**TEST VALLEY BOROUGH COUNCIL**

**TOWN POLICE CLAUSES ACT 1847 S 38, PUBLIC HEALTH ACT 1875 S 171**

**TRANSPORT ACT 1985**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

**Hackney Carriage and Private Hire Vehicle Licensing Guidelines**

**PART 1: BACKGROUND**

The Test Valley Borough is situated in the County of Hampshire in the picturesque valley of the river Test. Its 155,138 acres stretch from Vernham Dean, on the Hampshire/Berkshire/Wiltshire borders, in the northern extent of the Borough, right down to Chilworth, which lies just outside the City of Southampton at its southern extremity. The area is populated by approximately 116,000 persons and is in the main a rural area, with the former market towns of Andover and Romsey comprising the urban settlements.

Because the Borough is predominately a rural area, Hackney Carriages and Private Hire Vehicles form a vital part of the public transport network.

Test Valley Borough Council has a statutory duty to provide licensing of both Hackney Carriages and Private Hire Vehicles and is the Licensing Authority for these purposes. The function is undertaken by the Licensing Section of the Legal and Democratic Service with the Council’s Environmental Services acting on behalf of the Licensing Section for the purposes of vehicle inspections.

**Other Legislation**

Prior to submitting an application to the Licensing Authority an applicant for a Private Hire Operator’s licence must ensure that Planning Permission for this activity is/is not necessary.

The Council recognizes that there should be a clear separation of the Planning and Licensing systems and Private Hire Operator licensing applications will be viewed independently of any application made to the Planning Service. To achieve this, there will be a liaison maintained between the Planning Service and the Licensing Section.

**PART 2: INTRODUCTION**

Test Valley Borough Council (“the Council”) is the Licensing Authority pursuant to the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 (“the Act”) and is responsible for considering all applications for Hackney Carriage and Private Hire Vehicle licensing. The purpose of licensing is to ensure the safety and comfort of the travelling public at all times.

These guidelines have been prepared having taken account of the Taxi and Private Hire Vehicle Licensing Best Practice Guidance issued by the Department for Transport in March 2010.

These Guidelines will be kept under review and where any amendments are considered necessary these will only be made after consultation has taken place in accordance with Section 11 of the Guidance. Proper weight shall be given to the views of all those consulted. Those to be consulted will include:

* The Chief Officer of Police for Test Valley Borough
* Bodies and persons representing the Hackney Carriage and Private Hire Trade
* Bodies of persons representing the travelling public
* Any other bodies the Council deems appropriate

The Council recognises that the best means of promoting safe licensing of operators, vehicles, and drivers is through the co-operation and partnership of local authorities, the police, the trade and the travelling public.

**Licensing Objectives**

When dealing with licensing matters the Council will promote and have regard to the following licensing objectives:-

* The safety and comfort of the travelling public
* The protection of vulnerable adults and children

The Council’s primary focus is the safety of the travelling public at all times in respect of vehicles, drivers and operators.

**Integration of Strategies**

The Council will take into consideration the following in so far as they are relevant to the licensing objectives:

The Council’s wish to make Test Valley a safer place to live and work, together with improving cultural and recreational facilities and enhancing town centres to make them more attractive to residents within the Borough as detailed in the Council’s Corporate Plan. Ultimately all of these have a potential impact on the transport systems within the Borough of which Hackney Carriages and Private Hire Vehicles form a significant part.

The Council will ensure at all times it takes into account the views of its stakeholders to ensure proper integration of transport strategies.

**Number of Hackney Carriage Vehicle and Private Hire Licences within the Borough**

Test Valley is currently a restricted area in terms of Hackney Carriage Vehicle Licensing. This regulates the controls over the number of Hackney Carriage Vehicle licences that can be issued within the Borough which currently stands at 46. Eleven of these licences are for purpose built wheelchair accessible vehicles only and as at 1st March 2020 three of these licences are available to prospective proprietors, subject to terms and conditions.

In the case of Private Hire Licensing no limit can be placed upon the number of Private Hire Vehicles that the Borough Council can license. The Council has no powers to prescribe fares, or types of vehicles that can be licensed although it can lay down minimum specifications for Private Hire Vehicles. These are contained in the conditions referred to. The area for Private Hire operation is the total area of the Council.

**Hackney Carriage & Private Hire Licensing Conditions**

In order to promote any of the licensing objectives, the Council will attach Hackney Carriage and Private Hire Vehicle Licensing Conditions to each and every licence. Disproportionate and over burdensome conditions on vehicles, drivers and operators will not be imposed unnecessarily. Standardised conditions are used at the present time which can be obtained from the Licensing Section or on the Council’s website at www.testvalley.gov.uk/licensing. Conditions attached to vehicle, drivers and operators licences will so far as possible be appropriate, reflect local crime prevention strategies.

**Hackney Carriage Byelaws**

Made under section 68 of the Town Police Clauses Act 1847, and section 171 of the Public Health Act 1875, in respect of Hackney Carriages these provisions are used for regulation of Hackney Carriage vehicles, drivers, fares and lost property etc. A copy can be obtained from the Licensing Section or on the Council’s website at www.testvalley.gov.uk/licensing.

**Enforcement**

The Council will establish protocols with the local Police on enforcement issues. This will enable a more efficient deployment of local authority staff and Police Officers who are commonly engaged in enforcing licensing law. The aim of the protocol will be to target agreed problems and high risk areas i.e. outbreaks of violence at taxi ranks late at night.

**Delegation of Functions**

In the interests of speed and efficiency the Council will, where possible, delegate licensing decisions and functions to officers (presently the Head of Legal and Democratic). However, if the matter to be decided is controversial in any way or the determination of the matter under delegated powers is precluded by law then it will be decided by the Council’s Licensing Committee.

**Statutory Rights of Appeal**

It is clear that a local authority committee or officer making a decision on the question as to whether or not to grant a licence cannot fulfil the requirement for a hearing before “an independent and impartial tribunal”. However, the fact that there is in relation to every licence relating to hackney carriage and private hire matters, a statutory right of appeal to an independent tribunal (either Magistrates’ Court or Crown Court), means that the requirements of article 6 of the European Convention on Human Rights (Human Rights Act 1998) in respect of independence and impartiality are not compromised and it is unlikely that a successful challenge could be launched against the local authority determining the question.

**Security and CCTV**

The Council actively encourages the installation of security measures such as CCTV systems as a means of providing protection for vehicle drivers. Installation and usage of CCTV systems must comply with the Council’s CCTV Code of Practice in use at that time.

**Hackney Carriage Fares**

The maximum fares that can be charged by a hackney carriage must not exceed the table of fares currently in force. Fare rates are currently, normally only reviewed by the Council following representations from the taxi trade or from a particular sector of the trade.

**PART 3: TYPES OF LICENCES**

**Hackney Carriage or Private Hire - What is the Difference?**

Hackney Carriages are vehicles which ply for hire from ranks or may be hailed in the street and, together with their drivers, must be licensed by the Council.

Private Hire vehicles are booked in advance by telephone or other means and operated from a base by a Private Hire Operator instead of a rank or plying for hire. The Private Hire Vehicle is driven by a Private Hire Driver and all three elements (vehicle, operator and driver) must be licensed by the Council.

**Hackney Carriage and Private Hire Vehicle Drivers Licence**

Each application must be judged on its own merits but it is worth bearing in mind that Public Safety must be paramount, and a good measure of this to bear in mind at all times takes the form of a question that the Council must ask itself when determining each application: Knowing everything that is known about an applicant would you let any of your loved ones travel alone with this person? If there is any uncertainty then a cautious approach will be taken. The Council should not be seen as a form of employment service.

A Hackney Carriage/Private Hire Vehicle Drivers Licence will be granted to any applicant who has fulfilled the following criteria:

* Has held a full DVLA driving licence (or equivalent) for at least 12 months.
* Has undergone a successful medical examination to DVLA Group 2 standards by their doctor (General Practitioner), who in turn will have completed and signed the Medical Certificate on behalf of the applicant.
* Has signed up to the release of their DVLA driving record to the Council and the report does not shown any concerns.
* Has fully completed, signed and supplied the relevant accompanying I.D. documentation for an Enhanced Criminal Records check to be carried out and that report is clear.
* In addition to the DBS (Disclosure & Barring Service) check, if the applicant has lived overseas for any time since the age of 10 then he/she must provide the Council with a letter of good conduct or similar documentation for the country or countries in which he/she has lived, which shows whether the applicant has a criminal record.
* Has provided documentation proving their right to work in the United Kingdom in accordance with the Immigration Act 2016.
* The relevant fee is paid
* A Knowledge Test has successfully been completed.

The Disclosure and Barring Service (DBS) will send the applicant a copy of his/her Disclosure result direct in the post. The applicant must then present the Disclosure Certificate to the Council before their licence can be released, then the licence can be prepared on the day that the disclosure is received. Such a quick turnaround is normal as one of the Council’s Key Performance Indicators is the despatch of Driver licences within 4 days of receipt of all information.

In the case of an applicant who lived overseas for any time since the age of 18 then a satisfactory letter of good conduct or similar documentation for the country or countries in which they have lived must also be available. Any costs associated in obtaining this documentation must be met by the applicant. Certain countries do have a similar arrangement to the Disclosure & Barring Service. Further information can be obtained from their website at www.gov.uk/disclosure-barring-service-check/overview. If the country that you are looking for is not listed you may wish to contact the country’s representative in the United Kingdom. Contact details for those countries that have a representative in the United Kingdom can be found on the Foreign and Commonwealth website www.gov.uk/government/organisations/foreign-commonwealth-office or telephone 020 7008 1500.

Applicants that have been granted permanent leave to stay in the United Kingdom as a result of seeking asylum will only be able to apply once they have resided in the United Kingdom for a minimum of ten years.

The requirement to provide a letter of good conduct does not apply to any applicant that has lived overseas as a serving member of HM Forces.

Applications that do not meet these criteria will be rejected. In the case where a report received from the DBS or equivalent overseas documentation reveals a conviction or a conviction for a comparable offence in a foreign jurisdiction then this will be considered in line with the Council’s policy as set out in Part 4 of these guidelines.

Any prospective driver must pass a test to make sure that they can perform their duties to a basic professional standard and that they know the law and local conditions affecting how they work. This protects the safety and general interest of the driver, public and businesses that use hackney carriage and private hire services. The test consists of these four parts, which must all be passed.

|  |  |
| --- | --- |
| **Part of Test** | **Pass Mark** |
| Premises and locations – required to name the road or street upon which popular premises are located | 10 out of 24 |
| Highway code – questions based upon knowledge of the highway code | 12 out of 16 |
| Map reading/route finding – two questions asking for the location of a particular premises to be marked upon a map and three questions asking for the description of the route taken between two particular locations | 3 out of 5 |
| Rules and regulations – questions based upon this document and driver and vehicle licence conditions | 21 out of 28 |

Applicants will be sent an appointment to attend the test upon receipt of their completed application. A maximum of 90 minutes will be allowed for the test. A candidate who fails the test will be able to take 2 subsequent tests at a minimum of 4 weeks apart subject to arrangement with the Licensing Section. Any new applicant failing on 3 attempts will not be allowed to re-apply until 12 months have lapsed. The whole test can be taken verbally by prior arrangement with the Licensing Section if required.

Licences issued to Hackney Carriage and Private Hire Drivers are subject to the Council’s Licensing Conditions and Hackney Carriage Byelaws at all times or any other conditions or warnings that the Head of Legal and Democratic may wish to impose at the time of grant of licence. The licence is renewable annually or after three years. Licensed drivers must wear the identification badge issued to them at all times when driving a licensed vehicle.

It should be noted that a combined Hackney Carriage and Private Hire Vehicle Driver’s Licence is issued.

The Council considers that as a professional driver, a licensed driver should not charge above the maximum fare, should adopt safe and passive driving techniques and set a good example to other road users.

**Hackney Carriage Vehicle Licence**

The Hackney Carriage is the oldest form of hire vehicle that is recognised in England and Wales. The principal features of a hackney carriage are: it can carry passengers for hire or reward; it can be hailed by a passenger; it can park on a rank to await the approach of passengers. The fares that a hackney carriage proprietor can charge for his or her services are prescribed by the Council. Proprietors must not charge more than the prescribed fare that has been set by the Council. It must be driven by a driver who holds a hackney carriage driver’s licence. The philosophy behind this licensing is that each hackney carriage is individually controlled and is available for public hire.

To enable a hackney carriage vehicle licence to be issued the following criteria apply:

* Application form fully completed and signed.
* Original documentation to be produced for photo-copying are: DVLA V5 Registration Certificate or in the case of a new vehicle, the bill of sale; Current Certificate of Insurance to cover Hackney Carriage work; Annual/Biannual Council Certificate of Compliance; Current MOT certificate if applicable (Hackney Carriage Vehicles over one year old require an MOT).
* Relevant fee paid for the licence.

Provided all the necessary paperwork is in order and the fee is paid then the licence can be prepared. Licence identification plates require preparation and cannot always be provided on demand. Accordingly requests for vehicle licence plates will take 48 working hours to process.

The Hackney Carriage Vehicle Licence is issued to the applicant and is subject the Council’s Licensing Conditions and Hackney Carriage Byelaws. The licence is renewable annually/biannually. A hackney carriage may carry advertising subject to approval from the Council.

**Private Hire Vehicle Licence**

A Private Hire Vehicle cannot resemble a Hackney Carriage. It cannot ply for hire or stand in a rank. It must be pre-booked with a Private Hire Operator. The private hire operator is the lynch-pin to the private hire vehicle licensing regime. He or she takes the booking for a private hire vehicle and despatches the vehicle (which must be driven by a licensed private hire driver) to fulfil that request. A private hire vehicle cannot operate independently from a private hire operator.

The main difference between hackney carriage and private hire vehicles is in their fares. The Council has no powers to prescribe fares for private hire vehicles. This will, therefore, be a matter for arrangement between the operator and the hirer and should be agreed prior to the commencement of the journey.

To enable a private hire vehicle licence to be issued the following criteria must be applied:

* Application form fully completed and signed.
* Original documentation to be produced for photo-copying are: DVLA V5 Registration Certificate or in the case of a new vehicle, the bill of sale; Current Certificate of Insurance to cover Private Hire work; Annual/Bi-annual Council Certificate of Compliance; Current MOT certificate if applicable (Private Hire Vehicles over three years old require a MOT).
* Relevant fee paid for the licence.

Provided all the necessary paperwork is in order and the fee is paid then the licence can be prepared. Licence identification plates require preparation and cannot always be provided on demand. Accordingly requests for vehicle licence plates will take 48 working hours to process

The Private Hire Vehicle Licence is issued to the applicant and is subject the Council’s Licensing Conditions. The licence is renewable annually/biannually.

Private Hire vehicles may only carry advertising giving the operator’s details and if so the words “pre-booking only” must be included. Private Hire vehicles may not use roof signs or taxi meters.

**Private Hire Operators Licence**

A private hire vehicle can only be despatched to a customer by a private hire operator. That is a person who holds an operator’s licence. This licence allows him/her to operate private hire vehicles. “Operate” means in the course of business to make provision for the invitation or acceptance of booking for a private hire vehicle.

Provided the Council is satisfied that the applicant is “a fit and proper person” to hold an operator’s licence, then the application can be granted.

Although an operator does not drive members of the public (unless he/she also holds a Private Hire driver’s licence) he will be in possession of information about people’s whereabouts and movements and will also be dealing with the public, either face-to-face or over the ‘phone. As a result, the need for him/her to be a “fit and proper person” is just as important as it is for a private hire driver.

Licensed Private Hire Operators must ensure the following:

* Ensure that any vehicle hired attends punctually.
* If any rooms are provided for the public, for waiting or making bookings, they must be clean, adequately heated and ventilated and lit.
* No booking should be accepted unless the hirer knows the basis of the hire charge.
* Maintain a record of bookings in a form satisfactory to the Council.
* Not to permit people who are drunk to remain on the premises; and
* No maintenance of vehicles at the operating base.

It should be noted that a licensed Private Hire Vehicle Operator is solely responsible for the drivers in his or her operation and how they run that operation. Any problems with drivers or their behaviour could ultimately cause the Operator’s Licence to be reviewed and perhaps revoked.

The Council will specify the address or addresses from which the operator may operate. It is important that these are correct, so that if the operator moves address, he or she not only informs the Council, but also ensures that a revised licence is issued.

It is important to remember that Planning Permission should be sought for the operating base premises and this will be easily ascertained when the applicant completes a questionnaire which forms part of the application form. These questionnaires are forwarded on to the Planning Service for a Planning Officer to assess the information given on the form and decide whether full Planning Permission is required or whether it would form part of a permitted activity within the applicant’s residence. If a particular Planning matter is raised, then the Planning Service will inform the Licensing Team. Unless there is a particular Planning issue, applicants for an Operator’s Licence will not be notified of the outcome by the Planning Service.

To enable a Private Hire Operators licence to be issued the following criteria must be applied:

* The application form must be correctly completed and signed.
* The attached Planning Service questionnaire must be fully completed.
* The correct payable fee.

Provided all the necessary paperwork is in order and the fee is paid then the licence can be prepared.

The Private Hire Operators Licence is issued to the applicant and is subject the Council’s Licensing Conditions. The licence is renewable annually or every three years.

Cross-Border Hiring – It is worth mentioning that a situation can arise where a booking is made with a private hire operator which is not for a journey that commences and ends, and is throughout its course, wholly within Test Valley. A private hire operator licensed by Test Valley Borough Council can only operate a private hire vehicle which has been licensed by Test Valley Borough Council. In addition, it must be driven by a private hire driver licensed by Test Valley Borough Council.

From 1st October 2015, the position regarding sub-contracting bookings changed and private hire operators are allowed to sub-contract bookings to other operators anywhere in the country. Bookings must be sub-contracted only to licensed private hire operators – it is not permissible for an operator to pass bookings directly to private hire drivers/vehicles from other areas. If a Test Valley Operator intends to sub-contract bookings to another operator, it is recommended that they seek confirmation of their licence status, prior to sub-contracting the first booking. It is also advised that the Operator notify their customer to expect a vehicle from that company. Where a Test Valley Operator has agreed to sub-contract a booking, or receives a sub-contracted booking from another operator, the Operator must note the details of the other operator within the booking records, which they are required to keep under their Operator licence conditions.

**Licences – fees**

Details of fee levels, application prescribed forms and conditions may be viewed on the Test Valley Borough Council website at www.testvalley.gov.uk/licensing, or can be obtained from the Council’s Licensing Section at Beech Hurst, Weyhill Road, Andover, Hampshire SP10 3AJ.

Fees are set at a level sufficient to be able to cover the costs of inspecting vehicles, providing hackney carriage ranks and administering the control and supervision of hackney carriages and private hire vehicles. The fee structure is reviewed annually as part of the budgetary process and licence holders are notified of any changes.

In common with most types of licence, the appropriate fee will be paid when the application is submitted. The Council does not make any refunds in respect of the unexpired portions of the licence fees. In addition, if an application is refused any application fee that has been paid will not be refunded. Incomplete applications by virtue of dishonoured payments will automatically result in the respective licence being suspended until the licence is paid for.

**Hackney Carriage Ranks**

Details of the location of ranks may be obtained from the Licensing Section. It is an offence for any person to cause or permit any vehicle other than a hackney carriage to wait on a hackney carriage rank. Drivers of hackney carriages may only wait on a rank whilst plying for hire or waiting for a fare; drivers who park on a rank and leave their vehicle unattended are committing an offence.

**PART 4 : MATTERS FOR CONSIDERATION BY APPLICANTS**

**Hackney Carriage and Private Hire Vehicles**

Before any application is considered, the vehicle to be licensed must have been inspected and approved by the Council’s Vehicle Inspector. It is the responsibility of all applicants to arrange for this inspection to be carried out (at the Council’s West Portway Depot, Unit 37 Macadam Way, Andover SP10 3XW) and an appointment should be made directly with the Inspector, by telephoning 01264 368376. This is the only testing station that can test a vehicle for licensing as a hackney carriage or private hire vehicle in Test Valley. However, the Council’s Vehicle Inspector is able to offer a Council Inspection and MOT as a package if desired. There is a charge for the test which is separate to the licence fee and will need to be paid at the time of the inspection.

The vehicle will be tested above the normal MOT standard so as well as looking at the mechanical aspects the tester will also check the vehicle for cosmetic appearance, safety and comfort. Passing the test does not mean that the vehicle is licensed. The issuing of a certificate of compliance is only part of the application process. You will then have to visit the Council’s offices at either Andover or Romsey and submit the appropriate documentation, application form and fee. The sections in this document regarding vehicle licence applications give more details of this process.

A vehicle presented for licensing as a Hackney Carriage or Private Hire Vehicle shall be in a suitable condition to the satisfaction of the Borough Council’s Vehicle Inspector. Vehicles over 6 years old must be maintained to an equally high standard and will be inspected and licensed at 6 monthly intervals.

As from 1st October, 2016 the following criteria will apply.

**Licensed Vehicle Age Policy**

**Introduction**

Hackney Carriage and Private Hire Vehicles are often one of the first points of contact for the travelling public and visitors generally and a smart and modern fleet enhances the character of the Borough and makes hackney carriages and private hire vehicles more attractive and comfortable to the fare paying public.

With this in mind Test Valley Borough Council will facilitate continuous vehicle fleet improvement and efficiency (whereby new vehicles are generally required to meet extant and increasingly stringent environmental, performance and safety standards) and improve vehicle standards and maintenance (by ensuring that vehicles are not already “tired” before being licensed and therefore more likely to withstand the rigours of use) by way of this policy.

**Emissions**

In recognition of the Council’s wider role, the licensing authority will normally seek to promote and encourage vehicle proprietors to invest in vehicles and related technologies that offer the best environmental standards in terms of emissions, the use of cleaner fuels, fuel and engine efficiency (i.e. performance) and end-of life recycling etc. By way of encouraging a well-maintained more sustainable, environmentally friendly and efficient fleet and subject to all other requirements being met, vehicles will only be licensed as a hackney carriage or private hire vehicle where on both first time application and subsequent renewal, the vehicle meets current emission standards as those required for a MOT.

Alternative Fuels

In recognition of their comparatively clean emissions, any vehicle that runs or has been suitably adapted to run on Liquid Petroleum Gas (LPG), Compressed Natural Gas (CNG) or Biomethane will normally be exempt from the European emission standards requirements. However, for reasons of safety and environmental efficiency, this exemption shall only apply to vehicles converted from diesel to one of the three alternative fuels given above (petrol conversions will not be eligible).

**Vehicle age**

When a vehicle is first presented for licensing it will be under six years old – taken from the DVLA first vehicle registration (as shown on the vehicle registration document V5) or, in the case of a vehicle first used outside of the UK, when first used on any other roads of any description. The vehicle will be inspected annually and licensed for a period of 12 months. When the vehicle reaches 6 years old – taken from the first date of the DVLA registration (as shown on the vehicle registration document V5) – it will be inspected by the Council’s Vehicle Inspector and licensed twice a year. When a Hackney Carriage or Private Hire vehicle is approaching its’ 6th birthday and it goes for a Council Inspection the following will apply. Example - A vehicle test is at the end of January and the vehicle becomes six years old during April of that same year; the Inspector will issue a certificate for a further 12 months, but at the vehicle’s next test (January of the following year) when the vehicle is actually 6 years old, tests will become six monthly, together with the licensing of said vehicle.

As from 1st October, 2016 vehicles over the age of **12** years will no longer be licensed. An upper age limit for licensed vehicles assists in removing from the fleet older vehicles which do not meet more recent vehicle safety standards as set by the European New Car Assessment Programme (EuroNCAP). Ensuring the licensed vehicle fleet comprises more modern vehicles with higher safety standards reduces the potential for serious and fatal injuries resulting from vehicle accidents.

**Vehicle standards**

As Hackney Carriage and Private Hire Vehicles provide a service to the public **all vehicles** **regardless of age** will undergo the following inspection in conjunction with their annual/bi-annual test:

**Exterior of vehicle**

1. **The exterior paintwork on the vehicle should not**:

 a) show signs of rusting/corrosion of any size

 b) be dull or faded or show signs of mismatched paint repairs.

 c) stone chips of any size anywhere on vehicle that have not been “touched

 up”

 d) have any scratches, cracks or abrasions where the top layer of paint has been removed

 e) have evidence of poor repairs and/or paint finish to repaired bodywork including runs and overspray to adjoining panels that detract from the overall appearance of vehicle

 f) have heavy scuffing, abrasion or deformation to front or rear bumpers.

2. **The exterior bodywork of the vehicle should not**:

 a) have a single dent of more than 80mm

 b) have 3 or more dents of not more than 20 mm

 c) have more than 4 scratches or abrasions provided that the base coat has

 not been penetrated

 d) have body panels or fittings which are missing, broken or damaged.

 Vehicles will not fail on stone chips if there is evidence of “touching up”.

3. Have wheels and wheel trims that have significant damage or corrosion which detracts from the overall condition of the vehicle.

4. The vehicle must be submitted for inspection in a clean condition inside and out. Failure to comply with this requirement will result in the test being aborted.

5. The engine compartment must not be in a dirty condition or have evidence of leaks including water, oil or hydraulic fluids.

**Interior of the vehicle**

6. The seating, carpet and headlining areas of the vehicle **shall not** show signs of:

 a) staining

 b) damp

 c) fraying or ripping of the material

 d) seat covers that are loose or badly fitted.

7. The seats should provide sufficient support for comfortable travel and **should not** demonstrate excessive compression of the seating or wear within the support mechanism.

8. Interior panels and fittings within the vehicle **should not** be broken, missing or damaged, nor show excessive wear or staining.

9. The interior of the vehicle **should not** have damp or other obnoxious smells.

These matters are set out in a sample inspection sheet that is set out at the end of this section.

**Summary**

The Borough Council believes that having a vehicle age policy will result in a smart modern fleet which enhances the character of the Borough and makes hackney carriages and private hire vehicles more attractive to the fare paying public. Having a fleet of more modern vehicles will reduce the potential for driver and passenger injuries and address environmental concerns by ensuring that stricter emission level standards are achieved. As from 1st October, 2016 the following will apply:

* Newly licensed vehicles must be no more than six years old
* Newly licensed vehicles must meet the current European emission standards in force at that time
* There will be an upper age limit of 12 years for vehicles beyond which they will not be licensed
* Once a vehicle is more than 6 years old it must be inspected and licensed twice a year, not just annually (no change from the current policy)
* All vehicles when inspected will need to meet the bodywork and other standards detailed above.

**Hackney Carriage/Private Hire Vehicle Inspection Report**

|  |
| --- |
| Vehicles must be submitted for test in a clean condition inside and out. Failure to comply with this requirement will result in the test being aborted immediately. |

**1. The exterior paintwork:**

|  |  |
| --- | --- |
| Signs of rusting/corrosion of any size | **Yes / No** |
| Dull, faded or mismatched paint repairs | **Yes / No** |
| Stone chips of any size anywhere on vehicle that have not been “touched up” | **Yes / No** |
| Scratches, cracks or abrasions where the top layer of paint has been removed | **Yes / No** |
| Evidence of poor repairs and/or paint finish to repaired bodywork including runs and over-sprays to adjoining panels which detract from overall appearance of vehicle | **Yes/ No** |
| Heavy scuffing, abrasion or deformation of front or rear bumpers | **Yes/ No** |

**2. Exterior bodywork:**

|  |  |
| --- | --- |
| A single dent of more than 80 mm | **Yes / No** |
| 3 or more dents of not more than 20 mm | **Yes / No** |
| More than 4 scratches or abrasions provided that the base coat had not been penetrated | **Yes/ No** |
| Body panels or fittings which are missing, broken or damaged | **Yes / No** |
| Wheels and wheel trims - any significant damage or corrosion which detracts from the overall condition of the vehicle? | **Yes / No** |

|  |  |
| --- | --- |
| Engine compartment - clean condition? | **Yes / No** |

**3. Vehicle Interior – Seating, carpets and head-linings**

|  |  |
| --- | --- |
| Staining | **Yes / No** |
| Fraying or ripping of the material | **Yes / No** |
| Seat covers - loose or badly fitted | **Yes / No** |
| Seats - provide sufficient support for comfortable travelExcessive compression or wear within the support mechanism | **Yes / No** |
| Interior panels and fittings - broken, missing or damaged, excessive wear | **Yes / No** |
| Interior - damp or other obnoxious smells. | **Yes / No** |

|  |  |  |  |
| --- | --- | --- | --- |
| PASS |  | FAIL |  |

All vehicles are **expected to meet the above criteria at EVERY Council Inspection.**

The Council may, at its discretion, grant approval to any vehicle of any age, which it considers suitable for use as a Private Hire Vehicle where exemption from displaying the plate has been granted. The age of the vehicle will be calculated from the day of its first registration at the DVLA.

All licensed vehicles must be fully insured to carry out Hackney or Private Hire work and therefore if the vehicle is also used as a family car **all persons** who will be driving the vehicle at **any time**, i.e., wives, husbands, partners, family members, friends and colleagues, must also hold a Hackney Carriage/Private Hire Vehicle Drivers Licence otherwise the insurance cover will be voided.

**Stretched Limousines – Private Hire**

In the past few years there has been an enormous increase in the use of stretched limousines, an elongated saloon motor car typically imported from the USA, which have moved from their traditional use as wedding and funeral cars into the mainstream private hire arena. Their use includes all the usual private hire uses, plus “special occasions” such as outings to the races, transport to parties and balls, hen and stag nights and children’s birthday parties.

The licensing of these vehicles should not be a problem in itself. The services provided are those provided by private hire vehicles, and these vehicles have a legitimate role to play in meeting a public demand.

There are some unscrupulous operators who do not bother with any kind of licensing for this type of vehicle, which are potentially mechanically unsafe and over loaded with passengers. Hence, in the interests of the safety of the travelling public, which must always be paramount, Test Valley Borough Council has taken the view that it is appropriate to license stretched limousines.

However, although the Authority has adopted the power to licence such a limousine there are certain criteria that have to be observed before an application can be received and considered:

* Some vehicles seat more than eight passengers and a licensed private hire vehicle can only seat up to 8 passengers. Requests therefore, can only be accepted for vehicles with a passenger carrying capacity of 8 persons. Vehicles with more than eight passenger seats then become a Passenger Carrying Vehicle and are the responsibility of the Department for Transport.
* A Single Vehicle Approval Certificate must be provided in addition to the inspections and documentation required for all vehicles presented for licensing.
* The vehicle must be suitable in type, size and design for use as a private hire vehicle.
* The vehicle must have adequate emergency exits.
* The vehicle must be in a suitable mechanical condition.
* The vehicle must be safe and comfortable.

Alcoholic drinks can only be provided in the vehicle under the terms of an appropriate licence issued under the Licensing Act 2003 relating to the sale and supply of alcohol. Alcohol shall only be served while the vehicle is stationary and afterwards, the bottle shall be placed in a secure receptacle. If the occupants of the vehicle are below the age of 18, there should be no alcohol in the vehicle. Any drinking vessels in the vehicle must be made of either shatterproof glass or polycarbonate.

**Exemptions - Private Hire Vehicle Licensing and “Contract” work**

Previously the undertaking of contract work by a Private Hire Vehicle Operator constituted an exemption from private hire licensing. From January 2008 a change in the law removed any such exemption and so from now on all vehicles, operators and drivers will need to be licensed.

The only exception to this is any vehicle being used in connection with a wedding and any vehicle where it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a Funeral Director.

**Exemption – Displaying Private Hire Licence Plates**

Over the last few years there has been a substantial increase in the demand for chauffeur driven services for companies and individuals and this has brought about an increasing number of private hire vehicle operators, who wish to undertake this type of specialist work, requesting an exemption from displaying a private hire licence plate on the rear of their vehicle.

Test Valley Borough Council has the power to grant such a request in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976 Section 75(3) (relating to the display of Private Hire Vehicles plates). Satisfactory applicants will therefore be issued with an exemption certificate which should be carried in the vehicle along with the plate.

**Hackney Carriage and Private Hire Drivers**

The Council requires a new applicant for a Hackney Carriage/Private Hire driver’s licence to show proof of satisfactory medical fitness. Once licensed, the Council will continue to ask for proof of fitness at specified ages, or at any other reasonable time. Generally speaking, medicals must be produced on first application, and then when a licence is renewed if the driver will within the term of that licence reach the age of 45, 50, 55, 60 until 65. After this age medicals will be required annually.

**Insulin-Treated Diabetes**

Drivers with insulin-treated diabetes may apply for a Private Hire/Hackney Carriage Drivers Licence provided a medical report from a hospital consultant specialising in diabetes confirms that **1**) You have had no hypoglycaemic events requiring the help of another person in the last 12 months. **2**) You must have full awareness of the symptoms of hypoglycaemia. **3**) You must be able to show an understanding of the risks of hypoglycaemia**. 4**) You must regularly check your blood sugar/glucose levels at least twice daily and at times relevant to driving. This must be done using a blood sugar/glucose meter with a memory function to measure and record blood glucose levels. **5**) You must keep a fast acting carbohydrate in your vehicle at all times when driving. **6**) You will be required to attend an examination every 12 months with a consultant specialising in the treatment of diabetes. You must have at least 3 months of blood sugar/glucose readings available on the memory of your blood sugar/glucose meter for the consultant to inspect. **7**) You must have no other medical condition which would make you a danger when driving using a vocational entitlement. **8**) You will be required to sign an agreement to comply with the directions of the doctors treating your diabetes and immediately report any significant change to your condition to the DVLA and the Licensing Section. Please note that failure to meet the diabetes requirements will normally result in a refusal of an application.

**Other Medical Conditions**

An applicant or licence holder is likely to be refused if they are unable to meet the national recommended guidelines in the case of:

* Within six weeks of a myocardial infarction, an episode of unstable angina, CABG or coronary angioplasty.
* Angina, heart failure, or cardiac arrhythmia which remains uncontrolled.
* Implanted cardiac defibrillator.
* Hypertension where the blood pressure is persistently 180 systolic or more or 100 diastolic or more.
* A stroke or TIA within the last 12 months.
* Unexplained loss of consciousness with liability to recurrence.
* Meniere’s and other sudden and disabling vertigo, within the last 12 months, with a liability to recurrence.
* Insuperable difficulty in communicating by telephone in an emergency.
* Major brain surgery and/or recent severe head injury with serious continuing after effects.
* Parkinson’s disease, multiple sclerosis or other chronic neurological disorders likely to affect safe driving.
* Psychotic illness within the past three years.
* Serious psychiatric illness.
* If major psychotropic or neuroleptic medication is being taken.
* Alcohol and/or drug misuse within the last 12 months or alcohol and/or drug dependency or use in the past three years.
* Dementia.
* Any malignant condition, within the last 2 years, with a significant liability to metastasise to the brain.
* A diagnosis of epilepsy or spontaneous epileptic attack(s) which require 10 years free of further epileptic attach without taking anti-epilepsy medication during that 10 year period.
* Any other serious medical condition likely to affect the safe driving of a hackney carriage or private hire vehicle.

**Relevance of Convictions Guidelines**

Persons wishing to apply for a Hackney Carriage/Private Hire Drivers Licence should consult the separate Policy regarding the relevance of convictions and other related information. It should be noted that the Rehabilitation of Offenders Act 1974 does not apply to Hackney Carriage and Private Hire Drivers meaning the Council will take into consideration all convictions, cautions or other findings of guilt.

A person with a current conviction or caution or other finding of guilt for a serious crime will not necessarily be permanently banned from obtaining a licence but will be expected to remain free of conviction for a period of years before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration will always be the protection of the travelling public.

**Miscellaneous matters**

Applicants should bear in mind that once they become a licensed driver they are expected to have a clean and tidy appearance, be courteous at all times to both members of the public and fellow drivers and they must render reasonable assistance in loading and unloading of luggage.

Sections 165 and 166 the Equality Act 2010, place specific duties on drivers, requiring them to carry disabled persons, including those who use wheel chairs and to assist them, if required to do so, if their vehicle is on a designated list maintained by the local licensing authority. A driver can apply for exemption from the duties if it is appropriate to do so. More general provisions within the Equality Act apply to providers of hackney carriages and private hire vehicles. Providers are under a legal duty to take reasonable steps, depending on the circumstances, to make services accessible to disabled people. This does not affect vehicles but an example would be that operators with a booking office open to the public should ensure that where possible the office is accessible to disabled people.

A licensed driver shall not refuse to carry a passenger with a guide, hearing or other assistance dog and are to carry such dogs, without a charge, unless he/she has medical evidence of an allergy and has sought exemption from the Council. Most drivers with a medical condition severe enough to warrant an exemption are likely to be under a specialist (consultant) medical practitioner and evidence as to the severity of the condition would be sought from them before an application for an exemption could be applied for.

Once a Hackney Carriage/Private Hire Drivers Licence has been issued to an applicant he/she is advised to make themselves fully aware of all the Council’s Licensing Conditions/Hackney Carriage Byelaws which relates to their licence/s ensuring that there will be no breach of the Licensing Conditions/Byelaws. The Council reserves the right to take any appropriate action against licensed drivers, vehicle owners and operators if at any time it believes the safety of the travelling public is at risk. The Council will generally only take action upon receipt of formal complaints but reserves the right to take action in other circumstances should the importance of the situation warrant it.

# Licence Renewals

A courtesy reminder letter will be sent to all licence holders approximately six to ten weeks before a licence expires. As the Council is not obliged to send reminders, it is the licensee’s responsibility to ensure that applications are submitted before the expiry date in sufficient time for all necessary checks to be completed as there is no automatic period of grace. Any application received after the expiry date will be treated as a new application and trade must cease until a new licence has been issued.

The Council welcomes comments and observations on these guidelines. These should be addressed to:

*The Licensing Section,*

*Legal & Democratic Service,*

*Test Valley Borough Council,*

*Beech Hurst,*

*Weyhill Road,*

*Andover SP10 3AJ*

Email: licensing@testvalley.gov.uk

For further information please contact Michael White on 01264 368013

**©** Test Valley Borough Council July 2023. Reproduction of this document either in part or in full is prohibited without first obtaining the permission of the author.