being commenced.

6. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.

PART 2 Default conditions attaching to bingo premises licences

1. Subject to paragraph 2, no facilities for gambling shall be provided on the premises between the hours of midnight and 9am.

2. The condition in paragraph 1 shall not apply to making gaming machines available for use.

Extract from Explanatory Memorandum to the above Regulations

Access between gambling premises

7.6 The Act provides that, except in the case of tracks, a single premises may not have more than one premises licence authorising a type of gambling activity. There were concerns that some unscrupulous operators might seek to circumvent this by artificially subdividing their premises and securing separate premises licences for its composite parts, which would undermine the different categories of premises licence created by the Act. The Department also wanted to ensure that there could be **no access between gambling premises** to which children have access and those to which they are prohibited from entering. We were also concerned that people who entered premises for one type of gambling should not be exposed to another, potentially harder, form of gambling. Associated with this, we wanted to ensure that operators do not circumvent the rules governing the maximum number of gaming machines of Category B and above permitted in different premises. And finally, we were determined to ensure that all gambling premises have publicly accessible entrances, and are not developed in the backrooms of other commercial premises. The department decided to address these concerns by proposing conditions which restricted the **access** between different types of gambling premises.

7.7 The Department also considered that it was necessary to replicate existing provisions relating to the separation and supervision of an over 18s area (which contains Category C machines), in premises where children and young people might be present (family entertainment centres, bingo halls which allow entry to under 18s and tracks). These require an over 18 area to be separated from

the rest of the premises and for that area to be supervised. The Department regarded these requirements are essential to ensure that children and young people are not able to access these machines. In making its proposals, the Department recognised that supervision could be done either by a person present at these areas or by monitored

REPORT: Regulatory Committee
DATE: 24 September 2008
REPORTING OFFICER: Chief Executive
SUBJECT: Taxi licensing matter
WARDS: Borough-wide

1. PURPOSE OF REPORT

Stephen James Taylor of 10 Ramsey Close Widnes is the holder of Single Status Drivers Licence No 580 which is due to expire on 9 December 2010. In addition Mr Taylor held Hackney Carriage Vehicle Licence No 316 which was a red Metrocab Registration No L852 DBA which expired on 20 July 2008. Mr Taylor failed to renew the vehicle licence and has requested that the licence be reissued to him.

2. RECOMMENDED

That the Committee considers whether the vehicle licence can be reissued to Mr Taylor.

3. SUPPORTING INFORMATION

- 3.1** Mr Taylor submitted the application form to renew the vehicle licence on Friday 11 July 2008 together with the Vehicle Registration document, Insurance and the fee. The vehicle licence was due to expire five working days later on Sunday 20th July.
- 3.2** On 15 July 2008 the vehicle was tested at the Lowerhouse Lane testing station and failed on 12 items namely oil level low, noise from engine (valve), no fire extinguisher, no spare wheel, washers inop, kingpin loose in bottom wishbone o/s, kingpin loose in bottom wishbone n/s, no wheelchair ramps, roof sign light inop, crack in windscreen, drivers window inop, n/s/f window inop. Suspended licence stickers were attached to Mr Taylors vehicle plate. ("inop" is shorthand for inoperative")
- 3.3** On 24 July 2008 a letter was sent to Mr Taylor by the Licensing Section informing him that as he failed to complete the vehicle licence application by 20 July 2008 that he had lost the entitlement to the vehicle licence. Mr Taylor was asked to return the vehicle plates immediately.

- 3.4** On 25 July 2008 the Licensing Section were advised by telephone that Mr Taylor had arrived at the Lowerhouse Lane testing station at 3.45 p.m. it was assumed for a vehicle retest. The depot was advised that as the vehicle licence had expired it no longer existed and that the plates would need to be removed. The licensing section were then advised that Mr Taylor got out of his taxi walked around the vehicle and realised that the depot had closed for the weekend and drove off. It was confirmed that the plate was still attached to the vehicle but it couldn't be confirmed if the 'suspended' sticker was still attached to the plate.
- 3.5** On 30 July 2008 a letter was received from Mr Taylor appealing to the Committee to allow him to renew the vehicle licence and have the plates re-issued.
- 3.6** On 11 August 2008 a letter was sent to Mr Taylor advising him that his appeal would be before the Regulatory Committee. Also in the letter Mr Taylor was asked to return the vehicle plate immediately
- 3.7** The vehicle plate was finally returned to the licensing office on 18 August 2008
- 3.8** However Mr Taylors Hackney Carriage vehicle with the plate attached to it has been observed by licensing officers being driven around the borough by Mr Taylor during the period between the expiry of the licence and the 18 August 2008 with the suspended stickers removed.

4 COMMENTS

- 4.1** As there is a restriction on the number of Hackney Carriage Vehicle Licences in Halton (currently 267) when a Hackney Carriage vehicle licence expires it is deemed to no longer exist and cannot be renewed. However it may at the discretion of the Councils Regulatory Committee be reissued.

5 OPTIONS

- 5.1** The options available to the Committee are:
- Re issue to vehicle licence to Mr Taylor
 - Refuse to reissue the vehicle licence to Mr Taylor.

6 POLICY IMPLICATIONS

None

7 OTHER IMPLICATIONS

None

8 IMPLICATIONS FOR THE COUNCILS PRIORITIES

- 8.1 **Children and Young People in Halton**
None
- 8.2 **Employment Learning and Skills in Halton**
N/A
- 8.3 **A healthy Halton**
N/A
- 8.4 **A Safer Halton**
None
- 8.5 **Halton's Urban Renewal**
N/A

9 RISK ANALYSIS

N/A

10 EQUALITY AND DIVERSITY ISSUES

N/A

11 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Application Documents	Legal Services	John Tully/Kay Cleary

REPORT: Regulatory Committee

DATE: 24 September 2008

REPORTING OFFICER: Chief Executive

SUBJECT: Review of Qualifying Vehicles

WARDS: Borough-wide

1.0 PURPOSE OF REPORT

On 16 June 2008 the Regulatory Committee resolved to undertake a review of the Council's Qualifying Vehicles conditions in respect of Hackney Carriage and Private Hire Vehicles. This report details the outcome of the consultation and provides options for the Committee to consider.

2.0 RECOMMENDED: That the Committee consider the options outlined in this report.

3.0 SUPPORTING INFORMATION

3.1 On 16 June 2008 the Committee resolved to undertake a review of the Council's Qualifying Vehicles conditions in respect of Hackney Carriage and Private Hire Vehicles. The Taxi Consultative Group was consulted at its meeting on 10 July 2008. The Group was briefed on the nature of qualifying vehicles conditions and asked for any recommendations to be produced by 31 July 2008. See **Appendix 1** for details.

3.2 Representations were received from two members of the taxi trade as detailed in the **Appendix 2** to this report.

3.3 In addition, representations were received from the Council's Head Of Service (Operational Support). These are also set out in **Appendix 2** to this report.

4.0 COMMENTS

4.1 The current qualifying vehicles conditions for Hackney Carriage and Private Hire vehicles are set out at **Appendix 1** to this report.

4.2 The methodology adopted in the consultation process is as follows: Where representations have been received from consultees these are set out in full together with a brief statements of the pros and cons of each recommendation.

4.3 Where no comments have been received on any part of the existing qualifying vehicles conditions **Appendix 3** contains comments as to their continued appropriateness.

4.4 Appendix 3 also contains some proposed conditions which have been derived from other licensing authorities

5.0 OPTIONS

5.1 The options available to the Committee are:

5.2 Confirm the Council's existing qualifying vehicles conditions without change.

5.3 Adopt a new set of qualifying conditions having regard to the information set out in this report.

6.0 POLICY IMPLICATIONS

6.1 This report is designed to update existing Council policy.

7.0 OTHER IMPLICATIONS

7.1 None

8.0 IMPLICATIONS FOR THE COUNCILS PRIORITIES

8.1 Children and Young People in Halton

None

8.2 Employment Learning and Skills in Halton

N/A

8.3 A healthy Halton

N/A

8.4 A Safer Halton

None

8.5 Halton's Urban Renewal

N/A

9.0 RISK ANALYSIS

N/A

10.0 EQUALITY AND DIVERSITY ISSUES

N/A

11.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Application Documents	Legal Services	John Tully/ Kay Cleary

APPENDIX 1

Qualifying Vehicles Review 2008

1. On 16th June 2008 the Regulatory Committee resolved to undertake a review of the Council's Qualifying Vehicles Conditions in respect of Hackney Carriages and Private Hire Vehicles.
2. The current Hackney Carriage Vehicle Conditions run to 21 conditions but the review extends only to Condition 2 (Qualifying Vehicles).
3. The current Private Hire Vehicle Conditions run to 22 conditions but the review extends only to Condition 2 (Qualifying Vehicles).
4. Matters relating to the age of qualifying vehicles are excluded from the review since they have been the subject of recent policy changes.
5. Table 1 below sets out the current qualifying vehicles conditions for both hackney carriages and private hire vehicles. Table 2 below sets out these conditions in a topic based format designed to aid discussion of the underlying principles.
6. Extracts are also included from the DfT Document "Taxi and Private Hire Vehicle Licensing: Best Practice Guidance October 2006"
7. The discussion at the Taxi Consultative Group on Thursday 10th July 2008 is designed to identify the underlying principles justifying vehicle conditions NOT to reach conclusions on what detailed conditions might be. It is requested that the trade put forward their ideas in writing by 1st August 2008 with a view to putting a report together for the meeting of the Regulatory Committee scheduled to be held on 24th September 2008.

John Tully
Group Solicitor Environment and Licensing
8th July 2008

Table 1

HACKNEY CARRIAGE VEHICLE CONDITIONS	PRIVATE HIRE VEHICLE CONDITIONS
<p>2. Qualifying Vehicles</p> <p>In these conditions: “MPV” means an multi-purpose vehicle (that is, a vehicle in which the seats may be removed or reconfigured and be fully wheelchair compliant); “MSV” means a multi-seat vehicle (that is, a vehicle which is fitted with a number of fixed position seats for in excess of 5 passengers and not exceeding 8 passengers). “Minimum usable luggage space” means minimum internal usable luggage space which must be calculated with reference to the comfort and needs of passengers and may result in less passengers being carried at any particular time than the permitted maximum allowed under the licence. “vehicle” means the vehicle which is the subject of a Hackney Carriage Vehicle Licence</p> <p>2.1 To qualify for a Hackney Carriage Vehicle Licence the vehicle must:</p> <p><i>Purpose built hackney carriages</i></p> <p>2.1.1 be purpose-built as a hackney carriage and fully wheelchair compliant (which means that it must</p> <ol style="list-style-type: none"> (1) be type approved by the Public Carriage Office, (2) have a full M1 type approval, and (3) be under sixteen years old (This will be calculated on the basis of the expiry of the vehicle licence which falls within the sixteenth anniversary of first registration of that vehicle) and (4) be painted in any manufacturer's colour); or <p>Saloon, estate vehicles and MSVs</p> <p>2.1.1 be a saloon, estate vehicle or MSV</p>	<p>2. Qualifying Vehicles</p> <p>In these conditions: “MPV” means an multi-purpose vehicle (that is, a vehicle in which the seats may be removed or reconfigured and fully wheelchair compliant); “MSV” means a multi-seat vehicle (that is, a vehicle which is fitted with a number of fixed position seats for in excess of 5 passengers and not exceeding 8 passengers). “Minimum usable luggage space” means minimum <u>internal</u> usable luggage space which must be calculated with reference to the comfort and needs of passengers and may result in less passengers being carried at any particular time than the permitted maximum allowed under the licence. “ vehicle” means the vehicle which is the subject of a Private Hire Vehicle Licence</p> <p>2.1 To qualify for a Private Hire Vehicle Licence the vehicle must:</p> <p>Saloon, estate vehicles and MSVs</p> <p>2.1.4 be a saloon, estate vehicle or MSV</p>

with the following characteristics –

- be under **eight** years old (This will be calculated on the basis of the expiry of the vehicle licence which falls within the eighth anniversary of first registration of that vehicle).
- 4/5 doors
- minimum engine capacity rated at 1600 cc or 1500 cc multi-valve
- minimum useable luggage space of 353 litres (12.5 cubic feet)
- minimum knee room spacing (the distance between the front surface of all seat backs and the back(s) in front): 650mm (25.61")
- minimum foot space (the clear space in front of the seat): 300mm long, 250mm wide and 80mm high (11.82" x 9.85" x 3.15")
- minimum rear cabin width: 1346mm (53")
- approved seat configuration
- painted manufacturer's black or

MPV style vehicles

2.1.2 be a MPV style vehicle with the following characteristics;

- full M1 type approval or Small Volume Production Certificate
- be under **twelve** years old (This will be calculated on the basis of the expiry of the vehicle licence which falls within the twelfth anniversary of first registration of that vehicle) .
- painted manufacturer's black
- minimum engine capacity rated at 1600 cc or 1500 cc multi-valve
- minimum useable luggage space 353 litres (12.5 cubic feet)
- approved seat configuration

Calculation of Age (For the avoidance of doubt)

Vehicle ages shall be calculated using the following principles;

- Ages shall be calculated from the date of first registration of the vehicle.
- The maximum ages specified in these conditions relate to the date when the first application is made in respect of the vehicle or (as the case may be) the date when the current licence applicable to a vehicle is due

with the following characteristics –

- under **eight** years old (This will be calculated on the basis of the expiry of the vehicle licence which falls within the eighth anniversary of first registration of that vehicle).
- 4/5 doors
- minimum engine capacity rated at 1600 cc or 1500 cc multi-valve
- minimum useable luggage space of 353 litres (12.5 cubic feet)
- minimum knee room spacing (the distance between the front surface of all seat backs and the back(s) in front): 650mm (25.61")
- minimum foot space (the clear space in front of the seat): 300mm long, 250mm wide and 80mm high (11.82" x 9.85" x 3.15")
- minimum rear cabin width: 1346mm (53")
- approved seat configuration.
- painted any colour **other than** manufacturer's black

MPV style vehicles

2.1.5 be a MPV style vehicle with the following characteristics;

- full M1 type approval or Small Volume Production Certificate
- under **twelve** years old (This will be calculated on the basis of the expiry of the vehicle licence which falls within the twelfth anniversary of first registration of that vehicle).
- painted any colour **other than** manufacturer's black
- minimum engine capacity rated at 1600 cc or 1500 cc multi-valve
- minimum useable luggage space 353 litres (12.5 cubic feet)
- approved seat configuration
- fully wheelchair compliant

Calculation of Age (For the avoidance of doubt)

Vehicle ages shall be calculated using the following principles;

- Ages shall be calculated from the date of first registration of the vehicle.
- The maximum ages specified in these conditions relate to the date when the first application is made in respect of the vehicle or (as the case may be) the date when the current licence applicable to a vehicle is due

<p><u>to expire:</u></p> <ul style="list-style-type: none"> ▪ Where a vehicle has not reached its maximum age when the <u>first application</u> is made in respect of the vehicle a licence granted in respect of such vehicle shall continue for a period of 12 months notwithstanding that the vehicle shall have exceeded its maximum age by the date of expiry of such licence; ▪ Where a vehicle has not reached its maximum age when the date when the current licence applicable to such vehicle <u>is due to expire</u> a licence granted in respect of such vehicle shall continue for a period of 12 months notwithstanding that the vehicle shall have exceeded its maximum age by the date of expiry of such licence provided that no renewal licence shall be granted in respect of such vehicle if the vehicle shall not have qualified for renewal by such date of expiry <p><i>Other types of vehicle</i></p> <p>2.1.3 be any other type of vehicle, such as a limousine, which may be approved by the Council from time to time subject to any special requirements deemed appropriate to such vehicle</p> <p>2.2 No vehicle shall be permitted to have windows or front or rear windscreens which are fitted with “privacy glass” (the meaning of which shall be determined by the Council).</p> <p>2.3 The maximum number of passengers which may be carried by any vehicle shall be determined by the Council.</p>	<p><u>to expire:</u></p> <ul style="list-style-type: none"> ▪ Where a vehicle has not reached its maximum age when the <u>first application</u> is made in respect of the vehicle a licence granted in respect of such vehicle shall continue for a period of 12 months notwithstanding that the vehicle shall have exceeded its maximum age by the date of expiry of such licence; ▪ Where a vehicle has not reached its maximum age when the date when the current licence applicable to such vehicle <u>is due to expire</u> a licence granted in respect of such vehicle shall continue for a period of 12 months notwithstanding that the vehicle shall have exceeded its maximum age by the date of expiry of such licence provided that no renewal licence shall be granted in respect of such vehicle if the vehicle shall not have qualified for renewal by such date of expiry <p><i>Other types of vehicle</i></p> <p>2.1.6 be any other type of <u>motor</u> vehicle, such as a limousine, which may be approved by the Council from time to time subject to any special requirements deemed appropriate to such vehicle</p> <p>2.2 No vehicle shall be permitted to have windows or front or rear windscreens which are fitted with “privacy glass” (the meaning of which shall be determined by the Council).</p> <p>2.3 The maximum number of passengers which may be carried by any vehicle shall be determined by the Council</p>
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Table 2

HACKNEY CARRIAGE VEHICLE CONDITIONS	PRIVATE HIRE VEHICLE CONDITIONS
<p>2. Qualifying Vehicles</p> <p><i>Definitions</i></p> <p>“MPV” “MSV” “Minimum usable luggage space” “vehicle”</p> <p><i>Purpose built hackney carriages</i></p> <ul style="list-style-type: none"> • purpose-built as a hackney carriage • fully wheelchair compliant (which means that it must • be type approved by the Public Carriage Office, • have a full M1 type approval, and • be under sixteen years old (This will be calculated on the basis of the expiry of the vehicle licence which falls within the sixteenth anniversary of first registration of that vehicle) and • be painted in any manufacturer's colour; or <p>Saloon, estate vehicles and MSVs</p> <ul style="list-style-type: none"> • Age • No. of Doors • Engine Capacity • Luggage Space • Knee Room (not front??) • Foot Space • Rear cabin width • Seat Configuration • Colour <p><i>MPV style vehicles</i></p> <ul style="list-style-type: none"> • Type Approval • Age • Colour • Engine Capacity • Luggage Space • Seat Configuration • WHEELCHAIR COMPLIANT <p>▪ Calculation of Age</p>	<p>2. Qualifying Vehicles</p> <p><i>Definitions</i></p> <p>“MPV” “MSV” “Minimum usable luggage space” “vehicle”</p> <p>Saloon, estate vehicles and MSVs</p> <ul style="list-style-type: none"> • Age • No. of Doors • Engine Capacity • Luggage Space • Knee Room (not front??) • Foot Space • Rear cabin width • Seat Configuration • Colour <p><i>MPV style vehicles</i></p> <ul style="list-style-type: none"> • Type Approval • Age • Colour • Engine Capacity • Luggage Space • Seat Configuration • WHEELCHAIR COMPLIANT <p>Calculation of Age</p>

<p><i>Other types of vehicle</i></p> <ul style="list-style-type: none">• Ad hoc approval <p><i>Privacy Glass</i></p> <ul style="list-style-type: none">• Ad hoc approval <p><i>Passenger Limits</i></p> <ul style="list-style-type: none">• Ad hoc approval	<p>Other types of vehicle</p> <ul style="list-style-type: none">• Ad hoc approval <p><i>Privacy Glass</i></p> <ul style="list-style-type: none">• Ad hoc approval <p><i>Passenger Limits</i></p> <ul style="list-style-type: none">• Ad hoc approval
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Taxi and Private Hire Vehicle Licensing: Best Practice Guidance

October 2006

Issued by the Department for Transport

Accessibility

12. Local licensing authorities will want to consider how accessible the vehicles they license as taxis are for disabled people (which includes - but is not limited to - people who need to travel in a wheelchair).

13. Licensing authorities will know that the Department has for some years now been working on proposals which would substantially improve taxi provision for people with disabilities. This work is continuing and an announcement will be made in due course. In the meantime licensing authorities are encouraged to introduce taxi accessibility policies for their areas. The Department's letter to local licensing authorities of 9 September 2002, the relevant part of which was repeated in the letter of 16 June 2004, gave more detailed guidance.

14. Different accessibility considerations apply as between taxis and PHVs. Taxis can be hired on the spot - in the street or at a rank - by the customer dealing directly with a driver; but PHVs can only be booked through an operator. It is important that a disabled person should be able to hire a taxi on the spot with the minimum delay or inconvenience, and having accessible taxis available helps makes that possible. For PHVs, it may be more appropriate for a local authority to license any type of saloon car, noting that some PHV operators offer accessible vehicles in their fleet.

Vehicles

Specification of Vehicle Types That May Be Licensed

18. The legislation gives local authorities a wide range of discretion over the types of vehicle that they can license as taxis or PHVs. Some authorities specify conditions that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.

19. Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Indeed, local authorities might usefully set down a range of general criteria, leaving it open to the taxi and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way there can be flexibility for new vehicle types to be readily taken into account.

20. It is suggested that local licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicle or prescribes only one type or a small number of types of vehicle. For example, the Department believes authorities should be particularly cautious about specifying only purpose-built taxis, with the strict constraint on supply that that implies. (There are at present only two designs of purpose-built taxi.) But of course the purpose-built vehicles are amongst those which a local authority could be expected to license. Similarly, it may be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided of course that the capacity of the vehicle is not more than eight passengers).

Imported vehicles: type approval (see also "stretched limousines", paras 26-28 below)

21. It may be that from time to time a local authority will be asked to license as a taxi or PHV a vehicle that has been imported independently (that is, by somebody other

than the manufacturer). Such a vehicle might meet the local authority's criteria for licensing, but the local authority may nonetheless be uncertain about the wider rules for foreign vehicles being used in the UK. Such vehicles will be subject to the 'type approval' rules. For passenger cars up to 10 years old at the time of first GB registration, this means meeting the technical standards of either:

- a European Whole Vehicle Type approval;
- a British National Type approval; or
- a British Single Vehicle Approval.

Most registration certificates issued since late 1998 should indicate the approval status of the vehicle. The technical standards applied (and the safety and environmental risks covered) under each of the above are proportionate to the number of vehicles entering service. Further information about these requirements and the procedures for licensing and registering imported vehicles can be seen at www.dft.gov.uk/stellent/groups/dft_roads/documents/page/dft_roads_506867.hcsp.

Environmental Considerations

25. Local licensing authorities, in discussion with those responsible for environmental health issues, will wish to consider how far their vehicle licensing policies can and should support any local environmental policies that the local authority may have adopted, bearing in mind the need to ensure that the benefits of any policies outweigh the costs (in whatever form). Local authorities may, for example, wish to consider setting vehicle emissions standards for taxis and PHVs. However, local authorities would need to carefully and thoroughly assess the impact of introducing such a policy; for example, the effect on the supply of taxis and PHVs in the area would be an important consideration in deciding the standards, if any, to be set.

Stretched Limousines

26. Local licensing authorities are sometimes asked to license stretched limousines as PHVs. It is suggested that local authorities should approach such requests on the basis that these vehicles have a legitimate role to play in the private hire trade, meeting a public demand. Consistent with this view licence applications involving use of these limousines should not be automatically rejected (for example just because the vehicles may be left-hand drive). The Department is currently revising its guidance on the licensing arrangements for stretched limousines.

27. Imported stretched limousines are normally checked for compliance with British regulations under the Single Vehicle Approval (SVA) inspection regime, before they are registered. A licensing authority might wish to request sight of the SVA certificate to ensure that the vehicle was tested by VOSA before being registered and licensed (taxed) by DVLA. The SVA test verifies that the converted vehicle is built to certain safety and environmental standards (there are some vehicles that have gained registration without an SVA and these may not comply with British regulations).

28. Stretched limousines which clearly have more than 8 passenger seats should not of course be licensed as PHVs because they are outside the licensing regime for PHVs. However, under some circumstances the SVA regime accepts vehicles with space for more than 8 passengers, particularly where the precise number of passenger seats is hard to determine. In these circumstances, if the vehicle has obtained an SVA certificate, the authority should consider the case on its merits in deciding whether to license the vehicle under the strict condition that the vehicle will not be used to carry more than 8 passengers, bearing in mind that refusal may encourage illegal private hire operation. Authorities should check with local MOT testing stations to find out if the station has the facilities to test such vehicles. If there is difficulty in finding a suitable station, the local enforcement office may be able to advise

REPRESENTATIONS MADE BY JOHN GERRARD

I wish to express my concern at (R1) the application to licence vehicles to carry up to eight passengers for the reasons stated herein and (R2) *I also wish to table an amendment to the procedure for presenting a vehicle for testing and subsequent licensing.*

R1 8 Seat VehiclesComfort Of Passengers

The amount of space per passenger is not sufficient especially for longer journeys. The passengers lower limbs would have to be turned to one side because of the centre console. This would be most uncomfortable for anyone over 5' 6" tall. Additionally, from experience, in some frontal and off set front impacts, the centre console can collapse through the crumple zone features and through the passengers limbs being forced into the column from the g forces and deceleration of the accident. The potential for very serious lower bodily injury in this scenario should not be underestimated. For a passenger to occupy the centre front seat, he/she would have to slide in a restricted space across the front seat and there could be further problems if it is decided by this person to leave the vehicle before the nearside front passenger after they have entered the vehicle. I would also have to look further into the provision of SRS (airbag) equipment and the effects from such when sat so tightly together in the front confines of a vehicle.

Driver Integrity

It is not beyond the realms of possibility that an allegation could be made against a driver of such an eight seat vehicle from a passenger, that the drivers hand came into contact with the knee or further up the leg of the passenger whilst changing gear. I would accept that an automatic transmission may reduce the possibility of such but cannot eradicate it such as the centre divide fitted in other multi seat vehicles.

Passenger Safety

In the event of an accident involving damage to the nearside front, the centre seated passenger could become trapped or in the very least experience difficulties alighting from the offside which could be necessary because the nearside exit is either blocked through damage or injury to the nearside passenger. If the passenger was tall, had mobility problems or was of above average build, then this problem would be exacerbated and the risks substantially increased.

A Volkswagen Transporter (Halton Licensed Taxi) was involved in a side impact collision earlier this year on the A562 Fiddlers Ferry Road and the vehicle was rolled over surprisingly easy. Had this occurred with a passenger so seated in the front centre and when added to the fact that very few adult passengers actually wear seat belts in taxis despite being advised to the contrary, the consequences would have been very serious. There is no safety tested bulkhead partition between the front seats and the rear compartment of this type of vehicle and therefore, in the event of deceleration in an accident, the potential for the second row of seats moving forward from mountings into the cramped front end is a distinct possibility. I am informed that this vehicle is tested to M1 standard at manufacture but with all the seats being

forward facing. The second row of seats is removed and remounted to face rearwards. I would be surprised if this conversion is to full M1 specification. At best I would guess it is to lower specification, small vehicle production standard.

Encouragement To Not Provide Fully Accessible (wheelchair) Vehicles

Although nationally it is often quoted that people requiring the use of wheelchairs is 2%, it is factual to say that Halton has a much higher average than this. If it is allowed by this Committee to licence taxis to carry eight passengers such as presented to the Committee at the earlier meeting, then it will virtually finish the procurement of fully accessible vehicles which will make life very much more difficult for disabled people whom have more than enough transport problems to start with. It would encourage licence holders to purchase eight seat vehicles in favour of fully wheelchair accessible vehicles. I am reliably informed that Halton's largest taxi operator has only sixteen (16) fully wheelchair accessible vehicles in its entire fleet of over one hundred vehicles. This tiny number of such vehicles is spread throughout a twenty-four hour cycle, seven days a week. There is more often than not no wheelchair vehicles available during the twilight hours and bookings are not accepted at any time. This is despite the right of the disabled person to expect the same level of service as that expected of a fully able bodied person. This creates longer waiting times, severe inconvenience, disability discrimination and places more pressure on the existing vehicles to cover, which increases mileage between pick-ups, which impacts on economical and environmental factors.

I drive a fully wheelchair accessible vehicle which has an approved seating plan for seven passengers and over the seven years that I have operated such vehicles, it is exceedingly rare to get a request to carry seven passengers and I will argue it is even more rare for a request to cater for eight persons.

PROS of R1: All of the points raised with the exception of passenger safety are valid. The Committee must take as read that all vehicles certified as complying with national legislation are safe.
CONS of R1: The points raised at R3 represent the contrary argument.

R2: Pre Testing Presentation – R2 is not a representation within the terms of reference of the consultation exercise

REPRESENTATIONS MADE BY (1) PAUL FURFIE AND (2) TOMMY MACNTYRE Unite the Union

R3: Subject: Proposal for licensing of the two front seats in Mpv's

At the Taxi forum at Runcorn Town Hall 10th July 2008, two vehicles were presented to the councillors of the Taxi Consultative Group, for consideration for licensing the two front seating positions and after testing met with their approval.

I would like to propose that the two Mpv's presented be used as the bench mark, for the licensing of the two front seats along side the driver in the borough of Halton.

Client and environmental benefits

At the present time when four couples require to be transported they have to hire either two taxis or a minibus.

For Example Runcorn Station to Liverpool Lime Street Return to Runcorn Station

8 Persons two taxis approx = £120

Minibus 8 seats approx = £120

8 seats approx = £60

Clearly there is a financial benefit to the client and the environmental effect when two vehicles are used instead of one.

PROS of R3: Leaving aside precise the accuracy of precise costings one vehicle will always be half or a little more than half the cost of two vehicles.

CONS of R3: Costing have to be balanced with comfort and other issues. These issues represented by the arguments for R1 above. This is the fundamental decision for the Committee.

REPRESENTATIONS MADE BY GEOFF HAZELHURST

R4: As you may know, in the last budget it was announced that in April 2009 the VED system will be reformed to incentivise lower emitting cars. All cars emitting more than 160g/km of CO₂ will pay significantly more VED than those vehicles below this figure. I take the view that this will focus the Taxi industry on acquiring lower emitting vehicles.

Last year the Council signed up to the Local Authority Carbon Management Programme in partnership with the Carbon Trust. As part of the programme the Council has developed a Strategy and Implementation Plan for managing Carbon which has set targets for reducing carbon over the next few years.

One of the areas included in the programme is a restriction on lease cars emitting more than 200g/km of CO₂.

In view of this, it is suggested that the Taxi industry may want to play its part in making a positive contribution towards social inclusion, secure improvements to the environment and minimise any adverse environmental impact by reducing the level of CO₂ output from the borough's taxi fleet to a level in line with the Council's car fleet policy by an agreed future date of say 2012. Whereby, no new taxis coming onto taxi fleets would be granted a licence unless the CO₂ output was equal to or below the agreed threshold.

PROS of R4: The aspiration of limiting vehicles within the 200g/km of CO₂ band is consistent with the Council's CO₂ emissions policy and in the longer term should be considered as Council policy for hackney carriages and private hire vehicles.

CONS of R4: The current taxi and private hire fleets would be decimated if such a policy were introduced at this time. Purpose built hackney carriages do not meet these standards. The principle of emissions standards is not yet sufficiently evolved to warrant such a policy.

APPENDIX 3

SUMMARY OF RECOMMENDATIONS

Table 3

Table 3 shows the proposed changes to the qualifying vehicles conditions with the exception of proposed seat configurations

<p>These conditions contain qualifying requirements for a licence to be issued as well as requirements which must be complied with while any vehicle licence remains in force.</p> <p style="text-align: center;">HACKNEY CARRIAGE VEHICLE CONDITIONS</p> <p>1. Qualifying Vehicles</p> <p>In these conditions:</p> <p>1.1 “MPV” means an multi-purpose vehicle (that is, a vehicle in which the seats may be removed or reconfigured and be fully wheelchair compliant);</p> <p>1.2 “MSV” means a multi-seat vehicle (that is, a vehicle which is fitted with a number of fixed position seats for in excess of 5 passengers and not exceeding 8 passengers).</p> <p>1.3 “Minimum usable luggage space” means minimum internal usable luggage space which must be calculated with reference to the comfort and needs of passengers and may result in less passengers being carried at any particular time than the permitted maximum allowed under the licence.</p> <p>1.4 “vehicle” means the vehicle which is the subject of a Hackney Carriage Vehicle Licence</p> <p>1.5 “Wheelchair compliant” means capable of carrying a wheel chair in a folded and stored condition with the wheelchair passenger seated in a standard seat.</p> <p>1.6 “Fully wheelchair compliant” means capable of carrying a wheel chair in a folded and stored condition with the wheelchair passenger seated in a standard seat or at the election of the wheelchair passenger capable of carrying the passenger while sitting in the wheelchair provided that vehicles with rear access for wheelchair passengers shall not be deemed to be fully</p>	<p>These conditions contain qualifying requirements for a licence to be issued as well as requirements which must be complied with while any vehicle licence remains in force.</p> <p style="text-align: center;">PRIVATE HIRE VEHICLE CONDITIONS</p> <p>1. Qualifying Vehicles</p> <p>In these conditions:</p> <p>1.1 “MPV” means an multi-purpose vehicle (that is, a vehicle in which the seats may be removed or reconfigured and fully wheelchair compliant);</p> <p>1.2 “MSV” means a multi-seat vehicle (that is, a vehicle which is fitted with a number of fixed position seats for in excess of 5 passengers and not exceeding 8 passengers).</p> <p>1.3 “Minimum usable luggage space” means minimum <u>internal</u> usable luggage space which must be calculated with reference to the comfort and needs of passengers and may result in less passengers being carried at any particular time than the permitted maximum allowed under the licence.</p> <p>1.4 “ vehicle” means the vehicle which is the subject of a Private Hire Vehicle Licence</p> <p>1.5 “Wheelchair compliant” means capable of carrying a wheel chair in a folded and stored condition with the wheelchair passenger seated in a standard seat.</p> <p>1.6 “Fully wheelchair compliant” means capable of carrying a wheel chair in a folded and stored condition with the wheelchair passenger seated in a standard seat or at the election of the wheelchair passenger capable of carrying the passenger while sitting in the wheelchair provided that vehicles with rear access for wheelchair passengers shall not be deemed to be fully</p>
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<p>wheelchair compatible. 1.7 General Condition 1.8 Wheel chair compliance All vehicles without exception shall be wheelchair compliant. 1.9 Colour All vehicles must be painted manufacturer's black except that purpose built hackney carriages may be painted in any manufacturer's colour</p> <p>2 To qualify for a Hackney Carriage Vehicle Licence the vehicle must:</p> <p><i>Purpose built hackney carriages</i></p> <p>2.1 be purpose-built as a hackney carriage and fully wheelchair compliant (which means that it must be type approved by the Public Carriage Office, 2.2 be under sixteen years old (This will be calculated on the basis of the expiry of the vehicle licence which falls within the sixteenth anniversary of first registration of that vehicle) and 2.3 be fully wheelchair compliant 2.4 be painted in any manufacturer's colour); or</p> <p>3 Saloon, estate vehicles and MSVs</p> <p>3.1 be a saloon, estate vehicle or MSV with the following characteristics – 3.2 be under eight years old (This will be calculated on the basis of the expiry of the vehicle licence which falls within the eighth anniversary of first registration of that vehicle. 3.3 4/5 doors 3.4 minimum engine capacity rated at 1600 cc or 1500 cc multi-valve 3.5 minimum useable luggage space of 353 litres (12.5 cubic feet) 3.6 minimum rear knee room spacing (the distance between the front surface of all seat backs and the back(s) in front): 650mm (25.61") 3.7 minimum front knee room spacing (the distance between the front surface of the front seat back(s) and the surface of the front console): 650mm (25.61") 3.8 minimum foot space (the clear space in front of the seat): 300mm long, 250mm wide and 80mm high (11.82" x 9.85" x 3.15") 3.9 minimum rear cabin width: 1346mm (53") 3.10 approved seat configuration 3.11 minimum of 4 (usable) wheels 3.12 painted manufacturer's black or</p>	<p>wheelchair compatible. 1.7 General Condition 1.8 Wheel chair compliance All vehicles without exception shall be wheelchair compliant. 1.9 Colour All vehicles may be painted in any colour other than manufacturer's black.</p> <p>2 To qualify for a Private Hire Vehicle Licence the vehicle must:</p> <p>3 Saloon, estate vehicles and MSVs</p> <p>3.1 be a saloon, estate vehicle or MSV with the following characteristics – 3.2 under eight years old (This will be calculated on the basis of the expiry of the vehicle licence which falls within the eighth anniversary of first registration of that vehicle). 3.3 4/5 doors 3.4 minimum engine capacity rated at 1600 cc or 1500 cc multi-valve 3.5 minimum useable luggage space of 353 litres (12.5 cubic feet) 3.6 minimum rear knee room spacing (the distance between the front surface of all seat backs and the back(s) in front): 650mm (25.61") 3.7 minimum front knee room spacing (the distance between the front surface of the front seat back(s) and the surface of the front console): 650mm (25.61") 3.8 minimum foot space (the clear space in front of the seat): 300mm long, 250mm wide and 80mm high (11.82" x 9.85" x 3.15") 3.9 minimum rear cabin width: 1346mm (53") 3.10 approved seat configuration. 3.11 minimum of 4 (usable) wheels</p>
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<p>4 MPV style vehicles</p> <p>4.1 be a MPV style vehicle with the following characteristics;</p> <p>4.2 full M1 type approval or Small Volume Production Certificate</p> <p>4.3 be under twelve years old (This will be calculated on the basis of the expiry of the vehicle licence which falls within the twelfth anniversary of first registration of that vehicle)</p> <p>4.4 painted manufacturer's black</p> <p>4.5 minimum engine capacity rated at 1600 cc or 1500 cc multi-valve</p> <p>4.6 minimum useable luggage space 353 litres (12.5 cubic feet)</p> <p>4.7 approved seat configuration</p> <p>4.8 fully wheelchair compliant</p> <p>5 Calculation of Age (For the avoidance of doubt)</p> <p>5.1 Vehicle ages shall be calculated using the following principles;</p> <ul style="list-style-type: none"> ▪ Ages shall be calculated from the date of first registration of the vehicle. ▪ The maximum ages specified in these conditions relate to the date when the <u>first application</u> is made in respect of the vehicle or (as the case may be) the date when the current licence applicable to a vehicle <u>is due to expire</u>; ▪ Where a vehicle has not reached its maximum age when the <u>first application</u> is made in respect of the vehicle a licence granted in respect of such vehicle shall continue for a period of 12 months notwithstanding that the vehicle shall have exceeded its maximum age by the date of expiry of such licence; ▪ Where a vehicle has not reached its maximum age when the date when the current licence applicable to such vehicle <u>is due to expire</u> a licence granted in respect of such vehicle shall continue for a period of 12 months notwithstanding that the vehicle shall have exceeded its maximum age by the date of expiry of such licence provided that no renewal licence shall be granted in respect of such vehicle if the vehicle shall not have qualified for renewal by such date of expiry 	<p>3.12 painted any colour other than manufacturer's black</p> <p>4 MPV style vehicles</p> <p>4.1 be a MPV style vehicle with the following characteristics;</p> <p>4.2 full M1 type approval or Small Volume Production Certificate</p> <p>4.3 under twelve years old (This will be calculated on the basis of the expiry of the vehicle licence which falls within the twelfth anniversary of first registration of that vehicle).</p> <p>4.4 painted any colour other than manufacturer's black</p> <p>4.5 minimum engine capacity rated at 1600 cc or 1500 cc multi-valve</p> <p>4.6 minimum useable luggage space 353 litres (12.5 cubic feet)</p> <p>4.7 approved seat configuration</p> <p>4.8 fully wheelchair compliant</p> <p>5 Calculation of Age (For the avoidance of doubt)</p> <p>5.1 Vehicle ages shall be calculated using the following principles;</p> <ul style="list-style-type: none"> ▪ Ages shall be calculated from the date of first registration of the vehicle. ▪ The maximum ages specified in these conditions relate to the date when the <u>first application</u> is made in respect of the vehicle or (as the case may be) the date when the current licence applicable to a vehicle <u>is due to expire</u>; ▪ Where a vehicle has not reached its maximum age when the <u>first application</u> is made in respect of the vehicle a licence granted in respect of such vehicle shall continue for a period of 12 months notwithstanding that the vehicle shall have exceeded its maximum age by the date of expiry of such licence; ▪ Where a vehicle has not reached its maximum age when the date when the current licence applicable to such vehicle <u>is due to expire</u> a licence granted in respect of such vehicle shall continue for a period of 12 months notwithstanding that the vehicle shall have exceeded its maximum age by the date of expiry of such licence provided that no renewal licence shall be granted in respect of such vehicle if the vehicle shall not have qualified for renewal by such date of expiry
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<p>6 Other types of vehicle</p> <p>6.1 be any other type of vehicle, such as a limousine, which may be approved by the Council from time to time subject to any special requirements deemed appropriate to such vehicle</p> <p>6.2 Horse drawn vehicles are subject to special condition</p> <p>7 Privacy glass</p> <p>7.1 No vehicle shall be permitted to have windows or front or rear windscreens which are fitted with “privacy glass” (the meaning of which shall be determined by the Council).</p> <p>8 Passenger numbers</p> <p>8.1 The maximum number of passengers which may be carried by any vehicle shall be determined by the Council.</p> <p>9 Trailers</p> <p>9.1 Trailers shall be subject to prior approval by the Council.</p> <p>9.2 Trailers shall be painted the same colour as the towing vehicle.</p> <p>9.3 An identity plate supplied by the Council shall be affixed to the rear of the trailer.</p> <p>9.4 A trailer shall only be used in conjunction with one licensed vehicle.</p> <p>9.5 Trailers shall be tested initially before use at the Council’s testing facility and thereafter shall be tested annually at the same time as the towing vehicle.</p> <p>9.6 Trailers shall not be used while the towing vehicle is standing or plying for hire.</p> <p>10 Roof Pods</p> <p>10.1 Roof pods shall be subject to individual prior approval</p>	<p>6 Other types of vehicle</p> <p>6.1 be any other type of <u>motor</u> vehicle, such as a limousine, which may be approved by the Council from time to time subject to any special requirements deemed appropriate to such vehicle</p> <p>7 Privacy glass</p> <p>7.1 No vehicle shall be permitted to have windows or front or rear windscreens which are fitted with “privacy glass” (the meaning of which shall be determined by the Council).</p> <p>8 Passenger numbers</p> <p>8.1 The maximum number of passengers which may be carried by any vehicle shall be determined by the Council</p> <p>9 Trailers</p> <p>9.1 Trailers shall be subject to prior approval by the Council.</p> <p>9.2 Trailers shall be painted the same colour as the towing vehicle.</p> <p>9.3 An identity plate supplied by the Council shall be affixed to the rear of the trailer.</p> <p>9.4 A trailer shall only be used in conjunction with one licensed vehicle.</p> <p>9.5 Trailers shall be tested initially before use at the Council’s testing facility and thereafter shall be tested annually at the same time as the towing vehicle.</p> <p>10 Roof Pods</p> <p>10.1 Roof pods shall be subject to individual prior approval</p>
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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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