

## AGENDA

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**Meeting:** Licensing Committee  
**Place:** Kennet Room - County Hall, Trowbridge BA14 8JN  
**Date:** Monday 28 April 2014  
**Time:** 10.30 am

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Please direct any enquiries on this Agenda to Lisa Pullin, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713015 or email [lisa.pullin@wiltshire.gov.uk](mailto:lisa.pullin@wiltshire.gov.uk)

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### Membership:

Cllr Desna Allen (Vice Chairman)	Cllr Jose Green
Cllr Nick Blakemore	Cllr Mike Hewitt
Cllr Allison Bucknell	Cllr Simon Jacobs
Cllr Trevor Carbin	Cllr George Jeans
Cllr Chris Caswill	Cllr Leo Randall
Cllr Sue Evans	Cllr Pip Ridout (Chairman)

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### Substitutes:

Cllr Glenis Ansell	Cllr Howard Greenman
Cllr Liz Bryant	Cllr Jon Hubbard
Cllr Ernie Clark	Cllr Magnus Macdonald
Cllr Andrew Davis	Cllr Bill Moss
Cllr Bill Douglas	Cllr Jeff Osborn
Cllr Dennis Drewett	

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# AGENDA

1. **Apologies**

To receive any apologies.

2. **Minutes** (*Pages 1 - 10*)

To confirm the minutes of the meeting held on 17 March 2014 (copy attached).

3. **Chairman's Announcements**

4. **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

5. **Public Participation**

The Council welcomes contributions from members of the public.

Statements

If you would like to make a statement at this meeting on any item on this agenda, please register to do so at least 10 minutes prior to the meeting. Up to 3 speakers are permitted to speak for up to 3 minutes each on any agenda item. Please contact the officer named above for any further clarification.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named above no later than 5pm on 17 April 2014.

Please contact the officer named on the first page of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6. **Minutes of the Licensing Sub Committees**

To receive the minutes of the following Licensing Sub Committees:

**Eastern Area**

None.

**Northern Area**

14/03/14      Application for a Premises Licence – Abbey Food City, 4 Market Cross, Malmesbury

**Southern Area**

None.

**Western Area**

None.

**Appeal Against Refusal of Street Trading Consent**

20/03/14      Appeal of Mr Balasooriya against a Street Trading Consent decision

7. **Statement of Licensing Policy - Update** (*Pages 19 - 24*)

The report of the Public Protection Team Leader (Licensing) is to provide background information concerning the new proposed Statement of Licensing Policy and to recommend that the Licensing Committee request officers to carry out a full consultation of the proposed Statement of Licensing Policy. (The draft proposed Statement of Licensing Policy will be to follow.)

8. **Policy changes to Hackney Carriage and Private Hire Licensing** (*Pages 25 - 68*)

The report of the Associate Director, Waste and Environment, recommends a number of changes to the hackney carriage and private hire vehicle licensing policy conditions for approval by the Committee.

9. **Dates of Future Committee Meetings**

Members are asked to note the future meetings of the Licensing Committee, all to commence at 10.30am and to be held in the Kennet Room, 1<sup>st</sup> Floor, County Hall, Trowbridge:

Monday 2 June 2014  
Monday 8 September 2014  
Monday 8 December 2014.

10. **Urgent Items**

Any other items of business, which in the opinion of the Chairman, should be taken as a matter of urgency. Urgent items of a confidential nature may be considered under Part II of this agenda.

## LICENSING COMMITTEE

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### **DRAFT MINUTES OF THE LICENSING COMMITTEE MEETING HELD ON 17 MARCH 2014 AT KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.**

#### **Present:**

Cllr Nick Blakemore, Cllr Allison Bucknell, Cllr Trevor Carbin, Cllr Sue Evans, Cllr Jose Green, Cllr Mike Hewitt, Cllr George Jeans, Cllr Bill Moss (Substitute), Cllr Leo Randall and Cllr Pip Ridout (Chairman)

#### **Also Present:**

Naji Darwish (Head of Service – Public Protection), Linda Holland (Public Protection Team Leader), Cllr Peter Hutton (Portfolio Holder), Lisa Pullin (Democratic Services Officer), Andrew Saxton (Fleet Services Manager), Emma Seria-Walker (Public Health Consultant), Paul Taylor (Senior Solicitor) and Peter White (Enforcement Manager)

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#### **1 Apologies**

Apologies were received from Councillors Allen, Caswill and Jacobs and from Ian Brown (Head of Environment Services). Councillor Moss was substituting for Cllr Jacobs.

#### **2 Minutes**

The minutes of the meeting held on 5 November 2013 were presented to the Committee.

#### **Resolved:**

**That the minutes of the Licensing Committee meeting held on 5 November 2013 be approved and signed as a correct record.**

#### **3 Chairman's Announcements**

That Chairman made the following announcement:

**Clarification on which Members can sit on a Licensing Sub Committee hearing**

The Licensing Act 2003 requires the Council to establish a licensing committee to exercise its licensing functions. The licensing committee may then arrange for the discharge of some of those functions to licensing sub committees, made up of three members. The Licensing Act itself does not deal with who can sit on those sub committees.

Under the Council's constitution, members are selected to serve on individual Licensing Sub Committees by the Associate Director Corporate Function and Procurement having regard to a number of criteria. One of those is that the Councillors selected are not the representative for the area in which the premises concerned are situated. The reason for this is to try to avoid any arguments as to whether there may be any actual or apparent bias on the part of any member.

A Council decision can be challenged on the basis that, even if there was no actual bias on behalf of any of the decision-makers, there was the appearance of bias. The test for this is whether 'a fair-minded and informed observer would conclude that there is a real possibility of bias'.

The Council's view is that, in order to address the issue of apparent bias, it is appropriate for the division member for the premises concerned not to participate in a licensing sub committee hearing, but that, in general, it is reasonable for members representing adjoining divisions to do so. This approach is consistent with that taken by many other authorities and is in line with LACORS guidance issued at the time the Act came into force.

#### 4 **Declarations of Interest**

There were no declarations of interest.

#### 5 **Public Participation**

No questions had been submitted prior to the meeting and there were no members of the public present.

#### 6 **Minutes of the Licensing Sub-Committees**

The draft minutes of all Licensing Sub Committees between the 20 August 2013 and 17 January 2014 were presented for consideration.

It was,

#### **Resolved:**

**To APPROVE the minutes of the following Licensing Sub Committee meetings:**

### **Eastern Area**

**20.08.13 Application for a Premises Licence - The Vaults, Devizes**

### **Southern Area**

**29.11.13 Variation to a Sex Establishment Licence – My Amazing Fantasy, 105 Fisherton Street, Salisbury**

### **Western Area**

**18.09.13 Review of Premises Licence – Club Ice, Westbury**

**22.10.13 Application for a Premises Licence – Waterhouse, Waterhouse Lane, Monkton Combe, Bath**

**07.01.14 Variation of a Premises Licence – Favourite Chicken & Ribs, 3 Market Street, Trowbridge**

**17.01.14 Variation of a Premises Licence – Harveys Nightclub and Sports Bar, Church Street, Trowbridge**

## **7 Update on the Changes to the Licensing Service**

Linda Holland (Public Protection Team Leader) presented an update on the changes to the Licensing Service as at March 2014. She highlighted the following points:

- That the Licensing Team now consists of herself as Team Leader and 7 Licensing Officers (not full time equivalents) although two of these Licensing Officers would be leaving in March which would leave the team under resourced for a period of time;
- Out of 509 transactions dealt with by the Licensing Team during 1 January and 1 March 2014, three of these had resulted in the need for a decision to be made by the Licensing Sub Committee;
- There had been recent press interest in the euthanasia of lions at Longleat and the team were able to confirm to the press that no breaches of the licence had occurred and that Wiltshire Council had no concerns over those events;
- The Hackney Carriages and Private Hire Vehicles function transferred over smoothly to Neighbourhood Services on 1 March 2014 – an experienced member of the Licensing Team had been employed as a

Compliance Officer from 10 March to aid ongoing progression of the taxi service within the Fleet service;

- Thanks should be expressed to the Neighbourhood Team following the smooth transition of the Street Trading and Street Collections service to them;
- Three computerised systems had migrated to one combined system and there had been some problems with historical data not transferring across;
- Officers are working proactively to work with troubled licenced premises at an early stage when issues arise with residents and management of licences. Linda was providing training to new licencees of Wadworths and was looking to extend this out to other local breweries;
- Linda and her team would be happy to attend meetings of Community Safety Partnerships to discuss what to do with any potential problems with licenced premises and link in with Area Boards as relevant;
- Councillor Bucknell enquired if there could be a mini toolkit for members of what they could do to assist and try and alleviate problems. They often have concerns from the constituents and would like to work with officers. Linda agreed that this was a great idea and perhaps they would have a meeting to explore this further; and
- The team were aware of the changes to the clubs in Amesbury opening and closing and changing hands and the need for future provision when the Army personnel and their families are relocated in the next few years. Meetings would be taking place with the trade to minimise the impact on the community and to ensure adequate provision.

## 8 **Licensing Update**

Linda Holland (Public Protection Team Leader) presented updates on the following issues:

### Licensing Policy Review

Wiltshire Council's Licensing Policy has to be updated every 5 years and the last one was agreed on 1 December 2009.

A draft of the revised Policy was being prepared and Linda informed the Committee that this would be circulated to them via email in the next week for their comments. At the Committee's next meeting on 28 April the draft Policy would need to be approved for consultation and following that would commence a 3 month consultation exercise in early May 2014.



After the consultation a final draft Policy would be prepared to be considered by the Committee at the 8 September meeting and then recommendation of the Policy by full Council would be requested at the meeting on 21 October 2014.

#### Consultation on Implementing a Cumulative Impact Area in Salisbury

Linda explained that Cumulative Impact Area (CIA) policies were introduced as a tool for licensing authorities to limit the growth of licensed premises in a particular area. If a CIA policy was to be adopted this would create a presumption that where representations are received in respect of any applications for new or varied licences with the CIA those applications will be refused or granted subject to certain conditions unless the applicant can demonstrate that there will be no adverse cumulative impact on the area.

In order to gain the views of residents and businesses within the proposed area in Salisbury a consultation is running from 27 January to 20 April 2014. Subject to this consultation and agreement by Councillors a CIA in Salisbury could be in place by Christmas 2014. To date 35 responses have been received with 27 in favour of the proposal.

#### Events in Wiltshire 2014

Linda referred to the list of possible events for Wiltshire for 2014. She had been informed that the Nomansland Festival for 4-6 July had been withdrawn. Work was being undertaken by her team to engage with the event organisers so that the relevant advice and assistance can be provided.

If members required more information about a particular event or wished to attend with officers at the events, this would be welcomed and they should contact Linda and/or her team.

The issue of engagement with local Councillors was raised to assist with the application for and planning of these events.

#### Night Time Levy

Linda reported that a report on Night Time Levies (NTL) was considered by the Committee in September 2012 which outlined the changes to the legislation and the new powers that were to be enacted as a result of the Police Reform and Social Responsibility Act, 2011.

Since then the guidance has been updated which outlines a number of exemptions that licensing authorities may consider. Wiltshire Council has made a commitment to Business Improvement Districts (BIDs) with a number of areas already being signed up to this. If we were to implement the NTL this would mean that some businesses will be required to pay additional charges.

Members considered whether Wiltshire Council should go out to consultation on this issue and noted that very few other local authorities had implemented NTLs following consultation. The general view was that this would entail a lot of work for officers for not much benefit.

**Resolved:**

**Not to pursue the introduction of Night Time Levies for Wiltshire by going out to public consultation at this time.**

Military Rebasing

The following update was unfortunately missed off the Agenda –

“The Army Rebasing programme will see more than 4,000 army personnel and their families (6,000 – 8,000) relocate to Wiltshire over the next five years, in Tidworth, Ludgershall, Bulford and Larkhill.

The increase number of military personal has the potential to have an impact on the licensed premises operating in the night time economies of the areas that will be frequented by the soldiers. The Licensing team will be working in partnership with, purple flag, pub watches, community safety groups and the licensed premises to ensure there is no detrimental impact on the towns and villages from any enhanced use of licensed premises, and actively seek to promote a positive outcome to the military re-basing.

A Health Impact Assessment has been undertaken to look at all the possible impacts on the community etc, which will inform service development as well as support licensing efforts in terms of targeting etc.”

It was also noted that college students would be moving into the former RAF Lyneham base and so consideration would need to be given to the facilities available in the surrounding areas (Calne and Royal Wotton Bassett). This should include a good offering of facilities and not just be drinking establishments. Meetings should be arranged with local licensees in preparation for this.

9 **Sex Establishment Licensing Policy and Conditions**

Linda Holland presented a report which explained that a recent variation application for a Sex Shop was received and the consultation process was carried out in line with the current policy. A member of the Licensing Authority raised questions at the time as to whether there should be a wider consultation process in some circumstances, particularly where the application is in an urban area.

Following this Linda suggested ways in which the Council's current Policy in relation to Sex Establishments could be amended to take regard of the Member's concerns.

It was noted that there were now only two sex establishments in Wiltshire – one in Salisbury and one in Trowbridge.

The Committee discussed this and were minded to accept the second proposal – namely that "The Licensing Committee agrees to amend the policy to widen the consultation process to include neighbouring local divisional members where the premise is located close to the border of two wards. It would be for the Licensing Officer to determine whether such additional consultation should be carried out in any particular case".

It was then suggested that a weekly list of all licensing applications could be circulated to Councillors electronically (as is the case with planning applications) and then the onus is on Councillors to check this list and see if they have any items in their area. The Committee agreed to trial this on a temporary basis until the next meeting (28 April 2014). Linda Holland reported that in light of the new combined computer system this would be possible and that she would look into the possibility of splitting up the information into North/South/East/West areas.

**Resolved:**

**That Licensing Committee members receive a weekly electronic list of all licensing applications that are received on a trial basis until 28 April 2014.**

10 **World Cup 2014 Update**

Linda Holland reported that following the briefing note prepared by Roy Bahadoor in the Agenda the Government had just released a two week consultation document which considers a relaxation of licensing hours whilst England games are being played during the Football World Cup tournament. She did not feel that this was particularly helpful as most premises were open to 11pm/12am already and other team's games might also want to be enjoyed by Wiltshire's residents.

Details of the consultation would be sent out to Councillors after the meeting so that they could make their own responses to it. The deadline was for responses would be 26 March 2014.

Linda reported that it would be very likely that premises would use Temporary Events Notices to cover the extension of the hours. TENs could now cover a 7 day period and these would likely be applied for during the World Cup period.

Councillor Hutton, Portfolio Holder for Licensing wished to express his thanks to Roy Bahadoor for his preparation work and stated the importance of linking in

with individual Councillors to engage with the licensees in their area to find out their plans and to assist the officers. He also suggested that the trade be asked to consider using plastic glasses during this period for the sake of public protection.

#### 11 **Update on Hackney Carriage and Private Hire Licensing**

Andrew Saxton (Fleet Services Manager) presented a report which updated the Committee on the changes in the delivery of the Council's Hackney Carriage and Private Hire Licensing service since the internal reorganisation of the function following the voluntary redundancy programme in 2013. He highlighted the following points:

- Thanks to be given to colleagues in the licensing team for their support during the transition period;
- A number of improvements had been made and good feedback had been received on the new appointment system for taxi drivers whereby they could make mutually convenient appointments to deal with the necessary paperwork, etc;
- A new quarterly newsletter to all operators and drivers had been well received and members requested that this be shared with them via the Elected Wire; and
- Formal consultation would be instigated into the commencement of one single tariff for the County following the approval in principle which was given by the Committee in September 2013.

Councillor Hutton (Portfolio Holder) reported that he had attended meetings with the trade and the importance of engagement with the users. He wished to thank Jo Hulbert for her support during the transition.

Councillor Bucknell questioned the process followed when applicants for licences had relevant unspent convictions. Previously at the District Council this decision whether to grant a Licence would be made by a Licensing Sub Committee. Andrew Saxton reported that he believed that this would now be a delegated officer's decision, but would confirm and let Councillor Bucknell know.

**Resolved:**

**That the update be noted.**

#### 12 **Dates of Future Committee Meetings**

Members noted the dates of future meetings of the Licensing Committee, as detailed below, all to start at 10:30am:

- Monday 28 April 2014
- Monday 2 June 2014
- Monday 8 September 2014
- Monday 8 December 2014.

13 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30am to 12.00pm)

The Officer who has produced these minutes is Lisa Pullin, of Democratic Services, direct line 01225 713015, e-mail [lisa.pullin@wiltshire.gov.uk](mailto:lisa.pullin@wiltshire.gov.uk)

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## **NORTHERN AREA LICENSING SUB COMMITTEE**

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**DRAFT MINUTES OF THE NORTHERN AREA LICENSING SUB COMMITTEE MEETING HELD ON 14 MARCH 2014 AT NORTH WILTSHIRE ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN IN RESPECT OF AN APPLICATION FOR A PREMISES LICENCE; ABBEY FOOD CITY, 4 MARKET CROSS, MALMESBURY, WILTSHIRE, SN16 9AS**

**Present:**

Wiltshire Councillors

Cllr Trevor Carbin, Cllr Bill Douglas and Cllr Simon Jacobs

**Also Present:**

Wiltshire Council Officers

Kieran Elliott (Senior Democratic Services Officer), Roy Bahadoor (Public Protection Officer), Teresa Bray (Public Protection Officer) and Paul Taylor (Senior Solicitor)

Members of the Public

Mr P Balakrishnan (Applicant), Mr W Sykes and Suresh Kanapathi (agent).

In Attendance

Asifa Ashraf (Legal), Caroline Doyle-Wiaczek (Legal), Linda Holland (Public Protection), Naji Darwish (Public Protection).

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**1 Election of Chairman**

Nominations for a Chairman of the Licensing Sub Committee were sought and it was

**Resolved:**

**To elect Councillor Trevor Carbin as Chairman for this meeting only.**

## 2 **Procedure for the Meeting**

The Chairman explained the procedure to be followed at the hearing, as contained within the "Wiltshire Licensing Committee Procedural Rules for the Hearing of Licensing Act 2003 Applications" (Pages 1 – 8) of the Agenda refers).

## 3 **Chairman's Announcements**

The Chairman gave details of the exits to be used in the event of an emergency.

## 4 **Declarations of Interest**

There were no interests declared.

## 5 **Licensing Application**

### **Application by Pakeerathan Balakrishnan for a Premises Licence at Abbey Food City, 4 Market Cross, Malmesbury, SN16 9AS.**

The Licensing Officer introduced the purpose and scope of the application, the premises to which it related and the key issues for consideration.

In accordance with the procedure detailed in the agenda, the Applicant and those who had made a Relevant Representation were given the opportunity to address the Sub Committee.

Key points raised by Mr Suresh Kanapathi on behalf of the Applicant Mr Pakeerathan Balakrishnan were:

- The applicant has previous experience working in a retail environment where alcohol is sold.
- The applicant lives locally.
- The applicant is a local employer who trains staff of their legal obligation to prevent the sale of alcohol to minors and those already intoxicated.
- The applicant was willing to amend their application to permit the sale of alcohol to 2200 rather than 2300.

Key points raised by those who made a Relevant Representation (Mr Bill Sykes) were:

- Fear of damage to a grade one listed structure which is located outside of the premises.
- Local anti-social behaviour causing distress to residents.
- The opening hours are inappropriate.



All parties were given the opportunity to ask questions of the Applicant, and those who made a Relevant Representation and Wiltshire Council Officers.

The Sub Committee members sought clarification on some points including the hours of operation of other licensed premises in the area and previous anti-social behaviour in the area before retiring to consider the application and were accompanied by the Solicitor for Wiltshire Council and the Democratic Services Officer.

The Sub Committee then retired to consider the application at 14:30.

The Hearing reconvened at 15:00.

Following the deliberations of the Sub Committee Members, the Solicitor for the Council made a statement of material legal advice given in closed session as follows:

No legal advice was required.

The Sub Committee considered all of the submissions made to it and the written representations together with the Licensing Act 2003, Statutory Guidance and Regulations and the Licensing Policy of the Council

**Decision:**

**The Northern Area Licensing Sub Committee has resolved to grant the application for a Premises Licence for Abbey Food City, 4 Market Cross, Malmesbury, Wiltshire, SN16 9AS with the provision detailed below:**

<b>Licensable Activity</b>	<b>Timings</b>	<b>Days</b>
<b>Sale by retail of alcohol (off-sales)</b>	<b>06:00 – 22:00</b>	<b>Daily</b>

**And subject to the following additional or varied conditions:**

- 1. CCTV equipment will be installed and fully maintained to cover all trading areas, entrances and exits when the premise is open to the public. The CCTV will be of sufficient quality so as to produce images which enable identification; images will be securely stored for a minimum of 28 days. CCTV images will be produced to a Wiltshire Council Officer or Police Officer on request.**

### **Reasons:**

The Sub Committee took into account the written representations from the applicant and those making a relevant representation, in addition to oral arguments presented at the hearing.

The Sub Committee felt that restricting the hours of the sale of alcohol from 06:00 to 22:00 with the agreement of the applicant would be satisfactory to address concerns regarding public nuisance.

In reaching its decision the Sub Committee has considered the relevant provisions of the Licensing Act 2003 (in particular Sections 4 and 18); the guidance issued under Section 182 of the Act and the Licensing Policy of Wiltshire Council.

### **Right to Appeal**

All parties have the right to appeal to the Magistrates Court within 21 days of receipt of this decision. Any Responsible Authority or Interested Party has the right to request a Review of the Licence.

(Duration of meeting: 2.00 - 4.00 pm)

The Officer who has produced these minutes is , of Democratic Services, direct line ,  
e-mail

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## **LICENSING SUB COMMITTEE - APPEAL AGAINST STREET TRADING CONSENT DECISION**

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**DRAFT MINUTES OF THE LICENSING SUB COMMITTEE - APPEAL AGAINST  
STREET TRADING CONSENT DECISION MEETING HELD ON 20 MARCH 2014  
AT PITMAN ROOM, CIVIC CENTRE, ST STEPHENS PLACE, TROWBRIDGE.**

**Present:**

Cllr Trevor Carbin, Cllr Ernie Clark and Cllr Sue Evans

**Also Present:**

Mr Paul Harris (Principal Highways Enforcement Officer), Mr Kieran Elliott (Senior Democratic Services Officer), Mr Paul Taylor (Senior Solicitor), Mr Priyantha Balasooriya (Appellant) and Mr Paul Knight (On behalf of Appellant)

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**1 Election of Chairman**

Nominations for a Chairman were sought, and it was,

**Resolved:**

**To elect Councillor Ernie Clark as Chairman of the Sub-Committee for one meeting only.**

**2 Declarations of Interest**

There were no declarations.

**3 Meeting Procedure**

The Chairman explained the meeting procedure that would be followed as detailed in the agenda papers.

**4 Consideration of Exclusion of the Press and Public**

Following input from those present, and with no members of the press or public in attendance, the Sub-Committee determined there was no need to formally pass a resolution excluding any other attendees.

## 5 Appeal Against Street Trading Consent Decision

Mr Paul Harris, Principal Highways Enforcement Officer, presented a report detailing the decision to refuse Mr Priyantha Balasooriya street trading consent for a fruit and vegetable stall in the Market Square, Chippenham, on days which had not been designated as 'Market Days'. No witnesses were called in addition to the written submissions.

The appellant, Mr Balasooriya, along with his representative at the hearing, Mr Paul Knight, was given the opportunity to ask questions of Mr Harris, where points including the following were raised:

If the objections to the proposed stall from local retailers on the grounds of competition and the impact to their businesses had been dismissed as not valid by the officer, how could the impact to the market as a whole be sustained as a valid objection. Mr Harris clarified that the Market as a whole was considered a community asset, such that while objections due to the increased competition from other retailers had been dismissed, greater weight had been given to Chippenham Town Council's concerns that to permit trading in the Market on days which had not been designated for that purpose, would undermine the Market as an asset.

Questions were raised about the presence of designated 'Market Days' and whether this was protectionist. It was stated that such a designation was a policy decision of a council, and therefore not determined by the officer.

Members of the Sub-Committee then had the opportunity to ask questions of Mr Harris as the presenting officer. Clarity was sought on the distinction between licensed streets which had been designated such that permission for specific licenses was presumed unless inappropriate, and consent streets where permission could be denied for any valid reason. It was also confirmed that while it was a council policy to create arrangements for applicants to appeal against refusal of street trading consent, there was no requirement in law for an appeal process.

It was also stated in response to queries that Chippenham Town Council had no objection to specific applications, but that they had a standing objection to use of the market square for stalls on days not designated as 'Market Days' as a council policy.

Mr Knight, on behalf of Mr Balasooriya, then had the opportunity to present the case of the applicant against refusal of street trading consent.

The rise in popularity of market trading as customers and proprietors sought cheaper methods of distribution with less overhead costs was mentioned, with a need to encourage as much business as possible to revitalise town centres, with a restriction of use on specific days hindering this.

It was also stated the application process and the policy explanation had been frustrating and hard to follow, particularly for those applicants for whom English was a second language, as many traders in local markets were.

Mr Harris had no additional questions to put to the appellant. The Sub-Committee then had the opportunity to ask questions, where questions were raised with regards possible alternate locations and the removal of litter. In response it was stated that the appellant had investigated other sites around the county and was flexible on the specific location in Chippenham and would trade wherever it was permitted, and was fully aware of his responsibilities to ensure any site used was kept in an acceptable condition. It was also confirmed that the appellant was currently trading one day a week at the market square on a designated 'market day'.

Mr Harris then had the opportunity to sum up his case, followed by Mr Balasooriya and Mr Knight.

The Sub-Committee then retired with the Committee Lawyer and Committee Manager at 11:30 and returned at 11:45, where it was,

### **Resolved**

**To dismiss the appeal against the refusal of street trading consent for the following reason:**

**While the Sub-Committee did not consider the impact of the proposed stall on existing businesses to be a valid objection, they supported the determination of the Town Council which had been relied on by the deciding officer, that the presence of market style stalls should be restricted to designated Market Days as part of the established market.**

*Note: The Sub-Committee did, however, resolve to recommend to the Licensing Committee that the policy and procedures on Street Trading should be reviewed.*

(Duration of meeting: 10.30 am - 12.00 pm)

The Officer who has produced these minutes is Kieran Elliott, of Democratic Services, direct line 01225 718504 , e-mail [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

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**Wiltshire Council**

**Licensing Committee**

**28 April 2014**

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## **Statement of Licensing Policy - Update**

### **Summary**

To provide background information concerning the new proposed Statement of Licensing Policy.

### **Proposal(s)**

#### **It is recommended:**

That the Licensing Committee requests officers to carry out a 12 week consultation process on the proposed Statement of Licensing Policy 2014-2018.

### **Reason for Proposal**

In order for the Licensing Authority to discharge its licensing functions it is required to draw up a Licensing Policy or Statement of Licensing Policy under the Licensing Act. This policy is to be reviewed every five years and be the subject of a full consultation process.

**Maggie Rae**  
**Corporate Director**

**Statement of Licensing Policy – Update**

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**Purpose of Report**

1. To provide background information concerning the new proposed Statement of Licensing Policy.
2. To recommend that the Licensing Committee request officers to carry out a full consultation of the proposed Statement of Licensing Policy. As attached at Appendix 1 to this report (to follow).
3. To inform the Licensing Committee that at its meeting in September 2014, the committee will be required to consider recommending the finalised Statement of Licensing Policy to Full Council for adoption.

**Relevance to the Council’s Business Plan**

4. “People in Wiltshire work together to solve problems locally and participate in decisions that affect them”.  
  
“People are as protected from harm as possible and feel safe”.

**Main Considerations for the Council**

5. It is a statutory requirement that the Statement of Licensing Policy must be approved by Council as this is not a function that can be delegated to the Licensing Committee.

**Background**

6. Wiltshire Council is the Licensing Authority, and is required to discharge its responsibilities under the Act with a view to promoting four licensing objectives, namely:
  - The prevention of crime and disorder
  - Public Safety
  - The prevention of public nuisance, and
  - The protection of children from harm

The Licensing Act 2003 was designed to be light touch legislation covering a number of “licensable activities”. Such activities are defined within the Act and broadly relate to the sale of alcohol, provision of regulated



entertainment and provision of late night refreshment. There are close links to Wiltshire Alcohol strategy.

7. In order for the Licensing Authority to discharge its licensing functions it is required to draw up a Licensing Policy or Statement of Licensing Policy under the Licensing Act. This policy is to be reviewed every five years and be the subject of a full consultation process.
8. In April 2012 the Police Reform and Social Responsibility Act 2011 made substantial changes to the Licensing Act 2003, one of those was to amend the length of the lifetime of a policy from three to five years.
9. Officers will arrange to carry out an extensive public consultation process over a twelve week period to consider the views of those affected and the public of Wiltshire.

### **Safeguarding Implications**

10. One of the key objectives of the Licensing Act 2003 is 'The Protection of Children from Harm'. Wiltshire Council's Child Protection Team, are a Responsible Authority under the Licensing Act 2003. In this capacity they are required to ensure that decisions about licensing are taken with due regard to the need to safeguard and promote the welfare of children.

### **Public Health Implications**

11. The inclusion of the health service as a responsible authority under the Licensing Act 2003, which occurred in 2012, enables health bodies to have a say in alcohol licensing. The Licensing and Public Health teams work together within the council to ensure that the health impacts of alcohol licensing are considered.

### **Environmental and Climate Change Considerations**

12. There is minimal environmental impact of these proposals. Successful application of the licensing functions should reduce the impact of licensable activities on local communities i.e. noise and public disorder

### **Equalities Impact of the Proposal**

13. The impact of these proposals is assessed as 'low' against the Council statutory responsibilities. There are potential implications with respect to human rights.

### **Risk Assessment**

14. Licensing is a statutory undertaking. Should the proposals in this report not be adopted it would leave Wiltshire Council in a position of being unable to undertake its statutory responsibilities and functions under the Act.

## **Risks that may arise if the proposed decision and related work is not taken**

15. Criticism of the Council and compromise the reputation of the Wiltshire Council.

## **Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks**

16. There are no particular risks identified from any of the proposals.

## **Financial Implications**

17. There are no additional financial implications of the proposals contained within this report

## **Legal Implications**

18. The provisions contained within the Licensing Act 2003 are, in the Government's view compatible with the requirements of the Human Rights Act 1998. However whilst it appears that the Licensing Act itself is compatible with the Human Rights Act there remains an obligation on the authority itself to act in a way that is also compatible with this Act. The possibility of acting in an incompatible way may arise at various stages such as during the review of premises licenses or drawing up the Statement of Licensing Policy. It is therefore incumbent on the authority to remain vigilant to these possibilities at all times as it discharges its responsibilities under the Licensing Act.
19. The licensing service is a high profile regulatory service important for protecting the public but also for ensuring the development of the leisure industry and economic viability. Fair application of licensing functions is critical for the reputation of the Council and for building trust and confidence in its service provision.

## **Conclusions**

20. The adoption of a revised Statement of Licensing Policy by December 2014 is a statutory requirement.

## **Proposal**

21. That the Licensing Committee requests Officers to carry out a 12 week consultation process on the proposed Statement of Licensing Policy 2014-2018.
22. The Licensing Committee note that at its meeting in September 2014, the committee will be required to consider commending for approval the finalised Statement of Licensing Policy to Full Council.

## **Reason for Proposal**

23. The Wiltshire Council's Statement of Licensing Policy must be reviewed every five years and be the subject of a full consultation process.

**Maggie Rae**  
**Corporate Director**

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10<sup>th</sup> April 2014

## **Background Papers**

- Licensing Act 2003
- Secretary of States 182 Guidance
- Police and Social Responsibilities Act 2011

Appendix

1. Proposed Statement Of Licensing Policy (to follow)
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**Wiltshire Council**

**Licensing Committee**

**28 April 2014**

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## **Policy changes to Hackney Carriage and Private Hire Licensing**

### **Summary**

This report recommends a number of changes to the hackney carriage and private hire vehicle licensing policy conditions.

### **Proposal**

To recommend to the Licensing Committee:-

1. Changing the wording of vehicle conditions regarding; fire extinguishers, tinted windows for Hackney Carriages, increase minimum tyre depth and remove requirement for MOT on brand new vehicles.
2. Changes to enforcement penalty points system currently operated.

### **Reason for Proposal**

This proposal will help Council Officers and Hackney and Private Hire operators better understand the policy requirement thus ensuring drivers, Hackney Carriage and Private Hire vehicles are compliant with the conditions set out in the council's policy guidance.

**Tracy Carter**  
**Associate Director, Waste and Environment**

**Policy changes to Hackney Carriage and Private Hire Licensing**

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**Purpose of Report**

1. This report recommends a number of changes to the hackney carriage and private hire vehicle licensing policy conditions and changes to the penalty points system.

**Relevance to the Council's Business Plan**

2. The process of controlling and licensing Hackney Carriage and Private Hire Vehicle operators assists the Council in achieving a number of the six outcomes in the business plan 2013-2017.
  - Everyone in Wiltshire lives in a high quality environment
  - People in Wiltshire have healthy, active and high-quality lives
  - People are as protected from harm as possible and feel safe.

**Background**

3. Under the Local Government Miscellaneous Provisions (LGMP) Act 1976, Wiltshire Council, as the local authority, has a legal responsibility to regulate all Hackney Carriage and Private Hire Vehicle licensing within its area.
4. The best practice requires local authorities to regularly review their policy.
5. The current guidelines issued to operators and drivers of Hackney Carriage and Private Hire vehicles need regular review and updating to comply with any changes to legislation and address compliance issues arising through our enforcement activities.
6. Often, issues of non compliance are due to the operators and drivers misunderstanding of the conditions issued in the guidance document.
7. The following changes to policy conditions and the wording of the following sub paragraphs (i. to v. below) will help improve operators' understanding and help Compliance Officers when conducting enforcement duties. The current guidelines (as at 2 September 2013) are attached as Appendix 1 and the Penalty Points Scheme (with proposed changes in red) are attached as Appendix 2.

Changes required:

- i. Fire Extinguishers (Conditions T16 and P16) – The option for vehicles to carry either AFF foam or powder. Currently powder is required in the conditions. However, members of the trade have concerns of the effects on asthmatic sufferers.
- ii. Tinted window in Hackney Carriages (Condition T12) – concerns from the trade that 70% rule for light transmission through rear and side windows is too restrictive. We would request that we go out to consultation with the public and the trade to reduce the tint requirement to 50%. The current legal requirement for a passenger car is 70% light transmission which applies to both the windscreen and forward front side windows. This needs to be reviewed as a matter of urgency due to grandfather rights ending on 1 April 2015. (Not applicable to Private Hire).
- iii. Vehicles tyre depths (Conditions T8 and P8) – Introduction of a minimum tread depth of 1.8mm for all licensed vehicles – this is due to an increase in vehicles being found with tyres in a dangerous condition.
- iv. The MOT requirements (Conditions T3 and P3) will now not require an MOT certificate at initial inspection for all brand new dealer registered vehicles. The requirement for an MOT at the second inspection when the vehicle is six months old remains.

A driver of a licensed vehicle shall (Condition D12):

- v. (a) when standing, plying or driving for hire, wear the drivers badge provided by the council in such a position and manner on the upper part of the body so as to be plainly visible. When off duty, and driving a licensed vehicle, the driver's badge must be carried in the vehicle and be available for inspection.  
  
(b) not lend the badge to any other person or cause or permit any other person to wear it
8. Increase in temporary transfer fee from £31.00 to £50.00 this to cover the cost of Vehicle Compliance Officer time, administration time and cost of vehicle plates. This increase will be advertised to the trade following the normal process.
9. To improve our current enforcement activities, we plan to increase our visibility at town centre taxi ranks. We intend to implement a 'RAG' rating system to enable us to focus on targeted enforcement activities. To support this, the following changes are requested to be made to the Enforcement penalty points system:

**Point 1**

Failure to display a valid driver's badge in the correct manner when driving a licensed vehicle. Word change only, points stay the same.

**Point 4**

Reword to – Failure to behave in a civil and orderly manner towards customers, members of the public and officers from the Authority at all times.

**Point 8**

Overdue medical examination – points change - from 2 points to 3-6 points.

**Point 9**

Carrying more passengers than permitted – points change - Increase points from 5 to 10.

**Point 17**

Failure to be with taxi on rank – points change - Increase points from 2 to 3.

**Point 23**

Unsatisfactory condition of vehicle interior/exterior - Variation of points between; 3-6 depending on severity.

**Point 26**

Using licensed vehicle without current certificate of compliance/MOT -  
Reword to 'using an un-licensed vehicle' Driver 9-12, Operator 9-12.

Additional point item to be added – driver operating vehicle with incorrect type of driver licence for type of vehicle Driver 6 points/Operator 6 points.

Additional point item to be added – Vehicles found with defective or worn tyres (below 1.8mm) 3 points per defective tyre.

Additional point item to be added - for smoking electronic type cigarettes.

**Safeguarding Implications**

10. Failure to effectively licence Hackney vehicles, drivers and operators leaves children and vulnerable people unprotected from unlicensed Hackney vehicles and drivers across the county. Potentially leaving the public at risk of unsafe vehicle journeys and possible overcharging.

**Public Health Implications**

11. Risk of children and vulnerable people being unprotected from unlicensed Hackney vehicles and drivers across the county. Potentially leaving the public at risk of unsafe vehicle journeys.

**Environmental and Climate Change Considerations**

12. There is minimal environmental impact of these proposals.
13. There are no direct environmental impacts, apart from reducing emissions from a number of older less efficient (heavily smoking) vehicles identified at inspections.

**Equality Impact of the Proposal**

14. The impact of these proposals is assessed as 'low' against the Council statutory responsibilities.

**Risk Assessment**



15. Potential risk of legal challenge or complaint from operators or drivers who feel unable to obtain licences to trade legally.

### **Financial Implications**

16. There are no direct financial implications arising from this report.

### **Legal Implications**

17. The Council is entitled to place conditions on the grant of hackney carriage and private hire vehicle licences. There is a right of appeal against the imposition of such conditions. Failure to comply with a condition can lead to the suspension or revocation of a vehicle licence. Failure to effectively implement the Council's hackney carriage licensing responsibilities places the Council at risk of legal challenge and reputational risk.

### **Recommendation**

18. That the Licensing Committee approves this proposal for policy condition changes, governing Hackney Carriage and Private Hire licensing and risk related management across Wiltshire Council's administrative area.

**Tracy Carter**  
**Associate Director, Waste and Environment**

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Report Author:  
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### **Background Papers**

1. National Inspection Standards - Hackney Carriage and Private Hire vehicles
2. Wiltshire Council Guidelines for Hackney Carriage/Private Hire drivers, Hackney Carriage vehicles, Private Hire vehicles and Private Hire operators 2013

### **Appendices**

1. Current Guidelines for Hackney Carriage/Private Hire drivers, Hackney Carriage vehicles, Private Hire vehicles and Private Hire operators as at September 2013
2. Penalty Points Scheme with proposed changes shown in red.

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## **Appendix 1**

**Guidelines**  
for  
**Hackney carriage/private hire drivers,  
hackney carriage vehicles,  
private hire vehicles and  
private hire operators.**

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**This document is dated 02 September 2013**

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In these guidelines, unless otherwise indicated

- “The council” means “Wiltshire Council”.
- “The driver” means the holder of a licence granted by the council under Section 46 Town Police Clauses Act 1847 or Section 51 Local Government (Miscellaneous Provisions) Act 1976.
- “Licensed vehicle” means a vehicle granted a licence by the council under Section 37 Town Police Clauses Act 1847 or Section 48 Local Government (Miscellaneous Provisions) Act 1976.
- “Proprietor” means the person to whom a vehicle licence is issued.
- “Taxi” means hackney carriage.
- “The operator” means the holder of the private hire operator licence.

## **Hackney carriage / private hire drivers**

### **D1 Control of licensed vehicles and drivers**

Local Authorities (LA’s) have a statutory obligation to licence and regulate hackney carriage and private hire, vehicles, drivers and operators. The most important reason for this is to provide a service to the general public that is both accessible and safe. In order to achieve this all applicants are vetted with the Criminal Records Bureau (CRB) with an enhanced check and vehicles are tested on a regular basis.

Once licensed a taxi or private hire vehicle remains a licensed vehicle 24 hours a day, irrespective of the use to which the vehicle is being put. Consequently the **only** persons allowed to drive a licensed taxi or private hire vehicle are those who have been issued with a driver licence by the same LA which licensed the vehicle.

There are exemptions to this rule, but only in respect of licensed taxis. Persons who are allowed to drive a licensed taxi, without firstly obtaining the appropriate driver licence, are:

- an applicant taking a driving test in order to obtain their taxi driver licence
- a mechanic road testing a licensed taxi.

These exemptions do not apply to private hire vehicles.

### **D2 Accident reporting**

The driver/proprietor of a licensed vehicle shall report to the council as soon as is reasonably practicable and in any case within 72 hours of any occurrence or accident which causes:

- damage materially affecting the safety, performance or appearance of the vehicle
- damage affecting the comfort or convenience of persons using the vehicle
- damage rendering the vehicle in contravention of the licensed vehicle guidelines.

### **D3 Animals**

Any animal belonging to or in the possession of the driver must not be carried in any licensed vehicle when the vehicle is plying for hire, during a hiring or prior to any booking.

Any animal belonging to or in the custody of any passenger may be conveyed in a licensed vehicle at the discretion of the driver. The animal must be carried in a suitable cage, or safely restrained on a lead, whilst in the vehicle.

#### **D4 Assistance dogs – including guide dogs and hearing dogs**

Under the Disability Discrimination Act 1995, the driver of a licensed vehicle must carry guide dogs, hearing and certain other assistant dogs free of charge. Medical exemption certificates may be issued to drivers which must be clearly displayed in the vehicle. These can be obtained from the licensing office for drivers who have a proven medical condition that would exclude them from carrying any type of dog.

#### **D5 Canvassing or touting**

A driver/proprietor of a taxi when standing or plying for hire shall not, by calling out or otherwise, persistently request any person to hire such vehicle and shall not make use of the services of any other person for that purpose.

#### **D6 Complaints from the public**

The driver of a licensed vehicle must report any complaint made by a member of the public as soon as possible to the vehicle proprietor/operator, who must inform the council's licensing officer. The driver will also be responsible for informing the complainant that he may complain to the licensing authority, if he so wishes, and afford him every assistance to do so.

#### **D7 Conduct of driver and providing assistance**

A driver of a licensed vehicle shall, when standing, plying or driving for hire:

- (a) conduct themselves in a civil and orderly manner.
- (b) be respectably dressed and clean and tidy in appearance.
- (c) take all reasonable precautions to ensure the safety of persons conveyed in, entering or alighting from the vehicle.
- (d) provide sufficient assistance to open doors and aid passengers walking to and from, as well as exiting and alighting from the vehicle. In particular, offer assistance to:
  - blind and partially sighted passengers.
  - disabled passengers whether in a wheelchair or not.
  - elderly or infirm passengers.
  - passengers who appear to require assistance or who request it.

#### **D8 Deposit of licence**

Before commencing to drive for your employer you are required to provide a copy of your paper hackney carriage / private hire driver licence, which they are required to retain until such time that you leave their employ.

If you are an independent driver who is operating your own vehicle under your own insurance, this does not apply to you.

#### **D9 Driver and vehicle documentation**

The driver of a licensed vehicle shall produce their council driver's badge, current personal driving licence and the certificate of insurance to any authorised officer of the council or police officer on request.

#### **D10 Driver – dress code**

Drivers should be suitably dressed not to cause offence.

### **D11 Driver – notification of information**

The driver of any licensed vehicle shall, as soon as possible and within seven days notify the council in writing of any:

- change of address.
- change of employment with a taxi/private hire company.
- conviction or formal caution (including traffic offences) being recorded against them.
- **IMMEDIATELY IF BANNED FROM DRIVING** – it is accepted that this can only be done in office hours.
- medical or other circumstances where they have been advised to stop driving.

### **D12 Driver identification**

A driver of a licensed vehicle shall:

- (a) when standing, plying or driving for hire, wear the drivers badge provided by the council in such a position and manner on the upper part of the body so as to be plainly visible.
- (b) not lend the badge to any other person or cause or permit any other person to wear it.

### **D13 Driver – refusal of a fare**

Under Section 53 Town Police Clauses Act 1847 any driver who refuses or neglects, without reasonable excuse, to take a fare commits an offence. The council will, in the first instance, determine whether the refusal or neglect was a reasonable excuse. Any sanction for this offence will be either to apply penalty points, which could lead to suspension or revocation of licence, or prosecution in the Magistrates Court.

### **D14 Driver to take direct route**

The driver of a licensed vehicle when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route and for this purpose shall comply with any Road Traffic Regulation Orders in force.

### **D15 Fare to be demanded – (private hire only)**

The driver of a licensed private hire vehicle must not demand from any hirer a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a fare meter, the fare shown on the face of the meter. The fare is for the hire of the vehicle and not per passenger.

### **D16 Items not obligated to carry**

A licensed driver shall not be obliged to carry any of the following:

- (a) any article or animal which is of such bulk or amount or character that the carrying would be likely to cause damage to the vehicle or its fittings.
- (b) any substance which is or could be flammable, explosive, dangerous, noxious, odorous, foul or offensive.

### **D17 Lost and found property**

A licensed driver shall immediately after the termination of any hiring carefully search the vehicle for any property which may have been accidentally left therein. If any property is accidentally left in the vehicle the driver shall, if it is not claimed within 48 hours by or on behalf of the owner, hand the property into the council's licensing officer who will issue a receipt.

### **D18 Luggage**

A licensed driver shall assist passengers with loading and unloading luggage and convey a reasonable amount of luggage if requested.

### **D19 Luggage on the roof**

A driver shall not carry luggage on the roof of any licensed vehicle without ensuring that it is adequately fixed on a secure luggage rack.

### **D20 Medical condition / fitness of driver**

A licensed driver shall not drive the vehicle if they know or have reasonable grounds for knowing that they suffer from any illness or disability, which could cause them not to be in full control of the vehicle.

Drivers of licensed vehicle are required to have higher standards of fitness and must undertake a medical examination to Group 2 Standards, Group C1 in the case of insulin or byetta (exenatide)treated diabetes.

- on initial application
- on their 45<sup>th</sup> birthday
- every five years up to the age of 65 years
- annually thereafter.

Conditions such as epilepsy, diabetes (insulin treated) and eyesight problems may be a ban to holding a licence, but full details can be found in the council's medical examination form, which will be supplied to all applicants.

All examinations should be undertaken by the driver's own GP or a doctor from the same practice who has access to their medical records.

If this advice is ignored and the applicant produces a medical certificate from another doctor the council can exercise its power under Section 57(2) of the Local Government (Miscellaneous Provisions) Act 1976 and request an applicant to submit to a further examination by a doctor selected by the council.

This power can also be exercised at any time, whether or not any such certificate has been produced, requesting any driver to undergo a medical examination.

Drivers are asked to cease driving a licensed vehicle and notify the council immediately if they know of any medical condition which may affect their driving ability and the health and safety of themselves and any passengers.

### **D21 Mobile phones**

A mobile phone must not be used whilst driving unless it is designed for hands-free operation. Advice from the Department for Transport is that driving includes times when stopped at traffic lights or other hold-ups that may occur during a typical journey when a vehicle can be expected to move off after a short while).

### **D22 No smoking policy**

The driver of a licensed vehicle must not smoke in the vehicle at any time, including when being used for social, domestic and pleasure purposes.



The driver of a licensed vehicle shall not permit any other person or fare-paying passenger to smoke in a licensed vehicle. (**Note**:- This is a requirement of the Health Act 2006 and relevant regulations).

**Wiltshire Council's policy also includes a ban on electronic cigarettes.**

#### **D23 Number of passengers to be conveyed**

A licensed driver shall not cause or permit to be conveyed in the vehicle a greater number of passengers than the licence issued by the council indicates as being the maximum number of passengers that the vehicle can carry, irrespective of the age of the passenger.

#### **D24 Obstruction of authorised officer**

Under Section 73 Local Government (Miscellaneous Provisions) Act 1976 a licensed driver must not:

- wilfully obstruct an authorised officer or constable.
- without reasonable excuse fail to comply with any requirement made to them by such officer or constable.
- without reasonable cause fail to give assistance or information which may reasonably be required by such officer or constable.
- give any such information which he knows to be false.

#### **D25 Permitting persons to ride without the consent of the hirer.**

A licensed driver must not permit any other person to be carried without the express consent of the hirer.

#### **D26 Punctual attendance**

A licensed driver shall, if they are aware that the vehicle has been hired, punctually attend at the appointed time and place.

#### **D27 Radio communications**

A licensed driver shall at the request of passengers refrain from operating a radio or similar equipment whilst carrying passengers for hire.

#### **D28 Seat belts**

**Passengers** – drivers should advise all passengers of the need to wear a seatbelt. Any passenger who fails to wear a seatbelt commits an offence. If the passenger is over 14 years of age the passenger commits the offence, but any passenger under 14 years old is the responsibility of the driver and the driver commits the offence.

**Drivers** – under the requirements of the Motor Vehicles (Wearing of Seatbelts) Regulations 1993 the driver of a licensed vehicle is not required to wear a seatbelt in the following circumstances:

- **Taxis** – whilst the vehicle is being used for seeking hire, or answering a call for hire, or carrying a passenger for hire.
- **Private hire** – whilst the vehicle is being used to carry a passenger for hire.

The following diagram outlines the responsibilities of individuals riding in vehicles and exemptions for taxis. The exemptions mentioned for taxis do not apply to private hire vehicles.

	Front Seat	Rear Seat	Who is Responsible?
<b>Driver</b>	Seat belt must be worn if fitted		Driver
<b>Child under 3 years of age</b>	Correct child restraint must be used	Correct child restraint must be used. If one is not available in a taxi, may travel unrestrained	Driver
<b>Child from 3<sup>rd</sup> birthday up to 135 cms in height (12<sup>th</sup> birthday, whichever they reach first)</b>	Correct child restraint must be used	Correct child restraint must be used where seat belts are fitted. Must use adult belt in a rear seat if correct child restraint is not available – <ul style="list-style-type: none"> <li>• in a taxi;</li> <li>• for a short distance in an unexpected necessity;</li> <li>• if two occupied child restraints prevent fitting a third.</li> </ul>	Driver
<b>Child 12 or 13, or over 135 cms in height</b>	Seat belt must be worn if fitted	Seat belt must be worn if fitted	Driver
<b>Adult passengers</b>	Seat belt must be worn if fitted	Seat belt must be worn if fitted	Passenger

### D29 Vehicle condition

The driver of a licensed vehicle shall ensure that the licence plate issued by the council is fixed to the rear exterior of the vehicle so as to be clearly visible at all times when the vehicle is operating.

They shall also ensure that the vehicle is in a tidy and clean condition, that the fixtures and fittings are in good working order and repair and that the vehicle is in a fit and roadworthy condition at all times.

### D30 Wheelchair accessible vehicles

(a) All licensed drivers who drive wheelchair accessible vehicles must be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraining mechanisms fitted to the vehicles and be able to provide evidence of suitable training. (**Note** 'suitable training' will be defined by the licensing authority).

(b) Before any movement of the vehicle takes place the driver must ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and the brakes of the wheelchair have been applied and the electric motor switched off. A separate, approved, occupant restraint system must also be used.

All drivers must ensure that:

- any wheelchairs, equipment and passengers are carried in such a manner that no danger is likely to be caused to those passengers or to anyone else, in accordance with Regulations, S. 100 of the Road Vehicles Construction and use Regulations 1986.
- they do not discriminate against any passenger who is disabled.
- if their vehicle is not wheelchair accessible and they are approached or hailed by a passenger requiring to be carried seated in a wheelchair they must either:
  - divert the passenger to a wheelchair accessible vehicle on the rank if one is available or,
  - use their phone or radio to contact an operator of a wheelchair accessible hackney carriage vehicle to arrange to collect the passenger as soon as possible.

It is the drivers responsibility to ensure that disabled passengers are not left unattended during access or egress to or from the licensed vehicle.

### **D31 Private hire vehicle operation**

A licensed driver shall not cause their vehicle to stand in a road or public place in such a manner as to suggest that the vehicle is plying for hire or that it is a hackney carriage.

### **D32 Rank use**

A licensed driver while parked on a taxi rank shall:-

- not leave their hackney carriage vehicle unattended for any reason.
- move down the rank immediately when a space becomes free.
- not park on a taxi rank in a private hire vehicle.

A licensed driver who holds a blue badge must ensure that: -

- when requiring a break, park away from the taxi rank so as not to invite customers for hiring.
- They do not use their blue badge to gain an unfair advantage in accessing a rank or to secure a position on a rank.

### **D33 Driving ability**

Should an officer of the council have cause to be concerned about the driving ability of any driver, they reserve the right to request the driver to undertake a driving assessment by a driving assessor. The cost of this assessment will be paid for by the driver.

### **D34 Termination or surrender of licence**

All badges, signs and licence plates issued remain the property of the council at all times. On surrender, expiry, suspension or revocation of the licence, the licence holder must return the driver badge to the council without delay.

### **D35 Drink Driving**

Wiltshire Council operates a zero tolerance policy towards drink driving. A serious view will be taken towards any driver operating a licensed vehicle with any level of alcohol in their system.

# Hackney carriage vehicles

No vehicle will be licensed as a hackney carriage unless it has first been inspected by an officer of the council and found to comply with these guidelines. Although council officers will offer guidance and assistance to applicants for a vehicle licence, no approval can be issued until the vehicle has been inspected. Applicants are advised to discuss any proposed acquisition of a vehicle for use as a hackney carriage with council licensing officers prior to any such acquisition.

Once licensed the vehicle must meet all the guidelines at all times.

The holder of the licence shall comply with the provisions of the Town Police Clauses Act 1847, Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the guidelines detailed below:-

## **T1 Single licensing of vehicle**

This licence is issued on the condition that the vehicle to which it relates is not licensed as either a hackney carriage or private hire vehicle by another council. If Wiltshire Council becomes aware of other vehicle licences (hackney carriage or private hire) running concurrently with this licence then this licence will be revoked.

## **T2 Passengers**

The number of passengers conveyed in the vehicle should not be more than the number prescribed in the licence, regardless of the age or size of the passenger.

## **T3 Inspection frequency and age policy**

On first application for a licence, only vehicles under five years old from the date of first registration will be considered. Please see guideline T22 in relation to vehicle age for wheelchair accessible vehicles.

Prior to first application a conditions check will be carried out by a licensing officer before referral for a new MOT or compliance certificate, irrespective of the vehicles age.

From the date of the first licence being issued, an inspection will be carried out by an authorised officer of the Council, and an MOT or compliance certificate will be required on a six-monthly basis, irrespective of the vehicles age.

All existing licensed vehicles will be required to have a six-monthly inspection, carried out by an authorised officer of the Council and an MOT or compliance certificate, irrespective of the vehicles age.

**(Note:** should a vehicle not be presented for inspection in accordance with the above then the licence may be suspended. Where a vehicle fails the inspection then the licence may be suspended or the licence not renewed.)

## **T4 Production of vehicle documentation**

The owner of a hackney carriage vehicle shall, at the request of any authorised officer of the council, produce for inspection:

- the vehicle licence.
- the certificate of insurance covering its use for hire and reward.

- MOT certificate or compliance certificate.
- V5

### **T5 Vehicle type**

Owners with more than nine hackney carriages and/or private hire vehicles must ensure the next plated vehicle licensed for the first time on or after 1 October 2010:

- is wheelchair accessible from the nearside or rear, including a ramp or lift to enable loading.
- has space to carry at least one passenger while using a wheelchair.

**Example:**

If you own nine vehicles irrespective of whether they are a mixture of hackney carriages and private hire vehicles and wish to purchase a 10<sup>th</sup> vehicle for use as a hackney carriage or private hire vehicle, this vehicle must be wheelchair accessible.

**(Note:** this means that purchases of wheelchair accessible vehicle is required for the, 10<sup>th</sup>, 20<sup>th</sup>, 30<sup>th</sup> vehicle and so on. See T22 for further information.)

Vehicles must be either:

- four door saloons, hatchbacks, MPVs or estate cars.

In addition vehicles must have:

- between four and eight seats for passengers excluding the driver and
- been manufactured or modified for the primary purpose of carrying passengers.

All vehicles must be right-hand drive.

Vehicles must have a hard top roof that cannot be removed. **(Note:** open top vehicles, convertibles or vehicles with removable hard tops will not be licensed).

The vehicle must have at least two doors for the use of passengers, in addition to the driver's door. Where passenger doors are on only one side of the vehicle they must be on the near (left) side.

### **T6 Engine type**

All vehicles must be powered by an internal combustion engine, or a hybrid arrangement of internal combustion engine and electrical motor.

**(Note:** vehicles that are human powered will not be licensed.)

When a vehicle has been converted to run on Liquid Petroleum Gas (LPG) a certificate must be produced, prior to a licence being issued, from a member of the LPG Association confirming that the LPG installation conforms to the Association's Code of Practice and is therefore considered safe. If an LPG conversion involves installation of the LPG tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage, and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of the vehicle. These vehicles will be subject to any additional testing required by the compliance testing garage.

In the case of the conversion of a vehicle that is already licensed the above certificate must be produced before the vehicle is operated on LPG.

### **T7 Luggage compartment**

The luggage compartment must be completely separate from the passenger carrying area. In the case of estate cars this means that there must be a secure guard fitted between the luggage and passenger compartments.

All luggage must be suitably restrained where it is likely to cause injury to the occupant of the vehicle in the event of an accident.

### **T8 Wheels and tyres**

All vehicles must have at least four road wheels. A spare tyre, space saver tyre or repair kit must be carried in the vehicle as supplied by the manufacturer when new, together with any necessary jack and tools. Any spare or space saver wheel should be carried in the vehicle in the place allocated by the manufacturer.

**(Note:** Space saver tyres and puncture repair kits will only be acceptable in vehicles that are manufactured without full size spare tyres and vehicles that are adapted in a way to prevent them carrying a full size spare tyre.)

Re-moulded or re-cut tyres must not be fitted to the vehicle and all tyres must be kept at the correct pressure and meet legal requirements.

### **T9 Bull bars**

Vehicles must not be fitted with 'bull bars' or other modification that increases the risk to passengers, pedestrians or other road users in the event of impact. Tow-bars are accepted at initial licence. Any material changes to the vehicle (in addition to a tow-bar) must be provided in writing to the relevant licensing area office.

### **T10 Passenger access**

All internal door handles must be clearly visible to passengers and, if necessary, marked with signs or identification tape and must be fully operational at all times.

Any steps at passenger door entrances must have clearly marked edges and be lit when the passenger door is open.

### **T11 Seats and seat belts**

All passenger seats must be easily accessible to passengers without the need for more than one passenger to move. If access to one or more of the passenger seats requires the folding or moving of the other seats, the release mechanism for the adjustable seat must be clearly marked and visible to passengers.

All passenger seats must face forward or rearward to the direction of travel.

All swivel seats must be fitted in accordance with manufacturer's recommendations.

All seats in the vehicle must be fitted with either a three point inertia belt, two point lap belt or three point disabled persons belt. They must comply with current seatbelt standards and be fully functional at all times.

Passenger seats must be at least 400mm wide per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle. There must be a minimum of

860mm headroom for all passenger seats, measured from the rear of the seat cushion to the roof lining.

### **T12 Windows**

Vehicles must meet the legal standards for light transmission through the front windscreen and front side windows. Rear windows and rear side windows must have a light transmission of at least 70%, irrespective of whether the vehicle was manufactured contrary to this standard. Documents must be provided for proof of light transmission when requested by the council. Limousines are excluded from the condition relating to rear and rear side windows.

(**Note:** This standard is the same as the legal requirement for front side windows).

### **Grandfather rights**

**The part of the above guideline that relates to rear and rear side windows will not apply until 1 April 2015 in relation to a vehicle that:**

- **has been licensed continuously prior to 30 September 2010,**
- **the owner at 30 September 2010 continues to have at least 50% ownership of the vehicle**

No temporary glass or other material will be accepted as a temporary measure ,for example, plastic sheeting until windows are replaced due to damage.

All passengers must have access to a window that can be opened or another form of natural ventilation whilst being carried in the vehicle.

### **T13 No smoking signs**

All vehicles must display no-smoking signs in a place visible to all passengers.

### **T14 Communication with the driver**

A proprietor of a hackney carriage shall provide sufficient means by which any person in the vehicle may communicate with the driver.

### **T15 Use of trailers**

A vehicle may tow a trailer only when one is required in order to convey a hirer's luggage. If a trailer is towed:

- it shall be roadworthy at all times, comply with all requirements of the current Road Traffic legislation and the towing weights specified by the vehicle's manufacturer.
- the vehicle insurance must include cover for towing a trailer.
- it must comply at all times with the speed restrictions applicable to trailers.
- it must provide secure and weather proof stowage for the luggage.
- it must not be attached to the vehicle when the vehicle is standing on a hackney carriage rank
- it must not be unattended on the highway
- the driver will hold the appropriate licence category on their DVLA driving licence to tow a trailer.

### **T16 Fire extinguisher**

Every vehicle must carry either one 2 kg or two 1 kg dry powder fire extinguishers. The extinguishers must:

- comply with and be marked as complying with either EN3 or BS 5306 and be so marked.
- be stored in a readily accessible position in the vehicle.
- be full and, where a gauge is fitted, this must show that this is the case.

All wheelchair accessible vehicles with a lift **must** carry a 1kg or 2kg fire extinguisher at the front and the rear of the vehicle.

**(Note:** no other extinguisher type is permitted.)

### **T17 First aid kit**

A first aid kit must be carried that contains the following items:

- six individually wrapped sterile adhesive dressings.
- one large sterile un-medicated dressing, approximately 18 cm x 18 cm.
- two triangular bandages.
- two safety pins.
- individually wrapped moist cleansing wipes.
- one pair of disposable gloves.

All first aid kit contents must be within any specified expiry date.

All first aid materials must be carried in a suitable container clearly marked as containing first aid and of a design and construction that protects the contents. The container should be stored in a readily accessible position in the vehicle.

**(Note:** the first aid kit is for use by the driver to administer first aid to themselves and is required under the Health and Safety (First Aid) Regulations 1981).

### **T18 Written-off vehicles**

Vehicles that have been written off under Category A or B for insurance purposes will not be considered for licensing.

Vehicles written off under category C for insurance purposes will be considered on an individual basis by the licensing officer, subject to the following being carried out:

- Vehicle Identity Check (VIC) is carried out by VOSA and VIC Marker is removed from the DVLA vehicle record. Evidence of this will need to be provided.
- New MOT
- Vehicle inspection carried out by an authorised officer of the Council

Vehicles written off under category D for insurance purposes will be considered on an individual basis by the licensing officer, subject to the following being carried out:

- New MOT
- Vehicle inspection carried out by an authorised officer of the Council

### **Current licensed vehicles**

Vehicles currently licensed when written off will be subject to the above provisions.



### **T19 Temporary replacement of licensed vehicles**

Any licensed vehicle suffering (major) accident damage or requiring mechanical repair may be replaced by a hire vehicle provided:

- the accident damage has been reported by the licence holder in accordance with the requirements of these guidelines, or the defect to the licensed vehicle has been similarly reported.
- application is made by the licence holder for a temporary plate/transfer and the appropriate fee paid.
- the replacement vehicle is properly taxed, insured and tested to the requirements of the normal licence vehicle.
- the replacement vehicle is of suitable size (like for like) to be used for hire purposes.

Providing the foregoing guidelines are met:

- the council will issue a temporary licence plate(s) to cover the existing period of the licence.
- any temporary licence plate(s) must be returned to the council at the end of the temporary replacement.
- the inspection costs will be borne by the licence holder.
- any hackney replacement vehicle must be fitted with a meter, which must be tested and calibrated to the council's current tariff.

### **T20 Vehicle condition**

The vehicle must be kept in good condition and in particular meet the following criteria at all times:

- Vehicles should have no damage affecting the structural safety of the vehicle.
- The body of the vehicle must be watertight and draught proof.
- Vehicles should be free of significant areas of visible rusting. Minor blemishes are acceptable, but should be regularly treated and painted to match existing paintwork.
- Vehicles should not have any major dents or similar damage to the bodywork.
- Vehicles should have no scratches down to the metal of more than 5 cm in length and no scratches down to base coat longer than 20cm.
- All panels on all vehicles shall be painted in a uniform colour and all original panels and trim shall be in place.
- All seats, including the driver's seat, must be fully intact, free from cuts, holes, stains or burns, except of a very minor nature. Any repairs must have been carried out in a professional manner. Seat covers are acceptable provided that they meet the above standard.
- All carpets and floor coverings shall be complete and free from all major cuts, tears or obvious stains.
- All interior trim, including headlining, shall be clean, complete, properly fitted and free from serious cuts, tears or staining.
- The luggage compartment must be clean and tidy.

### **Maintenance**

The vehicle must be serviced and maintained in accordance with the manufacturer's instructions and suitable records must be available for inspection.

### **T21 Licence plates**

The external licence plate must be securely fixed externally to the rear of the vehicle in a position specified by the council. The licence plate must be clearly visible, and remain in

that position for the duration of the licence.

The internal licence plate must be securely fixed on the inside of the vehicle windscreen or clearly visible in the passenger compartment as specified by the council.

## **T22 Wheelchair accessible vehicles**

### **Vehicle age**

On first application for a licence, only wheelchair accessible vehicles under seven years old from the date of first registration will be considered.

### **Vehicle Type**

Any vehicle that has been purpose built, or any vehicle that has been modified or converted to carry a disabled person confined to a wheelchair, will be considered for licensing provided the vehicle complies with the requirements and guidelines laid down by Wiltshire Council.

Vehicles will have a maximum seating capacity of up to eight passenger seats and only forward or rearward facing seats shall be fitted. When carrying a wheelchair this must be included and not in addition to the maximum number of seats. When the wheelchair facility is not required the vehicle will operate as a normal hackney carriage or private hire vehicle with seating for the number of passengers the vehicle is licensed to carry.

Prior to licensing, all new vehicles and equipment must undergo an initial inspection by a qualified and competent vehicle examiner nominated by the Council to ascertain the suitability of the vehicle, and to confirm the vehicle is fit for purpose. This will include the seating, the system and devices used to secure the wheelchair and occupant and the wheelchair access equipment. The applicant must provide the licensing authority with written confirmation from the examiner that the vehicle meets the required standard.

Following issue of the first licence your vehicle will be required to undergo a further inspection as above no later than six months in to your licence. This will then continue yearly whilst the vehicle is licensed.

### **Access**

All wheelchair accessible vehicles must be able to load a wheelchair using the access equipment by the side or rear access doors. The side access door would be the door situated on the nearside of the vehicle, i.e. the kerbside when stopped in a normal road.

The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 48 inches (1220mm). The measurement shall be taken from the upper centre of the aperture to a point directly below on either the upper face of the fully raised platform or the upper face of the ramp fully deployed on level ground.

A locking mechanism shall be fitted that holds the access door in the open position whilst in use.

### **Equipment**

A wheelchair accessible vehicle shall be fitted with either of the following forms of wheelchair access equipment:

## **Ramps**

Any purpose designed access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to a safe working load of 250 kgs and certified BS6109.

## **Wheelchair lift**

A purpose designed wheelchair lift shall conform to the LOLER 98 Regulations. Vehicles presented for inspection with a wheelchair lift will require a valid LOLER certificate.

The wheelchair access equipment shall be fitted such that it terminates at the interior floor level so as to allow smooth entry/exit of the wheelchair.

## **Anchorage**

The wheelchair must always be carried in a secure and stable position as recommended by the vehicle manufacturer or conversion team. In the case of purpose built vehicles i.e. London style taxis, this position will be facing the rear of the vehicle. In the case of vehicles, which have been specially converted for the purpose of conveying wheelchairs, the converter's recommendations should be followed. **Please note this will always be either facing the front or rear of the vehicle. Wheelchairs should never be carried facing sideways in a vehicle.**

A system for the effective anchoring and securing of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces. The system and the devices used to secure a wheelchair to the vehicle shall comply with the relevant standards laid down in European Directive 76/115 EEC (as amended).

All wheelchair tracking must comply with European Standard UNECE Regulation 14 (EC Directive 76/115 EEC).

Each wheelchair user shall be provided with a disabled-person seatbelt, which fastens to the structure of the vehicle either permanently or temporarily by use of approved fixings appropriate to the position of the wheelchair. European Directive 76/115 EEC and Regulations 46 & 47 Road Vehicles (Construction and Use) Regulations 1986).

## **T23 Notification of changes**

Once a licence has been issued the following criteria will apply to the owner of a hackney carriage:

The licence holder must within 72 hours supply the council with details of any:

- change of the owners business or home address.
- change of premises where the vehicle is normally kept.
- accident which causes damage or materially affects the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein.
- alteration in the construction, specification, design and condition of the vehicle.

This notification may be by oral report in the first instance, but must be followed up in writing.

The licence holder must give written notification to the council within seven days of the following:

- The name and address of every additional owner or part owner of the vehicle.
- The name and address of anyone concerned either solely or in partnership with any other person in keeping, employing or letting the vehicle for hire.
- Details of any conviction(s) being recorded against:
  - the owner of the vehicle.
  - any company of which he/she is a director or secretary.
  - any person with whom he/she is in partnership or who has any interest in the vehicle.

#### **T24 Roof signs**

The vehicle must be fitted with an illuminated roof sign ('top sign') on which the word 'TAXI' must appear and be clearly visible from in front of the vehicle. The roof sign must:

- be securely fixed to the vehicle roof at all times.
- illuminate automatically when the vehicle taximeter is set to 'for hire'.

**(Note:** there is no restriction or requirement for any wording on the rear of the sign).

#### **T25 Fare meters**

Vehicles must be fitted with a Hackney Carriage fare meter ('taximeter') which shall be so constructed, installed and maintained so as to comply with the following guidelines:

- The taximeter shall be installed by a competent person.
- The taximeter shall be calibrated to the vehicle and the current table of tariffs, set by the licensing authority, applied by a person approved by the manufacturer of the taximeter.
- The taximeter shall be maintained in proper working order and condition.
- The fare meter shall be fitted with a key, flag or other device which will bring the machinery of the fare meter into action and cause the word "HIRED" to appear on the face of the meter.
  - Such key, flag or other device shall be capable of being locked in such a position that the machinery of the fare meter is not in action and that no fare is recorded on the face of the fare meter.
- When the machinery of the fare meter is in action there shall be recorded on the face of the meter, in clearly legible figures, the fare equal to the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the vehicle by distance and time in accordance with the current Table of Fares.
- The hackney carriage meter shall be positioned so that all letters and figures on its face are at all times plainly visible to any person being conveyed in the vehicle, even during darkness.
- Prior to being licensed, or once licensed and prior to every fare increase, it is the responsibility of the proprietor of a licensed hackney carriage to have the meter calibrated/recalibrated to the current approved council tariff. This is usually done through the meter manufacturer or supplier.
- Any seal applied to the meter or associated components by the council should not be removed or otherwise tampered with.

**(Note:** under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 an authorised officer of the council can inspect and test, at any reasonable time, any taximeter in a licensed hackney carriage or private hire vehicle. If they are not satisfied as to the accuracy of the meter they may, by a notice in writing, suspend the vehicle licence until he is satisfied that the meter is working correctly.

## **T26 Fare cards**

A copy of the current table of fares (the fare card), as supplied by the council, must be displayed on the inside of the vehicle in a conspicuous position so as to be readily visible to any person carried in the vehicle. This table of fares must not have been altered in any way.

## **T27 Advertising on vehicles**

Advertising may only be displayed on a vehicle when it has been approved by the council after adoption of these guidelines.

Advertising will only be approved which:

- provides information about the services provided by the vehicle proprietor and contact details for that operator or relates to goods or services not provided by the vehicle proprietor.
- does not obliterate or confuse any council licence plate or number plates of the vehicle.
- is unlikely to cause offence.
- complies with the latest British Code of Advertising, Sales Promotion and Direct Marketing (The “CAP code”) published by the Advertising Standards Authority.

All advertisements must be submitted in writing to the council for approval, clearly indicating the size, design and location on the vehicle.

## **T28 Bus Lanes – Salisbury area**

Licensed hackney carriages are allowed the use of bus lanes in Milford Street and Castle Road provided certain ‘conditions of use’ are followed.

- **Milford Street** – never travel at more than 10mph and always have the vehicle’s headlights switched on.
- **Castle Road** – no additional conditions of use, but vehicles are allowed the use of the ‘bus gate’ at the end of the bus lane.
- All Wiltshire licensed hackney carriages will be able to use any future bus lanes.

## **T29 Taxi ranks and plying for hire**

Drivers can ply for hire in a licensed hackney carriage from:

- a designated taxi rank.
- private land – at the landowners consent.

Drivers must stay with their vehicle at all times when using designated taxi ranks.

## **T30 Termination or surrender of licence**

All badges, signs and licence plates issued remain the property of the council at all times. On surrender, expiry, suspension or revocation of the vehicle licence, the licence holder must return the external and internal plates to the council without delay.

# Private hire vehicles

No vehicle will be licensed as a private hire vehicle unless it has first been inspected by an officer of the council and found to comply with these guidelines. Although council officers will offer guidance and assistance to applicants for a vehicle licence, no approval can be issued until the vehicle is inspected. Applicants are advised to discuss any proposed acquisition of a vehicle for use as a private hire vehicle with council licensing officers prior to any such acquisition.

Once licensed the vehicle must meet all the guidelines at all times.

The holder of the licence shall comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 and the guidelines detailed below:-

## **P1 Single licensing of vehicle**

This licence is issued on the condition that the vehicle to which it relates is not licensed as either a hackney carriage or private hire vehicle by another council. If Wiltshire Council becomes aware of other vehicle licences (hackney carriage or private hire) running concurrently with this licence then this licence will be revoked.

## **P2 Passengers**

The number of passengers conveyed in the vehicle should not be more than the number prescribed in the licence, regardless of the age or size of the passenger.

## **P3 Inspections**

On first application for a licence, only vehicles under five years old from the date of first registration will be considered. Please see guideline T22 in relation to vehicle age for wheelchair accessible vehicles.

Prior to first application a conditions check will be carried out by a licensing officer before referral for a new MOT or compliance certificate, irrespective of the vehicles age.

From the date of the first licence being issued, an inspection will be carried out by an authorised officer of the Council, and an MOT or compliance certificate will be required on a six-monthly basis, irrespective of the vehicles age.

All existing licensed vehicles will be required to have a six-monthly inspection, carried out by an authorised officer of the Council and an MOT or compliance certificate, irrespective of the vehicles age.

**(Note:** should a vehicle not be presented for inspection in accordance with the above then the licence may be suspended. Where a vehicle fails the inspection then the licence may be suspended or the licence not renewed.)

## **P4 Production of vehicle documentation**

The owner of a hackney carriage or private hire vehicle shall, at the request of any authorised officer of the council, produce for inspection:

- the vehicle licence.
- the certificate of insurance covering its use for hire and reward.

- MOT certificate or compliance certificate.
- V5

### **P5 Vehicle type**

Owners with more than nine hackney carriages and/or private hire vehicles must ensure the next plated vehicle licensed for the first time on or after 1 October 2010 is:

- wheelchair accessible from the nearside or rear, including a ramp or lift to enable loading.
- have space to carry at least one passenger while using a wheelchair.

**Example:** If you own nine vehicles irrespective of whether they are a mixture of hackney carriages and private hire vehicles and wish to purchase a 10<sup>th</sup> vehicle for use as a hackney carriage or private hire vehicle, this vehicle **must** be wheelchair accessible.

**(Note:** *this means that purchases of wheelchair accessible vehicles are required for the, 10<sup>th</sup>, 20<sup>th</sup>, 30<sup>th</sup> vehicle and so on. See T22 for further information.*)

Vehicles must be either:

- four door saloons or hatchbacks.
- MPVs.
- estate cars.
- limousines.

In addition vehicles must have:

- between four and eight seats for passengers excluding the driver.
- been manufactured or modified for the primary purpose of carrying passengers.

If a vehicle design appears to be that of a hackney carriage it will not be licensed.

**(Note:** this includes traditional London taxis such as the FX and TX ranges as well as the Peugeot E7).

The vehicle must not carry any roof sign or any markings which may give the impression it is a hackney carriage.

All vehicles must be right-hand drive. The only vehicles permitted to be left-hand drive are limousines.

Vehicles must have a hard top roof that cannot be removed. **(Note:** open top vehicles, convertibles or vehicles with removable hard tops will not be licensed).

In addition to the drivers door, the vehicle must have at least two doors for the use of passengers. Where passenger doors are on only one side of the vehicle they must be on the near (left) side.

### **P6 Engine type**

All vehicles must be powered by an internal combustion engine, or a hybrid arrangement of internal combustion engine and electrical motor.

**(Note:** vehicles that are human powered **Page 51** licensed).

Where a vehicle has been converted to run on LPG a certificate must be produced, prior to a licence being issued, from a member of the LPG Association confirming that the LPG installation conforms to the Association's Code of Practice and is, therefore, considered safe. If an LPG conversion involves installation of the LPG tank in a vehicle's boot space, and possible relocation of the spare wheel, it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage. Any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of the vehicle. These vehicles will be subject to any additional testing required by the compliance testing garage.

In the case of the conversion of a vehicle that is already licensed the above certificate must be produced before the vehicle is operated on LPG.

### **P7 Luggage compartment**

The luggage compartment must be completely separate from the passenger carrying area. In the case of estate cars this means that there must be a secure guard fitted between the luggage and passenger compartments.

All luggage must be suitably restrained where, in the event of an accident, it is likely to cause injury to the occupant of the vehicle.

### **P8 Wheels and tyres**

All vehicles must have at least four road wheels. A spare tyre, space saver tyre or repair kit must be carried in the vehicle as supplied by the manufacturer when new, together with any necessary jack and tools. Any spare or space saver wheel should be carried in the vehicle in the place allocated by the manufacturer.

**(Note:** Space saver tyres and puncture repair kits will only be acceptable in vehicles that are manufactured without full size spare tyres and vehicles that are adapted in a way to prevent them carrying a full size spare tyre).

Re-moulded or re-cut tyres must not be fitted to the vehicle and all tyres must be kept at the correct pressure and meet legal requirements.

### **P9 Bull bars**

Vehicles must not be fitted with 'bull bars' or other modification that increases the risk to passengers, pedestrians or other road users in the event of impact. Tow-bars are accepted at initial licence. Any material changes to the vehicle, in addition of a tow-bar, must be provided in writing to the relevant licensing area office.

### **P10 Passenger access**

All internal door handles must be clearly visible to passengers and, if necessary, marked with signs or identification tape and must be fully operational at all times.

Any steps at passenger door entrances must have clearly marked edges and be lit when the passenger door is open.

### **P11 Seats and seat belts**

All passenger seats must be easily accessible to passengers without the need for more than one passenger to move. If access to one or more of the passenger seats requires the folding or moving of the other seats, the release mechanism for the adjustable seat



must be clearly marked and visible to passengers.

All passenger seats must face forward or rearward to the direction of travel, except in the case of vehicles that fall within the council's definition of limousine.

All swivel seats must be fitted in accordance with manufacturer's recommendations.

All seats in the vehicle must be fitted with either a three point inertia belt, two point lap belt or three point disabled persons belt. They must comply with current seatbelt standards and be fully functional at all times.

Passenger seats must be at least 400mm wide per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle. There must be a minimum of 860mm headroom for all passenger seats measured from the rear of the seat cushion to the roof lining.

### **P12 Windows**

Tinted glass shall conform to the legal requirements of the current Road Vehicle (Construction & Use) regulations.

No temporary glass or other material will be accepted as a temporary measure i.e., plastic sheeting, until windows are replaced due to damage.

All passengers must have access to a window that can be opened or another form of natural ventilation whilst being carried in the vehicle.

### **P13 No smoking signs**

All vehicles must display no-smoking signs in a place visible to all passengers.

### **P14 Communication with the driver**

A proprietor of a private hire vehicle shall provide sufficient means by which any person in the vehicle may communicate with the driver.

### **P15 Use of trailers**

A vehicle may tow a trailer only when one is required in order to convey a hirer's luggage. If a trailer is towed it shall:

- be roadworthy at all times, comply with all requirements of the current Road Traffic legislation and the towing weights specified by the vehicles' manufacturer.
- the vehicle insurance must include cover for towing a trailer.
- comply with the speed restrictions applicable to trailers at all times.
- provide secure and weather-proof stowage for the luggage.
- trailers must not be towed whilst standing on a hackney carriage rank or left unattended on the highway.
- the driver will hold the appropriate licence category on their DVLA driving licence to tow a trailer.

### **P16 Fire extinguisher**

Every vehicle must carry either one 2 kg or two 1 kg dry powder fire extinguishers. These extinguishers must:

- comply with and be marked as complying with either EN3 or BS 5306 and be so marked.

- be stored in a readily accessible position in the vehicle.
- be full and, where a gauge is fitted, this must show that this is the case.

All wheelchair accessible vehicles with a lift MUST carry a 1kg or 2kg fire extinguisher at the front and the rear of the vehicle.

**(Note:** no other extinguisher type is permitted).

### **P17 First aid kit**

A first aid kit must be carried that contains the following items:

- six individually wrapped sterile adhesive dressings.
- one large sterile un-medicated dressing – approximately 18 cm x 18 cm.
- two triangular bandages.
- two safety pins.
- individually wrapped moist cleansing wipes.
- one pair of disposable gloves.

All first aid kit contents must be within any specified expiry date.

All first aid materials must be carried in a suitable container of a design and construction that protects the contents, and be clearly marked as containing first-aid. The container should be stored in a readily accessible position in the vehicle.

**(Note:** The first aid kit is for use by the driver to administer first aid to themselves and is required under the Health and Safety (First Aid) Regulations 1981).

### **P18 Written-off vehicles**

Vehicles that have been written off under Category A or B for insurance purposes will not be considered for licensing.

Vehicles written off under category C for insurance purposes will be considered on an individual basis by the licensing officer, subject to the following being carried out:

- Vehicle Identity Check (VIC) is carried out by VOSA and VIC Marker is removed from the DVLA vehicle record. Evidence of this will need to be provided.
- New MOT
- Vehicle inspection carried out by an authorised officer of the Council

Vehicles written off under category D for insurance purposes will be considered on an individual basis by the licensing officer, subject to the following being carried out:

- New MOT
- Vehicle inspection carried out by an authorised officer of the Council

### **Current licensed vehicles**

Vehicles currently licensed when written off will be subject to the above provisions.

Any licensed vehicle suffering (major) accident damage or requiring mechanical repair, may be replaced by a hire vehicle provided:

- the accident damage has been reported by the licence holder in accordance with the requirements of these guidelines, or the defect to the licensed vehicle has been similarly reported.
- application is made by the licence holder for a temporary plate/transfer and the appropriate fee paid.
- the replacement vehicle is properly taxed, insured and tested to the requirements of the normal licence vehicle.
- the replacement vehicle is of suitable size (like for like) to be used for hire purposes.

Providing the foregoing guidelines are met:

- the council will issue a temporary licence plate(s) to cover the existing period of the licence.
- any temporary licence plate(s) must be returned to the council at the end of the temporary replacement.
- the inspection costs will be borne by the licence holder.

### **P20 Vehicle condition**

The vehicle must be kept in good condition and, in particular, meet the following criteria at all times:

- Vehicles should have no damage affecting the structural safety of the vehicle.
- The body of the vehicle must be watertight and draught proof.
- Vehicles should be free of significant areas of visible rusting. Minor blemishes are acceptable, but should be regularly treated and painted to match existing paintwork.
- Vehicles should not have any major dents or similar damage to the bodywork.
- Vehicles should have no scratches down to the metal of more than 5 cm in length and no scratches down to base coat longer than 20cm.
- All panels on all vehicles shall be painted in a uniform colour and all original panels and trim shall be in place.
- All seats, including the driver's seat, must be fully intact, free from cuts, holes, stains or burns, except of a very minor nature. Any repairs must have been carried out in a professional manner. Seat covers are acceptable provided that they meet the above standard.
- All carpets and floor coverings shall be complete and free from all major cuts, tears or obvious stains.
- All interior trim, including headlining, shall be clean, complete, properly fitted and free from serious cuts, tears or staining.
- The luggage compartment must be clean and tidy.

### **P21 Licence plates**

The external licence plate must be securely affixed externally to the rear of the vehicle in a position specified by the council. It must be clearly visible and remain in that position for the duration of the licence.

The internal licence plate must be securely affixed on the inside of the windscreen within the vehicle, or clearly visible in the passenger compartment as specified by the council.

### **P22 Wheelchair accessible vehicles**

### **Vehicle age**

On first application for a licence, only wheelchair accessible vehicles under seven years old from the date of first registration will be considered.

### **Vehicle Type**

Any vehicle that has been purpose built, or any vehicle that has been modified or converted to carry a disabled person confined to a wheelchair, will be considered for licensing provided the vehicle complies with the requirements and guidelines laid down by Wiltshire Council.

Vehicles will have a maximum seating capacity of up to eight passenger seats and only forward or rearward facing seats shall be fitted. When carrying a wheelchair this must be included and not in addition to the maximum number of seats. When the wheelchair facility is not required the vehicle will operate as a normal hackney carriage or private hire vehicle with seating for the number of passengers the vehicle is licensed to carry.

Prior to licensing, all new vehicles and equipment must undergo an initial inspection by a qualified and competent vehicle examiner nominated by the Council to ascertain the suitability of the vehicle, and to confirm the vehicle is fit for purpose. This will include the seating, the system and devices used to secure the wheelchair and occupant and the wheelchair access equipment. The applicant must provide the licensing authority with written confirmation from the examiner that the vehicle meets the required standard.

Following issue of the first licence your vehicle will be required to undergo a further inspection as above no later than six months in to your licence. This will then continue yearly whilst the vehicle is licensed.

### **Access**

All wheelchair accessible vehicles must be able to load a wheelchair using the access equipment by the side or rear access doors. The side access door would be the door situated on the nearside of the vehicle, i.e. the kerbside when stopped in a normal road.

The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 48 inches (1220mm). The measurement shall be taken from the upper centre of the aperture to a point directly below on either the upper face of the fully raised platform or the upper face of the ramp fully deployed on level ground.

A locking mechanism shall be fitted that holds the access door in the open position whilst in use.

### **Equipment**

A wheelchair accessible vehicle shall be fitted with either of the following forms of wheelchair access equipment:

#### **Ramps**

Any purpose designed access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to a safe working load of 250 kgs and certified BS6109.

#### **Wheelchair lift**

A purpose designed wheelchair lift shall conform to the LOLER 98 Regulations. Vehicles presented for inspection with a wheelchair lift will require a valid LOLER certificate.

The wheelchair access equipment shall be fitted such that it terminates at the interior floor level so as to allow smooth entry/exit of the wheelchair.

### **Anchorage**

The wheelchair must always be carried in a secure and stable position as recommended by the vehicle manufacturer or conversion team. In the case of purpose built vehicles i.e. London style taxis, this position will be facing the rear of the vehicle. In the case of vehicles, which have been specially converted for the purpose of conveying wheelchairs, the converter's recommendations should be followed. **Please note this will always be either facing the front or rear of the vehicle. Wheelchairs should never be carried facing sideways in a vehicle.**

A system for the effective anchoring and securing of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces. The system and the devices used to secure a wheelchair to the vehicle shall comply with the relevant standards laid down in European Directive 76/115 EEC (as amended).

All wheelchair tracking must comply with European Standard UNECE Regulation 14 (EC Directive 76/115 EEC).

Each wheelchair user shall be provided with a disabled-person seatbelt, which fastens to the structure of the vehicle either permanently or temporarily by use of approved fixings appropriate to the position of the wheelchair. European Directive 76/115 EEC and Regulations 46 & 47 Road Vehicles (Construction and Use) Regulations 1986).

### **P23 Notification of changes**

Once a licence has been issued the following criteria will apply to the owner of a private hire vehicle:

The licence holder must, within 72, hours supply the council with details of any:

- change of the owner's business or home address.
- change of premises where the vehicle is normally kept.
- accident causing damage or materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein.
- alteration in the construction, specification, design and condition of the vehicle.

This notification may be by oral report in the first instance, but must be followed up in writing.

The licence holder must give written notification to the council within seven days of the following:

- The name and address of every additional owner or part owner of the vehicle.
- The name and address of anyone concerned either solely or in partnership with any other person in keeping, employing or letting the vehicle for hire.
- Details of any conviction(s) being recorded against:
  - the owner of the vehicle.
  - any company of which he/she is a director or secretary.
  - any person with whom he/she is in partnership or who has any interest in the vehicle.

The vehicle must not be fitted with a roof sign ('top sign') of any description.

### **P25 Fare meters**

While there is no requirement to do so the vehicle may be fitted with a fare meter (taximeter). If the vehicle is fitted with a taximeter then it must be constructed, installed and maintained so as to comply with the following guidelines:

- The taximeter shall be installed by a competent person.
- The taximeter shall be calibrated to the vehicle and the table of tariffs applied by a person approved by the manufacturer of the taximeter.
- The taximeter shall be maintained in proper working order and condition.
- The fare meter shall be fitted with a key, flag or other device which will bring the machinery of the fare meter into action and cause the word "HIRED" to appear on the face of the meter.
  - Such key, flag or other device shall be capable of being locked in such position that the machinery of the fare meter is not in action and that no fare is recorded on the face of the fare meter.
- When the machinery of the fare meter is in action there shall be recorded on the face of the meter, in clearly legible figures, the fare or rate of fare which the proprietor or driver is entitled to demand and take for the hire of the vehicle by distance and time in accordance with the table of fares charged by the operator.
- The meter shall be positioned so that all letters and figures on its face are at all times plainly visible to any person being conveyed in the vehicle even during darkness.
- Any seal applied to the meter or associated components by the council should not be removed or otherwise tampered with.
- If a taximeter is installed in the vehicle when licensed, it must not be removed without the prior consent of the licensing officer.

**(Note:** Under Section 68 of the Local Government (Miscellaneous Provisions) Act 1976 an authorised officer of the council can inspect and test, at any reasonable time, any taximeter in a licensed hackney carriage or private hire vehicle. If he is not satisfied as to the accuracy of the meter he may by a notice in writing suspend the vehicle licence until he is satisfied that the meter is working correctly).

### **P26 Fares and fare cards**

If a fare meter is fitted in the vehicle a copy of the current table of fares, the fare card, as supplied by the operator, must be displayed on the inside of the vehicle in a conspicuous position so as to be readily visible to any person carried in the vehicle. This table of fares must not have been altered in any way.

### **P27 Advertising on vehicles**

Advertising will not be permitted on private hire vehicles unless it relates specifically to the private hire operator.

### **P28 Bus lanes – Salisbury area**

Licensed private hire vehicles are allowed the use of bus lanes in Milford Street and Castle Road provided certain 'conditions of use' are followed.

- **Private hire vehicles only** – when using the bus lanes they must always display a front vehicle identification marker in addition to the normal plate displayed on the rear of the vehicle. These are issued by the council and are required as a means of identifying a licensed vehicle from **Page 58**. A fee is payable.

- **Milford Street** – never travel at more than 10mph and always have the vehicle's headlights switched on.
- **Castle Road** – no additional conditions of use but vehicles are allowed the use of the 'bus gate' at the end of the bus lane.
- All Wiltshire licensed private hire vehicles will be able to use any future bus lanes.

### **P29 Taxi ranks**

Private hire vehicles must not be used to ply for hire from a taxi rank or in any other such manner which may give members of the public the impression it is a taxi.

### **P30 Door signs**

Vehicles are required to display signs provided by the council on the front nearside and offside doors.

### **P31 Exemption from displaying vehicle plate/door signs**

Under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 the council, which issues the licence, may exempt a licensed private hire vehicle from the need to display a plate and the driver from wearing his identity badge. Owners who wish to apply for this exemption should contact their local licensing office.

If a written exemption notice has been issued it must be carried in the vehicle at all times. Failure to do so will invalidate the exemption.

If, after an exemption notice is issued, the circumstances of the exemption change, such as a change of use for the vehicle, the licence holder must inform the council in order that the exemption can be reconsidered.

The vehicle licence holder will be required to make a written application for an exemption to include:

- the plate and index number of the licensed vehicle.
- the nature of the work/business the vehicle will be engaged in.
- the reasons why the exemption is requested.

The main consideration will always be the safety of the general public, but consideration will also be given to the nature of the work the vehicle will be used for and whether it needs to be identifiable to the public or not.

### **P32 Stretched limousines**

These guidelines and relaxations apply only to stretched limousines which are constructed or adapted to seat up to eight passengers. These vehicles are defined as:

- a saloon type vehicle that has undergone an increase in length by extending the wheelbase after manufacture and modified to contain luxury facilities and fixtures.

These are typically imported from the USA and manufactured originally by Lincoln (Ford) or Cadillac.

These guidelines made under the Local Government (Miscellaneous Provisions) Act 1976 are specific to a vehicle adapted by lengthening the wheelbase of a standard, factory built vehicle. The purpose of these guidelines are to protect public safety. They apply in

addition to the authority's standard guidelines for private hire vehicles and take account of the fact that stretched limousines will:

- be used mainly for special events/occasions and not for normal private hire work.
- travel generally at slower speeds than normal private hire vehicles.
- not normally overtake other vehicles.
- be easily recognisable by the hirer.
- be heavier and considerably longer than standard cars.
- often be adapted or converted by someone other than the original manufacturer.

### **P33 Pre licensing guidelines for limousines**

The council will require originals of the following documentation to be produced before an initial application for a vehicle licence can be considered:

- Completed importation document where applicable.
- Single Vehicle Approval (SVA) certificate issued by VOSA.
- Proof that the 'stretch' was performed by the manufacturer or by a coachbuilder approved by the manufacturer by producing a Vehicle Modifier Certificate (VMC) or a Cadillac Master Coachbuilder Certificate (CMC) for Cadillac vehicles.
- DVLA registration document specifying the number of seats as being no more than 9 seats inclusive of the driver.
- Documentation to show the overall weight of the vehicle, as displayed on the vehicle.
- Valid Vehicle Excise Licence disc.
- Where applicable vehicles converted to run on LPG must produce an installation certificate from a Liquefied Petroleum Gas Association (LPGA) approved UK vehicle conversion company.

This documentation must be available at all times otherwise the licence will be revoked.

The council will require originals of the following documentation to be produced before an initial application for a vehicle licence can be considered:

- Completed importation document where applicable.
- Individual Vehicle Approval Scheme (IVA) certificate issued by VOSA.
- Proof that the 'stretch' was performed by the manufacturer or by a coachbuilder approved by the manufacturer by producing a Vehicle Modifier Certificate (VMC) or a Cadillac Master Coachbuilder Certificate (CMC) for Cadillac vehicles.
- DVLA registration document specifying the number of seats as being no more than 9 seats inclusive of the driver.
- Documentation to show the overall weight of the vehicle, as displayed on the vehicle.
- Valid Vehicle Excise Licence disc.
- Where applicable vehicles converted to run on LPG must produce an installation certificate from a Liquefied Petroleum Gas Association (LPGA) approved UK vehicle conversion company.

This documentation must be available at all times otherwise the licence will be revoked.

### **P34 Maximum length of stretch limousines**

The maximum length of the vehicle 'stretch' shall not exceed 3048 millimetres (120 inches) with the exception of the Cadillac, which shall not exceed 3302 millimetres (130 inches).



This is the measurement between the rear edge of the front door and the front edge of the rear door.

### **P35 Limousine tyres**

The vehicle should be equipped with a minimum of four road wheels and one full size spare wheel. The tyres shall be of an approved rating as specified by the tyre manufacturer for weight and speed of the vehicle.

### **P36 Limousine seats and seat belts**

Seats may be forward, rearward or sideways facing.

All seats shall be fitted with appropriate seat belts, which must be fitted in accordance with the current Road Vehicle (Construction & Use) Regulations.

For the purposes of calculating the seating capacity of a vehicle the minimum width of a passenger seat will be 400 mm. (16inches). In the case of an 'L' shaped seat sufficient space must be made available in the corner to prevent the passenger on one side of the corner encroaching on the passenger on the other side.

### **P37 Limousine glass**

Tinted glass shall conform to the legal requirements of the current Road Vehicle (Construction & Use) regulations.

### **P38 Limousine doors and interior**

The vehicle must have at least 2 doors for use of persons conveyed in the limousine and a separate means of ingress and egress for the driver. Doors must be capable of being readily opened from inside and outside the vehicle by one operation.

There must be adequate internal light to enable passengers to enter and leave the vehicle safely.

The internal fittings and furniture of the limousine must be kept in a clean, well-maintained condition and in every way fit and safe for public use.

Facilities must be provided for the safe conveyance of luggage.

Facilities must be provided to ensure that any person travelling in the limousine can communicate with the driver.

### **P39 Passengers in limousines**

All passengers must remain seated and wear a seat belt when the vehicle is in motion.

Passengers must not be carried in the front of the vehicle.

Passengers under the age of 15 years shall not be carried in a stretched limousine unless accompanied by a responsible adult who is over the age of 18 years, or the parent or guardian of at least one of the children.

No person under the age of 18 years being conveyed in a stretched limousine shall be allowed to consume alcohol.

# Private hire operator

## **O1 Criminal Records Bureau check (CRB)**

A basic CRB disclosure will be required for operators who do not hold a current hackney carriage/private hire drivers licence with the council. This can be obtained via Disclosure Scotland at [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk)

## **O2 Definition of an operator**

An operator is a person who in the course of business makes provision for the invitation or acceptance of bookings for a private hire vehicle.

Sub-contracting may only take place from one operator to another as long as the operator being subcontracted to is licensed by the same local authority.

## **O3 Standards of service**

The proprietor / operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall:

- ensure that all guidelines under the provisions for vehicles and drivers are complied with.
- keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access whether for the purpose of booking or waiting.
- ensure that any waiting area provided by the operator has adequate seating facilities.
- ensure that any telephone facilities and any radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- ensure that any radio equipment provided by the operator is licensed and produce the licence to the council at any time required.
- not conduct the business to which this licence relates in a manner which will cause a nuisance or annoyance to the owners or occupiers of nearby premises.

## **O4 Records**

The records required to be kept by the operator under section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept on a suitable form or forms and the operator shall enter, before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by the operator:

- the time and date of booking.
- the name and address of the hirer.
- the number of persons to be carried.
- how the booking was made, i.e. by telephone, personal call, etc.
- the time of pick up.
- the point of pick up.
- the destination.
- the name and the licence number of driver.
- the vehicle to be used the registration and plate number.
- Remarks, including details of any sub-contract.

The operator shall also keep records of the particulars of all private hire vehicles operated by him, which shall include details of the owners, registration numbers and drivers of such vehicles, together with any radio signals used.

All records kept by the operator shall be preserved for a period of not less than six months following the day of the last entry.

### **O5 Advertising**

The proprietor shall not exhibit or permit the exhibition of advertising material, any sign or distinguishing mark upon the vehicle (other than the licence plate identifying the vehicle) without first obtaining the council's consent.

The proprietor shall not include in any sign, advertisement, printed material (including for the avoidance of doubt any telephone directory, photograph or film) or broadcast whether by way of radio, cinema or television the words "taxi", "cab", "hackney" or "carriage", whether in the singular, plural or combination of words which would suggest that the vehicle is a hackney carriage (taxi).

### **O6 Notifiable Information**

The operator/proprietor shall within three days supply the council with written details of any:

- change of address.
- change of address from which they operate or otherwise conducts the business of an operator.
- change in premises where the vehicle is kept.
- change in the vehicles operated and/or drivers
- accident causing damage materially affecting the safety, actual performance or appearance of the vehicle or the comfort or convenience of persons carried therein (alteration in the design or construction of the vehicle).
- complaint relating to or arising from the business and the action, if any, which is proposed to be taken in respect thereof.

The operator/proprietor shall give written notification to the council within seven days of any conviction being recorded against:

- him/her personally.
- any driver of that vehicle.
- any company of which he/she is a director.
- any person with whom he/she is in partnership.

The operator/proprietor shall within 14 days of the vehicle being transferred to any other person, which includes both companies and partnerships, notify the council of the name and address of the person to whom the vehicle has been transferred.

## Penalty points scheme

### Enforcement

As a licence holder you have accepted the legal responsibilities, which come with the benefit of holding a licence. There are regulations and disciplinary policies adopted by the council as part of the licensing process. Enforcement is viewed as part of the overall licensing control process exercised by the council and is seen as an important way of maintaining and improving the standards within the trade and the quality of service delivered to the general public.

Usually enforcement action will be taken to:

- protect the public interests
- support the policies of the council
- respond to individual public and trade complaints
- support partnerships with other agencies like the Police and Vehicle Inspectorate
- compliment the council's corporate enforcement policy.

Authorised officers of the council are empowered to give and recommend any of the following disciplinary measures:

- verbal warning
- written warning
- points
- appearance before committee/delegated officer
- prosecution

Licence holders have a clear legal duty to offer assistance and information to any authorised officer and must not wilfully obstruct or give false information.

### Penalty points scheme

This council has adopted a penalty points scheme as a 'fast track' disciplinary code whereby points are issued to licence holders for breaches of licensing conditions, non-compliance of the law or because of unsatisfactory conduct.

The main features of the scheme are as follows;

- points are issued to licence holders for breaches of licensing conditions, legislation or byelaws
- a total of 12 points credited to an individual licence/licensee in any 12 month period will result in a review of the licence at committee/by delegated officer.
- in the case of a private hire operator licence the total number of points credited in any licensing year is extended to 30 points
- any outstanding points against a licence holder will be automatically removed after 12 months have elapsed from the date the points were issued.
- licence holders have a written right of appeal within seven days of the points being issued.

There is no financial penalty associated with this scheme and you may continue to work even if points are awarded.

A list of offences covered by the scheme, together with the points that can be awarded for each offence is shown below.

	<b>Offences</b>	<b>Driver</b>	<b>H/C Prop</b>	<b>P/H Vehicle</b>	<b>P/H Operator</b>
1.	Failure to display drivers ID badge in the correct manner	3			
2.	Unsatisfactory appearance of the driver	2			
3.	Failure to notify change of address/any convictions received /medical grounds not to drive	3	3	3	3
4.	Failure to behave in a civil and orderly manner towards customers and other members of the public at all times	1-5			
5.	Obstruction of an authorised officer	3-6	3-6	3-6	3-6
6.	Failure to produce licence/insurance when requested by authorised officer	4	4	4	4
7.	Failure to report accident damage within 72 hours	3	3	3	3
8.	Overdue medical examination	2			
9.	<u>Carrying more passengers than permitted by the vehicle licence</u>	5			
10.	<u>Refusal to carry passengers without a reasonable excuse</u>	5			
11.	<u>Failure to convey or assist with carrying luggage</u>	2			
12.	<u>Failure to display tariff of fares correctly</u>	2	2	2	2
13.	<u>Failure to recalibrate meter to the correct tariff</u>		2	2	2
14.	<u>Failure to display interior and/or exterior identity plate correctly</u>	3	3	3	3
15.	<u>P/H Exempt vehicles only:- Failure to display interior plate, carry exemption certificate and carry exterior plate</u>	2		2	2
16.	<u>Unreasonable prolongation of a journey or any other misconduct regarding the charging of fares.</u>	5			
17.	<u>Failure to be with taxi on rank</u>	2			
18.	<u>Failure to comply with the conditions/use of bus lanes</u>	3			
19.	<u>Failure to display door signs on Private Hire Vehicle</u>	2		2	2
20.	<u>Failure to have operational fire extinguisher fitted</u>	2	2	2	2
21.	<u>Failure to carry adequate first aid kit</u>	2	2	2	2
22.	<u>Failing to display approved roof sign</u>	3	3		
23.	<u>Unsatisfactory condition of vehicle interior/exterior</u>	3	3	3	3
24.	<u>Failure to deal appropriately with items of property accidentally left in vehicle</u>	2	2	2	2
25.	<u>Using/permitting licensed vehicle with no insurance</u>	9-12	9-12	9-12	9-12
26.	<u>Using licensed vehicle without current certificate of compliance/MOT</u>	3	6	6	6
27.	<u>Unauthorised advertising on licensed vehicle</u>		3	3	3
28.	<u>Standing or plying for hire in a private hire vehicle</u>	5			3
29.	<u>Failure to attend a hiring punctually</u>	3			3
30.	<u>Touting</u>	6			
31.	<u>Defective taxi meter</u>	3	3	3	3
32.	<u>Failure to keep or produce records of private hire bookings/documents required to be kept or produced.</u>				4-6
33.	<u>Any other breach or unsatisfactory behaviour</u>	1-6	1-6	1-6	1-6

# Wiltshire's Four Zones



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### Penalty points scheme

#### Enforcement

As a licence holder you have accepted the legal responsibilities, which come with the benefit of holding a licence. There are regulations and disciplinary policies adopted by the council as part of the licensing process. Enforcement is viewed as part of the overall licensing control process exercised by the council and is seen as an important way of maintaining and improving the standards within the trade and the quality of service delivered to the general public.

Usually enforcement action will be taken to:

- protect the public interests
- support the policies of the council
- respond to individual public and trade complaints
- support partnerships with other agencies like the Police and Vehicle Inspectorate
- compliment the council's corporate enforcement policy.

Authorised officers of the council are empowered to give and recommend any of the following disciplinary measures:

- verbal warning
- written warning
- points
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Licence holders have a clear legal duty to offer assistance and information to any authorised officer and must not wilfully obstruct or give false information.

#### Penalty points scheme

This council has adopted a penalty points scheme as a 'fast track' disciplinary code whereby points are issued to licence holders for breaches of licensing conditions, non-compliance of the law or because of unsatisfactory conduct.

The main features of the scheme are as follows;

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2.	Unsatisfactory appearance of the driver	2			
3.	Failure to notify change of address/any convictions received /medical grounds not to drive	3	3	3	3
4.	Failure to behave in a civil and orderly manner towards customers, members of the public <b>and council officers</b> from the Authority at all times.	1-5	1-5	1-5	1-5
5.	Obstruction of an authorised officer	3-6	3-6	3-6	3-6
6.	Failure to produce licence/insurance when requested by authorised officer	4	4	4	4
7.	Failure to report accident damage within 72 hours	3	3	3	3
8.	Overdue medical examination	3-6	3-6	3-6	3-6
9.	Carrying more passengers than permitted by the vehicle licence	10	10		10
10.	Refusal to carry passengers without a reasonable excuse	5			
11.	Failure to convey or assist with carrying luggage	2			
12.	Failure to display tariff of fares correctly	2	2	2	2
13.	Failure to recalibrate meter to the correct tariff		2	2	2
14.	Failure to display interior and/or exterior identity plate correctly	3	3	3	3
15.	P/H Exempt vehicles only: - Failure to display interior plate, carry exemption certificate and carry exterior plate	2		2	2
16.	Unreasonable prolongation of a journey or any other misconduct regarding the charging of fares.	5			
17.	Failure to be with taxi on rank	3			
18.	Failure to comply with the conditions/use of bus lanes	3			
19.	Failure to display door signs on Private Hire Vehicle	2		2	2
20.	Failure to have operational fire extinguisher fitted	2	2	2	2
21.	Failure to carry adequate first aid kit	2	2	2	2
22.	Failing to display approved roof sign	3	3		
23.	Unsatisfactory condition of vehicle interior/exterior	3-6	3-6	3-6	3-6
24.	Failure to deal appropriately with items of property accidentally left in vehicle	2	2	2	2
25.	Using/permitting licensed vehicle with no insurance	9-12	9-12	9-12	9-12
26.	<b>Using an un-licensed vehicle</b>	9-12	6	6	9-12
27.	Unauthorised advertising on licensed vehicle		3	3	3
28.	Standing or plying for hire in a private hire vehicle	5			3
29.	Failure to attend a hiring punctually	3			3
30.	Touting	6			
31.	Defective taxi meter	3	3	3	3
32.	Failure to keep or produce records of private hire bookings/documents required to be kept or produced.				4-6
33.	Any other breach or unsatisfactory behaviour	1-6	1-6	1-6	1-6
34.	<b>Using vehicle with incorrect or no road tax (VED)</b>	6	6	6	6
35.	<b>Smoking in hackney or private hire vehicles of any product (to include cigarettes or electronic inhaler type cigarettes).</b>	9-12	9-12	9-12	9-12
36.	<b>Driving a licensed Hackney/Private Hire vehicle with incorrect driving licence.</b>	6			6
37.	<b>Vehicle found with defective or worn tyres (points issued per tyre)</b>	3-12	3-12	3-12	3-12