

Swindon Borough Council

Private Hire and Hackney Carriage Licensing Sub-Committee

Tuesday, 20 March 2012

Committee Room 6, Civic Offices (Anticipated meeting room)

At 5.30 p.m.

**Conservative
Councillors**

Wayne Crabbe
Eric Shaw
Vera Tomlinson
Richard Hurley
David Wren

**Labour
Councillors**

Junab Ali
Steve Wakefield

**Liberal Democrat
Councillors**

**Independent
Councillors**

Committee Officer: Shaun Banks (Telephone 01793 463606)

sbanks@swindon.gov.uk

Swindon Borough Council, Civic Offices, Euclid Street, Swindon, SN1 2JH
(Telephone 01793 445500)

AGENDA

1. Apologies for Absence

2. Declarations of Interest

Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.

3. Minutes (Pages 1 - 4)

To receive the minutes of the meeting held on 22nd February 2012.

4. Public Question Time

See explanatory note below. Please phone the Committee Officer whose name and number appears at the top of this agenda if you need further guidance.

5. Hackney Carriage and Private Hire Vehicle Inspections (Pages 5 - 14)

Date of Despatch: 13 March 2012

Public Question Time - Swindon Borough Council is committed to increasing its accountability to the public and to promoting active citizenship. Up to 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from members of the public about the work of the Committee (except for confidential matters and specific planning applications). Questions must be relevant, clear and concise. Because of time constraints Public Question Time is not an opportunity to

make speeches or statements. Prior notice of a question to the Director of Law and Democratic Services is desirable - particularly if detailed background information is needed.

Access Arrangements – *The Venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special requirement to enable you to do so please contact the Committee Clerk above, as soon as possible prior to the date of the meeting.*

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

PRIVATE HIRE AND HACKNEY CARRIAGE LICENSING SUB-COMMITTEE

WEDNESDAY, 22 FEBRUARY 2012

PRESENT:- Councillors Wayne Crabbe, Richard Hurley (Chair), Eric Shaw (Vice-Chair), Vera Tomlinson, Steve Wakefield and David Wren.

Apologies for absence were received from Councillor Junab Ali

1. Appointment of Chair for the Municipal Year 2011/12

Resolved – That Councillor Richard Hurley be Chair of the Sub-Committee for the Municipal Year, 2011/12.

2. Appointment of Vice-Chair for the Municipal Year 2011/12

Resolved – That Councillor Eric Shaw be Vice-Chair of the Sub-Committee for the Municipal Year, 2011/12.

3. Minutes

Resolved – That the minutes of the meeting held on 21st September 2010, be confirmed and signed as a correct record.

4. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

5. Exempt Items - Exclusion of Press and Public

Resolved - That, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during the discussion of the matters referred in Agenda Item 10 on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraph 1 of Schedule 12A to the Act, and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information concerned (Minute 9 refers.)

6. Public Question Time

Mr. Tony Johnson referred to the current situation relating to the overflow at taxi ranks and the need for extra ranks for taxis and asked if Members would, for Health and Safety reasons, consider re-introducing a limit on the number of Hackney Carriage Vehicles licensed to operate within the Borough?

The Chair responded to the question at the meeting.

Mr. Dan Cooper asked if Swindon Borough Council would follow the lead of other towns and make tests for Hackney Carriage Drivers Licences more difficult.

The Chair responded at the meeting.

Mr. Ian Hunt asked why the Council was not willing to undertake an unmet demand survey in Swindon when the last survey was undertaken three years ago since when the business conditions for Hackney Carriage Drivers had significantly worsened?

The Chair responded at the meeting.

Mr. Ian Hunt asked a question relating to the expectation, on behalf of Hackney Carriage Drivers of commercial competence by the Council. The Chair indicated that if Mr. Hunt submitted a written question in relation to this matter a written response would be provided.

7. Review of Hackney Carriage Vehicle Specification Age Limits

The Interim Director of Planning and Transport, Environment Regeneration and Community submitted a report setting out proposed amendments to the Hackney Carriage Vehicle Specification and reviewing the age limit for those vehicles that meet the Swindon wheelchair accessible Hackney Carriage Vehicle Specification.

Resolved – (1) That the Council be recommended to approve the amended Swindon Hackney Carriage Specifications as set out in Appendix C to the report and confirm that the age limit for newly licensed wheelchair accessible vehicles take effect from 1st April, 2012.

(2) That the Director of Planning and Transport be requested to submit a further report to this Sub-Committee in 2014 setting out proposals for age limits for vehicles that meet the Swindon wheelchair accessible Hackney Carriage Specification based on this Council's, and other Local Authorities, experience on the durability of these vehicles.

8. Review of Hackney Carriage & Private Hire Vehicle Upper Age Limits

The Interim Director of Planning and Transport, Environment Regeneration and Community submitted a report setting out a request to remove the upper age limit on wheelchair accessible Hackney carriage Vehicles and on Private Hire Vehicles.

Resolved – (1) That Council be recommended to approve:

- (a) That, subject to (c) below, the vehicle age limit for wheelchair accessible Hackney Carriage Vehicles be increased from the current age limit of 12 years to 15 years.
- (b) That, subject to (c) below, the vehicle age limit for Private Hire and Hackney Carriage Saloon Vehicles be increased from the current age limit of 7 years to 10 years.
- (c) That the extension of age limits the vehicle age limit set out in (a) and (b) above be subject to passing a twice yearly inspection when they reach 10 years of age (wheelchair accessible Hackney Carriage Vehicles) and 5 years of age (Private Hire and Hackney Carriage Saloon Vehicles).
- (2) That officers submit a further report to this Sub-Committee regarding a check list for the inspections referred to in (c) above, together with the delegation of authority for Licensing Officers to refuse to licence any vehicle that in their opinion has not been exceptionally maintained.

9.

Review of Drivers Licence

The Sub-Committee considered, (a) a report of the Interim Director of Planning & Transport Environment, Regeneration and Community setting out an application from a Hackney carriage Driver to remove conditions applied by the Sub-Committee to the grant of his licence, (b) oral submission on behalf of the Hackney Carriage Driver in support of the removal of conditions applied to his licence, and (c) questions to the applicant and officers and answers received in respect of the application to remove conditions from the licence issued.

Resolved – (1) That the Sub-Committee notes the action taken after consultation between the Council's Taxi Licensing Officers, The Principal Solicitor and the Chair of the Sub-Committee regarding the granting of the Hackney Carriage Vehicle Licence and conditions placed upon the licence in agreement with the person named in the report.

(2) That the appeal by the person named in the report be refused and the conditions applied to the Hackney Carriage Vehicle Licence issued to him remain in place on the licence.

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Hackney Carriage and Private Hire Vehicle Inspections

Private Hire and Hackney Carriage Licensing Sub-Committee

Date: 20th March 2012

Author: Richard Bell, Interim Director Planning & Transport, Environment
Regeneration & Community

Parish / Wards Affected: All

Purpose

To approve vehicle Inspection criteria together with a check list for vehicle Inspections

Recommendation

The Sub-Committee is asked to :-

- Agree the vehicle Inspection criteria and check list
- Grant delegated authority to the Licensing Officer to refuse to licence any vehicle after inspection if in their opinion the vehicle does not meet the Inspection Criteria.

1. Reasons

- 1.1 On the 22ND February 2012 the Private Hire and Hackney Carriage Licensing Sub-Committee approved a change to vehicle age limits for Private hire vehicles and Hackney carriages licensed by this Authority. These changes to take effect from the 1st April 2012.

2. Detail

- 2.1 Officers are of the opinion that the overarching principle behind the licensing of private hire and Hackney Carriage vehicles is one of public safety. Based on this overarching principle the Council implemented a policy that limits the age at which a vehicle can be first licensed, and the age upon which a vehicle must cease to be licensed.
- 2.2 The vehicle age limit extension is subject to additional testing, in the case of a wheelchair accessible Hackney Carriage there will be a requirement for two inspections and two MOT tests each year when the vehicle reaches ten years of age. Thereafter and upon each subsequent renewal until the vehicle reaches its maximum age of fifteen years at which time it will cease to be licensed.

Further information on the subject of this report can be obtained from Michael Shears 01793-466208 or Email mshears@swindon.gov.uk.

Hackney Carriage and Private Hire Vehicle Inspections

Private Hire and Hackney Carriage Licensing Sub-Committee

Date: 20th March 2012

- 2.3 In the case of Hackney Carriage saloons and private hire vehicles the vehicle age limit extension is also subject to additional testing and there is a requirement for two inspections and two MOT tests each year when the vehicle reaches five years of age. Thereafter and upon each subsequent renewal until the vehicle reaches its maximum age of ten years at which time it will cease to be licensed.
- 2.4 Vehicle proprietors will be sent details of the inspection criteria and will be required to present their vehicle for inspection at least four weeks before the expiry of the licence. The Inspection criteria is attached at Appendix A. Licensing officers will carry out the vehicle inspections using this Criteria and use a check list as attached at Appendix B. If a vehicle fails the inspection a proprietor will be given fourteen days in which to rectify any defects. If a proprietor fails to carry out the requirements of an inspection failure then the vehicle licence shall be suspended. All defects should be rectified before the expiry of the vehicle licence.
- 2.5 The Taxi Licensing team Leader to have delegated authority to refuse to licence any vehicle if in their opinion the vehicle does not pass the Inspection criteria at Appendix A.

Alternative Options

- None

Risk Management

Financial and Procurement Implications

- There are no direct financial implications arising from this report
- There are no procurement issues arising from this report

Legal / Human Rights Implications

- There are no legal or Human Rights implications arising from this report

Links to Corporate Plans and Policies (in particular to Swindon 2010 Promises)

Priority: We can all benefit from a growing economy and a better town centre

Priority: Living independently protected from harm, leading healthy lives and making a positive contribution.

Hackney Carriage and Private Hire Vehicle Inspections

Private Hire and Hackney Carriage Licensing Sub-Committee

Date: 20th March 2012

Consultees

- The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.
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Background Papers and Appendices

- Appendix A Inspection criteria
- Appendix B Inspection check list

Further information on the subject of this report can be obtained from Michael Shears 01793-466208 or Email mshears@swindon.gov.uk.

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APPENDIX A

Taxi & Private Hire Vehicle Inspections

INTRODUCTION

The Council has a duty to ensure that all private hire vehicles and hackney carriages are safe to carry members of the public. In order to ensure this, before a vehicle is licensed for the first time it will need to have passed a mechanical inspection at one of our designated MOT test centres. When a private hire vehicle or Hackney carriage saloon reaches 5 years of age there is a requirement for the vehicle to be inspected twice yearly together with two MOT tests each year until the vehicle reaches the maximum age at which time the Council will no longer licence it which is ten years of age. In the case of Wheelchair accessible hackney carriages the Council will licence these vehicles until ten years of age at which time there is a requirement for the vehicle to be inspected twice yearly together with two MOT tests each year until the vehicle reaches the maximum age at which time the Council will no longer licence it which is fifteen years of age. No vehicle will be licensed beyond its maximum age as defined by the Councils Licensing Policy in force at the time.

This leaflet gives general guidance on what we look at during a vehicle inspection. All vehicle inspections will be carried out by appointment at Wat Tyler house by one of our Licensing Officers. You will need to make an appointment for inspection at least four weeks prior to the annual renewal of your vehicle licence, and at least four weeks prior to the six month inspection.

The inspection will take approximately 15 minutes to complete and will be carried out by a Licensing Officer. Please note that appointments for car inspections are available Monday, Tuesday, Thursday and Friday from 10AM until 11.30AM and will be carried out at the rear of Wat Tyler house in the Taxi inspection bay.

VEHICLE INSPECTION CRITERIA

Your vehicle must meet the following standards as a minimum. Please note that this is a summary only.

CLEANLINESS

All vehicles must be of a high standard of cleanliness both internally and externally.

INTERIOR. The interior must be kept clean, tidy and free of any litter or rubbish.

RUST. Any vehicle presented should be free from any visible rusting. Although minor blemishes should not constitute a failure, the following general criteria should be followed – any vehicle with more than three visible rust patches should be failed

DENTS. *For the purpose of these conditions ,Swindon Borough Council defines the term 'dent' as: 'Any deviation from the manufactured contours of the vehicle's body work, including all trim.'* Any vehicle with any dents on three or more panels should be failed.

SCRATCHES. Any vehicle with unrepaired scratches on three or more panels should be failed.

SEATS. In conventional vehicles where it is intended that the licence shall be for four (4) passengers, all seats, including the driver's must be free from repaired cuts, tears or cigarette burns, except of a very minor nature. Any repairs have been carried out in a professional and neat manner.

CARPETS/FLOOR COVERING. All carpets and floor covering shall be complete and free from cuts, tears or major soiling.

HEADLINING AND OTHER TRIM. All interior trim, including headlining, shall be clean, complete, properly fitted, and free from serious cuts, tears or major soiling.

WINDOW GLASS/OPERATION. Tinted windows are not allowed, factory fitted or otherwise all windows must allow at least 70% of natural light. All windows that by manufacture are made to open should be maintained to be easily operable by any passenger.

BOOT/LUGGAGE COMPARTMENT. This should be empty except for a spare wheel, essential tools and a first aid kit, (to comply with Health & Safety (First Aid) Regs 1981). The compartment should be clean and any covering free from major cuts, tears or other damage or staining.

WHEEL TRIMS

The vehicle should have all wheel trims in place (unless alloy wheels).

ROAD FUND LICENCE

The vehicle must have a current road fund licence tax disc displayed in the bottom nearside corner of the front windscreen.

SPARE TYRE

The vehicle must either:

- a) carry a spare wheel capable of being immediately used and tools suitable for wheel changing; **or**
- b) carry a space saver spare wheel which is capable of being immediately used and tools suitable for wheel changing or,
- c) where the vehicle manufacturer supplies repair and inflation equipment as standard with a new vehicle, the vehicle must carry this or,
- d) the vehicle must be fitted with run flat tyres.

FIRST AID KITS

All vehicles **must carry** a first aid kit. The contents must comply with the suggested list of contents for travelling first aid kits as included within the 'Approved Code of Practice and Guidance: First Aid At Work (The Health and Safety (First-Aid) Regulation 1981 L74)'. Further information can be found at **www.hse.gov.uk**

The contents should include as a minimum:

- A leaflet giving general guidance on first

aid

- 20 individually wrapped sterile adhesive dressings (assorted sizes)
- 2 sterile eye pads
- 4 individually wrapped triangular bandages
- 6 safety pins

All drivers are responsible for ensuring that items, within the first aid kit, that are marked with 'best before dates' are replaced when they expire. All other items should be checked regularly by the driver/operator. Any damaged items should be replaced. First aid kits must be marked using indelible ink with the licensed vehicle plate number.

FIRE EXTINGUISHER

All vehicles must carry a dry powder or foam (AFFF) spray extinguisher conforming to British Standard EN3. The minimum weight of the extinguisher should be 1 kg. Fire extinguishers must be marked with indelible ink with the current licensed vehicle plate number.

SIGNAGE OR ADVERTISING ON VEHICLES

No advertising is allowed on private hire vehicles or Hackney carriage saloons. Wheelchair accessible vehicles may have a full livery with prior approval of the Council's Licensing officer. Every Hackney carriage must have on display the current fare tariff card.

ANCILLARY EQUIPMENT

Wheelchair accessible vehicles must have the correct wheelchair fixing equipment including any ramp extension and tie down equipment. In the case of a fold out ramp it must be free from rust and fit flat to the floor

**included in a
vehicle inspection.**



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APPENDIX B

HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE INSPECTION REPORT (Section 68 Local Government (Miscellaneous Provisions) Act 1976)

Particulars of Vehicle/Owner

Time/Date

Name of Owner			
Name of driver attending		Badge No.	
Make/Model of vehicle		Registration No.	
Colour		Recorded Mileage	
Number of seats for licence		Plate Number	
Date of first registration		Tax disc valid	

Exterior of Vehicle

Item	Satisfactory	Summary of Action required
Bodywork/paintwork		
Doors/hinges/handles		
Windows and mechanism		
Taxi roof sign		
Exterior licence plate		
PH Door signs		
Tinted windows?		
Wheel trims		
Spare tyre		

Interior of vehicle

Item	Satisfactory	Summary of Action required
Seats/seat covers		
Floor covering/carpets		
Interior trim/headlining		
Luggage/Boot		
Fire extinguisher		
First aid kit		
Insurance stickers x3		
Fare chart		
Taximeter		
WAV vehicles		
Ramps and equipment		
Advertising		
Smoke-free		
Signs displayed		

Follow Up Inspection

Time/Date of Inspection		Copy served on driver
Location		
Faults to be rectified		

Comments on General Condition of Vehicle

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Signed by Signed by
Licensing Officer Driver attending

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