

FAREHAM

BOROUGH COUNCIL

Report to Licensing and Regulatory Affairs Committee

Date **3 February 2016**

Report of: **Head of Environmental Health and Community Safety**

Subject: **A REVIEW OF THE HACKNEY AND PRIVATE HIRE LICENSING
CONDITIONS – OUTCOMES OF CONSULTATION**

SUMMARY

1. New draft conditions were presented to the LRAC at its on 22nd September 2015 meeting. At that meeting it was resolved that the Private Hire and Hackney Taxi Trade should be consulted on the draft conditions, subject to some amendments.
2. Consultation has now taken place. Three representations were made and can be seen at Appendix A. A summary of comments and suggested outcomes can be seen at Appendix B. The revised Conditions can be seen at Appendix C.

RECOMMENDATION

1. To adopt the revised Conditions as set out in Appendix C with any amendments agreed at the meeting.
2. That the revised Conditions take effect from 1st March 2016

INTRODUCTION

1. As the licensing authority for Hackney Carriage and Private Hire drivers, vehicles and operators, this Council is able to apply reasonable conditions to the licences that it grants (not HC drivers). The current Conditions were last revised in 2008.
2. The Licensing and Regulatory Affairs committee considered at the meeting on 22nd September 2015 a report from the Head of Environmental Health proposing a number of amendments be made to the current Conditions. The proposed amendments were summarised in Appendix B of the report (for the meeting of 22nd September 2015).
3. At this meeting it was resolved that:
 - (a) the proposed changes to the Conditions for Hackney Carriage and Private Hire vehicles and operators, as summarised in Appendix B to the report, be sent to all licensed taxi operators/plate holders in the area (the "Trade"), inviting any representations to be made to the Head of Environmental Health within 6 weeks;
 - (b) the Head of Environmental Health be authorised to draft Conditions and Requirements, as amended, after the consultation process; and
 - (c) the revised conditions be submitted to the Committee at its meeting on 26 January 2016 for adoption.

CONSULTATION

4. Consultation with the taxi trade on the proposed amendments to the Conditions, has since been undertaken.
5. Representations were received from the following parties and can be seen at Appendix A:
 - (a) Acacia Taxis
 - (b) Mazhar Munir
 - (c) Fareham Hackney Carriage and Private Hire Association.
6. Consultation comments and suggested responses can be seen as Appendix B.
7. The amended Conditions document can be seen as Appendix C.

RISK ASSESSMENT

8. The aim of local authority licensing regime in respect of taxis and Private Hire vehicles/operators/drivers is to protect public safety.
9. It is important that the Councils Hackney Carriage and Private Hire Conditions are kept up to date to accurately reflect the legislative and policy changes effecting local Taxi and Private Hire services. Failure to review the Hackney Carriage and Private Hire Conditions and revise the same where necessary and proportionate may provide grounds for a judicial review and could affect the protection of the safety of the travelling public in the Borough.

Appendices:

Appendix A Responses to Consultation

Appendix B Consultation Comments and Suggested Responses

Appendix C Amended Conditions and Requirements

Background Papers:

None

Reference Papers:

None

Enquiries:

For further information on this report please contact Helen Spires Ext 4411



IAN RICKMAN / HELEN SPIRES
ENVIROMENTAL HEALTH SECTION
FAREHAM BOROUGH COUNCIL
CIVIC OFFICES, CIVIC WAY
FAREHAM, HANTS PO16 7AZ

DEAR IAN AND HELEN,

WITH REFERENCE TO YOUR DRAFT REVISION OF HACKNEY AND PRIVATE HIRE CONDITIONS DATED 5TH OCTOBER 2015. THE SECTION ON 'VEHICLES IX' – ON INITIAL APPLICATION VEHICLES MAY BE NO OLDER THAN 5 YEARS SINCE THE DATE OF FIRST REGISTRATION HAS CAUSED US CONSIDERABLE CONCERN. WHILST WE ARE OPERATING PRIVATE HIRE VEHICLES AS WELL AS HACKNEY CARRIAGES' WE FEEL THIS PROPOSED RULING FOR PRIVATE HIRE AGE REDUCTION HAS CONSIDERABLE FINANCIAL IMPACT ON DRIVERS AND COMPANIES. ALL OUR PRIVATE HIRE VEHICLES HAVE BEEN INSPECTED, MOT'D AND HAVE HAD ENGINEERS CHECKS CARRIED OUT THEREFORE THE AGE OF THE VEHICLE SHOULD NOT BE IN QUESTION. IF THE LICENSING TEAM HAVE INSPECTED A PRIVATE HIRE VEHICLE AND FOUND IT TO BE UNFIT ASTHETICALLY, EVEN THOUGH THE OWNER HAS CARRIED OUT ALL NECESSARY REQUIREMENTS, WE FEEL IT SHOULD BE THEIR JUDGEMENT AS TO WHETHER A LICENCE SHOULD BE GRANTED OR NOT. THIS IS HOW IT STANDS CURRENTLY AND FURTHERMORE HAS NOT PRODUCED ISSUES UP TO NOW.

MAY WE ALSO COMMENT THAT THE FINANCIAL IMPACT ON DRIVERS IS ALSO A CONCERN. THERE ARE A NUMBER OF DRIVERS WHO WISH NOT TO FREQUENT THE TAXI RANKS AND THEREFORE HAVE A PRIVATE HIRE VEHICLE AND BADGE. THERE ARE INSTANCES WHERE A DRIVER CAN ONLY AFFORD AN OLDER VEHICLE AND NEED TO KEEP THEIR COSTINGS DOWN. BUYING A VEHICLE 5 YEARS OLD OR NEWER CAN RESULT IN THOUSANDS OF POUNDS MORE. DRIVERS WHO ARE AFFECTED BY THIS PROPOSAL COULD RESORT TO FINDING WORK IN ANOTHER TRADE AS THEY SIMPLY MAY NOT BE ABLE TO AFFORD IT. IN TURN A LOSS OF DRIVERS HAS AN EFFECT ON TAXI COMPANIES OVERALL. GIVEN THE LOSS OF TRADE DURING DIFFICULT CLIMATES E.G CLOSURES OF PUBS,CLUBS ETC THIS JUST ADDS TO THE ONGOING BATTLE TO SIMPLY EARN A LIVING! WE URGE YOU TO RECONSIDER THIS PROPOSAL AND STRONGLY DISAGREE WITH IT AND CONSEQUENCES IT MAY BRING IF ENFORCED.

Acacia Taxis (Fareham) Ltd
Unit 5 Quayside Commerce Centre, Lower Quay
Fareham, Hants. PO16 OXR
Call On: 01329 283 283 – 01489 455 455



Acacia Taxis
01329 283 283 – 01489 455 455

www.acaciataxis.co.uk

IAN RICKMAN / HELEN SPIRES

ENVIRONMENTAL HEALTH SECTION

FAREHAM BOROUGH COUNCIL

CIVIC OFFICES, CIVIC WAY

FAREHAM, HANTS PO16 7AZ

CONTINUED-

AS AN EXAMPLE OF FINANCIAL IMPLICATIONS WE WOULD LIKE TO MENTION THAT AS COMPANY OWNERS WE HAVE LICENSED 2005 PLATE VW TRANSPORTERS WHICH ARE WHEELCHAIR ACCESSIBLE VEHICLES IN HIGH DEMAND . THEY COST US £6K EACH TO BUY. IF UNDER THE NEW PROPOSAL WE WERE TO LOOK AT PURCHASING 5 YEAR OLD OR NEWER VEHICLES THE COST WOULD RISE DRAMATICALLY TO APPROXIMATELY £15-20K. WE WOULD IN NO WAY BE ABLE TO CONSIDER PURCHASING THEM AND SUBSEQUENTLY CUSTOMER DEMANDS WOULD NOT BE MET.

WE ARE ALSO AGAINST THE NEW PROPOSAL OF ENFORCING 6 MONTHLY INSPECTIONS ON VEHICLES WHICH ARE 6 YEARS OR OLDER. THERE IS NO SUGGESTION THAT AN OLDER VEHICLE IF MAINTAINED ADEQUATELY POSES GREATER RISK THAN ONE WHICH IS 2 YEARS OLD FOR EXAMPLE. A 2 YEAR OLD VEHICLE STILL COVERS THE SAME AMOUNT OF MILEAGE ,ON AVERAGE 50K PER YEAR AS A 10 YEAR OLD VEHICLE. THE SAME WEAR AND TEAR APPLIES, THIS BEING , TYRES,BRAKE PADS,SERVICING AND SUSPENSION . A 10 YEAR OLD VEHICLE IS RELATIVELY MODERN AND BUILT TO LAST. THEREFORE PLEASE EXPLAIN YOUR FINDINGS IN SUPPORT TO JUSTIFY YOUR REASONING FOR THIS PROPOSAL?

YOURS SINCERELY

MR RICHARD & MRS BEVERLEY HUGHES (DIRECTORS)

Acacia Taxis (Fareham) Ltd
Unit 3 Quayside Commerce Centre, Lower Quay
Fareham, Hants. PO16 0XR
Call On: 01329 283 283 – 01489 455 455



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ENVIROMENTAL HEALTH SECTION
FAREHAM BOROUGH COUNCIL
CIVIC OFFICES, CIVIC WAY
FAREHAM, HANTS PO16 7AZ

DEAR IAN AND HELEN,

PLEASE FIND BELOW A LIST OF NAMES OF DIRECTORS AND DRIVERS WITHIN OUR COMPANY WHO ARE PETITIONING AGAINST THE REDUCTION OF PRIVATE HIRE VEHICLE AGE-

MRS BEVERLEY HUGHES

MR RICHARD HUGHES

MRS ADELE ANSELL-HAKIN

MR IULIAN CLAPON

MR LESLIE HARDY

MR MARK GRANTHAM

MR RAY MACKAY

MR ALEX RACLARIU

MR FRANK THORNILY

MR FLORIAN MIRICA

MR CATALIN DANAILA

MR IONUT FLOREA

MR IULIAN FLOREA

Acacia Taxis (Fareham) Ltd
Unit 3 Quayside Commerce Centre, Lower Quay
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Call On: 01329 283 283 – 01489 455 455



Acacia Taxis

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ENVIROMENTAL HEALTH SECTION
FAREHAM BOROUGH COUNCIL
CIVIC OFFICES, CIVIC WAY
FAREHAM, HANTS PO16 7AZ

CONTINUED-

MR FRANK ANSELL-HAKIN

MR KEN FOWLER

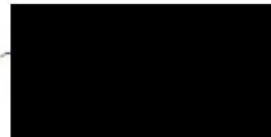
MR PAUL GILCHRIST

MR CIPRIAN FAUR

MR ADRIAN NEAG

MR GAVIN FALL

YOURS SINCERELY



MR RICHARD HUGHES & MRS B HUGHES (DIRECTORS)

Acacia Taxis (Fareham) Ltd
Unit 3 Quayside Commerce Centre, Lower Quay
Fareham, Hants. PO16 OXR
Call On: 01329 283 283 – 01489 455 455

FYI

Sarah Phelps
Support Officer
Fareham and Gosport
01329 824373



From: Munir, Mazhar [REDACTED]
Sent: 06 November 2015 14:59
To: Floor 6 Office Support
Subject: Fareham Hackney Carriage and Private hire condition

Dear Mr Spires

Your Ref: HSP/Consultation

I would like to object on proposed condition 4 of the fitness:

4. Vehicles over 6 years old will required to undertake and engineer's report at 6 monthly intervals.

Rather than introducing 2nd inspection, I suggest moving the engineering report 6 months apart from the normal MOT. The engineering report is no different from a normal MOT. By doing this, will ensure that the vehicle is checked 6 months interval.

This will not only save time and money to Council's resources but also to driver.

Many thanks

Mazhar Munir

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Fareham Hackney Carriage and Private Hire Association
Recommendations on the Draft Fareham
Hackney Carriage and Private Hire Conditions

1. Once the conditions have been finalised and the Handbook has been revised we request that it be available on the FBC Web Site for all to view – Agreed by Ian Rickman

2. FITNESS, 3, - Every vehicle upon initial application or annual renewal shall be presented with an engineer's report. The engineers report form must be completed by a Department of Transport approved vehicle examiner, who is completely independent of the vendor, owner, driver or operator of the vehicle. The date of the engineers report must be within 3 months prior to the expiry of any existing licence – Wording to returned to original instruction namely – The engineers report is to be completed and signed by an independent fitter who has carried out the inspection and his signature and qualifications are to be authenticated by the addition of the name and address of the garage by means of a rubber business stamp – Ian Rickman agreed.

3. FITNESS, 4, - Vehicles over 6 years old will be required to undertake an engineer's report at 6 monthly periods – The Association strongly feel this is not a good policy. The engineers report deals almost wholly and solely with the mechanical ability of the Hackney Carriage or Private Hire Vehicle. The fair, wear and tear of each and every vehicle is relevant to the mileage it has driven and not to the age of the vehicle. Requiring an engineer's report every six months could highlight someone who does not look after their vehicle, but that same individual who fails to look after their vehicle could just as easily be caught with a two year old car. Of all the spot checks or any other checks carried out by yourselves or the Police have you found an unacceptable level of the types of defects that would have been found in an engineer's report? If the answer is no then it shows that cars are being maintained to a high standard of repair. If the answer is yes then was there an unacceptable level of defects in the second six month licensing period of cars over 6 years of age? Someone with a bulb gone, or a defective exhaust, or noisy wheel bearings could easily be driving a two, three or four year old car. Whatever rule you install on the trade regarding an engineer's report should be identical for all regardless of the age of the vehicle.

4. FITNESS, 8, - The Legal requirement is that all licensed hackney vehicles should be subject to an MOT test once a year, For Private Hire vehicles the requirement is for an annual MOT test after the vehicle is four years old – Revert back to the original wording being 'All Hackney vehicles over one year old to be covered by a current Department of Transport Certificate (Para 18), (Note on page 4) Item 18 does not apply to Private Hire Vehicles which are treated the same as privately owned vehicles which are not taxis, i.e. vehicles are **three** years old before needing MOT.

5. There is no specific difference between FITNESS, 7 and FITNESS, 10 and therefore one will be removed – Agreed by Ian Rickman
6. HACKNEY CARRIAGES, 11, - A sign shall be displayed on the roof of each licensed hackney carriage bearing the word 'taxi' and must shine red to the rear, such sign to be approved by the Council – At some point the statement 'the topsign needs to be illuminated' needs to be added – Ian Rickman agreed.
7. HACKNEY CARRIAGES, 14, - All proprietors of Hackney Carriage Vehicles must advise their drivers that they are required to take travel tokens in lieu of cash – To be removed because it is optional whether owners/drivers take **Travel Vouchers** which are now issued by HCC.
8. DRIVERS REQUIREMENTS, 20 – A Certificate of 'Good Conduct' will be required from applicants who from the age of 10 have spent any period of 3 months or more outside of the UK prior to the application. (Excluding time spent with the HM Forces). Applicants should obtain the certificate of Good Conduct from the appropriate Embassy. A certified translation will be required if the original document has not been written in English – The Association feels that all applicants should try to prove that they have no criminal convictions and that a DBS check in the country they originated from should be carried out, either instead of or as well as a Certificate of 'Good Conduct' from their Embassy.

These DBS Certificates can often be acquired with the help of the publication below, which was sent to the Association by Annie Kirby-Singh, who is the ACPO Senior Service Development Officer at the ACPO Criminal Records Office. ACPO stands for the Association of Chief Police Officers.

The Centre for the Protection of National Infrastructure (CPNI) document, <http://www.cpni.gov.uk/documents/publications/2014/2014-04-28-overseas-criminal-records-check.pdf?epslanguage=en-gb>

shows how to get a CRB and authenticate them, from all the 63 countries.

9. The 'Code of Practice for Hackney Carriages', licensed by Fareham Borough Council and the Handbook and the PH/Taxi Vehicle Requirements & Specification Booklet, etc will be updated after the Conditions are agreed.

The updated Code of Practice should include, 'The driver shall not tout or solicit any person to hire or be carried for hire in any Hackney Carriage'.

10. The draft conditions do not mention a 'For Hire' sign so needs to be added.

11. The Association request changes to the areas the trade can advertise on their Hackney Carriage Vehicles, namely –

The Fareham Hackney and Private Hire Association request permission to increase the areas covered by advertising on our Hackney Carriage Vehicles and to continue being able to advertise either for the relevant Hackney Carriage Company or for a third party, but only with permission of the Licensing Officers.

In Fareham we have Hackney Carriages able to carry 4 passengers and the driver and we have Hackney Carriages able to carry 5 passengers and above, plus the driver. For the purpose of this request we are treating each group as different as the multi-seater Hackney's do not generally have full size advertising roof signs.

The Association are asking the committee to consider options in each group in the hope that an acceptable option can be found.

The Association hope the Committee will choose:-

One from Options 1, 2 or 3.

One from Options 4 or 5.

One from Options 6 or 7.

One from Options 8 or 9.

Ordinary four seater, plus the driver Hackney Carriage Vehicles:-

Outside of the Vehicle

1. **Option 1** - All four doors from the window down wards.
2. **Option 2** -All four doors and the vertical area at the rear of the vehicle, all below the windows.
3. **Option 3** -All four doors and the vertical area at the rear of the vehicle, and the rear wings, all below the windows.

Inside of the vehicle

1. **Option 4** - A strip (not illuminated) on the rear window showing the name or trade name and the telephone number and/or web address of the firm operating the vehicle. The lettering of which must not exceed 67.5mm in height. (As allowed by Private Hire Vehicles)
2. **Option 5** - An area no larger than 0.03M anywhere inside the vehicle but not obstructing the front windscreen or the front side windows plus a strip (not illuminated) on the rear window showing the name or trade name and the telephone number and/or web address of the firm operating the vehicle. The lettering of which must not exceed 67.5mm in height.

Five or more seater, plus the driver Hackney Carriage Vehicles:-

Outside of the vehicle

1. **Option 6** - All doors and the bonnet from the windows down.
2. **Option 7** -Anywhere on the vehicle but not on the Front Windscreen, nor the front side windows and not a full body wrap.

Inside of the vehicle

1. **Option 8** - A strip (not illuminated) on the rear window showing the name or trade name and the telephone number and/or web address of the firm operating the vehicle. The lettering of which must not exceed 67.5mm in height.
2. **Option 9** - An area no larger than 0.03Sq M anywhere inside the vehicle but not obstructing the front windscreen or the front side windows plus a strip (not illuminated) on the rear window showing the name or trade name and the telephone number and/or web address of the firm operating the vehicle. The lettering of which must not exceed 67.5mm in height.

12. The Association is unhappy with the arrangement that following a very expensive medical, the applicant has to pay another doctor for their opinion after already paying for their own doctor to carryout a medical. We understand that Fareham Councils Medical Referee is supposed to try and maintain continuity and fairness, so when two applicants both have the same conditions the same conclusion should be reached for both candidates. Unfortunately this does not always happen. Some borough's only send forward to their Medical referee the medical form that might have a problem.

Consultation Comments and Suggested Responses

	Comment - Acacia	Agreed/Disagreed
A.	<p>Acacia Letter Paras 1 & 2 ref number 2 ix</p> <p>On initial application vehicles may be no older than 5 years since the date of first registration.</p>	<p>Agreed - current conditions do not have an age limit for Private Hire vehicles but they must be in excellent condition.</p> <p>On initial application Hackney Carriage vehicles may be no older than 5 years since the date of first registration. Private Hire vehicles can be any age but must be in excellent condition.</p>
B.	<p>Acacia Letter Para 3 ref number 4</p> <p>Vehicles over 6 years old will be required to undertake and engineer's report at 6 monthly intervals.</p>	<p>Agreed - there have been no problems in the past.</p>
	Comment - Mazhar Munir	Agreed/Disagreed
C.	<p>Mazhar Munir Email</p> <p>Vehicles over 6 years old will required to undertake and engineer's report at 6 monthly intervals.</p>	<p>Disagree</p> <p>This is a good idea but would mean an extra 314 visits to the Civic Offices by drivers bringing in one item of paperwork. The current system has not caused any problems in the past and older vehicles will have to bring in six monthly engineers reports.</p> <p>Condition removed as per B above.</p>
	Comment - FHC&PHA Letter	Agreed/Disagreed
D.	<p>FHC&PHA Letter Para 2 ref number 3</p> <p>Every vehicle upon initial application or annual renewal shall be presented with an engineer's report. The engineer's report form must be completed by a Department for Transport approved vehicle examiner, who is completely independent of the vendor, owner,</p>	<p>Agreed wording returned to:</p> <p>The engineers report is to be completed and signed by an independent fitter who has carried out the inspection and his signature and qualifications are to be authenticated by the addition of the name and address of the garage by means of a rubber business stamp.</p>

	<p>driver or operator of the vehicle. The date of the engineer's report must be within 3 months prior to the expiry of any existing licence.</p>	
E.	<p>FHC&PHA Letter Para 3 ref number 4</p> <p>Vehicles over 6 years old will be required to undertake and engineer's report at 6 monthly intervals.</p>	<p>Agreed. Condition removed as per B above.</p>
F.	<p>FHC&PHA Letter Para 4 ref number 8</p> <p>The legal requirement is that all licensed hackney vehicles should be subject to an MOT test once a year. For private hire vehicles the requirement is for an annual MOT test after the vehicle is four years old</p> <p>.</p>	<p>We asked what other authorities do at the Hampshire and Isle of Wight Licensing Officers meeting. The majority of those present said that all vehicles required an MOT when first plated regardless of age. Indeed some mechanical failures had been found on new vehicles.</p> <p>Possible amended wording:</p> <p>All licensed hackney vehicles to be subject to an annual MOT test after the age of one year. Private hire vehicles the requirement is the same as for private vehicles.</p>
G	<p>FHC&PHA Letter Para 5 ref numbers 7 and 10.</p> <p>7. If a proprietor transfers a licensed vehicle to another person, they shall within fourteen days give notice in writing to the Council specifying the name and address of the person to whom the vehicle has been transferred.</p> <p>10. The proprietor of a vehicle, in the event that he/she transfers his/her interest in that vehicle to a person other than those named on the licence, should within fourteen days of the transfer taking place, give notice in writing to the Council specifying the</p>	<p>Agreed - number 10 to be removed.</p>

	name and address of the person to whom the vehicle has been transferred.	
H.	<p>FHC&PHA Letter Para 6 ref number 11</p> <p>A sign shall be displayed on the roof of each licensed hackney carriage bearing the word "taxi" and must shine red to the rear, such sign to be approved by the Council.</p>	<p>Agreed - wording amended</p> <p>A sign shall be displayed on the roof of each licensed hackney carriage bearing the word "taxi". This sign is to be illuminated when switched on and must shine red to the rear. Roof signs to be approved by the Council.</p>
I.	<p>FHC&PHA Letter Para 7 ref number 14</p> <p>All proprietors of Hackney Carriage vehicles must advise their drivers that they are required to take travel tokens in lieu of cash.</p>	<p>Disagreed – it is important that people with disabilities are able to use their subsidised travel allowance.</p>
J.	<p>FHC&PHA Letter Para 8 ref number 20</p> <p>A certificate of "Good Conduct" will be required from applicants who from the age of 10 have spent any period of 3 months or more outside of the UK prior to the application, (excluding time spent in HM forces). Applicants should obtain the certificate of good conduct from the appropriate Embassy. A certified translation will be required if the original document has not been written in English</p>	<p>Disagree - additional checks are carried out via the Home Office Immigration Team</p>
K.	<p>FHC&PHA Letter Para 9 - additional</p> <p>The updated Code of Practice should include: The driver shall not tout or solicit any person to hire or be carried for hire in any Hackney Carriage.</p>	<p>Disagree - this is a legal requirement, we have removed legislation.</p>
L.	<p>FHC&PHA Letter Para 10 - additional</p>	<p>Disagree - not a legal requirement and the roof sign should be illuminated when for hire.</p>

	<p>The draft conditions do not mention a 'For Hire' sign so needs to be added.</p>	
<p>M.</p>	<p>FHC&PHA Letter Para 11 - additional</p> <p>The Association request changes to the areas the trade can advertise on their Hackney Carriage Vehicles, namely –</p> <p>The Fareham Hackney and Private Hire Association request permission to increase the areas covered by advertising on our Hackney Carriage Vehicles and to continue being able to advertise either for the relevant Hackney Carriage Company or for a third party, but only with permission of the Licensing Officers.</p> <p>In Fareham we have Hackney Carriages able to carry 4 passengers and the driver and we have Hackney Carriages able to carry 5 passengers and above, plus the driver. For the purpose of this request we are treating each group as different as the multi-seater Hackney's do not generally have full size advertising roof signs.</p> <p>The Association are asking the committee to consider options in each group in the hope that an acceptable option can be found.</p> <p>The Association hope the Committee will choose:-</p> <p>One from Options 1, 2 or 3. One from Options 4 or 5. One from Options 6 or 7. One from Options 8 or 9. Ordinary four seater, plus the driver Hackney</p>	<p>Disagree.</p> <p>Current wording should be amended but the meaning kept:</p> <p>Advertising may be placed on the front lower driver and passenger doors of a hackney carriage or private hire vehicle. This may contain the name and telephone number of the company and for private hire companies the words "pre-booked only". All advertising must be approved by the Licensing Officer prior to it being placed on the vehicle.</p> <p>There shall not, on any private hire vehicle licensed as such in the Borough of Fareham, be displayed on or from that vehicle any sign, notice or mark which consists of or includes:</p> <ul style="list-style-type: none"> (a) The word "taxi" or "cab", whether in the singular or plural, or "hire" or any other word similar meaning or appearance to any of those words, whether alone or as part of another word, or (b) Any illumination or other feature which, having regard to the time and place at which it is displayed and to any other circumstances, may suggest to a person seeking to hire a private hire vehicle or a taxi-cab that the vehicle is used for the purpose of carrying passengers for hire or reward, ie roof sign. <p>The above refers to advertising in all media.</p>

Carriage Vehicles:-

Outside of the Vehicle

Option 1 - All four doors from the window down wards.

Option 2 -All four doors and the vertical area at the rear of the vehicle, all below the windows.

Option 3 -All four doors and the vertical area at the rear of the vehicle, and the rear wings, all below the windows

Inside of the vehicle

Option 4 - A strip (not illuminated) on the rear window showing the name or trade name and the telephone number and/or web address of the firm operating the vehicle. The lettering of which must not exceed 67.5mm in height. (As allowed by Private Hire Vehicles)

Option 5 - An area no larger than 0.03M anywhere inside the vehicle but not obstructing the front windscreen or the front side windows plus a strip (not illuminated) on the rear window showing the name or trade name and the telephone number and/or web address of the firm operating the vehicle. The lettering of which must not exceed 67.5mm in height.

Five or more seater, plus the driver Hackney Carriage Vehicles:-

	<p><u>Outside of the vehicle</u> Option 6 - All doors and the bonnet from the windows down. Option 7 -Anywhere on the vehicle but not on the Front Windscreen, nor the front side windows and not a full body wrap.</p> <p><u>Inside of the vehicle</u> Option 8 - A strip (not illuminated) on the rear window showing the name or trade name and the telephone number and/or web address of the firm operating the vehicle. The lettering of which must not exceed 67.5mm in height. Option 9 - An area no larger than 0.03Sq M anywhere inside the vehicle but not obstructing the front windscreen or the front side windows plus a strip (not illuminated) on the rear window showing the name or trade name and the telephone number and/or web address of the firm operating the vehicle. The lettering of which must not exceed 67.5mm in height.</p>	
N.	<p>FHC&PHA Letter Para 12 - additional</p> <p>The Association is unhappy with the arrangement that following a very expensive medical, the applicant has to pay another doctor for their opinion after already paying for their own doctor to carry out a medical. We understand that Fareham Councils Medical Referee is supposed to try and maintain continuity and fairness, so when two applicants both have the same conditions the same conclusion should be reached for both candidates. Unfortunately this does not always happen. Some borough's only send forward to their Medical referee the medical form that might have a problem.</p>	<p>Disagree.</p> <p>Medical professionals undergo additional training regarding DVLA Group II medical standards to enable them to make informed decisions. The licensing team does not have any medical training.</p>

FAREHAM

BOROUGH COUNCIL

Introduction

The operation of a successful Hackney Carriage and Private Hire vehicle service is essential to the economic well-being of the Borough. It is equally important that the service provided by the Trade be properly regulated in order to instil confidence in the travelling public who wish to use the service. Whilst the Council no longer limits the number of vehicles that it licences, it does continue to regulate the condition of those vehicles to ensure the safety of the public.

The Council therefore has a responsibility to ensure that all drivers, owners and operators of vehicles adhere to basic minimum standards and to do this in a consistent and transparent manner. These standards are defined by the Hackney Carriage and Private Hire Vehicle Conditions adopted by the Council. These conditions clearly identify what is required of the trade and ensure that council officers take a consistent approach in their application.

VEHICLES

1. The proprietor of any vehicle licensed by the Council shall, at the request of any authorised officer of the Council, produce for inspection the vehicle licence and any other documentation as required.
2. The vehicle must comply with the following requirements (stretched limousines or novelty vehicles may be subject to amended or additional conditions, see sections 47 and 44):
 - i. suitable in type and design for use as a licensed vehicle and capable of carrying not less than four and no more than eight passengers;
 - ii. in a suitable mechanical and physical condition;
 - iii. All vehicles must have at least 4 wheels and must carry a spare wheel to the same specification as the road wheels, or a space saver wheel or any approved manufacturer's device including an inflation kit.
 - iv. safe;
 - v. seats are of adequate comfort
 - vi. must be right hand drive
 - vii. only a vehicle with at least four doors will be considered for a licence. The doors must be of sufficient size to allow easy access and egress to seats for passengers, passengers must have clear access to the exit doors without the need to move or to climb over seating. This should not require the passenger to use a static tip-up seat mechanism (see section on "Exceptional Vehicles").
 - viii. where necessary there must be satisfactory provision of a suitable luggage gate or similar structure to ensure passenger safety.
 - ix. on initial application Hackney Carriage vehicles may be no older than 5 years since the date of first registration. Private Hire vehicles can be any age but must be in excellent condition.
 - x. where a vehicle is already licenced this plate can be transferred onto a new vehicle, replacing the old vehicle. The new vehicle must be newer than the vehicle it is being transferred from (this is calculated by the vehicle date of registration), but must still be less than 5 years old from first date of registration.
 - xi. the vehicle wheelbase measured from the centre of front and rear wheels must be minimum distance is 2540 mm (100ins).



- xii Measurements of seats in vehicle:
- i. Single seats should measure minimum of 16ins (401mm)
 - ii. Rear bench seat should measure across from the widest point a minimum of 48ins (1220mm)
 - iii. Distinct seats across the rear of the vehicle should also measure minimum of 16in (401mm) equalling minimum 48ins (1220mm)

If you have any uncertainty regarding your vehicles ability to meet any of the requirements please contact the licensing section of the council for clarification.

Fitness

3. The engineers report is to be completed and signed by an independent fitter who has carried out the inspection and his signature and qualifications are to be authenticated by the addition of the name and address of the garage by means of a rubber business stamp
4. The proprietor of a licensed vehicle shall report as soon as is reasonably practicable to the Council, and in any case within seventy two hours, the occurrence of any accident to such vehicle causing material damage affecting the safety, performance or appearance of the vehicle or the comfort or convenience of the passengers.
5. No person shall use a licensed vehicle on taxi/private hire business unless the plate issued by the Council is affixed to the outside rear of the vehicle in such a manner as to be plainly and distinctly visible (except where a vehicle plate dispensation has been granted in respect of the vehicle). Window plates where issued must be displayed at all times.
6. If a proprietor transfers a licensed vehicle to another person, they shall within fourteen days give notice in writing to the Council specifying the name and address of the person to whom the vehicle has been transferred.
7. The legal requirement is that all licensed hackney vehicles should be subject to an MOT test once a year. For private hire vehicles the requirement is for an annual MOT test after the vehicle is four years old.
8. Licence plates remain the property of the Council and, on revocation, expiry or suspension of the licence, must be returned within seven days or after the service on the proprietor by the Council of a notice requiring its return.

Specific Conditions for:

Hackney Carriages

9. A sign shall be displayed on the roof of each licensed hackney carriage bearing the word "taxi". This sign is to be illuminated when switched on and must shine red to the rear. Roof signs to be approved by the Council.
10. Licensed Hackney vehicles will be required under S.37 of the Disability Discrimination Act 1995 to carry guide, hearing and certain other assistance dogs accompanying disabled people, and to do so without additional charge, the dog must be allowed to remain with the passenger. Drivers who have a medical condition preventing them from carrying dogs, must obtain a medical exemption certificate from the Licensing Officer to display in their licensed vehicle.
11. The vehicle must be of sufficient seating capacity to carry not less than four nor more than eight passengers in comfort in addition to the luggage of the passengers and the driver. (The seating capacity to be determined in accordance with Reg 42 of the Road Vehicle (Registration and Licensing) Regulations 1871.

Taximeters

12. All Hackney Carriage vehicles and those Private Hire vehicles fitted with a taximeter must use a meter approved by the Public Carriage Office. These vehicles must display the council's current tariff card at all times.

Advertising

13. Advertising may be placed on the front lower driver and passenger doors of a hackney carriage or private hire vehicle. This may contain the name and telephone number of the company and for private hire companies the words "pre-booked only". All advertising must be approved by the Licensing Officer prior to it being placed on the vehicle.
14. There shall not, on any private hire vehicle licensed as such in the Borough of Fareham, be displayed on or from that vehicle any sign, notice or mark which consists of or includes:
 - (c) The word "taxi" or "cab", whether in the singular or plural, or "hire" or any other word similar meaning or appearance to any of those words, whether alone or as part of another word, or
 - (d) Any illumination or other feature which, having regard to the time and place at which it is displayed and to any other circumstances, may suggest to a person seeking to hire a private hire vehicle or a taxi-cab that the vehicle is used for the purpose of carrying passengers for hire or reward, ie roof sign.

The above refers to advertising in all media.

Private Hire Vehicles

15. Private Hire vehicles must not display on or above the roof of any sign, notice, mark illumination or other feature, which may suggest that the vehicle is a taxi (HCV).
16. The vehicle should not be of such a design and appearance as to lead any person to believe that the vehicle is a taxi (HCV).

17. If a taximeter is installed in a private vehicle it must be calibrated to the current Licensing Authority Taxi Tariff.

DRIVERS REQUIREMENTS

18. Applicants for Private Hire/Hackney Carriage or dual driver licences must submit a Disclosure and Barring Service check at the enhanced level via the Disclosure and Barring Service with their initial application, and thereafter, every three years. The applicant must present their DBS Certificate to the Licensing Authority.
19. A certificate of "Good Conduct" will be required from applicants who from the age of 10 have spent any period of 3 months or more outside of the UK prior to the application, (excluding time spent in HM forces). Applicants should obtain the certificate of good conduct from the appropriate Embassy. A certified translation will be required if the original document has not been written in English
20. Applicants must be able to demonstrate they have an entitlement to work in the UK that will be verified during the application process. Details may be checked or shared with the Home Office for verification.
21. Each person making an initial application for a driver's licence shall be required to complete and pass a Hackney Carriage/Private Hire driving assessment through Fareham Borough Council's approved accredited providers, at the applicant's own expense. A candidate will only be allowed three consecutive attempts in any 12 month period in connection with the application.
22. All new driver applicants will be required to undertake and pass the current knowledge test. Should drivers wish to change the type of licence they hold at any time, they may be required to undertake a further knowledge test. All new driver candidates will be required to demonstrate during the licensing process that they have an acceptable command of English.
23. An applicant must have held a full current UK or European Community driving licence for at least two years. A UK driving licence must be obtained within one year of their Hackney Carriage or Private Hire licence being granted.
24. All applicants are required to undertake a DVLA driving record check annually.

26. Where the Council revoke or refuse to renew any licence under section 61 of the Local Government (Miscellaneous Provisions) Act 1976 they shall give to the driver within twenty-one days, notice of the grounds on which the licence has been revoked, or on which they have refused to renew such licence. The driver shall on demand return to the Borough Council the driver's badge issued to him/her in accordance with the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976.
26. If it appears that for public safety reasons we are required to revoke the licence with immediate effect, notice will be given to the driver under section 61(2), (a) which includes a statement that this is so, along with an explanation why the revocation takes effect, when the notice is given to the driver.
27. Every driver must wear the badge provided by the Council in such a position and manner as to be plainly and distinctly visible.
28. A medical certificate to DVLA Group 2 standards shall be produced on making the initial application. Additional group 2 medical certificates will be required in accordance with the Group II medical standard. The medical certificate must be completed and signed by the applicant's registered GP's surgery. The medical certificate must be provided at the applicant's own expense. The Council's medical referee will independently assess the medical certificate.
29. Drivers must inform the Council if they are suffering from a serious illness. In the event of a driver suffering a serious illness, the Local Authority may require a medical certificate of fitness to return to work, all certification must comply with DVLA group 2 medical standards.

Drivers Appearance

30. The personal appearance and hygiene of all drivers is important to the comfort of the passengers and is in the best interests of the Trade in general. The authorised officer must be satisfied that an acceptable standard is maintained by all drivers in as much as a driver shall at all times be clean and respectable in their appearance and behave in a civil and orderly manner.
31. All drivers shall at all times whilst operating a vehicle licensed as a hackney carriage or private hire vehicle, conduct themselves in an orderly manner and with civility and propriety towards every person, and shall comply with every reasonable requirement of the person hiring the vehicle.

Found Property

32. All drivers shall immediately having finished a hiring, or as soon as possible afterwards, carefully search the vehicle for any property that has been left inside. If you find any property, or any property is handed to you, you must take it to the nearest Police reception facility to deposit as found property at the earliest opportunity.
33. All drivers should be fully aware of the current seat belt regulations and adhere to them.

For more information about the law relating to seat belts for children, visit www.childcarseats.org.uk

Specific Requirements for:

Hackney Carriage Drivers

34. In no circumstances must Hackney Carriages be left unattended while the driver carries out activities away from the rank except for short comfort breaks.

PRIVATE HIRE OPERATORS

35. Applicants for private hire operators licences must submit a DBS to an enhanced level in accordance with condition 14 above.
36. A record shall be kept of all journeys undertaken by each vehicle operated by the licence holder, such record to include the name and address of the client.
37. The words "taxi" or "cab" or similar words likely to mislead members of the public must not be included in the title describing the operator's undertakings and from any advertising material, unless the proprietor of the vehicle is also the proprietor of a Hackney Carriage company licensed by Fareham Borough Council and registered as such.
38. Upon initial enquiry the client should be properly informed of what charges will be incurred and the fact that the booking is in respect of a private hire vehicle.
39. If for any reason a surcharge is to be imposed on the normal fare, the hirer will be informed of the intent at the time of booking.

GENERAL INFORMATION

40. Applications for renewal of licences must be made to the Council at least 6 weeks before the expiration of the existing licence, where the renewal process involves the attainment of a DBS Certificate.
41. Drivers and where appropriate operators must notify the licensing officer within 28 days of any criminal convictions or cautions received during the period of the current licence.
42. All licence holders must notify the Council within 2 weeks of any a change of address.

NOVELTY VEHICLES

43. In order to widen the licensing regime without compromising public safety, a system to licence Novelty Vehicles under the Private Hire provisions has been adopted. A Novelty Vehicle is a vehicle that cannot meet one or more of the existing licensing conditions. The vehicle will be subject to those existing licensing conditions that can reasonably be applied together with any additional conditions identified by the Licensing Board to address the exceptional nature of the vehicle. A complete application must be made for the vehicle prior to the Licensing Board including MOT certificate, log book/V5c document, insurance certificate, engineers report etc.) to provide a degree of confidence in the condition of the vehicle on initial application.

Interpretation Novelty Vehicle

44. For the purposes of this policy and license conditions a novelty vehicle is defined as follows:-
- a) any vehicle that has been specially constructed adapted or converted by a low volume specialist vehicle manufacture or modifier;
 - b) any vehicle that has been specially modified from it's original design or specification
 - c) any vehicle that, in the opinion of the Head of Environmental Health because of its specialist design/styling or origin requires to be classed as a Novelty Vehicle;
 - d) any vehicle granted a licence under the Novelty Vehicle provision, will only be able to be operated in accordance with the business model submitted to and approved by the Board.

EXECUTIVE VEHICLES

45. There is no legal definition of Executive vehicle; however, there is common acceptance that an Executive vehicle would be a relatively expensive vehicle that includes additional features designed to increase the comfort of the driver and passengers, which exhibits the qualities of luxury, prestige, and refinement. Vehicles qualifying for executive status must be of a high-end vehicle specification, and must still meet the private hire vehicle criteria. The Head of Environmental Health shall decide in their absolute discretion whether a vehicle is an Executive vehicle. Those vehicles classed as Executive will qualify for a plate dispensation.
46. Where a vehicle is classified as an Executive Vehicle, Novelty Vehicle or Stretched Limousine, an application for a dispensation may be made to the Licensing Officer to allow for the rear plate to be kept in the boot of the vehicle. This will apply to specific contract work only and will be at the discretion of the Licensing Officer. Window plates will be issued once an application for dispensation has been granted and must be displayed in the front windscreen at all times.

STRETCHED LIMOUSINES

47. Where practicable the existing Hackney Carriage and Private Hire conditions of this Council will apply to Stretched Limousines. The following additional or alternative conditions will also apply.

- SL1. The vehicle must not be over 5 years old on first application for licensing. Vehicles over 8 years old will be subject to the licensing regime adopted for Exceptional Vehicles in addition to the special conditions for Stretched Limousines.
- SL2. DVLA V5 or equivalent shall be produced to authenticate registration.
- SL3. A Department for Transport (DfT), Single Vehicle Approval (SVA) documentation shall be produced to prove vehicle compliance with EC Type Approval Standards.
- SL4. The VIN plate shall display '1L1' to confirm conversion completed by an authorised dealer.
- SL5. The applicant shall confirm, by a badge or other appropriate documentation the conversion dealer.
- SL6. The vehicle must have a minimum of 4 doors. They must be of sufficient size to allow easy access and egress to seats for passengers. This should not require the passenger to use a static tip up seat mechanism.
- SL7. Where the vehicle is fitted with continuous seats, one person shall be counted for each complete length of 41 centimetres (16 inches).
- SL8. Every seat shall have fitted a suitable seat belt or restraint for each passenger.
- SL9. The interior and exterior of the vehicle must be maintained in a clean and proper manner to the reasonable satisfaction of the Council.
- SL10. There shall be no passengers carried in the front compartment.
- SL11. A plate on the door pillar shall confirm the total weight of the vehicle.
- SL12. No intoxicating liquor shall be provided in the vehicle unless there is in force an appropriate licence permitting the sale or supply of the same.
- SL13. A stretched limousine vehicle will be subject to twice-yearly mechanical examination, at an authorised testing station. Vehicles licensed under the Exceptional scheme will be subject to mechanical inspection at 4 monthly intervals.
- SL14. Tinted glass shall conform to the legal requirements as laid down by the Vehicle and Operators Services Agency (VOSA).
- SL15. The vehicle shall display the licence plate issued by the Council on the rear of the vehicle. Unless a dispensation has been granted by the Head of

Environmental Health, in this case only a window plate will be required to be on display. The requirement to display "Pre Booking Only" stickers will not be applied to such vehicles.

- SL16. The driver of the vehicle must display in a prominent position a Private Hire Drivers Licence badge issued by this Council when operating the vehicle.

Final Draft