



Vale
of White Horse

VALE OF WHITE HORSE DISTRICT COUNCIL

**HACKNEY CARRIAGE & PRIVATE
HIRE DRIVER, VEHICLE &
OPERATOR POLICY**

Consultation Draft For Committee 10th July
2009

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1. EXECUTIVE SUMMARY

- 1.1 The main purpose of this document is to:
- Outline the Department for Transport Best Practice Guidance and the Department for Transport's Best Practice Guidance Consultation document (published May 2009) and so far as possible make appropriate and necessary adjustments after consideration of the relevance of the guidance to the Council's area
 - Reflect any changes and improvements found to be necessary since the introduction of a policy in 2007
 - Implement new and amended legislation and guidance, including the requirement for applicants to prove their right to work in the UK and the introduction of Disability Awareness Training
 - Define the eligibility for certain fee reductions offered
 - Revise the specification of licensed vehicles and update vehicle licence conditions
 - Consider the environmental impacts of licensed vehicles
 - Revise application requirements and procedures deemed necessary since the introduction of the policy in 2007

2. DEFINITIONS & INTERPRETATION

2.1 Throughout this document:

- 'The Council' means the Vale of White Horse District Council
 - 'Vehicle' or 'Licensed Vehicle' means both a Hackney Carriage and Private Hire vehicle
 - 'Hackney Carriage' means a vehicle licensed under the Town Police Clauses Act 1847 to ply for hire throughout the district controlled by the Council
 - 'Private Hire vehicle' means a vehicle licensed under the Local Government (Miscellaneous Provisions) Act 1976 to carry passengers for hire or reward by prior booking
 - 'Private Hire Operator' means a person who makes provision for the acceptance of Private Hire bookings to undertake themselves or pass to others to undertake
 - 'The DfT' means the Department for Transport, including previous names under which that Department has been known.
 - 'The DfT Guidance' means The Department for Transport - Hackney Carriage and Private Hire Vehicle Licensing: Best Practice Guidance, published in November 2006
 - The 'DfT Consultation Guidance' means the Department for Transport's Best Practice Guidance Consultation document, published May 2009
 - 'Sub-Committee' means a General Licensing Sub-Committee of the Council.
 - The word "Taxi" has no meaning in law and is often used generically to describe both Hackney Carriages and Private Hire vehicles.
 - The term DVLA driving licence means a full original GB driving licence
 - EEA means European Economic Area
- 2.2 This policy document contains information about legal requirements, government guidance, Council policy, procedures and standards. For ease of interpretation text which represents a legal requirement or Council policy is shown as underlined.

3. BACKGROUND

3.1 Role of Hackney Carriages and Private Hire vehicles

3.1.1 Hackney Carriage and Private Hire vehicles have a specific role to play in an integrated transport system. They are able to provide services in situations where public transport is either not available (for example in rural areas, or outside “normal” hours of operation such as in the evenings or on Sundays), and/or for those with mobility difficulties.

3.2 Aims and Objectives of Licensing

3.2.1 The aim of licensing of the Hackney Carriage and Private Hire vehicle trades is primarily to protect the public as well as to ensure that the public have reasonable access to these services, because of the part they play in local transport provision. It is important that the authority’s Hackney Carriage and Private Hire licensing powers are used to ensure that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required. The Hackney Carriage and Private Hire trade within the Council’s area is fairly comprehensive and provides its population with a reasonable service. This policy builds on the trade’s existing strengths.

3.3 Licensing Profile

3.3.1 The Council currently licenses approximately 251 vehicles; 133 Hackney Carriages and 118 Private Hire vehicles. There are approximately 302 drivers and 41 Operators licensed by the Council.

3.4 Review of Policies & Practices

3.4.1 The Council has responsibility for licensing Hackney Carriage and Private Hire vehicles, drivers and operators within the district of the Vale of White Horse. It has traditionally exercised this responsibility through a number of different policies and procedures that have been developed over a significant number of years.

3.4.2 The Council’s ‘Hackney Carriage & Private Hire Licensing Policy’ was first introduced in July 2007. A comprehensive review of the policies and procedures has taken place.

3.4.3 The DfT Guidance does not seek to cover the whole range of possible licensing requirements. Instead it seeks to concentrate only on those issues that have caused difficulty in the past or that seem of particular significance. Where a section of the guidance provides advice that is relevant to a particular section of this policy document, this will be confirmed at the beginning of the relevant section. It will normally be followed by a statement of the Council’s policy in respect of that specific issue, highlighted in bold text.

3.5 Best Practice Guidance & legislation

3.5.1 The DfT has national responsibility for Hackney Carriage and Private Hire legislation in England and Wales. As a result of the Office of Fair Trading producing a report on the UK Hackney Carriage and Private Hire trade, the DfT was asked to produce Best Practice Guidance for local licensing authorities.

3.5.2 This Best Practice Guidance is directed at local authorities in England and Wales who will “decide for themselves the extent to which they wish to make use of it or adapt it to suit their own purposes”. There is recognition, within the document, that it is for individual licensing authorities to reach their own decisions both on overall policies and on individual licensing matters, in the light of their own views of the relevant considerations.

3.5.3 This document interprets the DFT's considered views about what constitutes "Best" or "Good Practice" in terms of Hackney Carriage and Private Hire licensing, together with local factors specific to this District.

3.5.4 This document also takes account of the legislative basis of the Council's taxi licensing powers, contained in the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, as amended.

3.6 Costs and Benefits of Licensing Policies

3.6.1 The DFT Guidance stresses that licensing requirements which are unduly stringent are likely to unreasonably restrict the supply of Hackney Carriage and Private Hire services, by increasing the cost of operation or by otherwise restricting entry to the trade. Licensing authorities are therefore, cautioned to recognise that too restrictive an approach may well work against the public interest and can have safety implications.

3.6.2 Licensing authorities are encouraged to ensure that each of their various licensing requirements is properly justified by the risk it seeks to address. The financial or other cost of a particular requirement, in terms of its effect on the availability of transport to the public, should at least be matched by the benefit it will provide to the public for example, through increased safety.

4. INTRODUCTION TO THE POLICY

4.1 Powers and Duties

4.1.1 This statement of licensing policy has been produced pursuant to the powers conferred by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, as amended, which place on the Council the duty to carry out its licensing functions in respect of Hackney Carriage and Private Hire vehicles. Local authorities have been given additional powers for immediate suspension of licences in the interests of public safety under the Road Safety Act 2006.

4.2 Objectives

4.2.1 In setting out its policy, the Council seeks to promote the following objectives through the licensing process:

- The protection of public health and safety;
- The establishment of a professional and respected Hackney Carriage and Private Hire trade;
- Access to an efficient and effective public transport service;
- The protection of the environment.

It is the Council's wish to facilitate well-run and responsible businesses which display sensitivity to the wishes and needs of the general public which is in line with the Council's Vision: 'to build and safeguard a fair, open and compassionate community'.

4.3 Policy Status

4.3.1 In exercising its discretion in carrying out regulatory functions, the Council will have regard to this policy document and the objectives set out above.

4.3.2 Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart substantially from its policy, clear and compelling reasons will be given for so doing.

4.3.3 This policy (and associated work procedures) will provide those Council Officers who are required to administer the licensing function with appropriate guidelines within which to act. Where applications go outside the policy or are contentious, they are likely to involve determination by a Sub-Committee.

5. HACKNEY CARRIAGE & PRIVATE HIRE VEHICLES

5.1 Limitation of Numbers

5.1.1 No powers exist for licensing authorities to limit the number of Private Hire vehicles which they license. The present legal provisions on quantity restrictions for Hackney Carriage vehicles are set out in section 16 of the Transport Act 1985. This provides that the grant of a Hackney Carriage licence may be refused, for the purpose of limiting the number of licensed Hackney Carriages "if, but only if, the local authority is satisfied that there is no significant demand for the services of Hackney Carriages (within the area to which the licence would apply) which is unmet". In the event of a challenge to a decision to refuse a licence on these grounds it would, therefore, have to be established that the authority had been reasonably satisfied that there was no significant unmet demand.

5.1.2 Many local licensing authorities do not impose any quantity restrictions on hackney vehicles and the DfT regards this as best practice. Where restrictions are imposed, licensing authorities are urged to regularly reconsider the matter, taking into account whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of those who use the services of such vehicles. The over-riding principles are the benefit to be achieved for them by the continuation of controls and how they might benefit if the controls were removed. Evidence should be sought as to whether removal of the controls would result in a clear and unambiguous deterioration in the amount or quality of service provision.

5.1.3 Where quantity restrictions are imposed, vehicle licence plates command a premium, often of thousands of pounds. This tends to suggest that there are people who want to enter the market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions.

5.1.4 If the local authority were to take the view that a quantity restriction can be justified in principle, the DfT Guidance advises that the level at which the limit should be set is addressed by means of a survey, including details on associated costs.

5.1.5 The Council does not intend to set a limit on the number of Hackney Carriages which it licenses, since no evidence has been provided of any difficulty arising from this stance. However, this will be re-examined during the review of this policy in three years' time.

5.2 Specifications and Conditions

5.2.1 Local authorities have a wide range of discretion over the types of vehicle that they can license as Hackney Carriages and Private Hire vehicles.

5.2.2 The DfT Guidance suggests that best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Authorities are encouraged to leave it open to the trade to put forward vehicles of their own choice which can be shown to meet basic criteria. In that way, emerging new designs for vehicles can be readily taken into account.

5.2.3 Licensing authorities are asked to be particularly cautious about specifying only purpose-built Hackney Carriages, with the strict constraint on supply that this implies. (There are at present only a small number of designs of purpose-built Hackney Carriage.) Councils are however encouraged to make use of the "type approval" rules within any specifications they determine (this is explained in more detail elsewhere in this policy).

5.2.4 The Council is empowered to impose such conditions as it considers reasonably necessary, in relation to the grant of a Hackney Carriage or Private Hire vehicle licence. Hackney Carriages and Private Hire vehicles provide a service to the public, so it is appropriate to set criteria for the external and internal condition of the vehicle, provided that these are not unreasonably onerous. The Council has

adopted minimum standards which it will apply in respect of all licensed vehicles. These are specified in Appendix A.

5.2.5 Vehicles will in general, be licensed for the carriage of up to four passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers will be accepted, provided that there is compliance with the specifications applicable to such vehicles. Purpose built vehicles are amongst those which the Council will license only as Hackney Carriages in view of the possible confusion in the minds of the travelling public between the two types of licensed vehicle.

5.2.6 Any vehicle with a 'Q' plate registration will not be licensed as 'Q' plates are issued for vehicles which are either not originally registered in the UK and proof of age was unavailable at registration or for vehicles that have been built using a significant proportion of used parts. 'Q' plates are also used to disguise stolen or 'rund' cars.

5.3 Accessibility

5.3.1 Of the 133 Hackney Carriages currently licensed, 19 (14.3%) are reported to be wheelchair accessible. The Council will respond to any mandatory requirement issued by the Government for the introduction of wheelchair accessible vehicles. In the meantime, the Council will continue to encourage the licensing of vehicles which are wheelchair accessible by giving a reduction in vehicle licence fees. The eligibility of such vehicles has now been defined as vehicles which have been given a 'Group 2 European Community Whole Vehicle Type Approval' Standard Certificate. A smaller percentage reduction will be given where a vehicle has not been issued with this certificate but has minor modifications to make the vehicle more accessible to people with disabilities. The licence fee reductions are subject to annual review and will be published together with other Council licensing fees.

5.3.2 When a vehicle has been modified post manufacture to provide access or special facilities for disabled passengers VOSA approved certification from either the manufacturers or installers will be required prior to licensing approval.

5.3.3 The Spinal Injuries Association and The National Taxi Association, supported by ROSPA (the Royal Society for The Prevention of Accidents) and a number of disabled persons' groups, have written to all licensing authorities asking them to prohibit the use of Hackney Carriage vehicles which are adapted for disabled passengers, where the wheelchair is loaded from the rear rather than the side of the vehicle. The argument for this approach is that the wheelchair user has to be on the road during loading and unloading and is therefore, exposed to risk from traffic. This is seen as being particularly relevant for Hackney Carriages, which operate from side loading Hackney Carriage stands. The Spinal Injuries Association also states the advantages of side loading are also that drivers may not be familiar with lowering a wheelchair down a kerb which could present dangers to the passenger and that being seated in the centre of the vehicle is likely to be safer than being seated at the rear. They also site the need for the passenger to have an alternative exit in the case of an emergency. The Council will therefore require all licensed vehicles that have been manufactured or adapted to carry passengers in their wheelchairs, to have side-loading facilities and rear-loading shall be prohibited.

5.4 Maximum Age of Vehicles

5.4.1 The DfT Guidance reminds licensing authorities that it is perfectly possible for an older vehicle to be in good condition and that the setting of an age limit beyond which they will not license vehicles may be arbitrary and disproportionate. It is nevertheless accepted that a greater frequency of testing is appropriate for older vehicles (see 5.5 below).

5.4.2 Local licensing authorities are however, also advised to consider how far their vehicle licensing policies can and should support any local environmental initiatives for example, by setting vehicle emissions standards or promoting cleaner fuels (see 5.8 below).

5.4.3 The Council does not intend to place an age restriction on licensed vehicles but will require a higher frequency of testing for older vehicles.

5.5 Vehicle Testing

5.5.1 Licensing Authorities have a number of reasons for engaging nominated testing stations. These relate to their duties under the licensing legislation and the need to be able to ensure consistency, quality and an effective response to specific vehicle related issues which might arise. The nominated testing stations must operate within specific Licensing Authority approved requirements concerning testing procedures and health and safety at work arrangements.

5.5.2 For a number of years the Council has nominated a testing station to which all Hackney Carriages and Private Hire Vehicles must be taken when being tested in connection with licensing requirements. The nominated testing station is decided upon through a competitive tender process which takes place every three years. Since April 2009, this Council has had contracts with two nominated testing stations, having taken into account the DfT Guidance.

No vehicle may be used as a Hackney Carriage or private hire vehicle unless it has been given a Certificate of Compliance in respect of a satisfactory test and has been appropriately licensed by the Council.

5.5.3 Anyone who wishes to complain about or is in dispute with either nominated testing station may contact the Licensing Unit who will investigate. Complaints about the part of the test that checks the Council's conditions will be dealt with by the Licensing Unit with reference to an expert if necessary. Council Officers will immediately refer any complaint about the mechanical / MOT part of the test to VOSA who have a procedure in place for such disputes.

5.5.4 In respect of MOT requirements, Hackney Carriages are subject to an MOT test when they have reached the age of one year from the date of first registration and Private Hire vehicles after the first 3 years. However, the Council requires both vehicles to be licensed as Hackney Carriages and Private Hire vehicles to undergo a Compliance Test before the issue of a licence, regardless of the age of the vehicle. In addition to this vehicles must be tested and licensed in accordance with 5.5.1 above.

5.5.5 The Council requires a greater frequency of testing for older vehicles: annual tests and Certificates of Compliance will be required for all vehicles up to three years old (after the date of first registration); vehicles between three and seven years old will be subject to a vehicle test every six months); any vehicle over seven years old will be subject to a vehicle test every four months. Vehicles will be licensed for one year. However any subsequent unsatisfactory vehicle test during that year will result in the licence being suspended or revoked.

5.6 Signage & Advertising

5.6.1 Members of the public can often confuse Private Hire vehicles with Hackney Carriages, without realising that Private Hire vehicles are not available for immediate hire or allowed to be hailed in the street. It is therefore important that the public are able to easily distinguish each type of vehicle.

5.6.2 It is possible to prohibit Private Hire vehicles from displaying any identification at all apart from the local authority licence plate or disc. Some clearer identification is however, seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver and secondly because it is quite reasonable (and in the interests of the travelling public) for a Private Hire vehicle operator to be able to state on the vehicle the contact details for hiring.

5.6.3 The DfT Guidance recommends as best practice, a licence condition that requires a sign on the vehicle in a specified form. This will often be a sign of a specified size and shape which identifies the operator (with a telephone number for bookings) and the local authority and which specifies that the vehicle can be 'pre-booked only'. This approach identifies the vehicle as Private Hire and helps to avoid confusion with a Hackney Carriage, but also gives useful information to the public wishing to make a booking.

5.6.4 Roof-mounted signs on Private Hire vehicles are not seen as best practice even if they indicate 'pre-booked only' as any roof-mounted sign, however unambiguous its words, is liable to create confusion with a Hackney Carriage.

5.6.5 The DfT Guidance also recognises that there is a case for allowing any Hackney Carriage proprietors who wish to do so, to make it clear by advertising on their vehicle that they charge less than the maximum fare.

5.6.6 Within the Council's area, both Hackney Carriages and Private Hire vehicles are required to display a licence plate on the vehicle. This is a key feature in helping to identify vehicles that are properly licensed. The plates shall not be magnetic as these have been reported to frequently fall off the vehicles when in motion, resulting in an unacceptable hazard to road users and additional costs of replacement for the proprietor. In addition, many new vehicles emerging on the market are made of lighter non-magnetic materials, making magnetic plates un-workable. Thirdly as magnetic plates are quickly removed their use is open to abuse by both licensed and unlicensed drivers, the latter in particular causing a public safety risk.

5.6.7 All Hackney Carriages licensed by the Council must carry illuminated roof-mounted signs bearing the word "TAXI" and nothing else and these must be lit when plying for hire. Any other additional wording requested on the roof sign will require prior approval of the Council. In order to differentiate between the two types of licensed vehicle, Private Hire vehicles must not carry roof-mounted signs of any kind and they must have no signs using the words "Taxi", "Hackney", "Cab" or "For Hire".

5.6.8 To further distinguish between vehicles that can be hailed but also to make the identification of a Hackney Carriage easier for the public, all Hackney Carriages are required to display stickers on both the rear side door panels. These stickers are in a prescribed form and will only be issued by the Council to avoid opportunities for unscrupulous unlicensed drivers to acquire them. These stickers shall not be magnetic as these have been reported to frequently fall off the vehicles when in motion, resulting in a unacceptable hazard to road users and additional costs of replacement for the proprietor. In addition, many new vehicles emerging on the market are made of lighter non-magnetic materials, making magnetic stickers un-workable. Thirdly as magnetic stickers are quickly removed their use is open to abuse by both licensed and unlicensed drivers, the latter in particular causing a public safety risk.

5.6.8 Advertising the proprietor or operator's business will be permitted with prior permission of Licensing Officers, but this will be strictly controlled so that confusion between the two types of vehicle is kept to the minimum. Advertising by other, for example local, companies will be allowed subject to the prior approval of Licensing Officers in order to ensure that it could not be considered inappropriate or offensive.

5.6.9 In view of the variety of signage allowed in other districts, a specification has been adopted for the colour, size, shape, and content of the signs which identify the vehicle as licensed. The specification is contained within Appendix A.

5.6.10 The Council considers that as there does not appear to be a problem in its area in members of the public hailing Private Hire vehicles and such vehicles do not attempt to ply for hire on ranks, both of which happen in other districts, it is not currently necessary to bring in a requirement that Private Hire vehicles display 'Pre-booking only' stickers. The Council considers that it is the choice of proprietors

whether and how they let customers know they charge less than the Council's maximum fare tariffs. In addition, the Council feels that it is the choice of proprietors whether and how they let passengers know they charge less than the Council's maximum fare tariff.

5.6.11 Those Private Hire vehicles which have been granted an exemption from displaying their licence plate by the Council shall affix a prescribed sticker internally on the windscreen in place of or above the tax disc holder. The sticker shall contain a tax disc holder and vehicle / licence details to be visible from the outside and the required 'No Smoking' sign and vehicle / licence details visible from the inside. Exempted vehicles shall also display a small sticker in the back window of the vehicle. This sticker will also display the vehicle / licence details so that they are visible from the rear. The sticker shall be affixed in the centre of the window horizontally and at the top or bottom of the window, depending of the location of any brake-lights. Both stickers shall be clearly visible from the inside and outside of the vehicle and neither shall be placed in a position that obstructs the view of the driver.

5.7 Security & Closed Circuit Television (CCTV)

5.7.1 The DfT recommends licensing authorities look sympathetically on the installation of security measures, such as a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers.

5.7.2 The Council will not require enhanced security or CCTV measures in vehicles as it is considered that they are best left to the judgment of the owners and drivers themselves. The Hackney Carriage and Private Hire vehicle trades are however, encouraged to build good links with the local police force, including participation in any Crime and Disorder Reduction Partnerships.

5.7.3. The DfT consultation guidance suggests local authorities might consider drawing up notices to set out not only what passengers can expect of drivers but vice versa. The Council considers that there would be difficulty enforcing the display of such notices as the majority of vehicles are ordinary vehicles, not London-style black cabs and therefore space is restricted and owners are not keen to stick notices to the vehicle. If the notices were not stuck down they could be easily removed. In the spirit of the suggestion, it has been decided to add a sentence to the Tariff Card which it is already mandatory to display in Hackney Carriages, whose drivers are most at risk of abusive behaviour. This will ask passengers to treat the driver with the same respect they expect to be treated with as passengers. Private hire drivers may wish to draft their own notice.

5.8 Environmental Considerations

5.8.1 The Government suggests that by adopting targeted air quality policies for road transport, significant reductions can be achieved for noxious pollutants in the atmosphere. It highlights the impact European-wide emission limits are having on improving air quality. In private cars these standards are introduced for new vehicles as follows:

- **Euro I technology** – became mandatory for vehicles first registered after 1992 (light goods vehicles 1994).
- **Euro II technology** – became mandatory for vehicles first registered after 1st October 1996 (light goods vehicles 1998).
- **Euro III technology** – became mandatory for vehicles first registered after 1st October 2001 (light goods vehicles 2002).
- **Euro IV technology** – became mandatory for vehicles first registered after 1st October 2006
- **Euro V technology** – became mandatory for vehicles first registered after 1st October 2009

5.8.2 Consideration needs to be given as to whether, in the interests of the environment, tougher emissions standards should be introduced for all licensed vehicles and in particular, whether it would be

appropriate to shorten the period of time from the introduction of new standards to when full fleet compliance with those standards is achieved. Any introduction of emissions standards would, however, need to be phased, to ensure that operating profits are maintained. This would mean not only following the adoption dates for Euro standards, but also introducing strict retirement dates for vehicles that fail to meet the latest standards.

5.8.3 Vehicles manufactured prior to 1994 did not have to meet emission limits (Euro1 technology) designed to improve air quality.

5.8.4 The Best Practice Guidance asks licensing authorities to consider how far their vehicle licensing policies can and should support any local environmental policies that they may have adopted, bearing in mind the need to ensure that benefits outweigh costs (in whatever form). They suggest that authorities may, for example, wish to consider setting vehicle emissions standards, perhaps by promoting cleaner fuels.

5.8.5 Hackney Carriage and Private Hire vehicles are an essential form of transport in the Council area. Many people depend on these services for trips that buses or cars do not or cannot make. They are able to achieve higher occupancy rates than a private car and so, to some extent, already play their part in helping to achieve environmental improvements in the district. It is however, clearly important that emissions from Hackney Carriages and Private Hire vehicles are reduced as far as possible.

5.8.6 The Council already offers a reduction in fees for 'low emission vehicles' however this term was not defined. After research into fuel types and other measures such as emission reduction equipment, it was decided that the Council's definition of a 'low emission vehicle' would be a vehicle which falls in to the DVLA Vehicle Tax Bands 'A' or 'B' as these already take into account alternative fuel types. Both the Council's nominated garages can test vehicles which run on LPG.

5.8.7 At present there are no local emission controls applicable in the Council's area. However, the Council has declared an Air Quality Management Area in parts of Abingdon and Botley (places where national air quality standards have been breached as a result of vehicle emissions). The Council's AQAP (Air Quality Action Plan) was approved by the Licensing & Regulatory Committee in April 2009. The AQAP refers to the consideration of possible further measures to reduce emissions from Hackney Carriage and Private Hire vehicles. The Council will seek to achieve a reduction in emissions from Hackney Carriages and Private Hire vehicles by continuing to offer a reduction in fees for vehicles in DVLA Tax Bands 'A' and 'B' but will also offer a reduction in fees for vehicles first registered after the 1st October 2001, in order to ensure that vehicles meeting Euro Emission Standard 3 are encouraged. It is also of note that more frequent testing of older vehicles, on the grounds of safety, no doubt also encourages a younger, less polluting fleet.

5.8.8 In the event that central Government introduced measures to control emissions or local emission controls were to be required by an Air Quality Action Plan the Council would review its policy on emission standards for licensed vehicles accordingly, if necessary.

5.9 Stretched Limousines and other modified vehicles

5.9.1 Stretched limousines are elongated saloon cars that have been increasingly used for mainstream Private Hire work. The number of stretched limousines being imported, particularly from the United States, has been increasing. Their use generally includes all Private Hire work plus special occasions such as stag and hen parties, graduations and end of year 'Proms'.

5.9.2 Licensing authorities are sometimes asked to license stretched limousines or modified vehicles as Private Hire vehicles. The DfT Guidance suggests that such requests should be approached on the basis that these vehicles have a legitimate role to play in the Private Hire trade, meeting a public demand.

5.9.3 Licensing authorities have however, generally considered there to be some problems preventing stretched limousines or other modified vehicles from being licensed including:

- many of them are left hand drive;
- many are fitted with all round darkened glass;
- most originate from the United States;
- many have been converted or modified after manufacture;
- seating space per passenger is 460mm and could give a greater capacity than eight persons;
- due to their origin many parts may not be available making adequate maintenance difficult.

5.9.4 Accordingly, many local authorities have been reluctant to license these vehicles because of possible risks to the public. Clearly, stretched limousines will normally fall within the Private Hire vehicle licensing regime for licensing and enforcement purposes.

5.9.5 Most limousines and other modified vehicles are imported for commercial purposes, although there are loopholes in the import procedures by which some vehicles may never be inspected prior to being used on roads in the UK.

5.9.6 The Local Government (Miscellaneous Provisions) Act 1976 defines a Private Hire vehicle as a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a Hackney Carriage or public service vehicle, which is provided for hire with the services of the driver for the purposes of carrying passengers. Section 48 of the 1976 Act requires that before a licence is granted the Authority must be satisfied that the vehicle is:

- suitable in type, size and design for the use as a Private Hire vehicle;
- not of such design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage;
- in a suitable mechanical condition;
- safe;
- comfortable.

5.9.7 Stretched limousines or other modified vehicles may be granted a Private Hire Vehicle licence provided that they are capable of carrying no more than eight passengers and meet the requirements of the Act.

5.9.8 In accordance with the DfT Guidance, all applications to license stretched limousines or other modified vehicles as Private Hire vehicles will be treated on their merits. Because these vehicles will not meet the usual vehicle specification, additional documentation and inspection will be needed in order that the Council's responsibility to ensure safety and suitability, prior to a licence being issued, can be met. This documentation will normally be a Single Vehicle Approval (SVA).

5.9.9 Where a vehicle has been imported from another country VOSA approved certification may be required prior to licensing approval.

5.10 Funeral Vehicles

5.14.1 There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals.

5.11 Wedding Vehicles

5.11.1 A vehicle does not need to be licensed while it is being used in connection with a wedding.

5.11.2 Written certification from the Council of the relevant exemption claimed is not currently required and it is not proposed to change this arrangement.

5.11.3 If a licensed Hackney Carriage or Private Hire vehicle is used for a wedding the licence plate must still be displayed, however Licensing Officers will consider a written request for removal of a Hackney Carriage roof sign and door stickers for the period of the wedding.

5.12 Livery

5.12.1 Some licensing authorities require taxis to conform to particular requirements in terms of livery and markings, in order that they may be easily identified. Such an imposition is not considered appropriate in this Council's area. It is felt that that the visual distinction between Hackney Carriages and Private Hire vehicles can be achieved by the appropriate signage (see Appendix A). The Council does not require that licensed vehicles are finished in a special livery or appearance, notwithstanding the requirements set out in para. 5.6.

5.13 Transfers

5.13.1 A proprietor of a licensed Hackney Carriage or Private Hire vehicle may transfer their interest in the vehicle to another person but under Section 49 of the Local Government (Miscellaneous Provisions) Act 1976, must ensure that the Council is notified of the new proprietor's name and address within 14 days. The Council requires that applications to transfer a licence must be made on the prescribed application form in accordance with the application procedure set out in Appendix C. In particular, there is a requirement for both parties to attend the Council's offices in person by prior arrangement.

N.B. A 'transfer' is the sale of a licensed vehicle (including the paper licence and licence plate) from one person to another as opposed to when a proprietor wishes to licence a vehicle as a Hackney Carriage or Private Hire vehicle which is not currently licensed as such, which is an application for a 'new vehicle licence'.

5.13.2 The licence fee payable is subject to annual review and will be published together with other Council licensing fees.

5.14 APPLICATION PROCEDURE

5.14.1 The Council requires that applications for a Hackney Carriage or Private Hire Vehicle licence must be made on the prescribed application form in accordance with the application procedure set out in Appendix B.

5.14.2. The licence fees payable are subject to annual review and will be published together with other Council licensing fees.

5.15 Consideration of Applications

5.9.1 The Council will consider all applications on their own merits once it is satisfied that the application is complete. Full details of how applications are considered can be seen at Appendix H.

5.10 Grant and Renewal of Licences

5.10.1 The DfT Guidance makes no recommendations in respect of the duration of Hackney Carriage or Private Hire vehicle licences however legislation limits the maximum period of such licences to 12 months.

5.10.2 The Council will therefore grant Hackney Carriage and Private Hire vehicle licences for a period of one year. However a licence may be granted for a shorter period, should this be appropriate in the circumstances.

5.10.3 It is the proprietor or operator's responsibility to ensure that re-tests are carried out in sufficient time for a new Certificate of Compliance and other necessary documentation to be available for processing by Council staff in time for the issue of a licence.

5.10.4 Council officers will endeavour to send a reminder letter to the current vehicle proprietor, one month before their existing licence expires in order to assist applicants in their prompt submission of renewal applications. However, the Council is not obliged to do this and the responsibility for ensuring licences do not expire remains with the licence holder.

5.10.5 From the date of receipt of a satisfactory and complete vehicle licence application, a minimum of five working days is required before the appropriate licence can be issued.

5.10.6 Council Officers will only accept complete applications comprising all the necessary paperwork. Incomplete or missing documentation will result in the application being returned to the applicant. If an application is received late, the licence may expire before a new one can be issued, therefore the vehicle will be unlicensed during which time it will be illegal to use it for the carriage of passengers for hire or reward.

5.10.7 Change of Details

The proprietor must notify the Council in writing of any change of his/her address or telephone number during the period of the licence, immediately after or preferably before the change takes place. Section 44 of the Town Police Clauses Act 1847 states that a Hackney Carriage Proprietor must give notice of a change in address, in writing within 7 days.

