

Public Document Pack

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| Date of meeting | Tuesday, 24th February, 2015 |
| Time | 7.00 pm |
| Venue | Council Chamber, Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire, ST5 2AG |
| Contact | Geoff Durham |

Public Protection Committee

AGENDA

PART 1 – OPEN AGENDA

- | | | |
|----|---|--------------------------|
| 1 | Guidance Notes (for information) | (Pages 3 - 18) |
| 2 | DECLARATIONS OF INTEREST | |
| | To receive declarations of interest from Members on items included in this agenda. | |
| 3 | MINUTES OF A PREVIOUS MEETING | (Pages 19 - 22) |
| | To consider the minutes of the meeting of this Committee held on 26 January, 2014. | |
| 4 | DISCLOSURE OF EXEMPT INFORMATION | |
| | To resolve that the public be excluded from the meeting during consideration of the attached report, because it is likely that there will be disclosure of exempt information as defined in paragraphs 1, 2 and 7 in Part 1 of Schedule 12A of the Local Government Act 1972. | |
| 5 | LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976 | (Pages 23 - 54) |
| | Private Hire Driver – Mr AA | |
| 6 | Open Reports from officers | |
| 7 | Taxi Policy following consultation | (Pages 55 - 184) |
| 8 | Allotment Provision in the Parish of Silverdale | (Pages 185 - 200) |
| 9 | WORK PLAN | (Pages 201 - 202) |
| | To consider items to be included in the Work Plan | |
| 10 | URGENT BUSINESS | |
| | To consider any business which is urgent within the meaning of Section 100(B)4 of the Local Government Act. | |

Members: Councillors Bailey, Mrs Braithwaite, Eastwood, Hailstones, Mrs Hailstones,

Matthews, Naylor, Miss Olszewski, Proctor (Vice-Chair), Robinson (Chair),
Miss Walklate, Williams and Mrs Williams

PLEASE NOTE: The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms. Should you require this service, please contact Member Services during the afternoon prior to the meeting.

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- 16+ = 5 Members; 10-15 = 4 Members; 5-9 = 3 Members; 5 or less = 2 Members.

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

GUIDANCE NOTES

NATURAL JUSTICE AND FAIRNESS

These are the principles used in the determination of just or fair processes and stem from the common law legal system.

According to Roman law, certain basic legal principles were so obvious that they should be applied universally without the need to be enacted into the law.

The rules of natural justice are now regularly applied by courts in both common law and civil law jurisdictions.

Natural justice operates on the principles that man is basically good, that a person of good intent should not be harmed and one should treat others as they would like to be treated.

Natural justice includes the notion of procedural fairness and may incorporate the following guidelines:-

- A person accused of a crime, or at risk of some form of loss, should be given adequate notice about the proceedings (including any charges);
- A person making a decision should declare any personal interest they may have in the proceedings;
- A person who makes a decision should be unbiased and act in good faith. He therefore cannot be one of the parties in the case, or have an interest in the outcome. This is expressed in the Latin maxim, *nemo iudex in causa sua*: “no man is permitted to be judge in his own cause”;
- Proceedings should be conducted so they are fair to all the parties – expressed in the Latin maxim, *audi alteram*: “let the other side be heard”;
- Each party to a proceeding is entitled to ask questions and contradict the evidence of the opposing party;
- A decision-maker should take into account relevant considerations and extenuating circumstances, and ignore irrelevant considerations;
- Justice should be seen to be done. If the community is satisfied that justice has been done they will continue to place their faith in the courts.

Where a person’s legal rights are concerned, the principles of natural justice are bolstered by Article 6 of the European Convention on Human Rights which is now incorporated into domestic law.

THE RULE AGAINST BIAS

It is elementary to the rules of natural justice that the deciding body is to be free from bias.

The rule is that the body must be and be seen to be impartial, independent and disinterested.

There are two broad categories of bias:

- (a) Actual Bias: when the decision-maker has an economic interest in the outcome of the case (also known as a material or pecuniary interest) subject to the De Minimum doctrine;
- (b) Reasonable Apprehension: unbiased appearance is an essential part of procedural fairness. The test is whether, having regard to the circumstances, a well informed person ("reasonably informed bystander") would consider that the interest might have an influence on the exercise of the decision-maker's duties.

GUIDANCE NOTES

HUMAN RIGHTS ACT 1998

In addition to the Rules of Natural Justice, you must also have regard to the provisions of the Human Rights Act 1998.

Rights and Freedoms to be considered when determining matters

ARTICLE 6: RIGHT TO A FAIR TRIAL

1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgement shall be pronounced publicly, but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.
2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.
3. Everyone charged with a criminal offence has the following minimum rights:
 - (a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
 - (b) to have adequate time and facilities for the preparation of his defence;
 - (c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means, to pay for legal assistance, to be given it free when the interests of justice so require;
 - (d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
 - (e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

ARTICLE 8: RIGHT TO RESPECT FOR PRIVATE AND FAMILY LIFE

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

ARTICLE 10: FREEDOM OF EXPRESSION

1. Everyone has the right to freedom of expression. This rights shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

ARTICLE 14: PROHIBITION OF DISCRIMINATION

The enjoyment of the rights and freedoms set fourth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

NB This is not a substantive right, but comes into play if other rights are likely to have been infringed. The prohibition is wide, but not exhaustive

ARTICLE 1: OF THE FIRST PROTOCOL PROTECTION OF PROPERTY

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

NOTE Possessions, in this context, includes the right to apply for a licence, the right to hold and retain a licence, the goodwill of a business and liquor licences.



GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS FOR APPLICANTS FOR THE GRANT AND RENEWAL OF LICENCES TO DRIVE HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

GENERAL POLICY

1. Each case will be decided on its own merits
2. The Council will, as far as is possible, ensure that all persons holding a licence to drive Hackney Carriages or private hire vehicles are fit and proper persons. In doing so, the Council will take into account previous convictions including, where relevant, 'spent' convictions.
3. The Council will always put the protection of the public first when considering the relevance of convictions recorded against an applicant for a licence.
4. A person with a conviction for serious crime need not be permanently barred from obtaining a licence but will be expected to remain free of conviction for an appropriate period, before an application is considered. However, remaining free of conviction for a specified period may not be sufficient to show that a person is fit and proper and additional evidence may be required.
5. There may be occasions where it is appropriate to depart from the guidelines when making a decision on an application. For example, where the offence is a one-off and there are mitigating circumstances or alternately, where there are many or continuous offences which may show a pattern of offending and unfitness.
6. The following examples give a general guide as to the action that might be taken where convictions are recorded against an applicant.

(a) Dishonesty

Members of the public using Hackney Carriages and private hire vehicles expect the driver to be honest and trustworthy. It would be easy for a dishonest driver to take advantage of the public.

For these reasons, a serious view will be taken of any conviction involving dishonesty. In general, if an application is made within the first 3 to 5 years from the date of a conviction or from the date of release from jail where a custodial sentence has been imposed, it is likely that it will be refused.

Where an application is made within the first three years since the conviction or the date of release from jail, where a custodial sentence has been

imposed, for any of the following offences, the application will normally be refused:-

- Theft
- Burglary
- Fraud
- Benefit fraud (including offences under ss11A and 112 of the Social Security Administration Act 1992)
- Blackmail
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Or similar offences to those above which may replace any of the above offences

When a period of three years from conviction or the date of release from jail, where a custodial sentence has been imposed has passed, consideration will be given to the circumstances of the offence and any evidence to show that an applicant is a fit and proper person to hold a licence.

(b) Violence

As Hackney Carriage and private hire vehicle drivers maintain close contact with the public, a firm line will be taken with applicants who have convictions for violence. Where the commission of an offence involves loss of life, a licence will normally be refused. In other cases, a period of three to ten years free of conviction from the date of conviction or the date of release from jail, where a custodial sentence has been imposed will generally be required before an application is likely to be considered favourably. The nature and seriousness of the offence(s) will be taken into consideration.

In particular:-

- (i) An application will normally be refused where the applicant has a conviction for an offence of:-
 - Murder
 - Manslaughter
 - Manslaughter or culpable homicide while driving
 - Or similar offence or offences which replace the above offences
- (ii) An application will normally be refused for a period of five years from the date of the conviction or the date of release from jail, where a custodial sentence has been imposed if the applicant has a conviction for:-
 - Arson
 - Malicious wounding or grievous bodily harm which is racially aggravated
 - Assault occasioning actual bodily harm which is racially aggravated

- Assault with intent to cause grievous bodily harm
- Assaulting a police officer in the execution of his duties
- Malicious wounding
- Robbery
- Racially aggravated criminal damage
- Racially aggravated fear or provocation of violence
- Racially aggravated intentional harassment, alarm or distress
- Racially aggravated harassment
- Racially aggravated putting people in fear of violence
- Riot
- Possession of an offensive weapon
- Possession of a firearm
- Violent disorder
- Or any arrestable offence involving violence (an arrestable offence is defined as an offence committed by a person of age 21 years or over and on conviction for the first offence may be sentenced to a term of imprisonment of five years or where the penalty is fixed by law)

(iii) An application will normally be refused for a period of three years from the date of conviction or the date of release from jail, where a custodial sentence has been imposed, where the applicant has a conviction for:-

- Common assault
- Racially aggravated common assault
- Assault occasioning actual bodily harm
- Affray
- Racially aggravated harassment, alarm or distress
- Resisting arrest
- Obstructing a police officer in the execution of his duty
- Criminal damage
- Any similar offence or offences which replace the above offences

(c) Drugs

An application will normally be refused if an applicant has a conviction for an offence that relates to the supply or importation of drugs and the date of the conviction or the date of release from jail, where a custodial sentence has been imposed, is less than five to ten years before the date of the application. However, after five years from the date of such a conviction or the date of release from jail, where a custodial sentence has been imposed, the circumstances of the offence and any evidence which shows that a person is now a fit and proper person to hold a licence will be taken into consideration.

An application will normally be refused where the application is made within three to five years from the date of a conviction or the date of release from jail, where a custodial sentence has been imposed for an offence relating to the possession of drugs. However, after a period of three years from the date of such a conviction or the date of release from jail, where a custodial sentence has been imposed, consideration will be given to the circumstances

of the offence and any evidence to show that an applicant is a fit and proper person to hold a licence.

An application will normally be refused where an applicant has more than one conviction for offences related to the possession of drugs and the last conviction or the date of release from jail, where a custodial sentence has been imposed, is less than five years before the date of the application.

Where evidence is available that an applicant who has convictions for drug related offences has been addicted to drugs, they will have to produce evidence that shows that they have been free of drug taking for at least five years after successfully completing a drug treatment programme.

(d) Sexual and Indecency Offences

As the driver of Hackney Carriages and private hire vehicles often carry passengers who are alone, or may be vulnerable, applicants who have convictions for rape, indecent assault, any sexual offence involving children and any conviction for an offence under the Sexual Offences Act 2003 will normally be refused a licence.

Where an applicant has a conviction for a sexual offence such as indecent exposure, they will normally be refused a licence until they can show a substantial period usually between five and ten years free of any such convictions from the date of conviction or the date of release from jail where a custodial sentence has been imposed before an application is made.

After a period of five years from the date of a conviction or the date of release from jail, where a custodial sentence has been imposed, consideration will be given to the circumstances of the offence and any evidence to show that an applicant is a fit and proper person to hold a licence.

When considering applications, the Council may take into account any information of a sexual nature which does not amount to a criminal offence that is brought to its attention where that information may indicate that an applicant may not be a fit and proper person to hold a licence.

(e) Motoring Convictions

(i) Disqualification

Where an applicant had been disqualified from driving by the Courts for a serious traffic offence under Category 'A' of Annex (i), an application will generally be refused unless a period of five years free of conviction has passed since the return of the DVLA licence.

Where an applicant has been disqualified from driving by the Courts for a serious traffic offence under Category 'B' of Annex (i), an application will generally be refused unless a period of five years free of conviction has passed since the return of the DVLA licence unless the offence was an isolated one, in which case, a period of not less than 2 years shall have passed.

Where a disqualification is imposed by a court in a 'totting-up' case, i.e. where an applicant has been disqualified because of several

driving offences, an application will generally be refused unless a period of one year free of conviction has elapsed since the return of the DVLA driver licence.

In 'totting-up' cases where a court does not impose a disqualification because of exceptional circumstances, then because the Council apply different criteria to the courts, an application will generally be refused unless an applicant can show a period of 1 year free of conviction from the date of the last court appearance.

(ii) Serious Traffic Offences

Where an applicant has a conviction for a serious traffic offence in Category 'A' Annex (i) and a period of disqualification has not been imposed by the courts, an application will normally be refused where an application is made in the last five years following the date of the last conviction.

Where an applicant has a conviction for a serious traffic offence in Category 'B' Annex (i) and a period of disqualification has not been imposed by the courts, an application will normally be refused where an application is made in the last five years following the date of the last conviction unless the offence was an isolated one.

Where an applicant has had more than one conviction for a serious traffic offence in either Category 'A' or 'B' of Annex (i) and the courts have not imposed a period of disqualification, an application will normally be refused where an application is made in five years following the date of the last conviction.

(iii) Other Traffic Offences

Normally, isolated convictions for other traffic offences should not prevent someone obtaining a licence. However, the number, type and the frequency of these types of offence will be taken into account. If there are several convictions for these types of offence, an applicant will normally be expected not to have been convicted of an offence in the six months before an application is made.

A list of relevant offences is shown at Annex (ii). However, this is not an exhaustive list and there may be other offences which may be relevant.

(f) **Offences Under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and any Hackney Carriage Byelaws (The Acts)**

One of the main purposes of the licensing regime set out in 'The Acts' is to ensure the protection of the public. For this reason, a serious view will be taken of convictions for offences under the legislation, particularly offences of illegal plying for hire, when deciding if a person is a fit and proper person to hold a licence.

In particular, an application will normally be refused where an applicant has more than one conviction for an offence under 'The Acts' in the two years preceding the date of the application.

(g) Drunkenness

(i) In a Motor Vehicle

The manner in which drunkenness in a motor vehicle will be dealt with is outlined in Motoring Offences at paragraph 'e' of these guidelines.

(ii) Not in a Motor Vehicle

Where an applicant has an isolated conviction for drunkenness, this need not stop an applicant from getting a licence. In some cases, a warning may be appropriate. However, where an applicant has a number of convictions for drunkenness, it could indicate a medical problem, which would require further investigation including a medical examination and the possible refusal of a licence.

(h) Spent Convictions

The Council will only take 'Spent Convictions' into consideration if it is considered they are relevant to the application.

(i) Formal Cautions and Fixed Penalty Notices

For the purposes of these guidelines, the Council will treat Formal Cautions issued in accordance with Home Office guidance and fixed penalty notices as though they were a conviction before the courts.

SERIOUS TRAFFIC OFFENCES

| CATEGORY 'A' | |
|--------------|---|
| Offence Code | Offence |
| | Careless Driving |
| CD40 | Causing death through careless driving when unfit through drink |
| CD50 | Causing death through careless driving when unfit through drugs |
| CD60 | Causing death through careless driving with alcohol level above the limit |
| CD70 | Causing death through careless driving then failing to supply a specimen for analysis |
| | |
| | Reckless/Dangerous Driving |
| DD40 | Dangerous driving |
| DD60 | Manslaughter or culpable homicide while driving a vehicle |
| DD80 | Causing death by dangerous driving |
| | |
| | Miscellaneous Offences |
| MS50 | Motor racing on a highway |
| | |
| | Theft and Unauthorised Taking |
| UT50 | Aggravated taking of a vehicle |
| | |

PLEASE NOTE:

Any offence of aiding, abetting or procuring the above offences, the offence code will have the **0** replaced by a **2**.

Any offence of causing or permitting the above the offences, the offence code will have the **0** replaced by a **4**.

Inciting any of the above offences, the offence code will have the **0** replaced by a **6**.

| CATEGORY 'B' | |
|--------------------------------------|--|
| Offence Code | Offence |
| Accident Offences | |
| AC10 | Failing to stop after an accident |
| AC20 | Failing to give particulars or report an accident within 24 hours |
| BA10 | Driving whilst disqualified by order of the court |
| BA30 | Attempting to drive whilst disqualified by order of the court |
| Careless Driving | |
| CD10 | Driving without due care and attention |
| CD20 | Driving without reasonable consideration for other road users |
| CD30 | Driving without due care and attention or without reasonable consideration for other road users |
| Construction and Use Offences | |
| CU10 | Using a vehicle with defective brakes |
| CU20 | Causing or likely to cause danger by use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition |
| CU30 | Using a vehicle with defective tyre(s) |
| CU40 | Using a vehicle with defective steering |
| CU50 | Causing or likely to cause danger by reason of load or passengers |
| Drink or Drugs | |
| DR10 | Driving or attempting to drive with alcohol level above limit |
| DR20 | Driving or attempting to drive while unfit through drink |
| DR30 | Driving or attempting to drive then failing to supply a specimen for analysis |
| DR40 | In charge of a vehicle while alcohol above limit |
| DR50 | In charge of a vehicle while unfit through drink |
| DR60 | Failure to provide specimen for analysis in circumstances other than driving or attempting to drive when unfit through drugs |
| DR70 | Failing to provide a specimen for breath test |
| DR80 | Driving or attempting to drive when unfit through drugs |
| DR90 | In charge of a vehicle while unfit through drugs |
| Insurance Offences | |
| IN10 | Using a vehicle uninsured against third party risks |
| Licence Offences | |
| LC30 | Driving after making a false declaration about fitness when applying for a licence |
| LC40 | Driving a vehicle after having failed to notify a disability |
| Miscellaneous Offences | |
| MS70 | Driving with uncorrected defective eyesight |

PLEASE NOTE:

Any offence of aiding, abetting or procuring the above offences, the offence code will have the **0** replaced by a **2**.

Any offence of causing or permitting the above the offences, the offence code will have the **0** replaced by a **4**.

Inciting any of the above offences, the offence code will have the **0** replaced by a **6**.

If any of the offences in **Category 'B'** involve a licensed Hackney Carriage or private hire vehicle, they will be treated as though they are a **Category 'A'** offence.

OTHER TRAFFIC OFFENCES

| Offence Code | Offence |
|--------------|--|
| LC20 | Driving otherwise than in accordance with a licence |
| LC50 | Driving after a licence has been revoked or refused on medical grounds |
| | |
| MS10 | Leaving a vehicle in a dangerous position |
| MS20 | Unlawful pillion riding |
| MS30 | Play street offences |
| MS60 | Offences not covered by other codes |
| MS80 | Refusing to submit to an eyesight test |
| MS90 | Failure to give information as to identity of driver etc |
| | |
| MW10 | Contravention of Special Road Regulations (excluding speed limits) |
| | |
| PC10 | Undefined contravention of Pedestrian Crossing Regulations |
| PC20 | Contravention of Pedestrian Crossing Regulations with a moving vehicle |
| PC30 | Contravention of Pedestrian Crossing Regulations with a stationery vehicle |
| | |
| SP10 | Exceeding goods vehicle speed limits |
| SP20 | Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles) |
| SP30 | Exceeding statutory speed limit on a public road |
| SP40 | Exceeding passenger vehicle speed limit |
| SP50 | Exceeding speed limit on a motorway |
| SP60 | Undefined speed limit offence |
| | |
| TS10 | Failing to comply with traffic light signals |
| TS20 | Failing to comply with double white lines |
| TS30 | Failing to comply with 'stop' sign |
| TS40 | Failing to comply with direction of a constable/warden |
| TS50 | Failing to comply with traffic sign (excluding stop signs, traffic lights or double white lines) |
| TS60 | Failing to comply with a school crossing patrol sign |
| TS70 | Undefined failure to comply with a traffic direction sign |

PLEASE NOTE:

Any offence of aiding, abetting or procuring the above offences, the offence code will have the **0** replaced by a **2**.

Any offence of causing or permitting the above the offences, the offence code will have the **0** replaced by a **4**.

Inciting any of the above offences, the offence code will have the **0** replaced by a **6**.

If any of the offences in **Category 'B'** involve a licensed Hackney Carriage or private hire vehicle, they will be treated as though they are a **Category 'B'** offence under Annex (ii).

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PUBLIC PROTECTION COMMITTEE

Monday, 26th January, 2015

Present:- Councillor Kyle Robinson – in the Chair

Councillors Bailey, Mrs Braithwaite, Eastwood, Hailstones, Mrs Hailstones, Matthews, Mrs Naylor, Miss Olszewski, Proctor, Miss Walklate, Williams and Mrs Williams

1. **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

2. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

3. **MINUTES OF PREVIOUS MEETING**

Resolved: That the minutes of the previous meeting be agreed as a correct record.

4. **DISCLOSURE OF EXEMPT INFORMATION**

Resolved: That the public be excluded.

5. **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976**

A report was submitted to inform the Committee of the recent motoring convictions imposed on Mr AJ who held Licences issued by the Council.

Mr AJ was not applying for a licence but it was relevant for the Committee to have regard for the Council's Guidelines for the relevance of convictions.

Having regard to the Council's Guidelines for Convictions and the information provided, the Committee resolved:

Resolved: That a warning be issued to the Mr AJ in relation to the condition of his vehicle.

6. **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976**

A report was submitted to inform the Committee of an application for the grant of a private hire drivers licence from Mr BA.

Mr BA had previously held a Private Hire Drivers Licence with this Council which was issued in September 2010 and would have expired in September 2013 when Mr BA was in prison. On his release from prison Mr BA applied to renew his (expired) licence. This application was refused by the Public Protection Committee on the 7th October 2013.

Having regard to the Council's Guidelines for convictions and the information provided, the Committee resolved:

Resolved: That the application be refused in line with the Council's Guidelines on Convictions

7. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - 1976

A report was submitted to inform the Committee of information provided by West Midlands Police force in respect of Mr SH who holds a Hackney Carriage drivers licence issued by this authority.

Mr SH had failed to attend the Committee but due to the serious nature of the issues highlighted in the report the Committee resolved to consider the report and the recommendations in his absence.

The Clerk to the Committee provided details regarding the steps that the Committee could take.

Having regard to the Council's Guidelines for Convictions and the information provided the Committee resolved:

Resolved: That the licence be revoked with immediate effect.

8. OPERATOR FEES 2015

A report was submitted to inform the Committee of two objections that had been received from operators in relation to the proposed increase in the licensing fee for a private hire operator licence as part of the 2015/16 budget process, from £82 to £85 per vehicle.

The report set out options for the future charging of this fee, which took into account the objections received and also sought to ensure that the costs to the Council of administering the processes underpinning the setting and collection of the fee were covered by the amount charged, together with seeking to ensure – so far as is possible – that the setting of such fees was fair and equitable for all concerned

Members considered the report, the objections and the options but considered that the existing option was most equitable and fair to all those applying for a private hire operator's licence. The Committee considered that the alternative option would provide a monopoly for the larger companies and could result in smaller operators being adversely affected.

Resolved: That the proposed licensing fee of £85 per vehicle (as set out in the budget proposals for 2015/16), up to a maximum of 50 vehicles per operator (resulting in a maximum of £4250 in total per any single operator, as per the Borough Council's existing approach) be maintained and ratified

9. URGENT BUSINESS

There was no urgent business.

COUNCILLOR KYLE ROBINSON
Chair

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By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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of the Local Government Act 1972.

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REPORT TITLE Draft Taxi Licensing Policy for Newcastle under Lyme

Submitted by: Head of Business Improvements, Central Services and Partnerships

Portfolio: Safer Communities

Ward(s) affected: All

Purpose

To request that the Committee consider the responses received in relation to the Draft Taxi Licensing Policy for Newcastle under Lyme and that a final agreed Taxi Licensing Policy be brought into practice from 1st March 2015.

Recommendation

That the Committee:

- a) Consider the responses received to the consultation
- b) Consider the options detailed below in relation to the age policy of private hire and hackney carriage vehicles and agree which option to include in the final Taxi Licensing Policy.
- c) That the final Taxi Licensing Policy for Newcastle under Lyme be implemented from 1st March 2015.
- d) That a report be brought to a future meeting of the Committee by the Council's Partnerships Manager in relation to concerns raised in the consultation responses regarding child safety.
- e) That the Policy be reviewed and consulted on again in three years.

1. **Background**

- 1.1 Members will recall that at the meeting held on the 20th October 2014, the draft Taxi Licensing Policy for Newcastle under Lyme was agreed to be sent out for consultation for three months from 1st November 2014.
- 1.2 The following responses were received and are attached as an appendix to this report:
 - a) Response from Brighter Futures requesting that Drivers complete adult and child protection training.
 - b) Response from Community Safety and the Partnerships Manager relating to issues around child sexual exploitation and safeguarding.
 - c) Response from Chief Inspector Clare Riley relating to safeguarding.

- d) Response from the Newcastle Taxi Association in relation to the testing schedule for vehicles over 8 years of age.
- e) Response from the Council's enforcement team regarding the identification of taxis and signage.
- f) Response from Mr G Johnson regarding the proposed exceptional age conditions procedure.

1.3 The draft policy was widely publicised with copies being sent to all elected members, all partner organisations including disability groups (contacts provided by the Partnerships Manager), all neighbouring authorities, taxi associations, private hire operators and publicity on the Council's own website.

2. Options

Having considered the responses to the consultation your officers would recommend that the Committee consider the below two options in relation to the age policy. The original proposal regarding exceptional circumstances has been amended slightly to take account of the response from the Newcastle Taxi Association:

OPTION 1 – Include the below exceptional age condition in the final policy:

1. The applicant would, 30 days prior to expiry of their licence, inform the Council of their intention to apply for their vehicles "exceptional condition" status. This application would be accompanied by a Motor Vehicle inspection report from either the AA (comprehensive check) or RAC (essentials plus check) this check would give an indication whether or not the vehicle could be deemed to be in "exceptional condition" (i.e. no failures or advisory notices). These checks and the elements required can be seen at Appendix A
2. On receipt of this notification check, a Council inspection would be allocated (subject to existing requirements such as providing relevant documentation and fee).
3. Subject to passing the Council's inspection at its first time, a licence would be granted for that vehicle for a period of six months after which **a second council depot test would be required** to enable the licence to be extended to its full 12 month period.

In this matter officers take the view that if a vehicle is to be considered as in "exceptional condition" it should pass **both** the Council's inspections at its first attempt. Not to pass would indicate the vehicle is not in "exceptional condition" **and the vehicle will have its plates removed.**

There may be other influencing factors that may assist the Council in its decision making and which could also be added to the draft Policy:

- a) The vehicle will have Uniform paintwork that is lustrous and scratch free.
- b) Be free of visible rust.

- c) Have an interior that is clean and upholstery which is supportive and free of stains and free of splits and wear and tear.
- d) Be free of any unrepaired damage.
- e) Repairs that have been made will have been carried out by qualified persons and will be to the highest standard.
- f) Be free of any major mechanical faults or defects.
- g) Will have a record of being serviced at regular intervals either by a main agent or other reputable garage. Ideally this servicing will be recorded in the vehicles original service booklet.

OPTION 2 – Enforce the existing age policy in relation to private hire and hackney carriage vehicles.

Hackney Carriage Vehicles

Purpose built Hackney Carriages and those vehicles which have been converted to incorporate the standards laid down by the Public Carriage Office will continue to be relicensed despite their age subject to passing an annual test and the licences running concurrently.

The Council will use the date of the first registration shown on the vehicle's log book to determine the age of that vehicle.

Vehicles that are not purpose-built - that is saloon vehicles, estate vehicles and hatchback vehicles - will continue to be re-licensed up to eight years of age subject to passing an annual test and the licences running concurrently.

Private Hire Vehicles

When a vehicle has been licensed as a Private Hire Vehicle it is capable of being re-licensed annually until the vehicle is eight years old, providing that the licences run concurrently.

The Council will use the date of first registration shown on the vehicle's log book to determine the age of the vehicle. Where a licence is issued and the expiry date is after the eight year rule the licence will remain in place until its expiry.

In respect of mini buses, these vehicles should be less than five years of age when first tested and can continue to be licensed for as long as the vehicle continues to pass the Council's annual test, provided that the applications to renew the licence run concurrently to the expiring licence.

2. Issues

2.1 It is noticeable that a number of responses to the consultation have been in relation to child protection and safeguarding concerns. Work is currently being undertaken by officers in partnership with the Staffordshire Safeguarding Children's Board and Staffordshire Police in relation to this and a detailed report will be brought to a future meeting to enable the Committee to consider areas such as training and education for licence holders prior to consulting with all relevant persons.

2.2 The Council have a duty to protect the public and to ensure that before granting a licence for a Hackney Carriage or Private Hire Vehicle that it is “safe and fit for purpose”.

2.3 While there is no legal definition in this respect for “fit for purpose” it could be rightly asked that would those people responsible for granting the licence be happy for their family to be carried in that vehicle.

2.4 It is important and relevant to note that the AA will only provide a BASIC CHECK for vehicles up to 8 years of age any vehicles older than 8 years would only be given what is termed a COMPREHENSIVE INSPECTION, and that the RAC provide an ESSENTIALS check for vehicles that are up to 10 years of age and have done less than 120,000 miles, if the vehicle is older or has done more miles it would need the ESSENTIALS PLUS check. Both organisations have a sliding scale of charges, these charges are highlighted on Appendix A.

3. **Options**

The Committee can:-

- 1) Adopt the method to establish “exceptional conditions” – **Option 1**
- 2) Enforce the existing age policy – **Option 2**

4. **Recommendations**

As listed above

5. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

5.1 In formulating and proposing this Policy to Members, officers have adopted as their overriding concern the safety of the public.

- In terms of the Borough Council’s corporate priorities, the draft Policy relates to the following:
 - Creating a clean, safe and sustainable Borough
 - Creating a Borough of opportunity
 - Creating a healthy and active community
 - Becoming a co-operative council which delivers high quality, community-driven services.

6. **Legal and Statutory Implications**

6.1 When considering any application for a Private Hire Vehicle Licence, the Borough Council, in accordance with Section 48 (1) (a) (i) (iii) (iv) and (v) of the Local Government (Miscellaneous Provisions) Act 1976, shall not grant such a licence unless they are satisfied that the vehicle in question is suitable in type, size and design for use as a private hire vehicle; is in a suitable mechanical condition; and is safe and comfortable.

6.2 As per Section 47 of the above Act, the Borough Council may attach to the grant of a Hackney Carriage licence such conditions as it may consider reasonably necessary. The range of conditions is wide and can therefore encompass safety, comfort and design.

6.3 The Borough Council may adopt a policy but should be clear that this is a policy which should be flexible in terms of its implementation and, therefore, should be applied to each case on its own merits.

7. **Equality Impact Assessment**

7.1 The purpose of age limits, as applied to Hackney Carriages, is to try and ensure that the licensed vehicles are safe, reliable and comfortable.

7.2 Any vehicle age policy, therefore, as applied in this area of Council business, is not arbitrary, but is a policy and it is for the Borough Council to consider any application which falls outside its own vehicle age policy on its own merits.

8. **Financial and Resource Implications**

8.1 An unreasonable decision may lead to awards of costs in the magistrates' court and therefore use the limited resources available to the Borough Council. A clear and reasonable policy assists in delivering efficiency.

9. **Major Risks**

9.1. Public safety should not be compromised under any circumstances, and a robust Licensing Policy assists in securing public safety.

9.2 If public safety is compromised, then there is a risk of reputational and financial damage to the Borough Council as well as possible harm to the public.

9.3 In addition, any unreasonable refusals for the grant of a licence may also lead to reputational and financial risks to the Borough Council.

10. **List of Appendices**

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| Appendix A – | Draft Taxi Licensing Policy for Newcastle under Lyme |
| Appendix B – | AA and RAC Check lists |
| Appendix C - | Depot Testing Schedule |
| Appendix D - | Responses received to the consultation |

11. **Background Papers**

Reforming the Law of Taxi and Private Hire Services – A Consultation Paper No. 203
Taxi and Private Hire Services – The Law Commission Paper No 347

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Taxi Licensing Policy

2014—2019

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Aims of the Policy

This policy has been developed to provide guidance and information to ensure that both the taxi trade and the public in the Borough of Newcastle under Lyme have a single document that fully explains Newcastle-under-Lyme Borough Council's licensing procedures.

The principle and overriding aim of licensing the Hackney Carriage and Private Hire trade is to protect the public. A related aim is to also regulate the trade to ensure that in offering their services, the trade are doing it in a way where the public have access to local transport which is safe, comfortable, and meets all the requirements not only of the legislation which is specific to Hackney Carriage and Private Hire but also of all other statutory and regulatory bodies concerned with motorised transport.

In addition, the Policy attempts to encompass the Council's key corporate priorities of creating a safer, greener, and sustainable Borough, and creating a Borough of opportunity.

The Policy seeks to ensure that transport for those with a disability will be provided.

Where the Council determines that specific conditions and requirements not specified in the relevant Acts of Parliament; accounted for in the Department for Transport Guidance or any other best practice guidance; are not unreasonable; and are deemed necessary to address local best practice then these will be implemented following a resolution from the Borough Council's Public Protection Committee.

The Public Protection Committee will make no decision which could adversely affect the livelihood of anyone with any licence without first having undergone a period of consultation.

Background

Hackney Carriage and Private Hire vehicles have an important role to play in any integrated public transport system. They are able to provide services in situations where other forms of public transport are either restricted, not available, or outside normal hours of operation, and assist those with mobility problems.

Policy Summary

This Policy contains information about legal requirements; government guidance; existing Borough Council policies, procedures and standards relevant to Hackney Carriage and Private Hire licensing; and should be considered to be a 'living' document (i.e. capable of change to reflect other wider environmental, social, legislative or political developments). When there are changes to guidance, legislation, or best practice then the Council will

automatically review the Policy to reflect those changes. This Policy is not exhaustive and the Council maintains the right to refuse to grant a licence if it deems it necessary to do so for reasons of public safety and public interest.

Definitions

The following terms are used throughout this document.

- 'The Council' or 'the Authority' refers to Newcastle under Lyme Borough Council, except where stated otherwise
- 'Vehicle' or 'Licensed Vehicle' refers to both a Hackney Carriage and Private Hire vehicle.
- 'Saloon type cars' refers to any vehicle not purpose built as a taxi and therefore includes hatchback and estate cars
- 'Hackney Carriage' refers to a vehicle licensed under the Town Police Clauses Act 1847 to for hire in the area covered by the Council
- 'Private Hire Vehicle' refers to a vehicle licensed under the Local Government (Miscellaneous Provisions) Act 1976 ("the Act") to carry passengers for hire or reward by prior booking
- 'Private Hire Operator' refers to a person who holds an operator's licence under the Act and makes provision for the acceptance of private hire bookings for themselves or to pass to others to undertake
- 'The DfT' refers to the Department for Transport including previous names under which that department has been known
- 'The DfT guidance' refers to the Department for Transport – Hackney Carriage and Private Hire Vehicle Licensing Best Practice Guidance (published in March 2010)
- 'The Committee' refers to the Public Protection Committee of the Council
- The word 'taxi' has no meaning in law and can be used generically to describe both Hackney Carriages and Private Hire vehicles
- 'The OfT' refers to the Office of Fair Trading
- 'The DPA' refers to the Data Protection Act 1998
- DBS refers to the Disclosure and Barring Service
- 'The Guidelines' refer to the Council's guidelines for the relevance of convictions when considering the grant or renewal of a licence

The following Acts of Parliament form the basis of this Policy.

- The Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976

Policies and Practices

The Council's licensing of taxis, drivers and operators takes account of the requirements, powers, duties, and responsibilities contained within the relevant Acts and the DfT Guidance.

Data Protection

The Data Protection Act 1998 ("DPA") covers the collection, storage, processing and distribution of personal data. It also gives certain rights to individuals about whom information is recorded.

The Council aims to fulfil its obligation under the Act to the fullest extent by only processing personal data for the purposes of legitimate interests pursued by the Council or legal requirements imposed on the Council.

The DPA obliges local authorities to comply with eight data protection principles. The principles state that personal data shall be:

- Obtained only for specified and lawful purposes;
- Adequate, relevant and not excessive in relation to the purpose(s) for which it is being processed;
- Accurate and, where necessary, up to date;
- Processed fairly and lawfully;
- Processed in accordance with the rights of the data subjects
- Kept secure
- Kept only as long as necessary
- Transferred to countries outside the European Economic Area only if those countries have an adequate level of protection for the rights of data subjects

Further information about the DPA can be obtained at the Information Commissioner's website (www.ico.gov.uk). Enquiries regarding the Council's use of personal data should be addressed to the Council's Data Protection Officer.

Public Register

The Council will hold and maintain a register for all the licences which it issues. The information held on the register will be restricted to the name of the licence holder; a unique licence number; the date of commencement; and the date of the expiry of the licence.

The register will be available for inspection by prior arrangement with the Councils Licensing team.

Applications for Grant/Renewal--Private Hire/Hackney Carriage drivers

It is the responsibility of the Council to protect the public and to ensure that before anyone is granted a licence the Council needs to be satisfied that he/she is a “fit and proper” person to hold such a licence.

There is no agreed definition for “fit and proper” - in the absence of such a definition, the Council will use the widely accepted interpretation of:

“Would those responsible for granting a licence be happy for their mother, daughter or any lone or vulnerable person to travel unaccompanied with the applicant?”

Process and Requirements for an Initial Application

Before granting a licence the Council requires that:

- a) The applicant is over 21 years of age
- b) The applicant produces a valid full UK driving licence (or the European equivalent) that reveals no relevant convictions and the applicant must have held a full licence for more than one year
- c) The applicant produces a medical report undertaken by their own GP which has regard for the DVLA Medical Standards of Fitness to drive Level II and shows that the applicant meets the required medical standard
- d) The applicant provides a recent enhanced disclosure from the DBS that is less than one month old
- e) The applicant has completed the necessary application forms and provides two recent colour passport sized photographs
- f) The applicant has paid the appropriate fee
- g) The applicant provides two references which indicate their suitability
- h) The applicant holds either a BTEC Level 2 certificate in the ‘Introduction to the Role of the Professional Taxi and Private Hire Driver’ qualification, or, where that is not locally available, to have taken and passed the Driving Standards Agency (DSA) taxi test which incorporates the wheelchair manoeuvring element. These are minimum requirements. Higher levels of qualifications such as a National Vocational Qualification (NVQ) for licensed drivers will also be accepted
- i) The applicant has passed the Council’s geographical test for Private Hire and Hackney Carriage drivers. The test is currently provided locally at Burslem College.

Where an applicant meets all the above criteria the licence will automatically be granted and issued.

The licence will be valid for a period of three years.

Renewal Applications

The application process for the renewal of a licence requires the same elements as the initial application with the following exceptions:

- a) There will be no requirement to undertake a local knowledge test
- b) Where the previous application was accompanied by a medical certificate no such certificate will be necessary. The Council's policy is, where applications are continuous, a medical certificate will only be required at every other application
- c) For drivers who have reached 65 years of age a medical certificate will be required for every application
- d) There will be no requirement to provide references
- e) Where an application is submitted after a licence has expired, that application will be treated as a new application and not a renewal
- f) Where an application for renewal is made by anyone who does not hold a BTEC qualification or the DSA taxi test the licence will only be valid until 1st October 2015. Those licences restricted to 1st October 2015 will be extended to the full term of three years on production of a relevant qualification.

The successful applicant for the grant or the renewal of a licence will be issued with a driver's badge which will have a unique number; a photograph of the applicant; and the applicant's name. The paper counterpart of the licence will have the same information. The licence will be valid for 3 years. The counterpart of the licence will include a set of the Council's conditions (Appendix 1)

It is the responsibility of the applicant to acquaint him/herself fully with the conditions attached to the licence and of the offences that can be committed while holding a licence and acting as a Private Hire or Hackney Carriage driver.

Where an application is received and the driving licence and/or the DBS disclosure reveal convictions that fall within the Council's guidelines for the relevance of convictions (Appendix 2) the application will be referred, in the first instance, to the Head of Business Improvement, Central Services and Partnerships who will consider the matter, and, when necessary, will forward the matter to the Council's Committee.

The Committee will consider such applications and has the discretion to:

- a) Grant a licence for a specified period of time
- b) Grant a licence for the full term of three years

- c) Refuse the application

Any applicant who is refused a licence by the Committee will be notified in writing of that decision and the reasons behind the refusal. If the applicant is aggrieved by the decision he/she has the right of appeal in the Magistrates' Court.

Medical Standards

In circumstances when a licence has been granted and the Council subsequently has doubts regarding the medical fitness of the licence holder the Council will require confirmation from a recognised occupational health practitioner that the licence holder continues to meet the recommended standard.

Vehicle Standards

No vehicle - Hackney Carriage or Private Hire - will be considered for its initial licence unless it has been seen by and/or approved by the Council's Licensing Service. Vehicles must not be altered from the manufacturer's standard.

Accidents

The proprietor shall report to the Council's Licensing Section as soon as reasonably practicable, and in any case within 72 hours, of the occurrence of any accident involving the vehicle which causes damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein.

When making any decision on the suitability of a vehicle, the following will be taken into account: The vehicle will:

- a) Have uniform paintwork
- b) Be free of visible rust
- c) Have an interior that is clean and upholstery which is free of stains and free of splits and tears
- d) Be free of any unrepaired damage
- e) Where repairs have been necessary these will have been completed by qualified technicians and will have been carried out to the highest standard
- f) Have, in the case of estate cars, a method of securing luggage in order to safeguard passengers
- g) Have a steering wheel that is on the offside of the vehicle
- h) Be fitted with tyres that are the designated size, speed and weight rating for that make and model of vehicle as prescribed by the vehicle manufacturer.
- i) The vehicle will also be provided with either:-

- A spare tyre that is the correct size, speed, and weight rating, is inflated, and has the legally required depth of tread, and equipment to enable the changing of a wheel;
- The manufacturer's approved space saver spare wheel, and equipment to enable the changing of that wheel;
- Alternatively, to carry a puncture repair kit that includes a method of inflating the tyres and free of any major mechanical faults or defects
- j) Be fitted with an anti-lock braking system
- k) Have an adequate system for heating and ventilation for the comfort of the passenger and at the discretion of the passenger
- l) Have fitted rear passenger windows that are not heavily tinted or blacked out and will allow a minimum of 35% transmission of light

Hackney Carriage Vehicle Licences

What is a Hackney Carriage Vehicle?

A Hackney Carriage is a vehicle licensed under the Town Police Clauses Act 1847 and the Act part II to ply for hire throughout the district controlled by any relevant local authority.

At present, the Council has no limit on the number of Hackney Carriage vehicle licences it can approve, although the Council's policy for any additional Hackney Carriage licences is that they will only be granted to vehicles which are wheelchair accessible.

Those operators who have Hackney Carriage vehicles which are 'saloon type cars' can replace that vehicle with another saloon type either on renewal or prior to renewal of licences. In circumstances where an operator allows a licence attached to a saloon type to expire then that licence no longer exists.

Vehicle Suitability

The Council presently grants initial applications to those vehicles that are either purpose-built 'London-type cabs' or those vehicles that have been specifically converted to Hackney Carriages (typically known as an M1 conversion). These converted vehicles should meet a European-wide type approval and should conform to the Conditions of Fitness Regulations laid down by Transport for London (formerly the Public Carriage Office). These regulations have been amended to be relevant for the Council. The amended version can be seen at Appendix 3.

The Council's policy does not permit Hackney Carriages that are wheelchair accessible to be replaced by any other type of vehicle, although replacing a saloon/estate or hatchback for a wheelchair accessible vehicle is permitted once the change has been made.

Where a licence is granted it will normally be valid for a period of one year.

Licence Renewal

Licence renewals shall be annual and shall run concurrently with the expiring licence.

Vehicle Requirements

For a vehicle to meet the Council's criteria for a Hackney Carriage licence it must:

- 1) Meet the requirements outlined in the Vehicle Standards section of this Policy
- 2) Be less than five years of age when first tested
- 3) Be black with a four inch white stripe which runs the length of both sides of the vehicle
- 4) Be fitted with a taximeter, calibrated to the Borough Council's approved tariff
- 5) Be fitted with an illuminated roof sign
- 6) Shall not be a convertible or coupe (but a sun roof may be fitted)
- 7) Shall not be modified from the original manufacturer's specification
- 8) Shall have a minimum passenger seating capacity of four (this can increase to a maximum of eight passenger seats)
- 9) Shall not be fitted with rear passenger windows that do not allow a 35% transmission of light
- 10) Shall have sufficient boot space to accommodate a reasonable amount of passenger luggage

The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations) shall be fully complied with.

Age of Vehicles

- 1) Purpose built Hackney Carriages and those vehicles which have been converted to incorporate the standards laid down by the Public Carriage Office will continue to be relicensed despite their age subject to passing an annual test and the licences running concurrently
- 2) The Council will use the date of the first registration shown on the vehicle's log book to determine the age of that vehicle.
- 3) Vehicles that are not purpose-built - that is saloon vehicles, estate vehicles and hatchback vehicles - will continue to be re-licensed up to eight years of age subject to passing an annual test and the licences running concurrently.

"Exceptional Condition"

Operators can apply to re licence a saloon type vehicle that is over 8 years of age under the “exceptional condition” rule. This protocol enables operators who consider that their vehicle is in such exceptional condition that it should be considered outside the Councils age policy. Qualification for this will be considered when the following process has been completed.

1. The applicant would, 30 days prior to expiry of their licence, inform the Council of their intention to apply for their vehicles “exceptional condition” status. This application would be accompanied by a Motor Vehicle inspection report from either the AA (comprehensive check) or RAC (essentials plus check) this check would give an indication whether or not the vehicles could be deemed to be in “exceptional condition” (i.e. no failures or advisory notices). These checks and the elements required can be seen at Appendix (i).
2. On receipt of this notification check, a Council inspection would be allocated (subject to existing requirements such as providing relevant documentation and fee).
3. Subject to passing the Council’s inspection at its first time, a licence would be granted for that vehicle for a period of six months after which a VOSA MOT no older than one month should be submitted to enable the licence to be extended to its full 12 month period.

For a vehicle to be considered in “exceptional condition” it should pass the Council’s inspection at its first attempt. Not to pass would indicate the vehicle is not in “exceptional condition”.

These further elements will be influential in assisting the Council to determine a vehicles condition.

- a) The vehicle to have Uniform paintwork that is lustrous and scratch free.
- b) Be free of visible rust.
- c) Have an interior that is clean and upholstery which is supportive and free of stains and free of splits and wear and tear.
- d) Be free of any unrepaired damage.
- e) Repairs that have been made will have been carried out by qualified persons and will be to the highest standard.
- f) Be free of any major mechanical faults or defects.
- g) Will have a record of being serviced at regular intervals either by a main agent or other reputable garage. Ideally this servicing will be recorded in the vehicles original service booklet.

Applications

All applications, whether for a grant of a licence or a renewal of a licence, should be accompanied by the following:

- The appropriate fee with a completed application form
- A current VOSA MOT certificate where the vehicle is over three years of age

- A certificate of insurance that provides for the insured to use the vehicle for public hire.

Vehicle Testing

Before a licence is issued, the vehicle will be examined and tested at the Council's Operational Services department. The cost of this initial test is contained in the application fee. Where a vehicle fails the initial test a fee will be payable before any retest is undertaken. Information on fees is contained under the Licence Fees section of this Policy. In most circumstances where an advisory item has been identified on a VOSA MOT certificate, this will constitute a failure at the Council test.

Licence Plates - Conditions

On successful completion of the application, the applicant will be issued with two Hackney Carriage plates which will be fitted to the exterior of the vehicle (one at the front and one at the rear).

The position the plates are affixed will be on or close to the height of the bumper of the vehicle and will be attached using fixings that allow the plates to be removed by the Council's Enforcement Officers.

In addition, a copy of the licence details will be issued, and these will be sited inside the vehicle in such a position that it can be seen by passengers.

The applicant will be issued with a licence which will be valid for one year. A set of conditions will be attached to the licence and it is the responsibility of the applicant to familiarise him/herself with these conditions. The conditions can be seen at Appendix 4.

Expiry of licence

In circumstances where a proprietor allows the Hackney Carriage licence attached to a saloon-type vehicle to expire and has made no attempt to renew that licence then any new application shall be in accordance with the Council's policy that says "all new applications for Hackney Carriage licences shall only be approved for those vehicles that are purpose-built or have been converted in accordance with taxi regulations and are wheelchair accessible".

Where extreme mitigating circumstances exist in connection with the expiry of a licence and this can be proven then consideration of these extreme circumstances will be given by those people who have delegated powers in the Council's Scheme of Delegation.

Hackney Carriage Tariffs

Tariffs for Hackney Carriages are approved and set by the Council's Committee. When a request for any increase of the tariff is received and is approved by the Committee, the proposed revised tariff will be published in

the local newspaper for 14 days after which, should there be no objections, the revised tariff will be applied.

Taximeters and Tariffs

The proprietor of a Hackney Carriage shall ensure that the vehicle is fitted with a taximeter. This meter shall be maintained and in working condition at all times.

The taximeter shall be calibrated to reflect the tariff approved by the Council, and should be positioned where it can easily be seen and read by the hirer and shall be capable of being suitably illuminated during any period of hiring.

The taximeter should be of a design that allows a method of sealing, following calibration, in order to prevent alteration or tampering.

The meter will be fitted where it can be clearly visible to the hirer.

The positioning of the meter will not interfere with the vision of the driver.

Operation of the meter will only commence when the hirer is seated in the vehicle and before the journey commences.

At the termination of a hiring the driver shall ensure that the hirer sees the meter reading before any payment is made.

Operation of the Taximeter

Prior to any hiring the meter must be zeroed and show no reading. On acceptance of a fare, the driver will select the appropriate tariff:

Tariff 1

During daytime hours Tariff 1 will be selected.

Tariff 2

After midnight and at weekends Tariff 2 may be selected. This is at a rate 50% more than Tariff 1.

Tariff 3

During Bank Holidays Tariff 3 may be selected. This is at a rate of 100% more than Tariff 1.

There may also be a separate tariff for those Hackney Carriages licensed to carry five or more passengers when five or more passengers hire the vehicle

A Hackney Carriage driver may demand less than the fare shown on the face of the taximeter but may never demand more than the fare shown on the taximeter.

The taximeter must remain on at all times when working within the Borough of Newcastle under Lyme and may only be turned off when working outside the Borough.

A sample tariff sheet can be seen at Appendix 5.

Hackney Carriage Signage

The Council's policy on signage allows all-over advertising only on those vehicles that are wheelchair accessible provided that national advertising standards are met. No advertisements that promote alcohol, tobacco, or contains any element of a sexual nature, nudity or semi nudity, nor if any advertising contains political, ethnic, religious, sectarian, sexual or controversial text, likely to offend public taste, or that depicts or advocates violence, or advertising any racist or sectarian group or organisation which promotes or advocates violence.

Approval for any all-over advertising will be required from the Council's Licensing team.

Signs incorporating the name and telephone number of the proprietor of the vehicle are permitted for those Hackney Carriages that are saloon-type vehicles. These signs shall be composed of either black and white lettering of not more than two inches in height, with appropriate spacing and may be displayed on the two front doors of the vehicle only.

Hackney Carriage Ranks

The provision and siting of Hackney Carriage ranks within the Borough of Newcastle under Lyme is done in partnership with the Council and Staffordshire County Highways Department. The Council will always attempt to ensure that there are adequate Hackney Carriage rank spaces to properly serve the needs of the travelling public.

Private Hire Vehicle Licences

What is a Private Hire Vehicle?

The term 'Private Hire Vehicle' refers to a vehicle licensed under the Act to carry passengers for hire or reward by prior booking.

Unlike Hackney Carriages there is no mechanism for limiting the numbers of Private Hire Vehicles

Accidents

The proprietor shall report to the Council's Licensing Section as soon as reasonably practicable, and in any case within 72 hours, of the occurrence of any accident involving the vehicle which causes damage materially affecting

the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein.

Vehicle Requirements

For a vehicle to meet the Council's criteria for a Private Hire Vehicle licence it must:

- 1) Meet the requirements in the Vehicle Standards section of this Policy
- 2) Be less than five years of age when tested
- 3) Be any colour other than black
- 4) Have at least four doors (excluding a tailgate)
- 5) Not be of such design and appearance as to lead any person to believe that the vehicle is a Hackney Carriage
- 6) Not be a convertible or coupe (but a sunroof may be fitted)
- 7) Not be modified from the original manufacturer's specification
- 8) Not be fitted with rear passenger windows that do not allow a 35% transmission of light
- 9) Have sufficient boot space to accommodate a reasonable amount of passengers luggage
- 10) Have a minimum passenger seating capacity of four. This can increase to a maximum of eight passenger seats. These can include those vehicles that are mini buses or MPVs.

The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations) shall be fully complied with.

Applications

All applications, whether for a grant of a licence or a renewal of a licence, will be accompanied by the following:

- The appropriate fee with a completed application form
- A current VOSA MOT certificate
- A certificate of insurance that provides for the insured to use the vehicle for hire or reward under Private Hire booking

Vehicle Testing

Before a licence is issued, the vehicle will be examined and tested at the Council's Operational Services department. The cost of this initial test is contained in the application fee. Where a vehicle fails the initial test a fee will be payable before any retest is undertaken. Information on fees is contained under the Licence Fees section of this Policy. In most circumstances where an advisory item has been identified on a VOSA MOT certificate, this will constitute a failure at the Council test.

Licence Plates, Licence and attached Conditions

On successful completion of the application and testing of the vehicle, the applicant will be issued with two Private Hire Vehicle Licence plates. These will be required to be fitted to the exterior of the vehicle - one at the front and one at the rear. The position at which they are affixed will be on, or close to, the height of the bumper of the vehicle and will be attached using the fixings provided.

In addition, the applicant will be issued with adhesive signs which read "Private Hire Pre Booked Journeys Only". These will be affixed to the front doors of the vehicle.

The applicant will be issued with a licence which will be valid for one year. The licence will include a set of conditions. It is the responsibility of the applicant to familiarise him/herself with those conditions. These conditions can be seen at Appendix 6.

Signage

Advertising is not permitted on Private Hire Vehicles.

Age of Vehicles

When a vehicle has been licensed as a Private Hire Vehicle it is capable of being re-licensed annually until the vehicle is eight years old, providing that the licences run concurrently.

The Council will use the date of first registration shown on the vehicle's log book to determine the age of the vehicle. Where a licence is issued and the expiry date is after the eight year rule the licence will remain in place until its expiry.

"Exceptional Condition"

Operators can apply to re licence a vehicle that is over 8 years of age under the "exceptional condition" rule. This protocol enables operators who consider that their vehicle is in such exceptional condition that it should be considered outside the Councils age policy .

Qualification for this will be considered when the following process has been completed.

1. The applicant would, 30 days prior to expiry of their licence, inform the Council of their intention to apply for their vehicles "exceptional condition" status. This application would be accompanied by a Motor Vehicle inspection report from either the AA (comprehensive check) or RAC (essentials plus check) this check would give an indication whether or not the vehicles could be deemed to be in "exceptional condition" (i.e. no failures or advisory notices). These checks and the elements required can be seen at Appendix (i).

2. On receipt of this notification check, a Council inspection would be allocated (subject to existing requirements such as providing relevant documentation and fee).

3. Subject to passing the Council's inspection at its first time, a licence would be granted for that vehicle for a period of six months after which a VOSA MOT no older than one month should be submitted to enable the licence to be extended to its full 12 month period.

For a vehicle is to be considered in "exceptional condition" it should pass the Council's inspection at its first attempt. Not to pass would indicate the vehicle is not in "exceptional condition".

These further elements will be influential in assisting the Council to determine a vehicles condition.

- a) The vehicle to have Uniform paintwork that is lustrous and scratch free.
- b) Be free of visible rust.
- c) Have an interior that is clean and upholstery which is supportive and free of stains and free of splits and wear and tear.
- d) Be free of any unrepaired damage.
- e) Repairs that have been made will have been carried out by qualified persons and will be to the highest standard.
- f) Be free of any major mechanical faults or defects.
- g) Will have a record of being serviced at regular intervals either by a main agent or other reputable garage. Ideally this servicing will be recorded in the vehicles original service booklet.

In respect of mini buses, these vehicles should be less than five years of age when first tested and can continue to be licensed for as long as the vehicle continues to pass the Council's annual test, provided that the applications to renew the licence run concurrently to the expiring licence.

Taximeters in Private Hire Vehicles

Unlike Hackney Carriages, Private Hire Vehicles are not required to have taximeters fitted, although, where a proprietor feels that it would be advantageous to fit a taximeter, the following will apply:

- 1) The meter will be fitted where it can be clearly visible to the hirer
- 2) The positioning of the meter will not interfere with the vision of the driver
- 3) Following calibration to the operator's tariff, the taximeter will be sealed in such a manner that it cannot be tampered with or altered
- 4) Operation of the meter will only commence when the hirer is seated in the vehicle and before the journey commences
- 5) At the termination of a hiring the driver shall ensure that the hirer sees the meter reading before any payment is made

- 6) The meter shall be capable of being suitably illuminated during any period of hiring

Hackney Carriage and Private Hire Vehicles Annual Testing

After a vehicle has had its initial licence it will be eligible for re-licensing, providing that it falls within the Council's age policy and continues to meet the necessary standards.

The re-licensing will be carried out annually, following submission of an application form accompanied with the necessary documents including payment and satisfactory inspection by the Council's Transport Manager.

In circumstances where a vehicle fails the annual test, a list of defects will be issued and a period of 28 days will be given to address those defects before re-presenting the vehicle for retesting.

There will be circumstances when a vehicle fails a test and to retest it would only require a cursory inspection, in these cases a fee will not be required.

When a vehicle fails a test and a retest would require more than a cursory inspection a fee will be payable

Failure of Test and Expiry of Licence

The engineer inspecting a vehicle for its annual inspection will determine whether:

- a) The vehicle passes the inspection - a licence will issued which runs concurrently from the previous licence
- b) The vehicle fails the inspection and requires re inspecting, but the reason for failure is not sufficient to prevent the vehicle from carrying passengers while remedial repairs have been undertaken. This can continue until the licence expires
- c) The vehicle fails the annual inspection and the reasons for the failure require that a notice is issued stating that the vehicle should not carry passengers until repairs have been made and the vehicle satisfactorily passes a re inspection

When a vehicle fails an annual inspection and the licence expires before repairs have been inspected, the vehicle has no licence. When the vehicle has been repaired and presented within the 28 day period allowed and passes a re-inspection, a licence will be issued that runs concurrently from the previous licence.

In circumstances where the proprietor of a Private Hire Vehicle allows the licence to expire and has made no attempt to renew and the vehicle falls outside the Council's age policy for Private Hire Vehicles then that vehicle will not be considered for a licence except under extreme mitigating circumstances which can be proven to the satisfaction of the Council. The

consideration of these extreme circumstances will be given by those people who have delegated powers in the Council's Scheme of Delegation.

Private Hire Operators

A Private Hire Operator's Licence is required to enable a person to accept or invite bookings for Private Hire Vehicles.

Before such a licence can be issued the Council must be satisfied that the applicant is a fit and proper person.

Application

The applicant requirements are:

- 1) To provide a disclosure from the DBS (applications received from individuals that hold a current Private Hire or Hackney Carriage drivers licence may already be considered a fit and proper person and may forego this requirement)
- 2) To complete an application form
- 3) To pay the appropriate fee

Where applications are approved, a Private Hire Operator's Licence will be issued, and a set of conditions will be attached to the licence. It is the responsibility of the applicant to familiarise him/herself with those conditions. These conditions can be seen at Appendix 7.

Licences will be issued for three years (unless a lesser period has been specified by the Committee)

Operators Licences outside the Borough Boundary

Section 57 (2) (b)(ii) of the Act part 2 allows local authorities to issue Private Hire Operators Licences to applicants who intend to carry on their business outside the boundary of the relevant local authority.

The Council, in recognising that this section of the Act, have resolved that no licence will be granted to an applicant who intends to carry out his/her business at an address or addresses which are more than one mile outside the Borough boundary.

An exception applies to operators who can claim grandfather rights, that is they currently hold a licence and their business address is more than 1 mile outside the Borough boundary.

The Role of the Public Protection Committee

The Committee consists of elected members of the Council who will consider all matters concerning Private Hire and Hackney Carriages that cannot normally be dealt with by the Council's officers.

This will include, but is not restricted, to:

- a) Applications for Private Hire and Hackney Carriage drivers' licences where the applicant has convictions that fall within the Council's Guidelines, or where the applicant has convictions that fall outside those guidelines but the nature and number of offences give rise to concern
- b) Considering the breach of any condition on a licence
- c) Considering convictions imposed on drivers while they hold a licence.
- d) Considering requests from the Private Hire and/or the Hackney Carriage trade
- e) Considering the instigation of any prosecution
- f) To consider any licensing matter that may arise that is not covered by the Policy or any existing conditions

It is Council policy that no elected member can vote at any committee unless they have received training particular to that committee on which they serve.

When coming to any decision the Committee will always give reasons for that decision and will endeavour to act reasonably and in accordance with the Human Rights Act 1998.

Anyone who is aggrieved by a decision of the Committee has the right of appeal to the Magistrates' Court

Enforcement

It is the responsibility of the Council to ensure that taxi drivers and operators are licensed in accordance with the relevant laws governing Hackney Carriage and Private Hire Vehicles and that the conditions attached to the licences are adhered to.

The Council has a Corporate Enforcement Strategy which guides and informs the Council's approach to any enforcement issues. This document can be found at Appendix 8.

Offences

Offences relating to Hackney Carriages and Private Hire Vehicles are derived from the following sources:

Town Police Clauses Act 1847 (Hackney Carriages only)

- | | |
|------------|--|
| Section 40 | Giving false information on a Hackney Carriage licence application |
| Section 44 | Failure to notify change of address of a Hackney Carriage licence |
| Section 45 | Plying for hire without a Hackney Carriage licence |
| Section 47 | Driving a Hackney Carriage without a Hackney Carriage driver's licence |

| | |
|------------|--|
| Section 47 | Lending or parting with a Hackney Carriage driver's licence |
| Section 47 | Proprietor employing an unlicensed Hackney Carriage driver |
| Section 48 | Failure of a proprietor to hold a Hackney Carriage driver's licence |
| Section 48 | Failure of a proprietor to produce a Hackney Carriage driver's licence |
| Section 52 | Failure to display a Hackney Carriage plate |
| Section 53 | Failure to take a fare without a reasonable excuse |
| Section 54 | Charging more than the agreed fare |
| Section 55 | Obtaining more than the legal fare (including failure to refund) |
| Section 56 | Travelling less than the lawful distance for an agreed fare |
| Section 57 | Failure to wait after a deposit has been paid |
| Section 58 | Charging more than the legal fare |
| Section 59 | Carrying persons other than the hirer without the hirer's consent |
| Section 60 | Driving a Hackney Carriage without the proprietor's consent |
| Section 60 | Allowing a person to drive a Hackney Carriage without the proprietor's consent |
| Section 62 | Driver leaving a Hackney Carriage unattended |
| Section 64 | Hackney Carriage driver obstructing other Hackney Carriages |

Local Government (Miscellaneous Provisions) Act 1976

| | |
|------------|--|
| Section 46 | Using an unlicensed Private Hire Vehicle |
| Section 46 | Driving a Private Hire Vehicle without a Private Hire driver's licence |
| Section 46 | Proprietor of a Private Hire Vehicle using an unlicensed driver |
| Section 46 | Operating a Private Hire Vehicle without a Private Hire operator's licence |
| Section 46 | Operating a vehicle as a Private Hire Vehicle when the vehicle is not licensed as a Private Hire Vehicle |
| Section 46 | Operating a Private Hire Vehicle when the driver is not licensed as a Private Hire driver |
| Section 48 | Failure to display a Private Hire Vehicle plate |
| Section 49 | Failure to notify the transfer of a vehicle |
| Section 50 | Failure to present a Hackney Carriage or Private Hire Vehicle for inspection upon request |
| Section 50 | Failure to inform the Borough Council where a Hackney Carriage or Private Hire Vehicle is stored, if requested |
| Section 50 | Failure to report an accident to the Council within 72 hours |
| Section 50 | Failure to produce the vehicle licence and insurance upon request |
| Section 53 | Failure to produce a driver's licence upon request |
| Section 54 | Failure to wear a private hire driver's badge |
| Section 56 | Failure of a Private Hire operator to keep proper records of all bookings, or failure to produce them on request of an authorised officer of the Borough Council or a Police Officer |
| Section 56 | Failure of a Private Hire operator to keep records of all Private Hire vehicles, or failure to produce them on request of an authorised officer of the Borough Council or a Police Officer |

- Section 56 Failure of a Private Hire operator to produce his licence on request
- Section 57 Making a false statement or withholding information to obtain a Hackney Carriage or Private Hire driver's licence
- Section 58 Failure to return a plate after notice has been given following expiry, revocation, or suspension of a Hackney Carriage or Private Hire Vehicle Licence
- Section 61 Failure to surrender a driver's licence after suspension, revocation, or refusal to renew
- Section 64 Permitting any vehicle other than a Hackney Carriage to wait on a Hackney Carriage rank
- Section 66 Charging more than the meter fare for a journey outside the Borough without prior agreement
- Section 67 Charging more than the meter fare when the Hackney Carriage is used as a Private Hire Vehicle.
- Section 69 Unnecessarily prolonging a journey
- Section 71 Interfering with a taximeter with intent to mislead
- Section 73 Obstruction of an authorised officer of the Borough Council or a Police Officer
- Section 73 Failure to comply with a requirement an authorised Borough Council Officer or Police Officer
- Section 73 Failure to give information or assistance to an authorised Borough Council Officer or Police Officer

Disability Discrimination Act 1995

- Section 37 Refusal to carry a guide, hearing, or other assistance dog in a Hackney Carriage without a valid certificate of exemption
- Section 37 Charging an additional cost for the carrying of an assistance dog in a Hackney Carriage
- Section 37 Refusal to carry a guide, hearing, or other assistance dog in a Private Hire Vehicle without a valid certificate of exemption
- Section 37 Charging an additional cost for the carrying of an assistance dog in a Private Hire Vehicle

Delegated Powers

The Council's Committee is responsible for the management of the Hackney Carriage and Private Hire licensing regime in the Borough.

In addition, the Council's Chief Executive and the Head of Business Improvement, Central Services and Partnerships, both have delegated powers which are set out in the Council's Standing Orders.

When matters concerning public safety arise a decision concerning the immediate suspension or revocation of licences can be made by those officers prior to consideration of the matters by the Committee.

Licence Fees

The policy does not include fees as these are subject to the Council's annual budget review process. Current fees can be obtained from the Licensing team or via the Council's website.

When setting the fees for Hackney Carriage and Private Hire licences the Council will endeavour to ensure that the costs of the service including the cost of issue and administration will, so far as is possible, be on a cost recovery basis.

Where a licence is issued and a duplicate or copy is required the Council will apply an administrative charge. This charge will reflect the cost to the Council.

Stretch Limousines and Novelty Vehicles

At present the Council do not licence these types of vehicles but it accepts that there should be some form of licensing regulation that encompasses these vehicles and their drivers and is committed to formulate a policy for such vehicles when there exists definitive guidance and best practice.

Partnerships

The Council recognises that partnership working with other regulatory and statutory bodies will benefit the effective running of the taxi licensing regime. Conversely, a properly administered taxi regime will be beneficial to its partners and to the public. To this end, the Council's Licensing team is continuing to develop its effective links with Staffordshire Police, the Border and Immigration Service, benefit fraud investigators, HMRC, VOSA, other departments within the Council such as Revenues and Benefits, and the Council's neighbouring authorities.

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NEWCASTLE UNDER LYME BOROUGH COUNCIL

**STANDARD CONDITIONS ATTACHED TO A PRIVATE
HIRE DRIVERS LICENCE**

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

LICENCE COMMENCES: «uupdate2»

LICENCE EXPIRES: «uupdate3»

LICENSEE: «appname»

1. Conduct of Driver

The driver shall:-

- (a) Afford all reasonable assistance with passengers' luggage
- (b) At all times be clean and respectable in his dress and person and behave in a civil and orderly manner.
- (c) Not act to the detriment of any person on account of their gender, sexuality, race, religion, physical or mental disability or any other reason.
- (d) Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him, and in the case of children and vulnerable adults travelling alone, shall ensure that they are delivered to the care of a responsible Adult.
- (e) Not without the express consent of the hirer drink or eat in the vehicle.
- (f) Not without the express consent of the hirer, play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- (g) At no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.

2. Passengers

The drivers shall:-

- (a) Not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.

- (b) Not allow there to be conveyed in the front of a private hire vehicle:
 - (i) any child below the age of ten years; or
 - (ii) more than one person about that age.
- (c) Not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle.

3. Written Receipts

The driver shall, if requested by the hirer of a private vehicle, provide him with a written receipt for the fare paid.

4. Lost Property

- (a) The driver shall immediately after the termination of any hiring of a private vehicle or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there.
- (b) If any property accidentally left in a private hire vehicle by any person who may have been conveyed therein is found by or handed to the driver, the driver shall carry it within 24 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council and leave it in the custody of the officer in charge of the Licensing Section in the Legal and Democratic Division on his giving a receipt for it.

5. Animals

The drivers shall not convey in a private hire vehicle any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle and any animal belonging to or in the custody of any passenger which in the driver's discretion may be conveyed in the vehicle shall only be conveyed in the rear of the vehicle.

Guide Dogs and Assistance dogs

- a) The driver shall carry a guide dog, or assistance dog, belonging to a passenger free of charge unless the driver has a proven medical condition that would preclude him/her from doing so.
- b) The driver shall produce to the Council a medical certificate signed by his/her general medical practitioner to prove such a medical condition on application for a private hire driver licence, or if he/she develops such a medical condition after the grant of a licence as soon as he/she is aware of it.
- c) The driver shall also make his/her operator aware of any such medical condition at the time of commencement of working for that Operator, or as soon as he/she is aware of such a medical condition, whichever is the earlier.
- d) "Guide dog" means a dog which assists a person with a sight impairment.

- e) "Assistance dog" means a dog which assists a person with a hearing or other impairment.

6. Prompt Attendance

The driver of a private hire vehicle shall, if he is aware that the vehicle has been hired to be in attendance at an appointed time and place or he has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.

7. Copy of Conditions

The driver shall, at all times when driving a private hire vehicle, carry with him a copy of these conditions and shall make it available for inspection by the hirer or any other passenger on request.

8. Deposit of Licence

If the driver is permitted or employed to drive a private hire vehicle in which the proprietor is someone other than himself, he shall before commencing to drive that vehicle, deposit this licence with that proprietor for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

9. Taximeter

If a private hire vehicle being driven by the driver is fitted with a taximeter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).

10. Fare to be Demanded

The driver shall not demand from any hirer of a private hire vehicle 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 taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.

11. Change of Address

The driver shall notify the Council in writing of any change of his address during the period of the licence within seven days of such change taking place.

12. Convictions

The driver shall, within seven days, disclose to the Council in writing details of any convictions imposed on him during the period of the licence.

13. Return of Badge

The driver, shall upon the expiry (without immediate renewal), revocation or suspension of this licence forthwith return to the Council the driver's badge issued to him by the Council when granting this licence.

NOTE:

Your attention is also drawn to the Local Government (Miscellaneous Provisions) Act 1976 which regulates Private Hire, you should be aware of all offences created by the Act.

STANDARD CONDITIONS ATTACHED TO A HACKNEY CARRIAGE DRIVERS LICENCE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT, 1976

LICENCE COMMENCES: «uupdate2»

LICENCE EXPIRES: «uupdate3»

LICENSEE: «appname»

Conduct of Driver

The driver shall:-

Afford all reasonable assistance with passengers' luggage

At all times be clean and respectable in his dress and person and behave in a civil and orderly manner.

Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him.

Not without the express consent of the hirer drink or eat in the vehicle.

Not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.

At no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.

Passengers

The driver shall not convey or permit to be conveyed in a hackney carriage a greater number of persons than that prescribed in the licence for the vehicle, provided however that for this purpose two children below the age of ten years may be counted as one person insofar as the rear seating only is concerned.

The driver shall not allow there to be conveyed in the front of a hackney carriage:-

- (i) any child below the age of ten years; or
- (ii) more than one person above that age.

The driver shall ensure that, with the exception of any statutory exemptions, any child under the age of 14 years in the rear of the vehicle wears a seat belt. It is an offence for a person without reasonable excuse to drive a vehicle on a road unless the child is wearing a seat belt in conformity with the regulations.

The driver shall not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle.

Guide Dogs and Assistance Dogs

(a) The driver shall carry a guide dog, or assistance dog, belonging to a passenger free of charge unless the driver has a proven medical condition that would preclude him/her from doing so.

(b) The driver shall produce to the Council a Medical Certificate signed by his General Medical practitioner, to prove such a medical condition, on his application for a private hire driver licence, or if he/she develops such a medical condition after the grant of a licence as soon as he/she is aware of it.

(c) The driver shall also make his/her Operator aware of any such medical condition at the time of commencement of working for that Operator, or as soon as he/she is aware of such a medical condition, whichever is the earlier.

(d) "Guide dog" means a dog, which assists a person with a sight impairment.

(e) "Assistance dog" means dog which assists a person with a hearing or other impairment.

Written Receipts

Upon request the driver of a hackney carriage shall, upon being required to do so by a hirer, issue a receipt in respect of fares charged for hiring and a notice informing hirers of this facility shall be displayed in the interior of the hackney carriage in such position and manner that the same shall be clearly legible to persons being conveyed therein.

Lost Property

The driver shall immediately after the termination of any hiring of a hackney carriage or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there.

If any property accidentally left in a hackney carriage by any person who may have been conveyed therein is found by or handed to the driver, the driver shall carry it within 24 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council and leave it in the custody of the Officer in Charge of the Licensing Section in the Legal and Democratic Division on his giving a receipt for it.

Animals

The driver shall not convey in a hackney carriage any animal belonging to or in the custody of himself or the proprietor or operator of the vehicle and any animal belonging to or in the custody of any passenger which in the driver's discretion may be conveyed in the vehicle shall only be conveyed in the rear of the vehicle.

Prompt Attendance

The driver of a hackney carriage shall, if he is aware that the vehicle has been hired to be in attendance at an appointed time and place, punctually attend at that appointed time and place unless delayed or prevented by sufficient cause.

Copy of Conditions

The driver shall at all times when driving a hackney carriage carry with him a copy of these conditions and shall make it available for inspection by the hirer or any other passenger on request.

Deposit of Licence

If the driver is permitted or employed to drive a hackney carriage of which the proprietor is someone other than himself, he shall before commencing to drive that vehicle deposit this licence with that proprietor for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

Taximeter

(a) The driver shall not cause the fare recorded on the taximeter to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).

(b) The driver shall not demand from any hirer of a hackney carriage a fare in excess of any previously agreed for that hiring or the fare shown on the face of the taximeter.

Fare to be demanded

A hackney carriage shall not be used in the Borough of Newcastle-under-Lyme under a Contract or purported Contract for private hire except at a rate of fares or charges not greater than those prescribed in accordance with the provisions of Part 2 of the Local Government (Miscellaneous Provisions) Act 1976 if any or otherwise prescribed in accordance with bye-laws made for that purpose under the Town Police Clauses Act 1847 and when the hackney carriage is so used the fare or charge shall be calculated from the point in the Borough of Newcastle-under-Lyme at which the hirer commences his journey.

Change of Address

The driver shall notify the Council in writing of any change of his address during the period of the licence within seven days of such change taking place.

Convictions

The driver shall, within seven days, disclose to the Council in writing details of any conviction imposed on him during the period of the licence.

Return of Badge

The driver, shall upon the expiry (without immediate renewal), revocation or suspension of this licence forthwith return to the Council the driver's badge issued to him by the Council when granting this licence.

Use as a Hackney Carriage

The driver shall use his/her best endeavours to secure that a vehicle be used as a hackney carriage to stand and ply for hire within the district and for no other purpose.

The Borough Council may vary all or any of the conditions herein contained at any time.



GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS FOR APPLICANTS FOR THE GRANT AND RENEWAL OF LICENCES TO DRIVE HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

GENERAL POLICY

1. Each case will be decided on its own merits
2. The Council will, as far as is possible, ensure that all persons holding a licence to drive Hackney Carriages or private hire vehicles are fit and proper persons. In doing so, the Council will take into account previous convictions including, where relevant, 'spent' convictions.
3. The Council will always put the protection of the public first when considering the relevance of convictions recorded against an applicant for a licence.
4. A person with a conviction for serious crime need not be permanently barred from obtaining a licence but will be expected to remain free of conviction for an appropriate period, before an application is considered. However, remaining free of conviction for a specified period may not be sufficient to show that a person is fit and proper and additional evidence may be required.
5. There may be occasions where it is appropriate to depart from the guidelines when making a decision on an application. For example, where the offence is a one-off and there are mitigating circumstances or alternately, where there are many or continuous offences which may show a pattern of offending and unfitness.
6. The following examples give a general guide as to the action that might be taken where convictions are recorded against an applicant.

(a) Dishonesty

Members of the public using Hackney Carriages and private hire vehicles expect the driver to be honest and trustworthy. It would be easy for a dishonest driver to take advantage of the public.

For these reasons, a serious view will be taken of any conviction involving dishonesty. In general, if an application is made within the first 3 to 5 years from the date of a conviction or from the date of release from jail where a custodial sentence has been imposed, it is likely that it will be refused.

Where an application is made within the first three years since the conviction or the date of release from jail, where a custodial sentence has been

imposed, for any of the following offences, the application will normally be refused:-

- Theft
- Burglary
- Fraud
- Benefit fraud (including offences under ss11A and 112 of the Social Security Administration Act 1992)
- Blackmail
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Or similar offences to those above which may replace any of the above offences

When a period of three years from conviction or the date of release from jail, where a custodial sentence has been imposed has passed, consideration will be given to the circumstances of the offence and any evidence to show that an applicant is a fit and proper person to hold a licence.

(b) Violence

As Hackney Carriage and private hire vehicle drivers maintain close contact with the public, a firm line will be taken with applicants who have convictions for violence. Where the commission of an offence involves loss of life, a licence will normally be refused. In other cases, a period of three to ten years free of conviction from the date of conviction or the date of release from jail, where a custodial sentence has been imposed will generally be required before an application is likely to be considered favourably. The nature and seriousness of the offence(s) will be taken into consideration.

In particular:-

- (i) An application will normally be refused where the applicant has a conviction for an offence of:-
 - Murder
 - Manslaughter
 - Manslaughter or culpable homicide while driving
 - Or similar offence or offences which replace the above offences
- (ii) An application will normally be refused for a period of five years from the date of the conviction or the date of release from jail, where a custodial sentence has been imposed if the applicant has a conviction for:-
 - Arson
 - Malicious wounding or grievous bodily harm which is racially aggravated
 - Assault occasioning actual bodily harm which is racially aggravated

- Assault with intent to cause grievous bodily harm
- Assaulting a police officer in the execution of his duties
- Malicious wounding
- Robbery
- Racially aggravated criminal damage
- Racially aggravated fear or provocation of violence
- Racially aggravated intentional harassment, alarm or distress
- Racially aggravated harassment
- Racially aggravated putting people in fear of violence
- Riot
- Possession of an offensive weapon
- Possession of a firearm
- Violent disorder
- Or any arrestable offence involving violence (an arrestable offence is defined as an offence committed by a person of age 21 years or over and on conviction for the first offence may be sentenced to a term of imprisonment of five years or where the penalty is fixed by law)

(iii) An application will normally be refused for a period of three years from the date of conviction or the date of release from jail, where a custodial sentence has been imposed, where the applicant has a conviction for:-

- Common assault
- Racially aggravated common assault
- Assault occasioning actual bodily harm
- Affray
- Racially aggravated harassment, alarm or distress
- Resisting arrest
- Obstructing a police officer in the execution of his duty
- Criminal damage
- Any similar offence or offences which replace the above offences

(c) Drugs

An application will normally be refused if an applicant has a conviction for an offence that relates to the supply or importation of drugs and the date of the conviction or the date of release from jail, where a custodial sentence has been imposed, is less than five to ten years before the date of the application. However, after five years from the date of such a conviction or the date of release from jail, where a custodial sentence has been imposed, the circumstances of the offence and any evidence which shows that a person is now a fit and proper person to hold a licence will be taken into consideration.

An application will normally be refused where the application is made within three to five years from the date of a conviction or the date of release from jail, where a custodial sentence has been imposed for an offence relating to the possession of drugs. However, after a period of three years from the date of such a conviction or the date of release from jail, where a custodial sentence has been imposed, consideration will be given to the circumstances

of the offence and any evidence to show that an applicant is a fit and proper person to hold a licence.

An application will normally be refused where an applicant has more than one conviction for offences related to the possession of drugs and the last conviction or the date of release from jail, where a custodial sentence has been imposed, is less than five years before the date of the application.

Where evidence is available that an applicant who has convictions for drug related offences has been addicted to drugs, they will have to produce evidence that shows that they have been free of drug taking for at least five years after successfully completing a drug treatment programme.

(d) Sexual and Indecency Offences

As the driver of Hackney Carriages and private hire vehicles often carry passengers who are alone, or may be vulnerable, applicants who have convictions for rape, indecent assault, any sexual offence involving children and any conviction for an offence under the Sexual Offences Act 2003 will normally be refused a licence.

Where an applicant has a conviction for a sexual offence such as indecent exposure, they will normally be refused a licence until they can show a substantial period usually between five and ten years free of any such convictions from the date of conviction or the date of release from jail where a custodial sentence has been imposed before an application is made.

After a period of five years from the date of a conviction or the date of release from jail, where a custodial sentence has been imposed, consideration will be given to the circumstances of the offence and any evidence to show that an applicant is a fit and proper person to hold a licence.

When considering applications, the Council may take into account any information of a sexual nature which does not amount to a criminal offence that is brought to its attention where that information may indicate that an applicant may not be a fit and proper person to hold a licence.

(e) Motoring Convictions

(i) Disqualification

Where an applicant had been disqualified from driving by the Courts for a serious traffic offence under Category 'A' of Annex (i), an application will generally be refused unless a period of five years free of conviction has passed since the return of the DVLA licence.

Where an applicant has been disqualified from driving by the Courts for a serious traffic offence under Category 'B' of Annex (i), an application will generally be refused unless a period of five years free of conviction has passed since the return of the DVLA licence unless the offence was an isolated one, in which case, a period of not less than 2 years shall have passed.

Where a disqualification is imposed by a court in a 'totting-up' case, i.e. where an applicant has been disqualified because of several

driving offences, an application will generally be refused unless a period of one year free of conviction has elapsed since the return of the DVLA driver licence.

In 'totting-up' cases where a court does not impose a disqualification because of exceptional circumstances, then because the Council apply different criteria to the courts, an application will generally be refused unless an applicant can show a period of 1 year free of conviction from the date of the last court appearance.

(ii) Serious Traffic Offences

Where an applicant has a conviction for a serious traffic offence in Category 'A' Annex (i) and a period of disqualification has not been imposed by the courts, an application will normally be refused where an application is made in the last five years following the date of the last conviction.

Where an applicant has a conviction for a serious traffic offence in Category 'B' Annex (i) and a period of disqualification has not been imposed by the courts, an application will normally be refused where an application is made in the last five years following the date of the last conviction unless the offence was an isolated one.

Where an applicant has had more than one conviction for a serious traffic offence in either Category 'A' or 'B' of Annex (i) and the courts have not imposed a period of disqualification, an application will normally be refused where an application is made in five years following the date of the last conviction.

(iii) Other Traffic Offences

Normally, isolated convictions for other traffic offences should not prevent someone obtaining a licence. However, the number, type and the frequency of these types of offence will be taken into account. If there are several convictions for these types of offence, an applicant will normally be expected not to have been convicted of an offence in the six months before an application is made.

A list of relevant offences is shown at Annex (ii). However, this is not an exhaustive list and there may be other offences which may be relevant.

(f) **Offences Under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and any Hackney Carriage Byelaws (The Acts)**

One of the main purposes of the licensing regime set out in 'The Acts' is to ensure the protection of the public. For this reason, a serious view will be taken of convictions for offences under the legislation, particularly offences of illegal plying for hire, when deciding if a person is a fit and proper person to hold a licence.

In particular, an application will normally be refused where an applicant has more than one conviction for an offence under 'The Acts' in the two years preceding the date of the application.

(g) Drunkenness

(i) In a Motor Vehicle

The manner in which drunkenness in a motor vehicle will be dealt with is outlined in Motoring Offences at paragraph 'e' of these guidelines.

(ii) Not in a Motor Vehicle

Where an applicant has an isolated conviction for drunkenness, this need not stop an applicant from getting a licence. In some cases, a warning may be appropriate. However, where an applicant has a number of convictions for drunkenness, it could indicate a medical problem, which would require further investigation including a medical examination and the possible refusal of a licence.

(h) Spent Convictions

The Council will only take 'Spent Convictions' into consideration if it is considered they are relevant to the application.

(i) Formal Cautions and Fixed Penalty Notices

For the purposes of these guidelines, the Council will treat Formal Cautions issued in accordance with Home Office guidance and fixed penalty notices as though they were a conviction before the courts.

SERIOUS TRAFFIC OFFENCES

| CATEGORY 'A' | |
|--------------|---|
| Offence Code | Offence |
| | Careless Driving |
| CD40 | Causing death through careless driving when unfit through drink |
| CD50 | Causing death through careless driving when unfit through drugs |
| CD60 | Causing death through careless driving with alcohol level above the limit |
| CD70 | Causing death through careless driving then failing to supply a specimen for analysis |
| | |
| | Reckless/Dangerous Driving |
| DD40 | Dangerous driving |
| DD60 | Manslaughter or culpable homicide while driving a vehicle |
| DD80 | Causing death by dangerous driving |
| | |
| | Miscellaneous Offences |
| MS50 | Motor racing on a highway |
| | |
| | Theft and Unauthorised Taking |
| UT50 | Aggravated taking of a vehicle |
| | |

PLEASE NOTE:

Any offence of aiding, abetting or procuring the above offences, the offence code will have the **0** replaced by a **2**.

Any offence of causing or permitting the above the offences, the offence code will have the **0** replaced by a **4**.

Inciting any of the above offences, the offence code will have the **0** replaced by a **6**.

| CATEGORY 'B' | |
|--------------------------------------|--|
| Offence Code | Offence |
| Accident Offences | |
| AC10 | Failing to stop after an accident |
| AC20 | Failing to give particulars or report an accident within 24 hours |
| BA10 | Driving whilst disqualified by order of the court |
| BA30 | Attempting to drive whilst disqualified by order of the court |
| Careless Driving | |
| CD10 | Driving without due care and attention |
| CD20 | Driving without reasonable consideration for other road users |
| CD30 | Driving without due care and attention or without reasonable consideration for other road users |
| Construction and Use Offences | |
| CU10 | Using a vehicle with defective brakes |
| CU20 | Causing or likely to cause danger by use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition |
| CU30 | Using a vehicle with defective tyre(s) |
| CU40 | Using a vehicle with defective steering |
| CU50 | Causing or likely to cause danger by reason of load or passengers |
| Drink or Drugs | |
| DR10 | Driving or attempting to drive with alcohol level above limit |
| DR20 | Driving or attempting to drive while unfit through drink |
| DR30 | Driving or attempting to drive then failing to supply a specimen for analysis |
| DR40 | In charge of a vehicle while alcohol above limit |
| DR50 | In charge of a vehicle while unfit through drink |
| DR60 | Failure to provide specimen for analysis in circumstances other than driving or attempting to drive when unfit through drugs |
| DR70 | Failing to provide a specimen for breath test |
| DR80 | Driving or attempting to drive when unfit through drugs |
| DR90 | In charge of a vehicle while unfit through drugs |
| Insurance Offences | |
| IN10 | Using a vehicle uninsured against third party risks |
| Licence Offences | |
| LC30 | Driving after making a false declaration about fitness when applying for a licence |
| LC40 | Driving a vehicle after having failed to notify a disability |
| Miscellaneous Offences | |
| MS70 | Driving with uncorrected defective eyesight |

PLEASE NOTE:

Any offence of aiding, abetting or procuring the above offences, the offence code will have the **0** replaced by a **2**.

Any offence of causing or permitting the above the offences, the offence code will have the **0** replaced by a **4**.

Inciting any of the above offences, the offence code will have the **0** replaced by a **6**.

If any of the offences in **Category 'B'** involve a licensed Hackney Carriage or private hire vehicle, they will be treated as though they are a **Category 'A'** offence.

OTHER TRAFFIC OFFENCES

| Offence Code | Offence |
|--------------|--|
| LC20 | Driving otherwise than in accordance with a licence |
| LC50 | Driving after a licence has been revoked or refused on medical grounds |
| | |
| MS10 | Leaving a vehicle in a dangerous position |
| MS20 | Unlawful pillion riding |
| MS30 | Play street offences |
| MS60 | Offences not covered by other codes |
| MS80 | Refusing to submit to an eyesight test |
| MS90 | Failure to give information as to identity of driver etc |
| | |
| MW10 | Contravention of Special Road Regulations (excluding speed limits) |
| | |
| PC10 | Undefined contravention of Pedestrian Crossing Regulations |
| PC20 | Contravention of Pedestrian Crossing Regulations with a moving vehicle |
| PC30 | Contravention of Pedestrian Crossing Regulations with a stationery vehicle |
| | |
| SP10 | Exceeding goods vehicle speed limits |
| SP20 | Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles) |
| SP30 | Exceeding statutory speed limit on a public road |
| SP40 | Exceeding passenger vehicle speed limit |
| SP50 | Exceeding speed limit on a motorway |
| SP60 | Undefined speed limit offence |
| | |
| TS10 | Failing to comply with traffic light signals |
| TS20 | Failing to comply with double white lines |
| TS30 | Failing to comply with 'stop' sign |
| TS40 | Failing to comply with direction of a constable/warden |
| TS50 | Failing to comply with traffic sign (excluding stop signs, traffic lights or double white lines) |
| TS60 | Failing to comply with a school crossing patrol sign |
| TS70 | Undefined failure to comply with a traffic direction sign |

PLEASE NOTE:

Any offence of aiding, abetting or procuring the above offences, the offence code will have the **0** replaced by a **2**.

Any offence of causing or permitting the above the offences, the offence code will have the **0** replaced by a **4**.

Inciting any of the above offences, the offence code will have the **0** replaced by a **6**.

If any of the offences in **Category 'B'** involve a licensed Hackney Carriage or private hire vehicle, they will be treated as though they are a **Category 'B'** offence under Annex (ii).

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BOROUGH OF NEWCASTLE-UNDER-LYME

**STANDARD CONDITIONS ATTACHED TO A HACKNEY
CARRIAGE VEHICLE LICENCE**

**LOCAL GOVERNMENT (MISCELLANEOUS
PROVISIONS) ACT, 1976, TOWN POLICE CLAUSES
ACT 1847**

LICENCE COMMENCES: «uupdate2»

LICENCE EXPIRES: «uupdate3»

LICENSEE: «appname»

1. All vehicles licensed as Hackney Carriage shall be painted black with addition of a **4" horizontal white strip running the length of the vehicle on each side.**
2. The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained on Motor Vehicles (Construction and Use) Regulations, shall be fully complied with.
3. All Hackney Carriages shall be fitted with an illuminated roof sign bearing the single word "Taxi" in black letters on a white background and bear no other distinguishing marks whatsoever except for; the licence number displayed on the inside of the vehicle; the licence plate attached to the outside of the vehicle and, at the discretion of the proprietor, signs incorporating the name and telephone number of the proprietor or firms composed of white lettering of not more than two inches in height with appropriate spacing, which may be displayed on the two front doors of the vehicle only.
4. Advertising. The advertising of local business shall be permitted. Such advertisements shall only be on the rear doors and windows of Hackney Carriage Vehicles and shall be of a size not exceeding 20" x 30" and shall be white with block letters. Coloured lettering may be permitted but only of the name of the business. All advertisements are subject to prior approval by the Democratic Services Manager.
5. The number of the licence shall be legibly displayed on the inside of the vehicle in such a manner and in such place that the particulars thereof are clearly visible to any passenger being carried in the vehicle.

6. The licence plate shall be fixed and displayed outside at the rear front of the vehicle either immediately above or below the bumper but so that the vehicle registration number is not obscured and so that the particulars thereon are clearly visible by daylight from the road at the rear of the vehicle.
7. The licence plate shall remain the property of the Council and shall be returned to the Council;
 - a. Within 14 days of the date of transfer of the licensed vehicle; and
 - b. Within 7 days after the service of an appropriate notice by the Democratic Services Manager in the event of the Hackney Carriage Licence ceasing to be in force in respect of the vehicle on the licence being suspended.
8. The owner of a Hackney Carriage shall report to the Council's Licensing Section as soon as reasonably practicable, and in any case within 72 hours of the occurrence of any accident to such Hackney Carriage causing damage affecting the safety, performance or appearance of the Hackney Carriage or the comfort or convenience of persons carried therein.
9. Before the vehicle is used as a Hackney Carriage such insurances or securities as are required under Part VI of the Road Traffic Act, 1988 shall be obtained in respect of the vehicle and the owner of the vehicle shall at all times during the currency of the licence keep in force in relation to the user of the vehicle such insurances or securities and the certificate in respect of the policy of insurance or security shall be produced to the Council's Secretary for inspection when requested by him.
10. A Hackney Carriage shall not be used in the Borough of Newcastle-under-Lyme under a Contract or purported Contract for private hire except at a rate of fares or charges not greater than those prescribed in accordance with the provisions of Part 2 of the Local Government (Miscellaneous Provisions) Act 1976 if any or otherwise prescribed in accordance with bye-laws made for that purpose under the Town Police Clauses Act 1847 and when the Hackney Carriage is so used for the fare or charge shall be calculated from the point in the Borough of Newcastle-under-Lyme at which the hirer commences his journey.
11. If the owner of a Hackney Carriage vehicle licence granted by the Borough Council transfers his interest in that Hackney Carriage to a person other than the owner whose name is specified in the licence, he shall within 14 days after that transfer give notice in writing to the Democratic Services Manager of the Council specifying the name and address of the person to whom the Hackney Carriage has been transferred.

12. The owner shall permit an authorised Officer of the Council or a Police Officer to inspect and test a vehicle or any taximeter affixed to such vehicle at all reasonable times. If the Borough Council is not satisfied as to the fitness of the Hackney Carriage or as to the accuracy of the taximeter he shall give notice in writing to the owner to make the Hackney Carriage or taximeter available for further inspection and testing at such reasonable times and place as specified in the notice. If further inspection and testing is required the Hackney Carriage Vehicle licence may be suspended until such time as the Officer is satisfied with the vehicle or with the accuracy of the taximeter. Provided that if the Officer is not so satisfied within a period of 2 months the said licence shall be revoked. The licence plate shall on suspension of the licence be handed forthwith to the Officer but will be returned upon reinstatement of the licence.
13. Without prejudice to the aforementioned provisions the owner of a Hackney Carriage on receipt of a notice in writing from the Democratic Services Manager of the Council shall present the Hackney Carriage for inspection and testing by or on behalf of the Council within such period and at such place within the area of the Council as is specified in the said notice provided that a owner shall not be required to present the same Hackney Carriage for inspection and testing on more than three separate occasions during any one period of 12 months.
14. The owner of a Hackney Carriage shall on receipt of a notice from the Council's Democratic Services Manager provide in writing the address of every place where the vehicle is kept when not in use, and if required by the Council, shall make the vehicle to be inspected and tested at those addresses.
15. Upon request, the owner or driver of a Hackney Carriage shall, upon request by a hirer, issue a receipt in respect of fares charged, and a notice informing hirers of this facility shall be displayed in the interior of the Hackney Carriage in such position and manner that shall be clearly legible to persons being conveyed.
16. The owner of a Hackney Carriage shall not cause or suffer or permit to be conveyed in the vehicle a greater number of persons exclusive of the driver than the number of persons specified in the licence provided.
17. The owner of a Hackney Carriage shall cause provide certain the vehicle a fire extinguisher of type approved by the manufacturers and British Standards Institute as suitable for use in motor vehicles, such fire extinguisher to be fixed in or about the vehicle in such manner and in such a position as to be readily available for use the fire extinguisher to be maintained in good and efficient working order at all times. In addition a first-aid kit containing such first-aid dressings and appliances as are specified by the Council and such equipment to be carried in such a position in the vehicle as to be readily visible and available for immediate use.

18. The owner of a Hackney Carriage shall cause the current “table of fares” fixed by the Council to be exhibited inside the Hackney Carriage by clearly distinguishable letters and figures in such position that it can be conveniently seen by persons being conveyed in the Hackney Carriage.
19. The owner shall produce this licence upon request to any Officer authorised in that behalf by the Democratic Services Manager of the Council or any Police Constable for inspection.
20. If the owner permits or employs any other person to drive the vehicle as a hackney carriage he shall before that person commences to drive the vehicle cause the driver to deliver to him his hackney carriage drivers’ licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

NOTE:

It is an offence for a person to drive a hackney carriage whether or not it is plying for hire unless the driver has been granted a hackney carriage drivers licence.

21. The owner of a hackney carriage shall use his/her best endeavours to secure that the vehicle shall only be used as a hackney carriage to stand and ply for hire within the district and for no other purpose.
22. All vehicles licensed as a hackney carriage, with the exception of any statutory exemptions, shall have rear seat belts fitted. Under the Road Traffic Act 1988, any child under the age of 14 years in the rear of such a vehicle must wear a seat belt and it is an offence under the Act for a person without reasonable excuse to drive the vehicle on a road unless the child is wearing a seat belt in conformity with the regulations.
23. The Borough Council may at any time vary, add to, or delete any of the conditions attached to a Hackney Carriage Licence.

BOROUGH OF NEWCASTLE-UNDER-LYME

**STANDARD CONDITIONS ATTACHED TO A PRIVATE
HIRE VEHICLE LICENCE**

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

LICENCE COMMENCES: «uupdate2»

LICENCE EXPIRES: «uupdate3»

LICENSEE: «appname»

1. MAINTENANCE OF VEHICLE

The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations) shall be fully complied with.

2. ALTERATION OF VEHICLE

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

3. IDENTIFICATION PLATE

(1) The plate identifying the vehicle as a private hire vehicle and bearing the number corresponding with the number of the licence issued under Section 48 of the Local Government (Miscellaneous Provisions) Act, 1976 authorising the vehicle to be used as a private hire vehicle within the district shall be fixed and displayed outside and on the rear of the vehicle either immediately above or below the bumper in such a position as not to obscure the vehicle's registration mark, with the particulars thereon facing outwards and in such manner and place that the plate is clearly visible by daylight from the road at the rear of the vehicle and is easily removable by an authorised officer of the Council or a Police Constable.

(2) The licence plate shall remain the property of the Council. If the proprietor transfers his interest in the vehicle to a person other than the proprietor whose name is specified in the licence or if the proprietor ceases to hold the licence he shall within seven days of the transfer, or of ceasing to hold the licence return the plate to the Council at its

principal office. This is in addition to such requirement being exercised by the Council if the licence should be revoked or suspended.

4. INTERIOR MARKINGS

The proprietor shall cause to be clearly displayed and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed therein the number of this licence and the number of passengers prescribed in this licence.

5. SAFETY EQUIPMENT

There shall be provided and maintained in the vehicle by the proprietor at all times when the vehicle is in use or available for hire a fire extinguisher of a make and type approved by the Council such fire extinguisher to be maintained in good working order at all times, and also a first aid kit containing such first aid dressings and appliances as are specified by the Council such equipment to be carried in such a position in the vehicle as to be readily visible and available for immediate use.

6. SIGNS, NOTICES ETC.

- (a) There shall be attached to the vehicle adhesive signs provided by the Council with the words Private Hire – Pre Booked Journeys Only.
- (b) There may be displayed on the vehicle, at the option of the proprietor, the proprietors name or trade name and business telephone number and if so again on the two front doors.

The lettering for such signs should not exceed 2" high with appropriate spacing, the style and colour of such lettering to be first approved by the Council's Licensing Department.

- (c) Subject to the provision of (a) and (b) above and to the requirement to display the identification plate referred to in condition 3 thereof, there shall not be displayed on, or from the vehicle, any signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever.

7. CHANGE OF ADDRESS

The proprietor, or if there is more than one, each of them, shall disclose to the Council in writing any change of his or their address during the period of the licence within seven days of such change taking place; if the proprietor is a limited company its address for the purposes of this condition shall be that of its registered office and if different also that of its principal place of business.

8. CONVICTIONS

The proprietor shall within seven days disclose to the Council in writing details of any conviction imposed on him (or, if the proprietor is a company or partnership, on any of the directors, secretary or partners) during the period of the licence.

9. DEPOSIT OF DRIVERS' LICENCES

If the proprietor permits or employs any other person to drive the vehicle as a private hire vehicle, he shall before that person commences to drive the vehicle cause the driver to deliver to him his private hire driver's licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

NOTE:-

It is an offence for a person to employ a person to drive a private hire vehicle unless the driver holds a current private hire drivers licence and for a person to drive a private hire vehicle unless he holds a private hire drivers licence.

10. RECEIPTS

If requested by a hirer, the proprietor shall issue to the hirer a receipt in respect of the fare charged for the hiring.

11. INSURANCE

Before the vehicle is used as a private hire vehicle such insurances or securities as are required under Part VI of the Road Traffic Act, 1988 shall be obtained in respect of the vehicle and, the proprietor of the vehicle shall at all times during the currency of the licence keep in force, in relation to the user of the vehicle, such insurances or securities and the certificate in respect of the policy of insurance or security shall be produced to the Council's Licensing Section for inspection when requested by him.

12. ACCIDENTS

The proprietor shall report to the Council's Licensing Section as soon as reasonably practicable, and in any case within 72 hours, of the occurrence of any accident involving the vehicle which causes damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein.

13. TRANSFER OF OWNERSHIP

If the proprietor of a private hire vehicle, in respect of which a vehicle licence has been granted by the Council, transfers his interest, in that private hire vehicle to a person other than the proprietor whose name is specified in the licence he shall within seven days after such transfer give notice in writing thereof to the Licensing Department of the Borough Council specifying the name and address of the person to whom the Private Hire Vehicle has been transferred, together with the appropriate fee.

14. VEHICLE INSPECTION

On receipt of a notice by the Licensing Department of the Council, a proprietor shall present the Private Hire vehicle for inspection and testing on behalf of the Council within such period and at such place within the area of the Council as is specified in the said notice provided that a proprietor shall not be required to present the same private hire vehicle for inspection and testing on more than three separate occasions during any one period of 12 months.

15. LOCATION OF VEHICLE

The proprietor of a private hire vehicle shall, within such period as the Council may by notice from the Licensing Section reasonably require, state, in writing, the address of every place where such vehicle is kept when not in use and shall, if the Council so require, afford to them such facilities as may be reasonably necessary to enable them to cause such vehicle to be inspected and tested there.

16. CONVEYANCE OF PERSONS

The proprietor of a private hire vehicle shall not cause or suffer or permit to be conveyed in the vehicle a greater number of persons exclusive of the driver than the number of persons specified in the licence provided.

17. REAR SEAT BELTS

All vehicles licensed as a private hire vehicle, with the exception of any statutory exemptions, shall have rear seat belts fitted. Under the Road Traffic Act, 1988, any child under the age of 14 years in the rear of such a vehicle must wear a seat belt and it is an offence under the Act for a person without reasonable excuse to drive the vehicle on a road unless the child is wearing a seat belt in conformity with the regulations.

- 18.** The Council may vary all or any of the conditions herein contained at any time.

STANDARD CONDITIONS ATTACHED FOR A PRIVATE HIRE OPERATORS LICENCE

LICENCE NUMBER: «udfield1»

BOROUGH OF NEWCASTLE-UNDER-LYME

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 TOWN POLICE CLAUSES ACT 1847 OPERATORS LICENCE

Conditions Attached to Operator's Licence

1. An Operator shall not invite or accept a booking for a Private Hire Vehicle or control or arrange a journey to be undertaken by such vehicle, without first making available in writing, or giving orally, to the person making the booking information as to the basis of charge for the hire of the vehicle and any additional charges for example storage charge.
2. Every Operator who accepts a booking for a Private Hire Vehicle for an appointed time and place shall allow sufficient time for the vehicle to punctually attend.

Complaints

The Operator shall immediately notify the Council in writing of any complaints concerning a contract for hire or purported contract for hire and of the action which the Operator has taken or proposes to take.

3. Only Newcastle-under-Lyme Borough Council licensed vehicles and drivers may be booked for any journey.
4. When an Operator is unable to fulfil a booking due to unforeseen circumstances, it can only be passed onto another Newcastle-under-Lyme Borough Council licensed Operator.
5. An Operator's Licence shall not permit any person who is drunk, or is behaving in a disorderly manner, to remain upon the premises in respect of which the licence is in force.
6. If provision is made by the Operator or his or her premises for the reception of members of the public proposing to hire a vehicle, the Operator must ensure that the premises are in a clean and tidy condition at all times and that adequate arrangements are made for the seating of customers within the premises.
7. If 6 above applies, the Operator must also have Public Liability Insurance, a copy of the certificate being lodged with the Licensing Team.
8. Without prejudice to any other liability imposed under the Local Government (Miscellaneous Provisions) Act 1976, the Operator shall ensure that drivers and proprietors of vehicles owned, controlled or operated by them in association with the Operator's licence shall observe and comply with the conditions of their Hire Vehicle Driver's Licence and their Private Hire Vehicle Licence.
9. The Operator shall keep a record and maintain at his/her premises particulars of all vehicles operated by him or her, which shall include the following:-
 - the licence plate number
 - the registration number
 - the name and address of proprietor

- the names and addresses of drivers of the above vehicles
 - the badge numbers of drivers
 - copies of licences for all vehicles and drivers; and
 - copies of insurance certificates for all vehicles
10. The above records shall be produced immediately on request to any Authorised Officer of the Council or Police Officer.
11. The Council must be informed within 7 days of any changes in the particulars detailed in condition 9 above.
12. Subject to 13 below, the Operator shall enter in a bound book, the pages of which are numbered consecutively, particularly of every private hire booking and the particulars shall be entered in the book at the time of the booking and shall include the following:-
- the time and date of each booking
 - the name of the driver dispatched for each booking and identification of the vehicle used by said driver i.e. plate number or call sign, in the event of call signs being recorded, a full list of call signs and the information relating to them should be deposited with the Council's enforcement section. Notification of any material changes relating to call signs should be made to the Council within 24 hours
 - by what method the booking was received, i.e. telephone call or personal call
 - journey from to
 - the name and contact telephone number of the hirer and, where the booking is received from another operator, the name of that operator
13. An alternative method of record keeping may be used provided that the details at 12 above can be recorded and the method has been agreed by the Council in writing.
14. The records shall be kept for a period of not less than 6 months, or such longer period as required by an Authorised Officer of the Council.
15. A hard copy of the record must be produced immediately, on request, to any Authorised Officer of the Council or Police Officer.
16. The Operator shall not, knowingly or without the prior written consent of the Council, engage in partnership with, or allow or suffer any involvement in the management of the Operator hereby licensed by:
- any person who has been convicted of an offence under the Local Government (Miscellaneous Provisions) Act 1976 or any other legislation relating to private hire and hackney carriage licensing; and
 - any person who, for the purposes of Part II of the said Act, has been found by any Licensing Authority not to be a fit and proper person to hold a driver or Operator licence.
17. On changing address, the Operator shall return the licence, for amendment, to the Licensing Team within 7 days of the change, together with the appropriate fee (see Schedule of fees).
18. The Operator shall inform the Council in writing of any:-
- change of home address
 - criminal convictions incurred, including driving offences, during the period of the licence within 7 days of the conviction
 - County Court judgments, bankruptcy proceedings, individual voluntary arrangements and composition agreements with creditors.
19. The Operator shall be responsible for the actions of any managers, supervisor or any other person appointed to run the private hire business on their behalf.

20. A person who is found guilty of an offence against byelaws, or the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976 is liable to a fine. In addition, the Council may suspend or revoke an existing licence or refuse to renew a licence.

Your attention is drawn to the various provisions contained in the legislation referred to in these conditions, which you are advised to obtain and read carefully.

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ENFORCEMENT POLICY

2014-2017

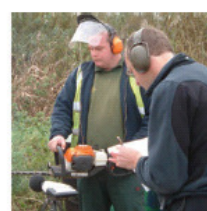
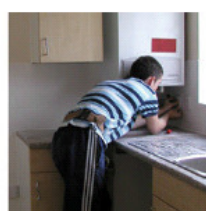
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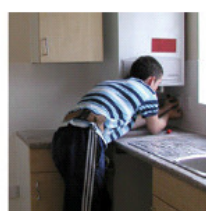
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1.0 Introduction

Fair and effective enforcement is essential for the economic interest and protection of the public, business and the environment.

This enforcement policy provides guidance to officers, businesses and the general public on the range of options that are available to achieve compliance with legislation enforced by Newcastle-under-Lyme Borough Council. The policy has been approved by Newcastle-under-Lyme Borough Council.

The decisions of the Council and its officers about enforcement action, and in particular the decision to prosecute, have serious implications for all involved. The aim of this policy is to set out the principles that apply when the Council conducts its enforcement work and should be read in conjunction with the scheme of delegation. By applying the same principles, everyone involved in the decision making process is treated fairly and our business is conducted effectively. This Policy is adopted by Newcastle-under-Lyme Borough Council (hereafter referred to as 'the Council').

This policy applies to all areas except Planning. Although specific guidance on the particular approach taken by certain areas may also be provided – any additional guidance will be in accordance with the approach taken by this policy.

We believe that most businesses and individuals want to abide by the law and the Council will assist them where possible. We recognise that prevention is better than cure, but firm action will be taken against those who break the law or act irresponsibly.

We believe that businesses and individuals should know the approach that will be taken by the Council where enforcement is warranted and should have confidence that officers will ensure that their approach is:

- Focused
- Fair
- Accountable
- Consistent
- Proportionate and
- Transparent.

The Council seeks to follow the principles of good enforcement contained in the [Regulators' Code](#) and the Enforcement Concordat. These principles help businesses and individuals to comply with regulations, and help enforcers to

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achieve higher levels of voluntary compliance. Our key approach is summarised as follows:

- Focused enforcement - Our enforcement resources will be targeted primarily on activities giving rise to the most serious risks to the environment, health and safety or the public.
- Any enforcement will be fair, accountable, consistent, proportionate and transparent.
- The burden on business will be reduced through improved partnership working and more consistent working as a Council
- The public and businesses will be involved in our enforcement approach and policies.
- Improved communication.

2.0 AIMS

2.1 Focused Enforcement

We will take account of both national priorities for local government enforcement together with local priorities based on evidence or emerging need. We will focus enforcement towards matters with the greatest risk to public health, safety, animal health, the economic or environmental well being of the community, those where we believe there is an expectation from our residents, businesses or elected members that action should be taken, or to the other stated priorities of the Council including those set out in the [Council's Plan](#). Focused enforcement means making sure that regulatory effort is directed primarily towards those whose activities give rise to the most serious risk or where the risks are less well controlled. Action will be primarily focused on those directly responsible for the risk and who are best placed to control it.

The services prioritise regulatory effort. Factors include response to complaints from the public; the existence of statutory powers and the assessment of risk (e.g. the potential for a particular breach of regulations to cause environmental damage or damage persons' health and safety). Management actions are important in the assessment of risk. Repeated incidents or breaches of regulatory requirements, which are related, may be an indication of an unwillingness to change behaviour, or an inability to achieve sufficient control. A relatively low hazard site or activity poorly managed has potential for greater risk than a higher hazard site or activity where proper control measures are in place.

Where formal enforcement action is necessary the person responsible should be held to account. Where several persons share responsibility, the services will take action against those who can be regarded as primarily in breach.

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We will

- aim to change the behaviour of the offender;
- aim to eliminate any financial gain or benefit from non-compliance;
- be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with a criminal conviction;
- be proportionate to the nature of the offence and the harm caused;
- aim to restore or redress the harm caused by regulatory non-compliance, where appropriate; and
- aim to deter future non-compliance.

2.2 Fairness/Consistency/Accountability/Transparency

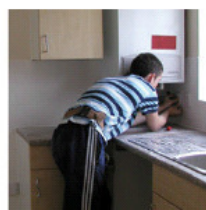
Fairness - Whilst responsibility for compliance with legislation falls to businesses or individuals, we will provide relevant advice and guidance. We will advise businesses and individuals of relevant requirements by publicity, use of the Council website, signage and information leaflets as necessary. Where direct contact is made officers will identify themselves by name, and a contact telephone number will be provided. We will take account of the circumstances of small regulated businesses or individuals, including any difficulties they may have in achieving compliance.

We will provide appropriate advice or signposting, where we can, in response to requests. Officers will consider statutory codes of practice and other relevant 'good practice' guidelines or standards as well as current legislation. Where appropriate, officers will highlight forthcoming legal developments.

Consistency - The Council will maintain systems designed to ensure, so far as practicable, that enforcement activities are carried out to a consistent standard and will monitor compliance with our enforcement policy. Officers will continue to work with colleagues in other authorities to seek to ensure consistency and continuous learning.

Transparency - Unless immediate action is required to prevent or respond to a serious breach, or where to do so is likely to defeat the purpose of the proposed enforcement action, when considering formal enforcement action, we will normally discuss the circumstances with those suspected of a breach and take into account their views when deciding on the best approach.

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Any applicable rights of appeal against enforcement decisions will be made known to affected persons or organisations at the time and in writing. Officers will clearly distinguish between requirements to comply with legal obligations and other recommendations.

Accountability - The Council's [complaints, comments and compliments policy](#) sets out how to complain, express dissatisfaction or compliment the services we provide.

2.3 Reduction of Burden on Business

We recognise that dealing with regulations has a cost to business. We also recognise that businesses wish there to be a level playing field. We will seek to ensure that interventions in businesses are kept to a minimum by:

- a) ensuring that we join up across the authority and with other agencies
- b) utilising national schemes such as primary authority and home authority
- c) focusing our enforcement as detailed in this policy

2.4 Involvement of Businesses

We welcome comments from businesses, residents and the public regarding the Councils approach to enforcement. We believe that they have valuable insight that we should take into account when deciding the approach we take. We therefore welcome feedback on the work that we do and comments on our enforcement policy and service standards. These can be made through the Council's complaints, comments and compliments policy.

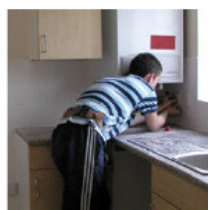
We believe that part of our role is to help businesses comply with the law. We will therefore, where possible, provide training, information and advice.

2.5 Co-operative Council.

As part of the Council's commitment to be a co-operative council, we continuously seek to understand the needs of those who live, work invest in or visit the Borough and respond to those needs appropriately in either a proactive or reactive way. We aim to be a Council you can trust, delivering good quality efficient services.

We are committed to communicating with customers (that is businesses, residents and visitors to the Borough) in the most appropriate form.

Where we reasonably can, we make provision for the particular needs, interests of consumers, business owners, employers and the public.



3.0 ENFORCEMENT FOR COMPLIANCE

3.1 Inspection and Intervention Programme

Relevant business activities and/or premises are risk assessed to inform an inspection and/or intervention programme, and the level of risk is reviewed regularly. We will focus our greatest inspection effort on those regulated where risk assessment shows that both:

- A compliance breach or breaches would pose a serious risk to a regulatory outcome or to health or the environment;
- There is high likelihood of non-compliance by those regulated. Inspection and intervention frequency will generally be risk based, but may additionally be determined by set, or prescribed, intervals and additional interventions may take place as part of a local or national campaign.

Visits are also made to businesses for other reasons, such as advice, as a result of an allegation or for a sample or test purchase and will probably be without prior notice.

3.2 Sampling Programme

The purpose of sampling is to protect public health and the environment and to verify standards. This enables officers to provide information and advice to improve business practices.

A sampling programme sets out samples, test purchases (eg foodstuffs) the collection of materials (eg soil, air, water) taken in response to enquiries, as a part of a planned survey/exercise or as a result of officer or national initiatives. The programme sets out planned activities and targets for the year, concentrating efforts into risk-assessed areas of trade or products in order to ensure the most effective use of resources.

3.3 Primary Authority Principle

It is our policy/intention to act as Primary Authority for businesses which have their decision making base within the Borough, where they so desire. Where businesses have a Primary or Home Authority elsewhere, officers will contact other relevant local authorities at the earliest practicable time and at their conclusion.

3.4 Statutory Notifications

Where appropriate we will report incidents and enforcement actions to relevant bodies, such as the Department of Trade and Industry, Health and Safety

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Executive, Food Standards Agency, Environment Agency, DEFRA, DVLA, DWP, Trading Standards, Staffordshire County Council, Staffordshire Fire and Rescue, Office of Fair Trading and any other statutory bodies, and respond appropriately to notifications, such as Health and Safety alerts and alerts from the Food Standards Agency. Information will be shared with other regulators where it is appropriate to do so.

Performance will also be reported where required and publicised in the relevant annual corporate plans.

The authority will work alongside partner agencies in pursuit of the objectives of the Serious Organised Crime Strategy which aims to reduce the level of serious and organised crime under the umbrella of the following;

Pursue – prosecute and disrupt people engaged in serious organised criminality

Prevent – prevent people engaging in serious and organised crime

Protect – increase protection against serious and organised crime

Prepare – reduce the impact of this criminality where it takes place.

3.5 Enforcement Visits

When conducting enforcement visits, other than for test purchasing or covert purposes, officers will make their identity known and explain why they are there. Officers may make combined visits with other agencies where there is a shared and/or complimentary enforcement role.

Officers will only carry out covert surveillance where such action is justified and endeavours to keep such surveillance to a minimum. Any officer intending to acquire data covertly will only do so if the evidence or intelligence sought cannot be obtained by any overt other means. All covert surveillance will be undertaken in accordance with the Councils 'Policy and Guidance on the use of RIPA' (Regulation of Investigatory Powers Act 2000 as amended)

3.6 Enforcement in Local Authority Establishments

Officers will carry out enforcement within local authority owned, occupied or operated premises (eg crematorium for pollution, prevention and control and leisure centres, fly tipping on Borough Council land) in a manner consistent with any other business. Any serious breaches of law that may be detected in such establishments will be brought to the attention of the responsible Executive Director and Chief Executive without delay.



Contract caterers that operate within Local Authority establishments will be assessed in accordance with the Food Law Code of Practice and be inspected accordingly.

4.0 ENFORCEMENT OF NON-COMPLIANCE

4.1 Levels of enforcement action:

In assessing what enforcement action is necessary and proportionate, consideration will be given to the seriousness of compliance failure; the business's or individual's past performance and its current practice; the risks being controlled; legal, official or professional guidance; and the local priorities of the Council. Where the law has been contravened, there are a range of enforcement options available to seek compliance with the law. Under normal circumstances, a process of escalation will be used, where appropriate, starting with advice and guidance, until compliance is reached. Exceptions to this process of escalation would include:

- public health,
- safety,
- community safety
- the environment (such as fly tipping or air pollution),
- risk to animal health or welfare, and
- where the offences have been committed deliberately or negligently

or

- involve deception or where there is significant economic detriment

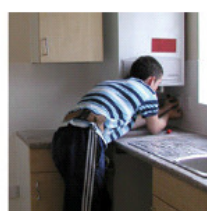
or

- continued non-compliance
- Irreversibility (such as knocking down a building or cutting down trees).

The sanctions or penalties that are used will:-

- aim to change the behaviour of the offender;
- aim to eliminate any financial gain or benefit from non-compliance;
- be responsive and consider what is appropriate for the particular offender and the particular regulatory issue (this can include punishment and the public stigma that should be associated with a criminal conviction);
- be proportionate to the nature of the offence and the harm caused;
- aim to restore the harm caused by regulatory non-compliance, where appropriate; and
- aim to improve non-compliance and deter future non-compliance

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There are a large number of potential enforcement options. The level of the action taken varies from no action through to proceedings in Court.

In certain circumstances there may be specific guidance/instruction issued by central government which direct the Council to act in a specific way.

Examples of enforcement actions include the following:-

4.1.1 No Action

In certain circumstances, contraventions of the law may not warrant any action. Consideration will be given to whether the resultant cost of action would outweigh the detrimental impact of the contravention (sometimes referred to as the public interest test). A decision of no action **may** also be taken where formal enforcement is inappropriate in the circumstances. In such cases we will advise the offender of the reasons for taking no action.

4.1.2 Informal Action and Advice

For minor breaches of the law we may give verbal or written advice. We will clearly identify any contraventions of the law and give advice on how to put them right, including a deadline by which this must be done. The time allowed will be reasonable, and take into account the seriousness of the contravention and the implications of the non-compliance. We will be clear about what are requirements and what are recommendations. Failure to comply could result in an escalation of enforcement action.

4.1.3 Fixed Penalty Notices

Certain offences may be dealt with by fixed penalty notices (FPN) where prescribed by legislation. They are recognised as a low-level enforcement tool and avoid a criminal record for the defendant. Where legislation permits an offence to be dealt with by way of a Fixed Penalty Notice we may chose to administer one on a first occasion, without issuing a warning. Such matters may include dog fouling, littering, waste disposal activities; however, this list is not exhaustive.

The alleged offender's choice to not cooperate with the officer (e.g. refuse to give a name and address), to dispute or not pay the FPN will result in the case being escalated to the Magistrates Court.

We will only offer a FPN where we have robust evidence that an offence has been committed by the individual. This may be evidence gathered directly by Council



Officers, or that passed to officers by partners documented in a form admissible to the courts.

4.1.4 Penalty Charge Notices

Penalty Charge Notices (PCNs) (eg parking tickets) are prescribed by certain legislation as a method of enforcement by which the offender pays an amount of money to the enforcer in recognition of the breach. Failure to pay the PCN will result in the offender being pursued in the County Court for non-payment of the debt. A PCN does not create a criminal record and we may choose to issue a PCN without first issuing a warning.

4.1.5 Voluntary Closure, prohibition, surrender or undertaking

A business or individual may in some circumstances, where there is an imminent risk, provide an offer to voluntarily close premises or cease to use any product, equipment, treatment, process or building associated with the imminent risk. In such circumstances the proprietor or individual would be requested to confirm their undertaking in writing. Failure to comply may entail further formal action.

4.1.6 Formal/Statutory Notice

Certain legislation allows notices to be served requiring offenders to take specific actions or cease certain activities. Notices may require activities to cease immediately. In other circumstances they must cease or change within a reasonable time, and take into account the seriousness of the contravention and the implications of the non-compliance.

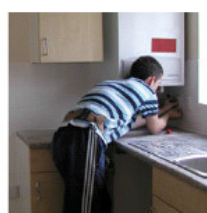
All Notices issued will include details of any applicable appeals procedures.

4.1.7 Works in Default

Following the service of a notice (section 4.1.6) certain types of notice allow works to be carried out in default. This means that if a notice is not complied with [a breach of the notice] we may carry out any necessary works to satisfy the requirements of the notice ourselves. Works in default may be carried out where:-

- There is no reasonable prospect of the person responsible carrying out the work, eg the person is absent or infirm
- There is an imminent risk to public or the environment, eg ringing intruder alarm
- Hazard to health, eg electrics
- A prosecution is not appropriate

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- A prosecution has been brought and the works have still not been carried out.
- It is appropriate to get the nuisance abated quickly.

Where the law allows, we may then charge the person/business served with the notice for any cost we incur in carrying out the work, including administration. Failure to comply may entail further formal action.

Where the authority is required to undertake works in default it will ensure that the works are appropriate and the costs incurred not unduly excessive.

4.1.8 Forfeiture Proceedings

This procedure, dealt with through an application in an appropriate court, may be used in conjunction with seizure and/or prosecution where there is a need to dispose of goods in order to prevent them re-entering the market place or being used to cause a further problem.

4.1.9 Seizure

Certain legislation enables officers to seize goods, equipment or documents, for example. unsafe food, sound equipment that is being used to cause a statutory noise nuisance, workplace articles and/or substances, unsafe products or any goods that may be required as evidence for possible future court proceedings. When we seize goods we will give a receipt to the person from whom the goods are taken.

Where appropriate we will explain the procedure for their reclaim, and indicate any cost associated with storage, return or where applicable disposal of items. We will ensure that costs incurred are not unduly excessive.

4.1.10 Powers of Entry

In most circumstances the exercising of powers of entry is unnecessary because access is voluntarily given. If access is denied then officers may exercise powers of entry which may be immediate or may require the Council to provide at least 24hours written notices of its intention to enter a premises.

Where appropriate we will seek to obtain a warrant from the magistrates court to enter premises where legislation provides for this and the circumstances justify the action.



4.1.11 Injunctive Actions

In certain circumstances, for example where offenders are repeatedly found guilty of similar offences or where it is considered that injunctive action is the most appropriate course of enforcement, then injunctive actions may be used to deal with repeat offenders or significant potential or actual environmental or customer detriment. Injunctive action includes agreements and formal undertakings to improve compliance which, if breached, may lead to the obtaining of an injunction in the civil law courts.

In situations where the non-compliance under investigation amounts to anti-social behaviour, such as persistent targeting of an individual or a group of individuals in a particular area, then Anti Social Behaviour Orders as appropriate or Criminal Behaviour Orders may be sought to stop the activity.

4.1.12 Simple Caution

A Simple Caution is an admission of guilt, but is not a form of sentence, nor is it a criminal conviction. For a Simple Caution to be issued there:-

- must be sufficient evidence available to prove the case,
- the offender must admit the offence,
- it must be in the public interest to use a Simple Caution and
- the offender must be 18 years or over.

The offender should not have received a simple caution for a similar offence within the last 2 years except in the case of Tree Preservation Contraventions when a second or repeat caution will not be offered until a period of 10 years from the first caution has elapsed unless there are exceptional circumstances.

The Council has opted to follow the guidance issued by the Government in relation to the issuing of Simple Cautions for details on the Ministry of Justice Guidance visit [here](#)

A record of the Caution will be kept on file for 2 years. If the offender commits a further offence, the Caution may influence our decision to take a prosecution – except as stated above in the case of Tree Preservation Contraventions when the Caution will remain on file for a period of ten years. If during the time the Caution is in force the offender pleads guilty to, or is found guilty of, committing another offence anywhere in England and Wales, the Caution may be cited in court, and this may influence the severity of the sentence that the court imposes.

Simple Cautions are an alternative to prosecutions in appropriate cases. Simple Cautions can only be issued if the defendant admits the offence, and the

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circumstances are such the interests of the public and justice would be better served without recourse to legal proceedings in the first instance.

If the caution is not administered, because the suspect refuses to accept it, the facts of the case will be reviewed again, without the option of a Simple Caution, and a prosecution may result.

4.1.13 Benefits Cautions/Sanctions

The benefits legislation provides for additional sanctions, beyond those applicable to other areas of our work. These include administrative penalties. These are also used as an alternative to prosecution. In such cases the Administrative Penalty and any linked caution will be retained on file for five years.

These are issued if the circumstances are such that the interests of the public and justice would be better served without recourse to legal proceedings in the first instance.

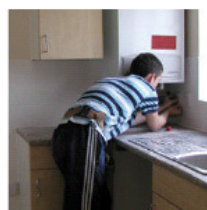
4.1.13.1 Administrative Penalty

Under the Social Security Administration Act 1992 an Administrative Penalty may be issued as an alternative to a prosecution in matters relating to Housing and Council Tax Benefit. A minimum penalty of £350 or 50% of the overpayment, whichever is greater (up to a maximum penalty of £2,000) may be offered for offences committed wholly on or after 08/05/12. For offences that are committed prior to, or span, 08/05/12 the Administrative Penalty is calculated at 30% of the determined overpayment.

In determining whether to offer an Administrative Penalty there must be sufficient evidence in which to consider commencing criminal proceedings. The offer of an Administrative penalty is more likely in cases where dishonesty does not form part of the offence, it is the first time the customer had caused a fraudulent overpayment or there was a clear lack of intent on the part of the customer.

An Administrative Penalty cannot be imposed and there is no obligation on the part of any person to accept it. If accepted that person has 14 days to withdraw their agreement to pay the penalty ('cooling off period'). If the penalty is not paid then civil recovery of the debt will be initiated in the County Court.

Where an Administrative Penalty has not been accepted or a person has withdrawn their agreement to pay, then alternative enforcement action will be considered in respect of the original breach. Administrative Penalties are not recorded as a criminal offence.



4.1.14 Refusal, Revocation or Suspension of a Licence

Certain types of businesses, premises and individuals require licenses to operate legally. A refusal, revocation or suspension of a licence will normally ensue when one or more of the following criteria are met:

- Deliberately or persistently breached legal obligations which likely to cause material loss or harm to others.
- Deliberately or persistently ignored written warnings or formal notices
- Endangered the health, safety or well being of people, animals or the environment
- Obstructed an officer
- Non-payment of relevant fee
- Providing false or incomplete information
- Fit and proper person.

4.1.15 Prosecution

A prosecution will normally ensue where the individual or organisation meets one or more of the following criteria:

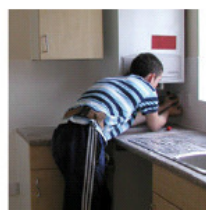
- Deliberately, negligently or persistently breached legal obligations,
- Used an element of deception, theft or fraud
- Made significant gain or caused significant loss
- Deliberately or persistently ignored written advice or formal notices;
- Endangered, to a significant degree, the health, safety or well being of people, animals or the environment;
- Assaulted or obstructed an Officer in the course of their duties.

4.1.16 Proceeds of Crime Applications

Applications may be made under the Proceeds of Crime Act for the confiscation of assets in serious cases. Their purpose is to recover the financial benefit that the offender has obtained from his criminal conduct.

Proceedings are conducted according to the civil standard of proof.

Applications are made after a conviction has been secured. Any proceeds received from the proceeds of crime act action will be used in line with relevant guidelines.



5.0 DETERMINING WHETHER A PROSECUTION OR CAUTION IS APPROPRIATE

5.1 Introduction

We will attempt to administer the requirements of legislation through advice and assistance wherever possible. Occasionally, however, it will be necessary to consider instituting legal proceedings. Each case is unique and must be considered on its own facts and merits. However, we apply the same general principles to every case. When deciding whether to prosecute we will have regard to the evidential test in the Code for Crown Prosecutors on Prosecution Policy. A prosecution will not be started or continued unless there is sufficient admissible and reliable evidence that an offence has been committed by an identifiable person, and unless there is a realistic prospect of a conviction. We will also consider any lines of defence which are plainly open to or indicated by the accused and to the public interest.

5.2 The Public Interest Test

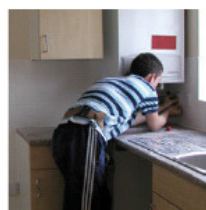
Factors for and against prosecution will be balanced carefully and fairly. Deciding on the public interest is not simply a matter of adding up the factors on each side but a consideration of how important each factor is in the circumstances of each case and an overall assessment made. The following considerations are taken from the Code and adapted for public protection offences. Factors which are less relevant to public protection offences are not repeated here, but would still be considered if they were to be relevant.

5.2.1 Public Interest Factors in Favour of Prosecution

A prosecution is more likely when:

- A conviction is likely to result in a significant sentence or to result in a confiscation or any other order;
- a weapon was used or violence threatened
- There is evidence that the offence was premeditated;
- The offence although not serious in itself is widespread in the area where it was committed
- There is evidence that the offence was carried out by two or more people acting together;
- The victim of the offence was vulnerable or has been left frightened;
- The offence was motivated by any form of discrimination against the victim's ethnic or national origin, disability, sex, religious beliefs, political views or sexual orientation, or the suspect demonstrated hostility towards the victim based on any of those characteristics;

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- The risk or nuisance presented to individuals, the public, the trade (including unfair competition between traders), the farming community, animal health & welfare, or the environment is significant or widespread.
- The 'defendant' has acted fraudulently/dishonestly, wilfully or negligently or insufficient steps have been taken to prevent the offence.
- The 'defendant' was in a position of authority or trust or the offence was committed in the presence of, or near to, a child.
- The 'defendant's' previous convictions or cautions are relevant to the present offence.
- There are grounds for believing that the alleged offence is likely to be continued or repeated.
- The outcome of the prosecution may serve an important, informative purpose or might establish an important legal precedent or might act as a warning to others or would have a significant positive impact on maintaining community confidence.
- The defendant committed the offence while under an order of the court;

5.2.2 Public Interest Factors Against Prosecution

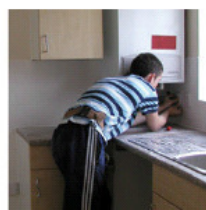
A prosecution is less likely to be needed if:

- The offence was committed due to a genuine mistake/misunderstanding (this must be balanced against the seriousness of the offence).
- The loss or harm can be described as minor and was the result of a single incident, particularly if it was caused by a misjudgement.
- The 'defendant' has put right the loss or harm that was caused within a reasonable period of time (but 'defendants' cannot avoid prosecution simply because they have offered compensation).
- The defendant has already been made the subject of a sentence and any further conviction would be unlikely to result in the imposition of an additional sentence or order.
- The defendant is, or was at the time of the offence, suffering from significant mental or physical ill health and medical evidence has been supplied, unless the offence is serious or there is real possibility that it may be repeated,

5.3 Deaths at Work

Where there has been a breach of the law leading to a work-related death, where we have health & safety enforcement jurisdiction, we will consider whether the circumstances of the case might justify a charge of manslaughter. We will liaise with the Police, Coroners and the Crown Prosecution Service (CPS) and if they find evidence suggesting manslaughter, pass it on to the Police or where

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appropriate the CPS. If the Police or the CPS decide not to pursue a manslaughter case, we will bring a health and safety prosecution if that is appropriate. We will take account of ["Work Related Deaths: A Protocol for Liaison"](#)

6.0 APPLICATION OF OUR POLICY STATEMENT

This policy statement applies to officers when making enforcement decisions. The Council is committed to ensuring that all officers are made aware of on this policy and other relevant aspects of enforcement.

Any departure from this policy must be exceptional, capable of justification and be fully considered by the appropriate manager before a final decision is taken. The reason for departure must be recorded. This proviso shall not apply where a risk of injury or to health is likely to occur due to a delay in any decision being made.

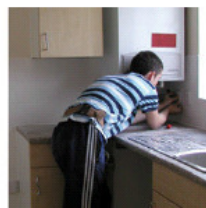
In cases of emergency or where exceptional conditions prevail, the Chief Executive or an Executive Director may suspend all or part of this policy, but only when necessary to achieve effective running of the service and/or where there is a risk of injury or to health of employees or members of the public. At the soonest appropriate time they should record their actions, the information they acted on, and their resultant decisions.

7.0 REVIEW

The enforcement policy will be reviewed at not more than three yearly intervals and amendments will be made, as appropriate. Amendments to the policy may also be made at other times as a result of identified improvements which contribute to the main aim of the Service, or where legislative or government policy make changes more expedient.

Comments on the policy may be made at any time.

Review of the enforcement policy will take account of any responses received from affected persons and any other relevant comments. Compliance with this policy will be monitored on an ongoing basis.



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Vehicle inspection prices

AA members save 10%

The cost of an inspection

These cost from as little as £128 for AA Members (£142 for non-members). But the cost of an inspection depends on the engine size and the type of inspection.

Basic inspections

Available for vehicles up to 8 years old, this inspection covers mechanical and vehicle operations, and also checks for body damage. See what we check.

| Engine size | AA Member | Non-member |
|--------------|-----------|------------|
| Up to 1800cc | £128 | £142 |
| Over 1801cc | £146 | £162 |

Comprehensive Inspection

This inspection is available for vehicles up to 15 years old, and covers the bodywork, paintwork, interior, visible mechanical and electrical components and equipment. It includes an up to 10-mile road test, multi-page written report and a verbal report. See what we check.

| Engine size | AA Member | Non-member |
|----------------|-----------|------------|
| Up to 1400cc | £172 | £191 |
| 1401 to 2000cc | £182 | £202 |
| 2001 to 2500cc | £229 | £254 |
| Over 2501cc | £275 | £305 |

Four-wheel drive inspection

This Comprehensive Inspection also covers the 4WD operation of the vehicle. See what we check.

| Engine size | AA Member | Non-member |
|----------------|-----------|------------|
| Up to 1400cc | £172 | £191 |
| 1401 to 2000cc | £182 | £202 |
| 2001 to 2500cc | £263 | £294 |
| Over 2501cc | £309 | £345 |

Vans and motorhomes up to 3,500kg

See what we check.

| Engine size | AA Member | Non-member |
|-------------|-----------|------------|
| Van | £174 | £193 |
| Motorhome | £214 | £238 |

For enquiries
please call

0800 056 8040

Lines are open
Mon-Sun 8am-8pm



Vehicle inspections

AA members save 10%



Why buy AA Vehicle Inspections

Get a vehicle safety check and road test before you buy

- up to 206 checks per car
- same-day feedback, written report within one day
- fixed rated, no hidden costs
- impartial advice to help you negotiate a price
- available for cars, vans and motorhomes

From as little as £128 for AA Members (£142 for non-members), the cost of an inspection depends on the engine size and the type of inspection.

Just call **0800 056 8040**.

Why check a car before you buy

An AA customer recently saved himself £17,500. He got the AA to check a used car before he bought and found out it had been stolen.

Comprehensive inspection

206 safety checks, includes all basic inspection checks plus additional checks on:

- roadworthiness
- mechanical and main electrical functions
- previous body repairs
- 10-mile road test

Basic
inspection

Over 154 safety checks completed for vehicles up to 8 years old, including

- mechanical and vehicle operations
- previous accident damage

AA Vehicle Inspections are provided by Automobile Association Developments Limited, Registered office: Fanum House, Basing View, Basingstoke, Hampshire RG21 4EA, Registered in England number 1878835.

The provision of AA Vehicle Inspections is subject to availability. The service may not be available in certain locations and for all vehicles. Horseboxes, hybrid / dual-fuel vehicles, kit cars, limousines or American imports are excluded. This will be confirmed when you request a quote. Comprehensive Inspections available for vehicle up to 15 years old, basic inspections available for vehicles up to 8 years old.

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Frequently asked questions

All you need to know about Vehicle Inspections

- [Types of vehicle inspected](#)
- [Booking an inspection](#)
- [The vehicle inspection](#)
- [After the inspection](#)

Types of vehicle inspected

What vehicles do you inspect?

We can inspect the majority of cars, light vans and motorhomes up to 15 years old, either before purchase or after purchase. Vehicle age is determined by the year of manufacture and may differ from the year of registration

What vehicles do you not inspect?

- any vehicle over 15 years old
- refrigerated units and bodywork, body tipping gear, tail lifts
- any vehicle over 3,500kg
- horse boxes
- American imports
- kit cars
- limousines
- hybrid/dual-fuel vehicles
- motorcycles
- London taxis (black cabs)
- specific high performance vehicles

Can you inspect disability cars?

Yes, as long as they don't have disability controls.

Do you inspect Imports?

Yes, if the import is registered in the UK and is recognised in the UK, with the exception of American imports.

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Booking an inspection

In which geographical areas do you carry out inspections?

Inspections are only available on the mainland of Great Britain.

Vehicle inspections are not available on any of the Islands or in Northern Ireland, and some areas of Scotland and Wales.

Do you inspect within congestion charging zones?

The engineers can enter a charging zone, but the payment for any congestion charges due for the vehicle being inspected and the engineer's vehicle is your responsibility and will be charged appropriately.

Do engineers work out of hours?

No. They work Monday to Friday 8:30am to 5pm.

Why do I need the vehicle registration number?

The registration number enables us to identify the vehicle, and to allocate the price and type of inspection.

Can the vehicle be inspected without a current MOT Certificate?

If the vehicle does not have a current MOT certificate, or in the opinion of the inspecting engineer the vehicle is un-roadworthy, the road test will not be carried out. There is no refund due if this part of the inspection cannot be carried out.

Do I have to do anything else before the inspection?

- Tell the owner that you are arranging an inspection
- Obtain the owner's permission to road test the vehicle
- Check that the vehicle will be available to allow the inspection and road test to take place
- Check that the vehicle has a current MOT certificate (if applicable) and has sufficient fuel for the road test
- The vehicle must be located on a hard, level surface off the public highway
- The vehicle should be reasonably clean



Can I contact the engineer?

Yes. You will be emailed his contact details with confirmation of the inspection being assigned to him.

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The vehicle inspection

How soon is the inspection after booking?

The owner/vendor is contacted as soon as possible to arrange a time that is mutually convenient. Most inspections are carried out within three working days, but this cannot be guaranteed.

Can I book a specific appointment time for the engineer?

No. Most inspections are carried out within three working days, but this is dependant on the owner/vendor, who will be contacted to arrange the appointment.

Do I have to be present at the inspection?

No. We will arrange the inspection with the owner/vendor (or the garage).

What does a Basic Inspection cover?

- available on cars up to 8 years old
- mechanical function
- short road test â€” length subject to traffic and road conditions
- detailed written report

What extras are there in the Comprehensive Inspection?

- available on vehicles up to 15 years old
- body exterior â€” panel condition and alignment, paintwork, trim, bumpers, soft-top operation and condition
- electrical checks â€” mirrors, heater/fan controls, air-conditioning operation, and an opinion is given regarding the condition and operation of the radio/cassette/CD/aerial, if fitted
- interior â€” steering wheel, seat upholstery, carpets, luggage/door trim panels, door fittings/operation, door seals/hinges, interior seals, visors, sun roof, dash panel condition, cigarette lighter, illumination lights
- corrosion protection
- 4WD operation
- full road test

What is not included in the inspections?

- dismantling the vehicle or any of its components
- any indication as to the accuracy of the mileage reading â€” we recommend an AA Car Data Check
- oil and fuel consumption
- source of oil leaks
- TV/DVD/satellite navigation systems
- cylinder compression
- air-conditioning function and efficiency by the use of specific diagnostic equipment
- vehicle electrics and electronics by the use of specific diagnostic equipment

- exhaust emissions and/or catalytic converters using gas analysing equipment
- habitation area of motorhomes: electrical systems and appliances, water fittings and appliances, gas fittings and appliances, body/caravan area for water ingress or dampness



How long does the inspection take?

It will take from one to two and a half hours, depending on the inspection type, location, the vehicle concerned and its condition.

How long is the road test?

A Comprehensive Inspection is usually 10 miles, and 5 miles for a Basic Inspection. However, the distance is dependant on location, traffic levels, fuel level and the engineer's judgment.

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After the inspection

How soon do I get a verbal report?

This will be late in the day or early evening after the engineer has completed his daily inspection workload and written the report.

How will the inspection report be sent to me?

You will receive an email that contains a link to the report, which can then be downloaded from the website.

Will you do a discount on re-inspections to see if the owner has made the changes as a result of an initial inspection?

Yes. A re-inspection is available at a reduced price. Please call 0800 056 8040, Monday to Sunday 8am to 8pm, to speak to an advisor.

Are there any guarantees?

The report is based on the opinions and expertise of the engineer following a visual assessment as to the condition of the vehicle at the time of the inspection.

What if I have a complaint?

Please call 0800 056 8040, Monday to Sunday 8am to 8pm, and an advisor will help you in accordance with our complaints procedures.

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 [Vehicle Inspection terms and conditions \(PDF\)](#)



Vehicle inspection checklist

Please note that some checks may not be applicable to the vehicle you are buying.

| | Body Exterior | Comprehensive | Basic | Van | Motorhome |
|---------------------------|---------------|---------------|-------|-----|-----------|
| Panel condition/alignment | | yes | no | no | yes |
| Paintwork | | yes | no | no | yes |
| Exterior trim | | yes | no | no | yes |
| Glass | | yes | yes | yes | yes |

| Body Exterior | Comprehensive | Basic | Van | Motorhome |
|--------------------------------|---------------|-------|-----|-----------|
| Bumpers and number plates | yes | no | no | yes |
| Door locks | yes | yes | yes | yes |
| Fuel Filler cover/cap | yes | yes | yes | yes |
| Soft top operation | yes | no | no | no |
| Body damage | yes | yes | yes | yes |
| Corrosion | yes | yes | yes | yes |
| Corrosion Protection | yes | no | no | yes |
| Mud Flaps | yes | yes | yes | yes |
| Bonnet catch | yes | yes | yes | yes |
| Bonnet Hinges | yes | yes | yes | yes |
| Body load space condition | no | no | yes | no |
| Engine Compartment | Comprehensive | Basic | Van | Motorhome |
| Coolant level/Condition | yes | yes | yes | yes |
| Coolant Leaks | yes | yes | yes | yes |
| Anti Freeze | yes | yes | yes | yes |
| Radiator/Cap | yes | yes | yes | yes |
| Hoses/Pipes | yes | yes | yes | yes |
| Drive Belts | yes | yes | yes | yes |
| Water Pump | yes | yes | yes | yes |
| Power Steering (oil level) | yes | yes | yes | yes |
| Clutch Fluid | yes | yes | yes | yes |
| Brake Fluid | yes | yes | yes | yes |
| Engine Oil level | yes | yes | yes | yes |
| External Leaks (Upper engine) | yes | yes | yes | yes |
| Engine Mountings | yes | yes | yes | yes |
| Carburettor/Fuel Injection | yes | yes | yes | yes |
| Turbo/Supercharger | yes | yes | yes | yes |
| Fuel Pump/Pipes | yes | yes | yes | yes |
| Accelerator Links | yes | yes | yes | yes |
| Cold starting | yes | yes | yes | yes |
| Fast Idle (cold) | yes | yes | yes | yes |
| Noise Level (cold) | yes | yes | yes | yes |
| Excess Fumes/Smoke | yes | yes | yes | yes |
| Electrical Controls | Comprehensive | Basic | Van | Motorhome |
| Starting Systems/Ignition lock | yes | yes | yes | yes |
| Battery Condition | yes | yes | yes | yes |

| Electrical Controls | Comprehensive | Basic | Van | Motorhome |
|--------------------------|---------------|-------|-----|-----------|
| Battery Voltages | yes | yes | yes | yes |
| Headlights | yes | yes | yes | yes |
| Sidelights | yes | yes | yes | yes |
| Rear lights | yes | yes | yes | yes |
| Stop Lights | yes | yes | yes | yes |
| Indicators/Hazard lights | yes | yes | yes | yes |
| Reverse/Fog lights | yes | yes | yes | yes |
| Auxiliary Lights | yes | yes | yes | yes |
| Interior/Panel lights | yes | yes | yes | yes |
| Mirrors (electric) | yes | yes | yes | yes |
| Controls/switches | yes | yes | yes | yes |
| Instruments | yes | yes | yes | yes |
| Horn | yes | yes | yes | yes |
| Radio Aerial | yes | no | no | yes |
| Heater/Fan controls | yes | no | no | yes |
| Air Con operation | yes | no | no | yes |
| Windows/sun roof | yes | yes | yes | yes |
| Wipers/washers | yes | yes | yes | yes |
| Headlamp wash/wipe | yes | yes | yes | yes |

| Interior/Luggage Compartment | Comprehensive | Basic | Van | Motorhome |
|-------------------------------------|---------------|-------|-----|-----------|
| Steering wheel alignment/Adjustment | yes | no | no | yes |
| Seat Upholstery | yes | no | no | yes |
| Seat adjustment | yes | yes | yes | yes |
| Seat belts | yes | yes | yes | yes |
| Carpets | yes | no | no | yes |
| Door trims panels | yes | no | no | yes |
| Door fittings/Operations | yes | no | no | yes |
| Door Seals/Hinges | yes | no | no | yes |
| Interior sills | yes | no | no | yes |
| Headlining/Visors | yes | no | no | yes |
| Sun Roof | yes | no | no | yes |
| Dash panel (condition) | yes | no | no | yes |
| Cigarette Lighter | yes | no | no | yes |
| Mirrors (Internal) | yes | yes | yes | no |
| Rear Parcel shelf | yes | yes | yes | no |
| Boot/Tailgate lock | yes | yes | yes | no |

| Interior/Luggage Compartment | Comprehensive | Basic | Van | Motorhome |
|---------------------------------------|---------------|-------|-----|-----------|
| Luggage area trim condition | yes | no | no | no |
| Illumination light | yes | no | no | yes |
| Tool kit | yes | no | no | yes |
| Soft top (condition) | yes | no | no | no |
| Tonneau cover | yes | no | no | no |
| Front Suspension/Steering/Under frame | Comprehensive | Basic | Van | Motorhome |
| Engine underside leakage | yes | yes | yes | yes |
| Steering joints/ball joints | yes | yes | yes | yes |
| Steering box/rack | yes | yes | yes | yes |
| Chassis members | yes | yes | yes | yes |
| Power Steering (operation) | yes | yes | yes | yes |
| Wheel hubs/bearings | yes | yes | yes | yes |
| Springs/suspension units | yes | yes | yes | yes |
| Pipes/hoses | yes | yes | yes | yes |
| Dampers (condition/leaks) | yes | yes | yes | yes |
| Gaiters | yes | yes | yes | yes |
| Sub frames mountings | yes | yes | yes | yes |
| Suspension arms/mounts | yes | yes | yes | yes |
| Tie bars/anti roll bars | yes | yes | yes | yes |
| Corrosion Protection | yes | no | no | yes |
| Corrosion-floor/chassis | yes | yes | yes | yes |
| Rear suspension/Under Frame | Comprehensive | Basic | Van | Motorhome |
| Springs/suspension bars | yes | yes | yes | yes |
| Anti roll bar | yes | yes | yes | yes |
| Dampers/bushes | yes | yes | yes | yes |
| Suspension arms/fixings | yes | yes | yes | yes |
| Location rods/fixings | yes | yes | yes | yes |
| Bump stops/gaiters | yes | yes | yes | yes |
| Wheel hubs/bearings | yes | yes | yes | yes |
| Pipes/hoses | yes | yes | yes | yes |
| Sub frames/mountings | yes | yes | yes | yes |
| Chassis members | yes | yes | yes | yes |
| Corrosion Protection | yes | no | no | yes |
| Corrosion-floor/chassis | yes | yes | yes | yes |
| Clutch/Transmission | Comprehensive | Basic | Van | Motorhome |

| Clutch/Transmission | Comprehensive | Basic | Van | Motorhome |
|------------------------------|---------------|-------|-----|-----------|
| Clutch/Transmission | Comprehensive | Basic | Van | Motorhome |
| Fluid/oil leaks | yes | yes | yes | yes |
| Cables/Adjustments | yes | yes | yes | yes |
| Hydraulic system | yes | yes | yes | yes |
| Linkage (wear) | yes | yes | yes | yes |
| Casings | yes | yes | yes | yes |
| Mountings | yes | yes | yes | yes |
| Drive shaft assembly | yes | yes | yes | yes |
| Universal/sliding Joints | yes | yes | yes | yes |
| Backlash | yes | yes | yes | yes |
| Gaiters | yes | yes | yes | yes |
| Prop shaft(s) | yes | yes | yes | yes |
| Bearings/supports | yes | yes | yes | yes |
| Exhaust System | Comprehensive | Basic | Van | Motorhome |
| Manifold | yes | yes | yes | yes |
| Pipes | yes | yes | yes | yes |
| Silencer(s) Catalyst | yes | yes | yes | yes |
| Heat shields/Mountings | yes | yes | yes | yes |
| Joints/couplings | yes | yes | yes | yes |
| System condition | yes | yes | yes | yes |
| Fuel System | Comprehensive | Basic | Van | Motorhome |
| Tank | yes | yes | yes | yes |
| Tank Fixings | yes | yes | yes | yes |
| Fuel lines | yes | yes | yes | yes |
| Breather pipes | yes | yes | yes | yes |
| Evidence of leaks | yes | yes | yes | yes |
| Brakes | Comprehensive | Basic | Van | Motorhome |
| Master cylinder security | yes | yes | yes | yes |
| Fluid Leaks | yes | yes | yes | yes |
| Servo/power system | yes | yes | yes | yes |
| Flexible hoses | yes | yes | yes | yes |
| Pipes/connections | yes | yes | yes | yes |
| Discs/pads (if visible) | yes | yes | yes | yes |
| H/Brake/operation adjustment | yes | yes | yes | yes |
| H/Brake linkage | yes | yes | yes | yes |

| Brakes | Comprehensive | Basic | Van | Motorhome |
|---------------------------------|---------------|---------|---------|-----------|
| Pedal/linkage | yes | yes | yes | yes |
| Wheels and Tyres | Comprehensive | Basic | Van | Motorhome |
| Wheel Rims | yes | yes | yes | yes |
| Wheel Trims | yes | yes | yes | yes |
| Right front tyre | yes | yes | yes | yes |
| Left front tyre | yes | yes | yes | yes |
| Right rear tyre | yes | yes | yes | yes |
| Left rear tyre | yes | yes | yes | yes |
| Spare tyre | yes | yes | yes | yes |
| Road Test | Comprehensive | Basic | Van | Motorhome |
| Distance covered where possible | 10 miles | 5 miles | 5 miles | 10 miles |
| Final drive operation/noise | yes | yes | yes | yes |
| Gearbox operation/noise | yes | yes | yes | yes |
| Engine performance | yes | yes | yes | yes |
| Engine noise | yes | yes | yes | yes |
| Excess smoke | yes | yes | yes | yes |
| Overheating evidence | yes | yes | yes | yes |
| Auto changes/kick down | yes | yes | yes | yes |
| Instruments/controls operation | yes | yes | yes | yes |
| Steering wheel alignment | yes | yes | yes | yes |
| Clutch operation | yes | yes | yes | yes |
| 4WD operation | yes | no | yes | yes |
| Cooling fan operation | yes | yes | yes | yes |
| Steering effort | yes | yes | yes | yes |
| Hot restart | yes | yes | yes | yes |
| Road holding/stability | yes | yes | yes | yes |
| General steering/handling | yes | yes | yes | yes |
| Foot brake operation | yes | yes | yes | yes |
| H/Brake operation | yes | yes | yes | yes |
| Suspension noise | yes | yes | yes | yes |
| Warning Lights | yes | yes | yes | yes |
| Final Check | Comprehensive | Basic | Van | Motorhome |
| Uneven tyre wear | yes | yes | yes | yes |
| Oil leaks | yes | yes | yes | yes |
| Coolant leaks | yes | yes | yes | yes |



10% AA member discount

If you hold another AA product such as breakdown cover or insurance, you'll have been issued with an AA card, which gives you 10% off your inspection today.

Have your AA card to hand when you book your inspection online or over the phone.

You just have to give us the 16-digit number when asked to claim your 10% discount. ([Terms and conditions apply.](#))

Just call **0800 056 8040**.

For enquiries
please call

0800 056 8040

Lines are open
Mon-Sun 8am-8pm

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Vehicle Inspections for Private Buyers

Are you confident you're buying a car that's roadworthy and safe to drive?

So before you close a deal on a car, get peace of mind with an RAC Vehicle Inspection:

- Visual inspection and road test by an experienced RAC engineer.
- Full [RAC Car Data Check](#) to ensure the car isn't stolen or a write-off.
- Discuss the findings with the engineer on the same day as the inspection
- Get a written report posted (first class) or emailed to you the next working day.

Book a Vehicle Inspection

You can also get a quote and arrange a vehicle inspection by calling **0800 085 2529**, or if you have any questions/queries email us at visales@rac.co.uk.

Essentials

The crucial checks to make before buying a car - a mechanical and structural inspection, underbody check and road test to **make sure the car is safe, sound and roadworthy.**

| Engine size | RAC Members | Non-members |
|--------------|-------------|-------------|
| Up to 1800cc | £135.00 | £149.00 |
| Over 1800cc | £148.00 | £163.00 |

The following vehicles are exempt from this product: imports, 4x4s, convertibles, write-offs, vehicles over 10 years old, vehicles with more than 5 seats, prestige vehicles and vehicles that have completed more than 120,000 miles.

Essentials Plus

Our fully comprehensive inspection can reassure you that your car is in excellent working order, with up to **65 extra checks**.

| Engine size | RAC Members | Non-members |
|------------------|--------------|--------------|
| Up to 1400cc | £179.00 | £194.00 |
| 1401cc to 2000cc | £183.00 | £203.00 |
| 2001cc to 2500cc | £234.00 | £254.00 |
| Over 2501cc | From £234.00 | From £254.00 |

4x4 Vehicle inspections

| Engine size | RAC Members | Non-members |
|------------------|-------------|-------------|
| Up to 1400cc | £179.00 | £194.00 |
| 1401cc to 2000cc | £183.00 | £203.00 |
| 2001cc to 2500cc | £265.00 | £295.00 |
| Over 2501cc | £305.00 | £346.00 |

Vehicle inspections of vans, motorhomes and minibuses

| Vehicle type | RAC Members | Non-members |
|------------------------------|-------------|-------------|
| Van | £179.00 | £194.00 |
| Motorhome | £213.00 | £244.00 |
| Minibus with 9 or more seats | £234.00 | £254.00 |

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Cover for less than **£143*** (that's what 10% of our customers paid)



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Body exterior

| | Essentials | Essentials Plus |
|----------------------------------|------------|-----------------|
| 1 Panel condition/alignment | | ✓ |
| 2 Paintwork | | ✓ |
| 3 Exterior trim | | ✓ |
| 4 Glass | ✓ | ✓ |
| 5 Bumpers/number plates | | ✓ |
| 6 Door locks/operation | ✓ | ✓ |
| 7 Fuel filler cover/petrol cap | ✓ | ✓ |
| 8 Soft top (operation/condition) | | ✓ |
| 9 Body damage | ✓ | ✓ |
| 10 Past repair evident * | ✓ | ✓ |
| 11 Corrosion | ✓ | ✓ |
| 12 Mud flaps | | ✓ |

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Engine compartment

| | Essentials | Essentials Plus |
|----------------------------------|------------|-----------------|
| 37 Starting system/ignition lock | ✓ | ✓ |
| 38 Battery charging system | ✓ | ✓ |
| 39 Headlights | ✓ | ✓ |
| 40 Side light/running lights | ✓ | ✓ |

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Electrical/controls

| | Essentials | Essentials Plus |
|----------------------------------|------------|-----------------|
| 37 Starting system/ignition lock | ✓ | ✓ |
| 38 Battery charging system | ✓ | ✓ |
| 39 Headlights | ✓ | ✓ |
| 40 Side light/running lights | ✓ | ✓ |

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Cover for less than £143¹ (that's what 10% of our customers paid)



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True stories

Read some real case studies about some of the issues car-buyers face when buying a used car.



[Find out more](#)

| | Essentials | Essentials Plus |
|------------------------------------|------------|-----------------|
| 41 Rear lights/number plate lights | ✓ | ✓ |
| 42 Stop lights | ✓ | ✓ |
| 43 Indicators/hazard lights | ✓ | ✓ |
| 44 Reverse/fog lights | ✓ | ✓ |
| 45 Auxiliary lights | ✓ | ✓ |
| 46 Panel lights | ✓ | ✓ |
| 47 Mirrors (electric) | | ✓ |
| 48 Switches/controls | ✓ | ✓ |
| 49 Instrument/controls function | ✓ | ✓ |
| 50 Horn | ✓ | ✓ |
| 51 Radio/cassette/CD/aerial | | ✓ |
| 52 Heater fan/controls | | ✓ |
| 53 Air con. operation | | ✓ |
| 54 Door locking | ✓ | ✓ |
| 55 Window/sunroof operation | ✓ | ✓ |
| 56 Wipers/washers | ✓ | ✓ |
| 57 Headlamp washer/headlamp wiper | | ✓ |

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Interior luggage compartment

| | Essentials | Essentials Plus |
|--------------------------------|------------|-----------------|
| 58 Steering wheel/adjustment | | ✓ |
| 59 Seat upholstery | | ✓ |
| 60 Seat mechanism | ✓ | ✓ |
| 61 Seat belts | ✓ | ✓ |
| 62 Carpets | | ✓ |
| 63 Door trim panels | | ✓ |
| 64 Door fittings/operation | | ✓ |
| 65 Door seals/hinges | | ✓ |
| 66 Interior sills | | ✓ |
| 67 Headlining/visors | | ✓ |
| 68 Sunroof | | ✓ |
| 69 Dash panel (condition) | | ✓ |
| 70 Cigarette lighter | | ✓ |
| 71 Mirrors - Internal | ✓ | ✓ |
| 72 Rear parcel shelf | | ✓ |
| 73 Boot/tailgate lock | ✓ | ✓ |
| 74 Luggage area trim/condition | | ✓ |
| 75 Illumination lights | | ✓ |
| 76 Tool kit etc. | | ✓ |
| 77 Soft top material | | ✓ |
| 78 Tonneau cover | | ✓ |

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Front suspension and steering

| | Essentials | Essentials Plus |
|-----------------------------|------------|-----------------|
| 79 Engine underside leakage | ✓ | ✓ |

| | Essentials | Essentials Plus |
|--------------------------------|------------|-----------------|
| 80 Steering joints/ball joints | ✓ | ✓ |
| 81 Steering rack | ✓ | ✓ |
| 82 Chassis members | ✓ | ✓ |
| 83 Power steering | ✓ | ✓ |
| 84 Wheels hubs/bearings | ✓ | ✓ |
| 85 Springs/suspension unit | ✓ | ✓ |
| 86 Pipes/hoses | ✓ | ✓ |
| 87 Dampers (conditions/leaks) | ✓ | ✓ |
| 88 Gaiters | ✓ | ✓ |
| 89 Sub frames/mountings | ✓ | ✓ |
| 90 Suspension arms/mountings | ✓ | ✓ |
| 91 Tie bars/anti roll bars | ✓ | ✓ |
| 92 Corrosion protection | | ✓ |
| 93 Corrosion - floor/chassis | ✓ | ✓ |

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Clutch/transmission - manual

| | Essentials | Essentials Plus |
|------------------------------|------------|-----------------|
| 94 Fluid/oil leaks | ✓ | ✓ |
| 95 Cables/adjustment | ✓ | ✓ |
| 96 Hydraulic system | ✓ | ✓ |
| 97 Linkage (wear) | ✓ | ✓ |
| 98 Casings | ✓ | ✓ |
| 99 Mountings | ✓ | ✓ |
| 100 Drive shaft assemblies | ✓ | ✓ |
| 101 Universal/sliding joints | ✓ | ✓ |
| 102 Backlash | ✓ | ✓ |
| 103 Gaiters | ✓ | ✓ |
| 104 Propshaft(s) | ✓ | ✓ |
| 105 Bearings/supports | ✓ | ✓ |

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Rear suspension and underframe

| | Essentials | Essentials Plus |
|-------------------------------|------------|-----------------|
| 106 Springs/suspension unit | ✓ | ✓ |
| 107 Anti-roll bar | ✓ | ✓ |
| 108 Dampers/bushes | ✓ | ✓ |
| 109 Suspension arms/fixings | ✓ | ✓ |
| 110 Location rod/fixings | ✓ | ✓ |
| 111 Bumpers stops/gaiters | ✓ | ✓ |
| 112 Wheel hubs/bearings | ✓ | ✓ |
| 113 Pipes/hoses | ✓ | ✓ |
| 114 Sub frames/mountings | ✓ | ✓ |
| 115 Chassis members | ✓ | ✓ |
| 116 Corrosion protection | | ✓ |
| 117 Corrosion - floor/chassis | ✓ | ✓ |

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Wheels and tyres

| | Essentials | Essentials Plus |
|----------------------|------------|-----------------|
| 118 Wheel rims | | ✓ |
| 119 Wheel trims | | ✓ |
| 120 Front right tyre | ✓ | ✓ |
| 121 Front left tyre | ✓ | ✓ |
| 122 Rear right tyre | ✓ | ✓ |
| 123 Rear left tyre | ✓ | ✓ |
| 124 Spare | ✓ | ✓ |

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Exhaust system

| | Essentials | Essentials Plus |
|----------------------------|------------|-----------------|
| 125 Manifold | ✓ | ✓ |
| 126 Pipes | ✓ | ✓ |
| 127 Silencer(s)/catalyst | ✓ | ✓ |
| 128 Heat shields/mountings | ✓ | ✓ |
| 129 Joints/couplings | ✓ | ✓ |
| 130 System condition | ✓ | ✓ |

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Fuel system

| | Essentials | Essentials Plus |
|-----------------------|------------|-----------------|
| 131 Tank | ✓ | ✓ |
| 132 Tank fixings | ✓ | ✓ |
| 133 Fuel lines | ✓ | ✓ |
| 134 Breather pipes | ✓ | ✓ |
| 135 Evidence of leaks | ✓ | ✓ |

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Brakes

| | Essentials | Essentials Plus |
|--|------------|-----------------|
| 136 Master cylinder security | ✓ | ✓ |
| 137 Fluid leaks | ✓ | ✓ |
| 138 Servo/power system | ✓ | ✓ |
| 139 Flexible hoses | ✓ | ✓ |
| 140 Pipes/connections | ✓ | ✓ |
| 141 Discs/pads (if visible) | ✓ | ✓ |
| 142 Hand/parking brake operation/adjustments | ✓ | ✓ |
| 143 Hand/parking brake linkage | ✓ | ✓ |
| 144 Pedal/linkage | ✓ | ✓ |

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Road test

Essentials Essentials Plus

| | Essentials | Essentials Plus |
|---------------------------------------|------------|-----------------|
| 145 Engine - performance | ✓ | ✓ |
| 146 Engine - noise | ✓ | ✓ |
| 147 Excess smoke | ✓ | ✓ |
| 148 Overheating evidence | ✓ | ✓ |
| 149 Gearbox operation/noise level | ✓ | ✓ |
| 150 Auto changes/kickdown | | ✓ |
| 151 Final drive operation/noise level | ✓ | ✓ |
| 152 Clutch operation | ✓ | ✓ |
| 153 4wd operation | | ✓ |
| 154 Cooling fan operation ** | ✓ | ✓ |
| 155 Instrument/controls function | ✓ | ✓ |
| 156 Steering wheel alignment | | ✓ |
| 157 Steering effort | | ✓ |
| 158 General steering/handling | ✓ | ✓ |
| 159 Footbrake operation | ✓ | ✓ |
| 160 Hand/parking brake operation | ✓ | ✓ |
| 161 Suspension noise | ✓ | ✓ |
| 162 Road holding/stability | ✓ | ✓ |
| 163 Hot restarting | | ✓ |
| 164 Warning lights | ✓ | ✓ |
| 165 Cruise control | | ✓ |

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Final check

| | Essentials | Essentials Plus |
|-------------------|------------|-----------------|
| 166 Leaks - fluid | ✓ | ✓ |

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General notes & exclusions

* Repairs and replacement panels will only be reported if work has not been carried out to a professional standard

** Providing engine reaches operating temperature on road test.

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NEWCASTLE – UNDER – LYME BOROUGH COUNCIL **OPERATIONAL SERVICES TRANSPORT WORKSHOP**

RECEIPT NO: _____ HACKNEY CARRIAGE / PRIVATE HIRE _____

| | | |
|---------------------|-----------------|------------------|
| DEPARTMENT OR OWNER | REG NO | DATE |
| MAKE & MODEL | YEAR | CHASSIS NO |
| RECORDED MILEAGE | ENGINE CAPACITY | SEATING CAPACITY |

| | PASS | FAIL | REMARKS |
|---|------|------|---------|
| <u>LIGHTING EQUIPMENT</u> | | | |
| 1. Oblige. Front Lamp | | | |
| 2. Oblige. Rear Lamp | | | |
| 3. Oblige. Head Lamps | | | |
| 4. Headlamp Aim & adjustment | | | |
| 5. Stop Lamps | | | |
| 6. Rear Reflectors | | | |
| 7. Direction Indicators | | | |
| 8. Speedometer operation | | | |
| 9. Hazard warning device | | | |
| | | | |
| <u>STEERING & SUSPENSION</u> | | | |
| 10. Steering Controls | | | |
| 11. Steering Mechanism | | | |
| 12. Power Steering | | | |
| 13. Stub Axle Assemblies | | | |
| 14. Wheel Bearings | | | |
| 15. Suspension | | | |
| 16. Shock Absorbers | | | |
| | | | |
| <u>BRAKING SYSTEM</u> | | | |
| 17. Service Brake Condition | | | |
| 18. Parking Brake Condition | | | |
| 19. Service Brake Efficiency | | | |
| 20. Parking Brake Efficiency | | | |
| 21. ABS system | | | |
| 22. CRS system | | | |
| | | | |
| <u>TYRES & WHEELS</u> | | | |
| 23. Tyre Type | | | |
| 24. Tyre Condition | | | |
| 25. Road Wheels & Spare | | | |
| | | | |
| <u>SEAT BELTS</u> | | | |
| 26. Security of Belts | | | |
| 27. Condition of Belts | | | |
| 28. Operation of Belts | | | |

| <u>GENERAL ITEMS</u> | PASS | FAIL | REMARKS |
|---|-------------|-------------|----------------|
| 29. Transmission / Universal Joints | | | |
| 30. Engine / oil leaks / mounts | | | |
| 31. Exhaust System | | | |
| 32. Effectiveness of Silencer | | | |
| 33. Dynamo / Alternator | | | |
| 34. Battery | | | |
| 35. Security of wiring & equipment | | | |
| 36. Starter | | | |
| 37. Windscreen Side & Rear Glass | | | |
| 38. Windscreen Wipers (& rear if fitted) | | | |
| 39. Windscreen Washers (& rear if fitted) | | | |
| 40. Driver's view of road | | | |
| 41. Mirrors (incl. rear view) | | | |
| 42. Horn | | | |
| 43. Bonnet Release | | | |
| 44. Driving Controls | | | |
| 45. Door Locks, Catches & Hinges | | | |
| 46. Fuel Tank & System | | | |
| 47. VIN or chassis number | | | |
| 48. Condition of Vehicle Structure & Bodywork | | | |
| 49. Registration plate | | | |
| 50. Signage (doors) | | | |
| 51. Advertising (approved) | | | |
| 52. Licence plate and holder | | | |
| 53. Taxi Meter (if applicable) | | | |
| 54. Fire Extinguisher | | | |
| 55. Luggage Carrier | | | |
| 56. Seating & Upholstery | | | |
| 57. First Aid Box | | | |
| 58. Child Safety Locks | | | |
| 59. Smoke Emission | | | |
| 60. Wheelchair facility | | | |
| 61. Authorised illuminated sign (if applicable) | | | |
| 62. Security of auxiliary equipment | | | |

Pass / Fail: _____

Signed: _____
Mechanic

Printed: _____

Date: _____

BOROUGH OF NEWCASTLE-UNDER-LYME
TABLE OF FARES FOR HACKNEY CARRIAGES

Made under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, by the Borough Council of Newcastle-under-Lyme with respect to hackney carriages in the Borough of Newcastle-under-Lyme.

The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the following Table, the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time.

Provided always that where a hackney carriage furnished with a taxi meter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taxi meter save for any extra charge authorised by the following Table which it may not be possible to record on the face of the taxi meter.

FARES FOR DISTANCE

1. **Mileage**

| | |
|---|------|
| If the distance does not exceed 780 yards | 220p |
| For each subsequent 140 yards or part thereof | 10p |
2. **Waiting Time**

| | |
|--------------------------------------|-----|
| For each complete period of 1 minute | 20p |
|--------------------------------------|-----|
3. **Extra Charges**

| | |
|---|----------------------|
| (a) For hirings begun after midnight but before 6.00am. | £3.00 |
| For each subsequent 160 yards or part thereof | 15p |
| (b) For hirings on Public and Bank holidays | £3.00 |
| For each subsequent 160 yards or part thereof | 15p |
| (c) Christmas and New Year: | 100% of the standard |
| From 8.00pm on 24 December to 6.00am on 26 December and from 8.00pm on 31 December to 6.00am on 1 January | rate of fare |

Only ONE of the charges listed at 3 above is payable in respect of one hiring.

For a Vehicle Carrying 5 Persons or More

MILEAGE

| | |
|--|--------|
| If the distance does not exceed 780 yards | 2.50p |
| For each subsequent 140 yards or part thereof | 15p |
| After Midnight and Bank Holidays 800 yards | 3.20p |
| For each subsequent 160 yards or part thereof | 20p |
| Christmas Eve, Christmas Day and New Years Eve 800 yards | 4.40p |
| For each subsequent 176 yards or part thereof | 25p |
| (Soiling charge (applicable to all hirings) | £30.00 |

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Hi Julia

Comments on the draft policy on behalf of Brighter Futures,

Taxi drivers & DBS

This is great news that there will be a requirement for a DBS check to be completed.

Can the policy also include a requirement for taxi drivers to complete both Adult and Child Protection training,

there is e-learning safeguarding level 1 course available for Staffordshire through the Staffordshire safeguarding Board, e-learning child protection. Looking at the website there may be a charge of £30.00, but would be worth checking,

Adult protection training is also available through the Safeguarding board.

Regards
Susan

Susan Preston
Senior Manager, Health
m: 07879 423 930

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Response from Newcastle under Lyme Borough Council Partnership's
Manager

Most importantly though from my perspective, I think that we need to use the opportunity of reviewing the Policy to ensure that we are taking into account some of the issues raised elsewhere around Child Sexual Exploitation and Safeguarding and ensuring that we have procedures in place to mitigate risks where possible. I know a couple of the Members have mentioned CSE and taxis over the last few weeks and colleagues from the County and Police may also make other suggestions here too.

If you need any further information please let me know.

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Steve/Sarah,

I have discussed with Sgt John Hughes and DCI Jav Omer. My comments/suggestions would be that there is nothing around safeguarding and see an opportunity to raise awareness and share information.

Could we look at emphasising some responsibility around reporting any concerns/risks/vulnerabilities that drivers may see and how they can report these. There is nothing else across the county in policy for taxi's but we could look at incorporating some training as part of their induction. I am not sure how we could mandate this?

The scouts for example have written their own policy and safeguarding training (not the same I know but Jav is happy to discuss with the safeguarding board around support for this). We could ask that drivers take part in the level 1 safeguarding training?

We are definitely seeing an increase in risk around CSE and intelligence linking taxi's. We are about to launch some awareness campaigns "Stop the traffick campaign" around exploitation which will go out to taxi bases.

Again this could be something to consider around taking part in local initiatives.

I am more than happy to discuss further.

I will update you with anything from the Safeguarding board.

Kind regards

Clare

Chief Inspector 0874 Clare Riley
LPT Commander
Newcastle Local Policing Team
Ext 3575
clare.riley@staffordshire.pnn.police.uk

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Enforcement Team response to the Draft Taxi Licensing Policy for Newcastle under Lyme

Thank you for the opportunity to comment on the emerging draft taxi Licensing Policy dated 1st November 2014.

The Enforcement section carries out work which involves the Boroughs Private Hire and Hackney Carriage Fleet of just under 1,000 vehicles. The enforcement team is often involved with neighbouring local authorities and police authorities, and quite often this work will involve the necessary identification of cars and drivers. Please find below a concern regarding the councils policy.

We would concur that the policy is a thorough and comprehensive document however it may be prudent to consider the following observation :

With regard to paragraph six of Standard conditions attached to a Hackney Carriage Vehicle and section 3 Paragraph (1) of Standard conditions attached to a Private Hire Vehicle

1 . It can be difficult to identify vehicle plate numbers when trying to investigate complaints . These complaints may range over a number of incidents, the most serious of which can involve assault and rape. Identification is becoming more difficult with longer plate numbers and firms that change names. At present the only signage a licensed vehicle is required to display comprises of a plate that is attached the rear of the vehicle, a plate attached to the front bumper and an internal number that is displayed in the front of the window screen. It may help to address this identification problem if in addition to the above plates, vehicles were to show their plate number as a large number on the doors of the vehicle. The plate number would remain constant and can be seen easily by members of the public and Police officers.

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Mr. G Johnson,
10 Watlands Avenue,
Wolstanton,
Newcastle U Lyme,
Staffs.
ST5 8AS
25th January 2015

Dear Sir or Madam,

I am writing to you regarding the proposed Taxi Licensing Policy 2014-2019, with particular attention to the paragraphs regarding vehicles considered to be of "Exceptional Condition". (Page 16)

I have held a licence to drive taxis in the Borough of Newcastle Under Lyme continuously since 1991. During this time the car industry has seen many changes in terms of quality, safety and durability; the taxi licensing policy, however, does not reflect this in favour of suggesting that cars older than eight years may be in some way inadequate when it comes to serving the general public. I would like to suggest that this is outdated, unnecessary and unfair.

The suggestion is that for any vehicle over eight years old, in addition to the council test (designed solely to ensure vehicles are fit for purpose) a further test must also be undertaken by either the RAC or AA in order to ensure that the vehicle is road safe. For my current vehicle, this would mean my incurring an extra cost of at least £202 annually.

It is no secret, I'm sure you'll agree, that local bus companies are allowed to run vehicles which are over twenty years old; are these vehicles not intended to transport the paying public in the same way that taxis do? Why and how is it then that busses of a certain age can be deemed as fit for purpose when much newer and more modern vehicles are subject to stringent and costly tests before being given the green light.

As, of course, you are aware, there have been fundamental changes to the taxi industry in Newcastle Borough for example the delimiting of the number of Hackney Carriages on the road, causing hardship to already long serving and reliable drivers. No regard appears to have been given to how drivers are able to make a reasonable living in a town now saturated with taxis. And it would appear this latest proposal has been made in the same vein and will only serve to cause more hardship and in fact unrest in an already fractured local business. I fail to see the need for an additional test – surely this suggests that one of the tests is inadequate and therefore an unnecessary cost. In times of austerity, as councils are so keen to draw upon when it is in their favour, has any thought been given to the hardship inflicted on taxi drivers and their families as a result of unjustified and flawed proposals?

The council test has indeed been in operation for many years and as far as I am aware served the Borough well. This insistence of a further test by an outside organisation will once again prove detrimental to local people and so the very Borough we work hard to serve. Some faith needs to be invested in the engineers presently testing vehicles for the council. This would prove fruitful not only for these men and women but for the Borough per se as locally earned money is being put back into the Borough and not into outside and much larger, wealthier organisations. A little loyalty often goes a long way.

I ardently believe that we have a duty to serve the public well and that vehicle safety is of paramount importance. Furthermore, I take pride in ensuring that my vehicle is not only safe but clean and presentable. However, I do not feel that in addition to the statutory MOT required by law to ensure a vehicle is road worthy and the council test, designed specifically to approve a vehicle as fit for the purpose of transporting the general public, the already squeezed taxi driver should be expected to pay out for another test. This is non-sensical and try as I have, I cannot understand how you can reasonably justify this.

I await your response.

Yours faithfully,

Gordon Johnson

Testing Schedule for vehicles of 8 years old

Further to our trade response with regard for vehicles over 8 years old (testing and safety) we present to council amended proposals in respect to comments and conclusions at the Public protection Committee meeting 20/10/14.

- Proprietor/driver books with council licencing council test (date given) pre MOT VOSA (date given) both paid by trade
- MOT VOSA test taken up to 4 weeks prior to council test
- Copy of MOT certificate (pass) and any relevant advisory note presented to council licencing/depot, through MOT station liaison (to be set up),
- All works attached to MOT advisory notice must be carried out prior to council test
- All parts used in respect of work required should be genuine or copy parts not second hand
- Above criteria would be applicable to all hackney carriage and private hire vehicles over 8 years old, to include saloon, hatchback, estate, mini bus, London taxi **and conversions**

Reasons

- A. To ensure the vehicle meets VOSA MOT criteria
- B. To ensure the vehicle goes forward to council test fully prepared as per **the requirement of the hackney carriage and private hire vehicles national inspection standards document**

See document attached

- Present vehicle to council test
- If in the opinion of the vehicle examiner the vehicle has not been fully prepared, the test would be terminated and a further full test shall be required at an extra cost to the proprietor

Continued.....

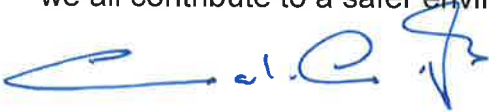
- If the vehicle is re presented for council test and is still not fully prepared the vehicle licence could be revoked by council
- The vehicle would have to be presented for a further VOSA MOT 6 months after the council test. Pass document presented to licencing department (through garage liaison)

The taxi association considers public safety as paramount, and our proposed scheme subject to approval is the only way of ensuring exceptionally high standards of a safe vehicle, over an annual period. Whereas the councils proposal of using the AA or RAC **vehicle inspection for private buyers** is not considered suitable and is totally inappropriate.

Footnote

Mr Nigel R Maden – VOSA – Process manager states:

VOSA recommends that local authorities consider the hackney carriage and private hire vehicles national inspection standards guide, when setting technical standards and take the opportunity to become involved in its outlined development such that we all contribute to a safer environment.



Carl Phillips

For and on behalf of the Newcastle and Kidsgrove Taxi Association

4th November 2014

Hackney Carriage and Private Hire Vehicles

National inspection standards



Best Practice Guide

August 2012

Produced by Hackney Carriage and Private Hire Inspection Technical Officer Group
Public Authority Transport Network (PATN)

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FTA best practice guide to inspection of Hackney Carriage and Private Hire Vehicles

August 2012

Editor: **Andy Mair**

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This best practice guide sets out the procedures and standards for those who carry out inspections of hackney carriage and private hire vehicles. It is recommended that the guide is also made freely available to owners, proprietors, operators and drivers of hackney carriage and private hire vehicles, who may find it useful as it details the standards that vehicles are subjected to. The guide also explains the reasons why a vehicle presented for inspection has not been issued with a pass certificate.

This guidance deliberately seeks to embrace safety aspects of vehicle inspections using, as a basic inspection standard, those laid down in the MOT Inspection Manual – Private Passenger & Light Commercial Vehicle Testing issued by VOSA. This best practice guide provides additional testing requirements to those in the MOT Inspection Manual. It is advised that local licensing authorities use the best practice guide in conjunction with the VOSA MOT Inspection Manual as an advocate to public safety.

This best practice guide has been developed to provide all local licensing authorities with a benchmark with regard to vehicle inspections and safety.

For details of how to join FTA contact the
Member Service Centre on 08717 11 22 22*

*Calls may be recorded for training purposes

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Foreword

The Vehicle and Operator Services Agency (VOSA) is committed to saving lives, making roads safer, cutting crime and protecting the environment.

As responsibility for the maintaining of vehicle safety standards of hackney carriage and private hire vehicles falls to various local authorities, VOSA, in the pursuit of its objectives, fully supports the Public Authority Transport Network (PATN) in its promotion of common standards and best practice within industry.

VOSA recommends that local authorities consider this guide when setting technical standards and take the opportunity to become involved in its continued development such that we all contribute to a safer environment.

Nigel R Maden

*Process Manager Light Vehicles and Vehicle Approval
Vehicle & Operator Services Agency*



Vehicle & Operator Services Agency

Revision record

| Section number | Section title | Description of change | Revision date | Revision number |
|----------------|---------------|--|---------------|-----------------|
| | 2009 version | VOSA foreword | November 2009 | 1 |
| | 2012 update | Revised due to changes to MOT scheme from 2012 | August 2012 | 2 |

Part I: Introduction

1.1 Best practice guide

This best practice guide has been prepared by the Technical Officer Group (TOG) to assist Hackney Carriage proprietors (HC) and Private Hire Vehicle (PHV) drivers/owners and operators. It is intended for use by local licensing authorities, vehicle inspectors and local authority authorised officers.

It is intended that this best practice guide will endorse a *minimum* national vehicle inspection standard. It will be appreciated that it is for individual local licensing authorities to reach their own decisions, both on overall policies and on individual inspection standards, in the light of their own operational needs and geographical circumstances.

Various interested parties, including the Department for Transport (DfT), Vehicle & Operator Services Agency (VOSA), Disabled Persons Transport Advisory Committee (DPTAC) and the Institute of Licensing, have been consulted on this best practice guide.

The Technical Officer Group commends the DfT for the production of the Taxi and Private Hire Vehicle Licensing: Best Practice Guidance. Vehicle operators, local licensing authorities and vehicle inspectors are strongly advised to refer to the DfT guide in conjunction with this best practice guide. More information can be obtained on the DfT website at www.dft.gov.uk

1.2 Application to devolved administrations

The Department for Transport (DfT) has responsibility for HC and PHV legislation in England and Wales and, accordingly, the guidance that has been published will be directed at local authorities in England and Wales. Responsibility for HC and PHV licensing in Scotland and Northern Ireland is devolved, but the respective administrations have been involved in the preparation

of the licensing guidance and will decide for themselves the extent to which they wish to make use of or adapt to suit their own purposes.

1.3 Technical safety issues

The aim of a local licensing authority is to protect the public. Local licensing authorities will be aware that the public should have reasonable access to safe and well maintained HC and PHVs. For example, it is clearly important that somebody using a HC or PHV should be confident that the vehicle is safe.

To this end, this best practice guide will detail specific vehicle safety issues based on expert technical knowledge and experience of the Technical Officer Group (TOG). This guide will focus therefore on technical safety issues and make recommendations towards safe working practices. For example, the TOG supports the DfT recommendation that there is no upper age limit for HC and PHVs provided there is documentary evidence to support a routine maintenance regime.

Local licensing authorities will want to ensure that each of their various licensing requirements is properly justified by the risk it aims to address. This is not to propose that a detailed, over-zealous inspection regime creates difficulties for the HC and PHV trades but primarily to promote vehicle safety for the protection of passengers and not for the benefit of operators.

1.4 Scope of the guidance

This guidance deliberately seeks to embrace safety aspects of vehicle inspections using, as a basic inspection standard, those laid down in the *MOT Inspection Manual – Private Passenger & Light Commercial Vehicle Testing* issued by VOSA. This best practice guide provides additional testing requirements to those in the MOT Inspection Manual. It is advised that local licensing authorities use the best practice guide in conjunction with the VOSA MOT Inspection Manual as an advocate to public safety.

This best practice guide has been developed to provide all local licensing authorities with a benchmark with regard to vehicle inspections and safety.

1.5 Specification of vehicle types that may be licensed

The legislation gives local authorities a wide range of discretion over the types of vehicle that they can license as HC or PHVs.



Some authorities specify conditions that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.

Normally, best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicles as possible. Indeed, local licensing authorities might usefully specify only general criteria, leaving it open to the HC and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way, there can be flexibility for new vehicle types to be readily taken into account.

It is suggested that local licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicle or prescribes only one type or a small number of types of vehicle. For example, the Department believes authorities should be particularly cautious about specifying only purpose-built taxis, with the strict constraint on supply that that implies. But, of course, the purpose-built vehicles are amongst those which a local authority could be expected to license. Similarly, it may be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided of course that the capacity of the vehicle is not more than eight passengers).

1.6 Accessibility



In addition to their general conditions, local licensing authorities will want to consider the accessibility for disabled people (including – but not only – people who need to travel in a wheelchair) of the vehicles they licence as Hackney Carriage or Private Hire vehicles.

Licensing authorities will be aware that it remains the Department

for Transport's intention to make accessibility regulations for Hackney Carriage vehicles subject to a Law Commission review. In the meantime, licensing authorities are encouraged to introduce HC accessibility policies for their areas.

1.7 Type approval

It may be that from time to time a local licensing authority will be asked to license, as a HC or PHV, a vehicle that has been imported independently (that is, by somebody other than the manufacturer). Such a vehicle might meet the local licensing authority's criteria for licensing, but may nonetheless be uncertain about the wider rules for foreign vehicles being used in the UK. Such vehicles will be subject to the 'type approval' rules. For passenger cars up to 10 years old at the time of first GB registration, this means meeting the technical standards of either:

- European Community Whole Vehicle Type Approval (ECWVTA)
- National Small Series Type Approval (NSSTA) or
- Individual Vehicle Approval (IVA)

Most registration certificates issued since late 1998 should indicate the approval status of the vehicle. Further information about these requirements and the procedures for licensing and registering imported vehicles can be seen at www.businesslink.gov.uk

It is important for local licensing authorities to insist that **at least one** of the above 'type approvals' is produced prior to **any imported vehicle** being licensed as a Hackney Carriage or Private Hire Vehicle. Local authorities are advised to verify the validity of an IVA certificate by contacting the VOSA helpline number 0300 123 9000.

Voluntary inspections

Vehicles that are already registered for use in the UK are not eligible for a statutory approval, however there are situations where evidence of compliance with the approval standard would be beneficial or be a requirement. An example would be a local licensing authority that may require evidence of compliance for a vehicle that has been modified since original registration, or where evidence of compliance is being used as part of a contractual agreement on a modified vehicle. To facilitate this requirement, a non-statutory voluntary IVA test is available, and it would be appropriate for local authorities to accept a 'basic' IVA certification as a minimum requirement. The test criteria applied will be dependent on the vehicle category/class nominated on the application form VIVA 1. The fees are the same as those appropriate to the particular class of vehicle/test required, other than VAT is payable. If the vehicle is found to meet the requirements, a letter of compliance with the technical standards will be issued and not an Individual Approval certificate. The letter of compliance is not acceptable for first licensing/registration purposes.

1.8 Vehicle testing

There is considerable variation between local licensing authorities on vehicle testing. This best practice guide provides local licensing authorities with a **minimum** standard for vehicle inspections. All HC and PHV must be maintained to no less than the standards set out in the VOSA publication 'MOT Inspection Manual – Private Passenger and Light Commercial Vehicle Testing', ISBN 978-0-9549352-5-2.

As the term implies, hackney carriage and private hire vehicles are vehicles used for hire and reward purposes and as such are subject to much higher annual mileages and more arduous driving than normal private vehicles. Therefore, in the interests of passenger and other road user's safety, a more stringent maintenance and testing regime is required.

The purpose of the HC and PHV test is to confirm vehicles meet these more stringent standards. Vehicles must be submitted fully prepared for the test. **It is not intended that the test be used in lieu of a regular preventative maintenance programme.** If, in the opinion of the vehicle examiner, the vehicle has not been fully prepared, the test will be terminated and a further full test shall be required. It is an offence under the road traffic regulations to use an unroadworthy vehicle on the public highway.

HC proprietors and PHV drivers/owners and operators failing to maintain their vehicles in a safe and roadworthy condition may have their vehicle licence suspended, revoked or their licensing application refused by the local licensing authority. In addition, licence holders risk the suspension or revocation of their driver or operator licences by the local licensing authority.

This best practice guide should be read in conjunction with Vehicle & Operator Services Agency (VOSA) publication 'MOT Inspection Manual – Private Passenger and Light Commercial Vehicle Testing', ISBN 978-0-9549352-5-2. This best practice guide provides a working document for those who inspect, maintain and prepare vehicles for inspection prior to being issued with a hackney carriage or private hire licence. Although detailed in its content the best practice guide is not exhaustive.

However, in assessing the mechanical condition of a vehicle, it is more likely an item which would ordinarily pass an MOT test with an advisory note, could fail the HC and PHV test.

2 Novelty vehicles (stretched limousines)

This section of the best practice guide offers advice to local licensing authorities on the requirements for licensing novelty vehicles. The standard of the test for novelty vehicles will be at the same standard as for other private hire vehicles. That is, as a basic inspection standard, those laid down in the 'MOT Inspection Manual – Private Passenger and Light Commercial Vehicle Testing' issued by VOSA and this best practice guide. *(For the purpose of clarity, novelty vehicles in this guide will refer to stretch limousines only until such times as further guidance is obtained on any other such vehicle, ie fire tenders etc.)*



A novelty vehicle shall only be registered as a private hire vehicle if it complies with the following conditions.

- Vehicles with no more than eight passenger seats as indicated on the V5C. The V5C will state the number of seats and **must be produced to the local licensing authority prior to the vehicle being licensed or inspected.** If the number of seats differs to what is indicated on the V5C, then contact VOSA and your local area DVLA office immediately. Failure to produce a valid and current V5C for the vehicle to be tested could result in refusal to inspect the vehicle
- Evidence of either European Community Whole Vehicle Type Approval (ECWVTA) or Individual Vehicle Approval (IVA) being presented for inspection
- Local licensing authorities may consider, as novelty vehicles are not factory produced, that a recommended vehicle maintenance inspection be applied every 10 weeks. The frequency of maintenance inspections is recommended by Traffic Commissioners, VOSA and the National Limousine and Chauffeur Association (NLCA)
- The inspection standards to be applied to novelty vehicles are the same standards as those applied to other hackney carriage and private hire vehicles with the following additions:
 - Any additional item previously mentioned in this paragraph with regard to seating capacity, the production of the relevant documents and frequency of vehicle inspections
 - See part 2, section 4 – Tyres and road wheels. Reference in this section is made to tyre rating to be applied to novelty vehicles
 - See part 2, section 12 – Vehicle Identification Number (VIN) markings should be checked to ensure compliance, seating capacities and undue stresses

Local licensing authorities are strongly advised to obtain a declaration, from the operator of a licensed novelty vehicle, that the side facing seats will never be used to carry passengers under 16 years of age, **regardless of whether the vehicle is fitted with or without seat belts.**

It is strongly advised that notices forbidding children to be carried in side facing seats are displayed in prominent positions, ie on entry to the passenger compartment and on either side of the passenger compartment. Local licensing authorities may also require additional outward facing signs adjacent to all entrance/exit doors to the passenger compartment.

3 General information

Only vehicles complying with the following conditions will generally be considered for licensing as private hire vehicles.

- Cars fitted with at least four doors and four wheels
- Right-hand drive vehicles – with the exception of stretch limousines (where applicable)
- Vehicles with adequate space for luggage
- Vehicles must be capable of carrying at least four and not more than eight passengers in addition to the driver
- With the exception of stretch limousines, vehicles will not be accepted with blacked out windows. Passengers being carried in the vehicle must be visible from the outside. In **exceptional circumstances**, tinted windows may be acceptable
- To allow a thorough examination of a vehicle or any part thereof, it must be presented for test in a clean condition. The vehicle presented will fail the test if, in the opinion of the vehicle examiner, the vehicle is so dirty that it would be unreasonable for the test to be carried out
- A test will not be carried out unless the licence fee/ examination fee has been paid in advance

Statement of undertakings and declaration

In the interests of road and passenger safety, the licensed driver/ owner or operator undertakes to make proper arrangements so that licensed vehicles are kept in a roadworthy condition at all times.



Appendix C

Hackney Carriage and Private Hire – Inspection sheet (front)

Hackney Carriage and Private Hire Inspection form

IMPORTANT: READ NOTES OVERLEAF

Space for
local authority logo



| | | | |
|------------------|-------------------------------------|---------------------|---|
| Chassis no | Certificate of Compliance serial no | | Class of inspection (tick) <input type="checkbox"/> Hackney Carriage <input type="checkbox"/> Private hire <input type="checkbox"/> Car purchase |
| Vehicle reg mark | Make and model | Year of manufacture | |
| Plate no | Recorded mileage | Colour | |

| A | Item tested | Pass (✓) | Fail (X) | Reasons for failure |
|---|---|----------|----------|---------------------|
| | Lighting equipment | | | |
| | Front and rear lamps | | | |
| | Headlamps | | | |
| | Headlamp aim | | | |
| | Stop lamps | | | |
| | Rear reflectors | | | |
| | Direction indicators | | | |
| | Steering and suspension | | | |
| | Steering control | | | |
| | Steering mechanism/system | | | |
| | Power steering | | | |
| | Transmission | | | |
| | Wheel bearings | | | |
| | Front suspension | | | |
| | Rear suspension | | | |
| | Shock absorbers | | | |
| | Brakes | | | |
| | Controls/ABS warning system | | | |
| | Condition of service brake system | | | |
| | Condition of parking brake system | | | |
| | Service brake performance | | | |
| | Parking brake performance | | | |
| | Tyres and wheels | | | |
| | Tyre type | | | |
| | Tyre condition (including spare) | | | |
| | Road wheels | | | |
| | Seat belts | | | |
| | Mountings | | | |
| | Condition | | | |
| | General | | | |
| | Driver's view of the road, mirrors | | | |
| | Horn | | | |
| | Exhaust system | | | |
| | Fuel system | | | |
| | Exhaust emissions | | | |
| | Vehicle structure | | | |
| | Body interior and luggage space | | | |
| | Fire extinguisher, first aid kit and bulb | | | |
| | Mesh, test and seal | | | |
| | Side plates/discs | | | |
| | Roof and front sign | | | |
| | Body exterior | | | |
| | Doors and seats | | | |
| | Electrical wiring/equipment | | | |
| | Speedo | | | |
| | Oil and water leaks | | | |
| | Ancillary equipment | | | |
| | Trailers and tow bars Yes/No | | | |

| | | |
|------------------------|--|----------------------|
| *delete as appropriate | B I hereby certify that the above vehicle has been inspected and has/not* been found to be roadworthy and suitable to be used as a hackney carriage/private hire* vehicle at the same time of inspection. | Authentication stamp |
| | Signed _____ (Tester/Inspector) | |
| | Name in capitals _____ Date _____ | |

| |
|---|
| C WARNING: IN MY OPINION, THE VEHICLE IS DANGEROUS TO DRIVE BECAUSE OF THE FOLLOWING DEFECT: |
|---|

Hackney Carriage and Private Hire – Inspection sheet (back)

If your vehicle has failed the test please read the following notes

- 1 Your vehicle does not meet the legal requirements. You should have it repaired without delay and you are not to use the vehicle for hire and reward until such repairs are carried out.
- 2 It is an offence to use on a public road a vehicle of testable age that does not have a current certificate of compliance, except when:
 - bringing it away from a testing station after it has failed the test
 - taking it to or bringing it away from a place where by PREVIOUS ARRANGEMENT repairs are to be or have been made to remedy the defects for which the vehicle was failed
 - taking it to the testing station for a test booked in advance

Even in the above circumstances you may still be prosecuted for driving an unroadworthy vehicle if it does not comply with the various regulations affecting its construction and use.

Additionally the insurance may not be operative.

- 3 A FULL FEE IS PAYABLE IF:
 - a the vehicle is submitted for retest at the testing station more than seven days after being failed
 - b having been presented for a retest, fails any subsequent test

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NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM REPORT TO THE PUBLIC PROTECTION
COMMITTEE**

30TH JANUARY 2015

REPORT TITLE: The Staffordshire Act 1983: The Acre Allotments, Silverdale (former Silverdale Trust Land)

Submitted by: Head of Operations – Roger Tait

Portfolio: Environment and Recycling

Ward(s) affected: Directly – Knutton/Silverdale and Silverdale/Park Site

Purpose of the Briefing Paper

- (a) To inform the Public Protection Committee of the decisions of Cabinet in respect of the Acre Allotments (former Silverdale Trust Land) in the Parish of Silverdale.

Recommendations

- (a) That the Public Protection Committee note and endorse the decisions of Cabinet in respect of The Acre Allotments in the Parish of Silverdale.
- (b) That the Public Protection Committee endorse the lease of part of The Acre and the termination of the allotment tenancy agreements as resolved by Cabinet.

Reasons

- (a) To regularise the legal position in respect of the provision of allotments in the Parish of Silverdale.

1. Background

- 1.1 The function of exercising the Council's powers under the Staffordshire Act 1983 in relation to the former Silverdale Trust Land, which is now known as The Acre Allotments, is delegated to the Public Protection Committee in the Council's Scheme of Delegation.
- 1.2 At the meeting of 11th December 2013, the Cabinet considered a report on allotment provision in the Parish of Silverdale regarding the urgent need to regularise the Council's position in respect of ceasing to provide allotments in a parished area, and resolved the following in relation to The Acre Allotments:
- (a) That Silverdale Parish Council is asked to confirm whether or not it wishes to lease The Acre site (either in whole or in part) for the purpose of meeting its statutory duty to provide allotment land within the parish.

- (b) Subject to a positive response to (d) that The Acre is leased (either in whole or in part) to Silverdale Parish Council (the precise area to be agreed by negotiation in conjunction with the relevant portfolio holder).
- (c) That tenancy agreements, with current plot holders on the agreed section of the site, are transferred to Silverdale Parish Council and any outstanding rent due to the Borough Council is collected. Following this, new tenancy agreements are offered by Silverdale Parish Council and plot holders are relocated within the agreed section as part of a consolidation plan for the site.
- (d) That alternative plots in the agreed section of the site are offered to plot holders affected by (e) for allotment gardening purposes only.
- (e) That any remaining section of the site is retained by the Borough Council.
- (f) That if a negative response to (d) is received, the Borough Council concludes all tenancy agreements with existing plot holders on The Acre with 12 months' notice and any outstanding rent is collected.
- (g) That the Borough Council offers alternative plots to plot holders who are not residents of Silverdale Parish, at other allotment sites in the Borough where capacity exists to do so.
- (h) That if insufficient capacity exists to accommodate plot holders from The Acre, a further report on the implications be brought to Members for consideration.
- (i) That the decision to temporarily suspend the letting of vacant plots at both Park Road and The Acre, pending transfer of the responsibility of allotment provision in Silverdale to the Parish Council, is noted.
- (j) That the tenancy agreements with any plot holders on The Acre who are currently not using the plots for allotment gardening purposes and may therefore be in breach of the tenancy agreements are concluded with immediate effect, if it is found that a breach has occurred.

1.3 Since this time, officers and the Portfolio Holder for Environment and Recycling have been progressing negotiations in relation to the proposed leasing of The Acre Allotments, either in whole or in part, to Silverdale Parish Council, to enable the legal position to be regularised as urgently as possible. The negotiations are progressing well and it is hoped that a lease for part of the site will be completed in spring 2015.

To assist in the urgent regularisation process, Notices to Quit have also been served on plot holders who are not using the plots for allotment gardening purposes, and these plots must be vacated by 31st March 2016.

2. Issues

- 2.1 Sections 43 and 44 of the Staffordshire Act 1983 provide for the vesting and regulation of the former Silverdale Trust Land in the Council. The Act specifically provides for the letting of part of the land (not immediately required for housing or other purposes) for use as allotment gardens.
- 2.2 As the function of exercising the Council's powers in this respect is delegated to the Public Protection Committee, it is considered appropriate to inform the Public Protection Committee of the decisions of Cabinet, and the subsequent actions taken.
- 2.3 This report therefore provides the Public Protection Committee with this information and seeks the endorsement of the Cabinet's decisions, including the proposed lease of part of the site to Silverdale Parish Council and also the termination of the appropriate tenancy agreements.
- 2.4 Full details and background to this matter can be found in the report to Cabinet of 11th December 2013, which is attached to this report at Appendix 1.

3. Options Considered

- 3.1 The options are as described in the report to Cabinet of 11th December 2013.

4. Proposal

- 4.1 It is proposed that the Public Protection Committee acknowledges and endorses the decisions of Cabinet in relation to The Acre Allotments in the Parish of Silverdale.

5. Reasons for Preferred Solution

- 5.1 To regularise the legal position in respect of the provision of allotments in the Parish of Silverdale.

6. Outcomes Linked to Sustainable Community Strategy and Corporate Priorities

- 6.1 Creating a cleaner, safer and sustainable Borough.
- 6.2 Creating a healthy and active community.
- 6.3 Becoming a co-operative Council.

7. Legal and Statutory Implications

- 7.1 The legal and statutory implications are detailed in the report to Cabinet of 11th December 2013.

8. Equality Impact Assessment

- 8.1 No issues.

9. Financial and Resource Implications

9.1 None arising directly from this report.

10. Major Risks

10.1 None arising directly from this report.

11. Key Decision Information

11.1 None.

12. List of Appendices

12.1 Appendix 1 – Cabinet report of 11th December 2013.

*RJT/JT/02.02.15
Z:\Heads of Service\Roger Tait\Briefing Paper\Allotment Provision in the Parish of Silverdale.doc*

REPORT TITLE: Allotment Provision in the Parish of Silverdale

Submitted by: Head of Operations – Roger Tait

Portfolio: Environment and Recycling/Planning, Regeneration and Town Centres Development

Ward(s) affected: Directly – Knutton/Silverdale and Silverdale/Park Site

Purpose of the Briefing Paper

- (a) To inform the Cabinet of the legal position in respect of the provision of allotments in the Parish of Silverdale.
- (b) To seek authority to progress action to regularise the position.

Recommendations

- (a) That the report be received.
- (b) That the legal position in respect of the provision of allotments in the Parish of Silverdale be acknowledged.
- (c) That Officers are authorised to progress actions to regularise the position as follows:-
 - (i) That the Park Road site is leased to Silverdale Parish Council for the purpose of meeting it's statutory duty to provide allotment land within the parish.
 - (ii) That tenancy agreements with current plot holders on the Park Road site are transferred to Silverdale Parish Council and any outstanding rent due to the borough council is collected. Following this, new tenancy agreements are offered by Silverdale Parish Council at the appropriate time.
 - (iii) That actions (i) and (ii) are completed by early in the new year 2014.
 - (iv) That Silverdale Parish Council is asked to confirm whether or not it wishes to lease the The Acre site (either in whole or in part) for the purpose of meeting it's statutory duty to provide allotment land within the parish.
 - (v) Subject to a positive response to (iv) that the The Acre is leased (either in whole or in part) to Silverdale Parish Council (the precise area to be agreed by negotiation in conjunction with the relevant portfolio holder).
 - (vi) That tenancy agreements with current plot holders on the agreed section of the site are transferred to Silverdale Parish Council and any outstanding rent due to the borough council is collected. Following this, new tenancy agreements are offered by Silverdale Parish Council and ploholders are relocated within the agreed section as part of a consolidation plan for the site.
 - (vii) That alternative plots in the agreed section of the site are offered to plot holders affected by (v) for allotment gardening purposes only.

- (viii) That any remaining section of the site is retained by the Borough Council.
 - (ix) That if a negative response to (iv) is received, the Borough Council concludes all tenancy agreements with existing plot holders on The Acre with 12 months notice and any outstanding rent is collected.
 - (x) That the Borough Council offers alternative plots to plot holders who are not residents of Silverdale Parish, at other allotment sites in the Borough where capacity exists to do so.
 - (xi) That if insufficient capacity exists to accommodate plot holders from The Acre, a further report on the implications be brought to Members for consideration.
 - (xii) That the decision to temporarily suspend the letting of vacant plots at both Park Road and The Acre, pending transfer of the responsibility of allotment provision in Silverdale to the Parish Council, is noted.
 - (xiii) That the tenancy agreements with any plotholders on the Acre who are currently not using the plots for allotment gardening purposes and may therefore be in breach of the tenancy agreements are concluded with immediate effect, if it is found that a breach has occurred.
- (d) That regular reports on progress with these actions are submitted at appropriate times to keep Members informed.

Reasons

- (a) To regularise the legal position in respect of the provision of allotments in the Parish of Silverdale.

1. Background

- 1.1 The Cabinet resolved to carry out a review of the allotments service at the meeting of the 30 November 2011. Subsequently, at the meeting of the 14 November 2012, the Cabinet resolved that further consultation and scrutiny be undertaken on the preferred options for the review.

This scrutiny work is being undertaken by a Task and Finish Group of members of the Active and Cohesive Communities Overview and Scrutiny Committee, supported by Officers and is due for completion in January 2014.

- 1.2 Officers are progressing a number of work streams to inform and support the review and information is being reported regularly to the Allotments Review Task and Finish Group.

2. Issues

- 2.1 The Council operates seven allotment sites across the Borough, including two sites within the Parish of Silverdale. There are a number of other allotment sites in the Borough, operated by Parish Councils and charitable or voluntary organisations.

- 2.2 As part of a work stream reviewing the legal framework of allotment services, information was found in the Local Government Act 1972 (Schedule 29, Part II, paragraph 9(i) which stipulated that:-

“As respects a parish in England those functions under the Allotments Acts 1908 to 1950 which, apart from this paragraph, would be exercisable both by the District Council and the Parish Council or parish meeting shall not be exercisable by the District Council.”

Legal advice has been provided on this matter which states that it appears that where there is a parish, only a Parish Council can provide allotments in the Parish and must let these only to residents of the Parish. Therefore, in Silverdale, only Silverdale Parish Council can provide allotments. The Borough Council cannot provide allotments in Silverdale or in any other area where there is a Parish Council.

This appears to be consistent with other parished areas in the Borough (Kingsgrove, Madeley, Audley, Loggerheads etc) where the Parish or Town Council provides allotments for the use of its respective parishioners.

- 2.3 In effect, this means that the Borough Council has no powers to provide allotments in the Parish of Silverdale and must, therefore, cease to do so as soon as is practical.

However, it is recognised that it would be unfair on plot holders and the Parish Council to simply cease providing this service with immediate effect.

Therefore, actions have been implemented to seek to commence a phased withdrawal of the service by the Borough Council and to support the Parish Council in assuming the role of service provider for allotments in Silverdale.

A summary of actions undertaken by Officers to date is as follows:-

- Clarification and confirmation of the legal position.
- Briefing of Portfolio Holders for Culture and Leisure and Environment and Recycling.
- Briefing of Ward Councillors.
- Briefing of Chair of Active and Cohesive Communities Overview and Scrutiny Committee.
- Meetings with the Chair of Silverdale Parish Council to agree the legal position and begin to plan transition.
- Analysis of the two Borough Council operated allotment sites in Silverdale (The Acre and Park Road).
- Provision of information in relation to both sites to Silverdale Parish Council (copy attached at Appendix 1).
- Briefing of plot holder associations at The Acre and Park Road.

- 2.4 Discussions with Silverdale Parish Council have been progressing on how to implement the transition of the allotment service in the Parish.

Silverdale Parish Council accepts that it has a duty to provide the service in the Parish and has appointed a member to be the lead representative in taking this work forward.

The Parish Council has informally indicated that it is willing to take on responsibility for the Park Road site in its entirety and has informally indicated that it is willing to consider the principle of taking on responsibility for The Acre, either in whole or in part, dependent on a consolidation plan being implemented by the borough council.

2.5 It is, therefore, considered necessary at this stage to seek formal authority from the Borough Council to continue with this work and to negotiate an appropriate agreement with Silverdale Parish Council.

2.6 In relation to the Park Road site, it appears relatively straight forward to achieve the handover to Silverdale Parish Council.

The Borough Council holds freehold title to the land and can, therefore, choose to dispose of it by way of sale or lease to Silverdale Parish Council. The Borough Council is under no obligation to dispose of the land to the Parish Council to enable the continuation of an allotment service at this site. The duty to provide land for allotments rests with the Parish Council. However, it is considered appropriate to assist the Parish Council and avoid potential inconveniences to allotment plot holders by offering a lease of this site.

Advice has been received from colleagues in the Council's Property Section as to the most appropriate method of disposal to achieve "best consideration", and it is considered appropriate to offer a lease for the purposes of allotment provision only. The lease would be conditional on the land reverting to the borough council should the use of the land for allotment purposes cease. It is therefore proposed to agree a date with the Parish Council at which point it will become the operator of the allotment service at Park Road and to then give plot holders formal notice of the change in landlord. A target date of early in the new year 2014 has been informally agreed.

Existing tenancy agreements with the Borough Council would transfer to the parish council with an appropriate period of notice and plot holders would subsequently be issued with new tenancy agreements from the Parish Council.

Any outstanding rent due to the Borough Council would be requested from plot holders and then the Parish Council would set its rent for the period of the new tenancies. Other details, such as transfer of the water bill for the site to the Parish Council would also be dealt with at this stage.

2.7 Dealing with matters at The Acre is considered to be more complex.

The Borough Council must withdraw from providing an allotment service at this site as soon as possible. It holds freehold title to the land. At present, Silverdale Parish Council has indicated that it would consider the principle of taking on responsibility for this site, either in whole or in part by way of a

lease, subject to agreement of detailed terms including a consolidation plan for the site to be implemented by the borough council.

Therefore, the options for the Borough Council appear to be as follows:-

Option 1

Cease to provide an allotment service at The Acre and withdraw from the site.

This would involve terminating all tenancy agreements with current plot holders by giving 12 months notice.

Current plot holders who reside within the Parish of Silverdale would have to approach the Parish Council to seek alternative provision, whilst those who reside outside the Parish would be entitled to seek alternative provision from the Borough Council.

The Borough Council may therefore be required to provide a new site elsewhere in the Borough (preferably in a location near to the site to be vacated) if there is insufficient capacity on other Borough Council-owned allotment sites to accommodate all non-parishioner plot holders from The Acre.

The Borough Council has a duty, in non-parished areas, to provide land for allotments if the demand can be demonstrated.

Option 2

Phase 1 - Rationalise the current use of the site by condensing it into an agreed portion and lease this area to Silverdale Parish Council for the purpose of continuing to provide allotments.

Phase 2 - Consider either retaining the remaining vacated section of the site or leasing it to the parish council if further demand exists for allotment use within the parish.

This would require relocation of some current plot holders within the site by effectively transferring current tenancy agreements with the Borough Council to Silverdale Parish Council and offering alternative plots on the site.

Any outstanding rent due to the Borough Council would be requested from plot holders and then the Parish Council would set its rent for the period of the new tenancies.

Other details, such as transfer of the water bill for the site to the Parish Council would also be dealt with at this stage.

- 2.8 In view of the above options, it has been considered to be prudent to temporarily suspend any future lettings of vacant plots (at both The Acre and Park Road sites) until the transfer of the responsibility for providing allotments to Silverdale Parish Council has been completed. This course of

action has been taken in conjunction with the Portfolio Holder for Environment and Recycling.

- 2.9 There are currently some plots on the Acre where tenants are not using the plots for allotment gardening purposes and may therefore be in breach of the tenancy agreement with the Borough Council. It is therefore proposed to conclude these tenancy agreements as soon as possible, if it is found that a breach has occurred.

3. Options Considered

- 3.1 The options are as described in Section 2 of this report.

4. Proposal

- 4.1 It is proposed that the Borough Council ceases to provide an allotment service in the Parish of Silverdale for the reasons described in Section 2 of this report and that the following actions are progressed to regularise the position:-

- (i) That the Park Road site is leased to Silverdale Parish Council for the purpose of meeting it's statutory duty to provide allotment land within the parish.
- (ii) That tenancy agreements with current plot holders on the Park Road site are transferred to Silverdale Parish Council and any outstanding rent due to the borough council is collected. Following this, new tenancy agreements are offered by Silverdale Parish Council at the appropriate time.
- (iii) That actions (i) and (ii) are completed by early in the new year 2014.
- (iv) That Silverdale Parish Council is asked to confirm whether or not it wishes to lease the The Acre site (either in whole or in part) for the purpose of meeting it's statutory duty to provide allotment land within the parish.
- (v) Subject to a positive response to (iv) that the agreed section of The Acre is leased to Silverdale Parish Council (the precise area to be agreed by negotiation in conjunction with the relevant portfolio holder).
- (vi) That tenancy agreements with current plot holders on the agreed section of the site are transferred to Silverdale Parish Council and any outstanding rent due to the borough council is collected. Following this, new tenancy agreements are offered by Silverdale Parish Council and ploholders are relocated within the agreed section as part of a consolidation plan for the site.
- (vii) That alternative plots in the agreed section of the site are offered to plot holders affected by (v) for allotment gardening purposes only.
- (viii) That any remaining section of the site is retained by the Borough Council.

- (ix) That if a negative response to (iv) is received, the Borough Council concludes all tenancy agreements with existing plot holders on The Acre with 12 months notice and any outstanding rent is collected.
- (x) That the Borough Council offers alternative plots to plot holders who are not residents of Silverdale Parish, at other allotment sites in the Borough where capacity exists to do so.
- (xi) That if insufficient capacity exists to accommodate plot holders from The Acre, a further report on the implications is brought to Members.
- (xii) That the decision to temporarily suspend the letting of vacant plots at both Park Road and The Acre, pending transfer of the responsibility of allotment provision in Silverdale to the Parish Council, is noted.
- (xiii) That the tenancy agreements with any plotholders on the Acre who are currently not using the plots for allotment gardening purposes and may therefore be in breach of the tenancy agreements are concluded with immediate effect, if it is found that a breach has occurred.

5. Reasons for Preferred Solution

- 5.1 To regularise the legal position in respect of the provision of allotments in the Parish of Silverdale.

6. Outcomes Linked to Sustainable Community Strategy and Corporate Priorities

- 6.1 Creating a cleaner, safer and sustainable Borough.
- 6.2 Creating a healthy and active community.
- 6.3 Becoming a co-operative Council.

7. Legal and Statutory Implications

- 7.1 The legal and statutory implications are detailed in Section 2 of this report. It should also be noted that if plot holders do not vacate plots on expiry of a notice to quit, the borough council would have to apply to the court for an order for possession of the plots and ultimately a warrant.

8. Equality Impact Assessment

- 8.1 No issues.

9. Financial and Resource Implications

- 9.1 When the Borough Council ceases to provide an allotment service at Park Road and The Acre, there will be a modest saving to the General Fund Revenue Programme in relation to utility costs, waste removal and other maintenance and repair costs. At current budget provision levels, it is estimated that this will equate to approximately £6000 per annum.

There will be a corresponding loss of income of approximately £4100 per annum.

There will also be a cost for the consolidation of the Acre site, including relocating current tenants, preparation of alternative plots, site clearance and securing of the remaining land. An estimate of the costs will be prepared for consideration by Members.

- 9.2 There will be a significant requirement of staff resources to manage the transition of the service from the Borough Council to the Parish Council. This will predominantly affect the Community Team in the Operations Service, where responsibility for managing allotments sits, but there will also be a requirement for support from colleagues in the Property and Legal teams. Legal costs may also be incurred in the process for taking possession of plots where tenants do not vacate on expiry of a notice to quit.
- 9.3 If the Borough Council is required to provide a new allotment site to accommodate plot holders who are vacated from The Acre, there will be a requirement for a capital sum (as yet unknown) to lay out a new site and a modest annual revenue provision for its management.
- 9.4 A fully costed plan will be prepared subject to the outcome of consideration of this report by Members.

10. Major Risks

- 10.1 A full risk assessment will be prepared subject to the outcome of consideration of this report by Members.
- 10.2 However, initial risks are as follows:-
- Failure to reach an appropriate agreement with Silverdale Parish Council.
 - Negative reaction from current plot holders.
 - Adverse publicity.
 - Legal challenge and costs.
 - Failure to secure a new site for alternative provision.

11. Key Decision Information

- 11.1 The decision may result in significant initial expenditure for the Council. The decision impacts directly on one Ward (Knutton/Silverdale) and indirectly on other Wards.
- 11.2 It will be included in the Forward Plan.

12. List of Appendices

- 12.1 Appendix 1 – Provision of information relating to both sites to Silverdale Parish Council.

13. Background Papers

- 13.1 Site Plans

Newcastle-under-Lyme Borough Council

Briefing Paper to Chair of Silverdale Parish Council

Allotment Provision in the Parish of Silverdale

**Draft Initial Response to Questions Raised by Silverdale Parish Council
17th September 2013**

NB – this is a working document which will be updated as work progresses on completing responses to the questions raised. The information provided is for guidance only at this stage and may be subject to change and clarification as work progresses.

| Question | The Acre | Park Road | Comment |
|---|---|--|--|
| Do you have the historical records relating to the land? | NuLBC holds freehold title to the land and a copy of the agreement between the Trustees of the Silverdale Trust Lands and the Mayor Aldermen and Burgesses of the Borough of Newcastle-under-Lyme | NuLBC holds freehold title to the land | No further relevant documents revealed as part of this process |
| Are the sites statutory or temporary as defined under the Allotments Act? | Legal advice suggests site will be defined as statutory due to length of time it has been used for provision of allotments | Legal advice suggests site will be defined as statutory due to length of time it has been used for provision of allotments | |
| Are there any maps or quality survey or similar assessment of the state/value/liabilities of these land assets including any utility services running nearby, watercourses or any environmental/habitat assessment? | Draft plans prepared. Public rights of way exist on the west and south tracks. Water supply with 9 recorded | Draft plans prepared. No public rights of way. Water supply with 5 recorded standpipes | No further relevant information to be added |

| | | | |
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| | standpipes. | | |
| What are the conditions of tenancy for ploholders – in particular, the tenancy at the Acre that include livestock? | Copy of current tenancy agreement provided | Copy of current tenancy agreement provided | |
| What is the current annual expenditure on these sites – including staff and other resources? | 2012/13 Water = £2400 Repairs = £1950 Removal of waste (skip hire – discretionary) = £750 Total = £5100 Other work carried out by Streetscene (tree/hedge pruning, weedkilling etc) – approx. 110 hours | 2012/13 Water = £150 Repairs = £750 Total = £900 Other work carried out by Streetscene (tree/hedge pruning, weedkilling etc) – approx. 40 hours | Staff costs not included as this will not be incurred by parish council However an estimate of hours spent provided. It is assumed that the parish council could source a local provider for grounds maintenance work at a lower cost than NuLBC – see schedule below table |
| What is the current annual income generated from the individual allotment sites? | £2761 in 2012/13 | £1410 in 2012/13 | |
| What commitments have been made to tenants/site associations in terms of expenditure, rent levels, investment and administration/management? | New gate ordered for south east of site. Potential community garden to be funded by group on plot beside car park. No other commitments | Remedial work in progress to tidy up tip area. Number system for plots being considered. No other commitments | |
| Is there a current listing of rules and regulations (terms and conditions of tenancy)? | Copy of current tenancy agreement provided | Copy of current tenancy agreement provided | |
| *At the Acre – has there been any inspection of the livestock and associated issues? (animal welfare/bio- | See response from Environmental Health team | N/A | |

| | | | |
|--|--|--|--|
| security/disposal of fallen livestock/animal passport or movement licences) | below table | | |
| Are there any encumbrances, wayleaves, restrictive covenants or other restrictions/obligations associated with the sites or allotment obligations? | No restrictions other than those in title documents and tenancy agreements | No restrictions other than those in title documents and tenancy agreements | No further information revealed during process |
| Number of plots on each site? | 69 | 41 | |
| Number of plots let? | 58 | 35 | 11 plots not let on the Acre, 6 not let on Park Road |
| Number of plots where non-cultivation/notice to quit served? | 10 | 10 | |
| Number of people on waiting list? | 41 | 30 | |
| Number of parishioners who hold a plot? | 18 | 21 | |
| Number of non-parishioners who hold a plot? | 40 | 19 | |
| Number of parishioners on waiting list? | 6 | 7 | |
| Number of allotments required to serve parish? | | | Dependent on good practice guidance |
| Existing demand (number of parishioners who hold a plot or are on the waiting list)? | 24 | 28 | 54 plots required to service current demand in parish (2 parishioners hold plots on other NuLBC sites, no parishioners on the waiting lists) |
| What would Newcastle Borough Council charge to maintain the allotments? | Quotation can be supplied if required but likely to be more expensive than local | Quotation can be supplied if required but likely to be more expensive | |

| | | | |
|--|----------|------------------------|--|
| | provider | than local provider | |
|--|----------|------------------------|--|

*At the Acre – has there been any inspection of the livestock and associated issues? (animal welfare/bio-security/disposal of fallen livestock/animal passport or movement licences)

Whilst Environmental Health may periodically need to become involved with nuisance issues (flies, odour, noise etc) from animals, the welfare of 'stock' is generally a matter for **Staffs County Council Animal Health Team**, who administer registration & licensing requirements.

NuLBC has undertaken pest control treatments (rats) which may be indirectly linked to livestock on site, but are not aware of welfare complaints, or suggestions that the animals posed a statutory nuisance.

Through joint projects with Staffs County NuLBC offer general advice for those considering or operating smallholdings on our website at: http://www.newcastle-staffs.gov.uk/environment_content.asp?id= SX7896-A7813282&cat=1512 . You may want to offer the relevant information sheets to the plot holders

To follow this up with Animal Health contact: 01785 277875 or email animal.health@staffordshire.gov.uk

Schedule of Works undertaken by Streetscene

Grass cutting

Hedge trimming

Tree pruning

Plot strimming/cultivation

Weed killing

Waste/fly tipping removal

Path repairs

The Acre – approx. 110 man hours per annum

Park Road – approx. 40 man hours per annum

(Approx 4 weeks work in total per annum)

Public Protection Committee
Work Plan – As at 3 November, 2014

| Date of Meeting | Item | Reason for Undertaking |
|-------------------|------|------------------------|
| 22 December, 2014 | | |
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| 26 January, 2014 | | |
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Classification: NULBC **UNCLASSIFIED**

| Date of Meeting | Item | Reason for Undertaking |
|-----------------|------|------------------------|
| 17 March, 2015 | | |
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| 29 June, 2014 | | |
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Classification: NULBC **UNCLASSIFIED**