

Proposed Conditions and Recommendations

Proposed revised vehicle licence conditions were placed before the Licensing Committee on 23 November 2016 and were subject to a 7 week consultation which closed on 5 March 2017. The results of the consultation may be found in the appendices 1 and 2. The original proposals are reproduced below with comments in blue from the Licensing Team.

The public consultation identified a number of issues which are of concern to members of the hackney carriage and private hire trades. Chief amongst these concerns are:

Use of Smart Cars as private hire vehicles: there is very little support from the hackney carriage and private hire trades for the introduction of single passenger vehicles. There is some support from members of the public albeit the number of responses is very low. The Licensing team recommends that the Council does not pursue this option further at this time.

Emission standards: Results from the consultation are mixed. The licensing team has made revised recommendations below.

Requirement new entrants to purchase a new hackney carriage vehicle: This condition was originally designed to encourage higher vehicle standards but may have acted as a deterrent to new drivers/proprietors entering the trade and may be construed as anti-competitive. A limited number of new entrants have purchased new vehicles since the policy was first introduced in 2004 at considerable expense. The Licensing Team has reviewed representations made by the Hackney Carriage trade and has made recommendations overleaf to replace the existing arrangement with a new system based on emission standards. A gradual move over time to better emission standards will enable new and existing licensing conditions to be progressively harmonised.

Hackney carriage quantity restrictions: The Council has the power to restrict the number of hackney carriage licenses issued. In 2003 the Council resolved to issue no more than 75 Hackney Carriage Licences. However numbers of licence applications have not since been sufficient to reach this number.

The Licensing Team has carefully considered government advice and **recommends that should the number of licences issued approach 75, a survey be undertaken in accordance with S16 of the Transport Act 1985 to establish whether any unmet demand existed. The costs associated would be met by the Council in the first instance, but would be recoverable through increased licensing fees. The results of the survey would inform a review of the Council policy on quantity restriction.**

Tyre standards: a majority of respondents have indicated a preference for vehicle conditions to require that tyres meet the legal standard that applies to all vehicles rather than a higher standard of 2mm. **The Licensing Team recommends that the conditions require only that the tyres meet the legal requirements.**

Limiting the numbers of private hire vehicles: Members of the trade have commented that the Council should limit the number of private hire vehicles. The Council is prohibited from limiting the number of private hire vehicles by S48 of The Local Government (Miscellaneous Provisions) Act 1976.

Transport for persons with disabilities: the consultation has highlighted the very limited number of suitably adapted accessible private hire vehicles for persons with disabilities. All Hackney Carriages meet basic adaptation standards and Hackney Carriages may operate in the same way as private hire vehicles. It would not be practicable to require all private hire vehicles to be adapted. The Licensing Committee may wish to consider whether Operators should be required to offer adapted vehicles amongst their fleets when Operator conditions are reviewed in due course.

Carriage of assistance dogs: no mention has been made in these conditions regarding the legal duties of drivers to transport assistance dogs. The duty is placed on the driver and cannot be placed on the vehicle.

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PRIVATE HIRE VEHICLE LICENSING AND TESTING

Private Hire Vehicles are licensed under Section 48 of the Local Government (Miscellaneous Provisions) Act 1976. The Act allows a Local Authority to impose conditions that it considers 'reasonably necessary' in respect of private hire vehicles.

Standard Conditions applicable to a Private Hire Vehicle licence

- 1. Licensing Period.** A Private Hire Vehicle shall be licensed for a period of not more than 1 calendar year. *Comment: The requirement to renew a licence annually is prescribed by the 76 Act and therefore this condition duplicates that provision. However, this condition provides clarity for private hire drivers and other persons associated with the trade who may not be aware of their legal obligations. **The Licensing Team recommend that this condition be retained.***
- 2. Use of the Vehicle.** A private hire vehicle once licensed is always a private hire vehicle and may only be driven by a private hire driver who holds a licence under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976. *Comment: This requirement is prescribed by the 76 Act and subsequent judicial precedent. This proposed condition provides clarity to private hire drivers and other persons associated with the trade about who can and who cannot drive a private hire vehicle. **The Licensing Team recommend that this condition be retained.***
- 3. Persons permitted to drive a Licensed Vehicle.** A vehicle licensed by Harlow Council may only be driven by a person licensed by Harlow Council. *Comment: The Council does not issue driver licenses to drive vehicles licensed by another authority. **The Licensing Team recommend that this condition be retained.***
- 4. Insurance.** A valid insurance policy in respect of the vehicle covering the carriage of passengers for hire and reward shall be in force throughout the period of the licence. *Comment: This is a requirement of the Road Traffic Act 1988. The Council requires that all licensed vehicles be suitably insured on the date on which they are licensed and to cover hire and reward. A requirement to carry a paper copy of the insurance certificate is of little value because some drivers pay monthly and paper records are easily forged. This condition provides clarity to drivers that they require insurance to cover hire and reward. Officers may require a driver to produce evidence of insurance in accordance with S50 (4) of the Act. **The Licensing Team recommend that this condition be retained.***
- 5. Cleanliness.** The licensed vehicle shall be maintained in a clean, comfortable, presentable and roadworthy condition. ***The Licensing Team recommend that this condition be retained.***

6. **Vehicle Modification.** No material alteration or change in the specification, design or appearance of the vehicle shall be made without the approval of the Licensing Team. *The Licensing Team recommend that this condition be retained.*
7. **Signs.** Private Hire Vehicles shall not display signs using the words TAXI, CAB, or 'FOR HIRE' or any form of wording which may indicate that the vehicle is presently available for hire. *Comment: Use of the above words on a roof sign is proscribed by S64 of the Transport Act 1980. The inclusion of this condition provides clarity to private hire drivers, proprietors and other persons associated with the trade regarding their legal obligations concerning the use of these words on private hire vehicles. This condition does not proscribe the use of roof signs that do not bear these words. The Licensing Team recommend that this condition be retained.*
8. **Vehicle Inspection Arrangements.** The licensed vehicle shall be presented for MOT and compliance test to the garage nominated by the Council. Proprietors are required to book their MOT/compliance tests with the nominated garage at intervals specified by Council vehicle licence conditions. *The Licensing Team recommend that this condition be retained.*
9. **Inspection intervals.** Licensed vehicles shall be presented for MOT annually and immediately prior to first being licensed. Thereafter, a licensed vehicle shall be presented for Compliance testing at the following intervals;
- a) Immediately prior to the issue of first licence (on the date of the MOT)
 - b) Annually for all vehicles with <100,000 recorded miles (on the date of MOT)
 - c) Every 6 months for all vehicles with >100,000 recorded miles
 - e) At the request of the Council for enforcement purposes.

Proprietors are required to book their MOT and Compliance tests with the nominated garage at the specified intervals. *Comment: The testing of vehicles every 15,000 miles where vehicles cover in excess of 1,000 miles per week (52,000 mile per annum) would require more than 3 tests per annum and would be in direct contravention of S50 of the 76 Act. The presentation of vehicles for examination rests with the vehicle proprietor. Time intervals specifying when the vehicle should be inspected will be published in the conditions and set out by the licensing team when the vehicle is licensed. The Licensing Team recommend that this condition be retained.*

10. **Trailers.** A private hire vehicle may tow a trailer provided that the trailer is fully compliant with all road traffic regulations. The vehicle proprietor shall notify the Council that he/she intends to use a trailer prior to first use. A trailer used for private hire shall be presented for inspection to the Council's nominated garage prior to being used for the first time and annually thereafter. *Comment: This condition provides clarity about whether a vehicle may tow a trailer and ensures that the trailer receives periodic inspection. The Licensing Team recommend that this condition be retained.*
11. **Display of Plate.** A 'private hire plate' issued by the Council shall be fixed to the outside rear of the vehicle in a prominent position which does not obscure lights or

number plate. The plate shall be displayed at all times. No other plate from any other authority shall be displayed. *Comment: The 76 Act allows the Council to prescribe by conditions the manner in which the plate shall be displayed. To help guard against the loss of plates, the Licensing Team recommends that this condition be amended as follows:* A 'private hire plate' issued by the Council shall be fixed to the outside rear of the vehicle using permanent fixing brackets supplied by the Council in a prominent position which does not obscure lights or number plate. The plate shall be displayed at all times. No other plate from any other authority shall be displayed. The plate shall not be attached to the vehicle with magnets or tape.

12. **Vehicle Badge.** A vehicle badge issued by the Council shall be displayed on the windscreen at all times in a position where it can be clearly seen by passengers. No other badge from another authority shall be displayed. *Comment: The Licensing Team has taken note of consultee comments and recommends that this condition be amended as follows:* A vehicle badge issued by the Council shall be displayed on the windscreen at all times in a position where it can be clearly seen by passengers. The badge shall not obscure the driver's vision. No other badge from another authority shall be displayed

13. **Door Panels.** A private hire vehicle shall display offside and nearside front door vehicle identification panels. The panels shall be issued by the Council and be permanently fitted to the private hire vehicle for the entire period that the vehicle remains licensed. In the event of panels being lost, damaged or defaced, the vehicle proprietor or driver shall, as soon as practicable, notify the licensing team and obtain replacement panels. *Comment: Door identification panels provide visual reassurance to customers that the vehicle has been licensed by the Council. Members of the private hire trade appear opposed to the use of permanent door identification panels and would prefer either not to display the panels or to attach the panels using magnets. The use of magnets would allow thieves to steal the panels and make these available for use on unlicensed vehicles. The Licensing Team recommend that this condition be retained.*

14. **Chauffeur Vehicles.** Chauffeur vehicles are required to be licensed as private hire vehicles and be operated through a Licensed Operator in accordance with the 76 Act. However, regulation 75 (3) of the 76 Act allows the licensing authority to alter requirements for the display of plates. Harlow Council will not require that the vehicle display a rear plate under clause 11 above or door panels under clause 13 where the vehicle meets the following requirements;

- The vehicle is an executive or prestigious vehicle,
- The vehicle is only operated in a manner which could reasonably be construed as chauffeuring where persons hire the vehicle and driver and, a higher standard of service is provided,
- The vehicle is not operated at any time for short trips, school runs, airport work and similar journeys which may be considered normal 'private hire work'.

The Council shall issue a certificate of exemption for vehicles that are not required to display plates which must be carried in the vehicle. *Comment: This matter relates to solely to proprietors of private hire vehicles. The Council may exercise discretion to not require a plate to be displayed. The Licensing Team recommend that this condition be retained.*

15. **Emissions.** All licensed vehicles shall be Euro 4 compliant or higher. Vehicles continuously licensed on 22nd November 2016 or before which are not certified by the manufacturer as Euro 4 compliant shall not be relicensed after 22nd November 2018. *Comment: The use of Euro 4 compliant private hire vehicles (from the existing Euro 3 standard) will help to protect air quality in Harlow by removing older more polluting vehicles from service. At March 2017 the Council had 46 private hire vehicles (19% of the fleet) registered prior to 2006 and 192 (81% of the fleet) registered after 2006 onwards when Euro 4 was first introduced. Under this proposal, vehicles registered after 2006 would be over 12 years old by November 2018. It seems improbable that many pre-2006 vehicles will be subject to 3 or 5 year finance lease arrangements. The impact of this condition on private hire vehicle proprietors would therefore be minimal. However, proprietors have raised concerns about the progression of this condition and may wish to receive assurance as to likely future changes to emission conditions and therefore the Council may wish to signal when it will move to Euro 5 and Euro 6 standards and set out a time table accordingly. **The Licensing Team recommends that this condition be amended as follows:** All newly licensed private hire vehicles shall be Euro 4 compliant or higher. Vehicles continuously licensed on 22nd November 2016 or before which are not certified by the manufacturer as a minimum Euro 4 compliant shall not be relicensed after 22nd November 2018. Private hire Vehicles licensed after 1st January 2021 shall be certified by the manufacturer as Euro 5 compliant.*
16. **Fire Extinguisher.** A fire extinguisher manufactured to BSEN 3 1996 shall be readily available for use and fixed in position using a bracket and not carried loose in the vehicle or boot. *Comment: Informal discussions held with members of the trade indicate little support for this condition; drivers are not trained to fight fire and their first concern would be for their safety and that of their passengers. This is accepted, however the cost is modest and having a fire extinguisher to hand may where it is safe to use it limit the spread of fire and reduce risk. **The Licensing Team recommends that this condition be retained.***
17. **Meters.** A private hire vehicle shall not be required to use a private hire meter but where fitted the meter must be compliant with The Measuring Instruments (Taximeter) Regulations 2006 and be sealed by the Council or persons working on behalf of the Council. For the purposes of this condition, a PDA shall not be considered to be a meter. *Comment: Nothing in the 1976 Act requires a taximeter to be fitted in a private hire vehicle but some drivers/proprietors have chosen to lawfully use taximeters in their private hire vehicles to determine the fare. In these cases, the licensing authority should test and approve such meters in accordance with S71 of the 1976 Act. This condition provides clarity to drivers and proprietors about their legal obligations should they choose to install a taximeter and does not release them from their obligations under the 1976 Act. **The Licensing Team recommend that this condition be retained.***
18. **Reporting Damage and Accidents.** The proprietor of a PHV shall report to the Council as soon as reasonably practicable, but in any event, within 72 hours after the occurrence of the accident, details of any accident which the vehicle is involved irrespective of the extent to which the vehicle is physically damaged. In circumstances where the vehicle was not driven by a licensed driver, the requirement shall extend to the vehicle proprietor to report the accident to the Council. Any damage to a PHV which materially affects the safety, performance or appearance of

the vehicle shall not be used until such damage is repaired to the satisfaction of the Council. *Comment: revised conditions recommended by the Licensing Committee meeting of 22nd November 2016 relate to driver convictions, cautions, arrests and fixed penalty notices and not to vehicle accidents. This condition informs the vehicle proprietor of his or her obligations under S50 of the 76 Act which states; Without prejudice to the provisions of section 170 of the Road Traffic Act 1988, the proprietor of a hackney carriage or of a private hire vehicle licensed by a district council shall report to them as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence thereof, any accident to such hackney carriage or private hire vehicle causing damage materially affecting the safety, performance or appearance of the hackney carriage or private hire vehicle or the comfort or convenience of persons carried therein. **The Licensing Team recommend that this condition be revised to read:** The proprietor of a private hire vehicle licensed by a district council shall report to the council as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence of, any accident to such private hire vehicle causing damage materially affecting the safety, performance or appearance of the private hire vehicle or the comfort or convenience of persons carried therein.*

19. LPG. Private Hire Vehicles converted to run on LPG by a third party vehicle converter shall meet the legislative requirements set out in the Road Vehicle (Construction and Use) Regulations 1986 (as amended). [Regulations 40 & 94 and schedules 4 & 5 lay down safety requirements for the LPG system]. There is a voluntary code of practice published by UKLPG regarding LPG conversion standards. The Council reserves the right to require that the vehicle be approved under the UKLPG accreditation scheme. Documentary evidence shall be provided to the Licensing Team to confirm that the conversion meets with legislative requirements. Private hire vehicles converted to run on LPG shall display a roundel sticker at the front and rear of the vehicle stating that the vehicle has been fitted with an LPG tank. The vehicle proprietor shall notify the Licensing Team, DVLA and their insurance company that the vehicle has been converted to run on LPG. ***The Licensing Team recommend that this condition be retained.***

20. BHP. Petrol or diesel powered private hire vehicles shall be a minimum of 90bhp. ***The Licensing team recommend that this condition be retained.***

21. Hybrid and Electrically Propelled Vehicles. Harlow Council shall licence hybrid or electrically propelled vehicles where they meet these conditions. ***The Licensing team recommend that this condition be retained.***

22. Insurance Write offs. Any vehicle that had previously been 'written off' as a category C insurance claim shall not be licenced by the Council for the first time on or after 1st March 2017. Any vehicle that had been previously written off as a category C and which was currently licensed by the Council on 1st December 2016 shall not be re-licensed by the Council after 1st January 2018. *Comment: Representatives of the trade have stated with some reason that "Category C" vehicles may be repaired to an acceptable standard by an accredited repair facility. However, when a vehicle is sold the history of that repair may be lost and on occasions, a new owner may be unaware that the vehicle had previously been written off. The Licensing Committee will wish to decide whether the use of category C vehicles provides the Council and travelling public with assurance that the vehicle is safe to be used for hire and reward.*

23. Maintenance Standards. The licensed vehicle shall meet the minimum standards set out in the MOT and Compliance standards below. A licensed vehicle which fails the MOT **standard** shall not be used as a Private Hire Vehicle and the proprietor shall as soon as practicable inform the Council's licensing team of any such failure. A licensed vehicle shall not be used as a private hire vehicle where it fails a compliance test other than at the discretion of the Environment and Licensing Manager. Any such failure shall as soon as practicable be notified to the Licensing Team. *Comment: For ease of reference this proposed new policy combines the vehicle licensing requirements with previously published compliance standards and MOT requirements. However, by itemising all the MOT requirements, (which are subject to regular revisions) the document appears unnecessarily large and has repeated legal requirements found elsewhere. The Licensing Team therefore recommends that details of the list of MOT requirements (crossed through below) be removed and condition 23 to read:*

Compliance and MOT Standards. The licensed vehicle shall meet the minimum standards set out in the MOT and in the Compliance standards below. A licensed vehicle which fails the MOT **standard** shall not be used as a Private Hire Vehicle and the proprietor shall as soon as practicable inform the Council's licensing team of any such failure. A licensed vehicle shall not be used as a private hire vehicle where it fails a compliance test other than at the discretion of the Environment and Licensing Manager. Any such failure shall as soon as practicable be notified to the Licensing Team. The Licensed Vehicle shall meet the following standards when tested annually and at 6 month intervals with the exception of vehicle emission testing which shall be carried out annually.

MOT: the vehicle shall meet the MOT standard when undergoing a compliance test.

The Licensed Vehicle shall meet the following standards

ITEM	STANDARD REQUIRED
INTERIOR	
STEERING CONTROLS	MOT REGULATIONS (C & U)
FOOT BRAKE PEDAL	MOT REGULATIONS (C & U)
CLUTCH PEDAL	MOT REGULATIONS (C & U)
HAND BRAKE LEVER	MOT REGULATIONS (C & U)
WINDSCREEN WIPERS	MOT REGULATIONS (C & U)
WINDSCREEN WASHERS	MOT REGULATIONS (C & U)
HORN	MOT REGULATIONS (C & U)
SPEEDOMETER	MOT REGULATIONS (C & U)
CONDITION OF WINDSCREEN	MOT REGULATIONS (C & U)
PANEL LIGHT AND GAUGES	MOT REGULATIONS (C & U)
INDICATORS & WARNING LAMP	MOT REGULATIONS (C & U)
DRIVERS SEAT	MOT REGULATIONS (C & U)
DRIVING MIRRORS	MOT REGULATIONS (C & U)
SEAT BELTS	MOT REGULATIONS (C & U)
FIRE EXTINGUISHER	SEE NOTES BELOW
DRIVER AND PASSENGER FOOTWELLS	SEE NOTES BELOW

EXTERIOR

DOOR GLASS, LOCKS & HINGES WORKING	INTACT-NO	EXCESSIVE	WEAR-
CHECK STRAPS AND TRIMS WORKING	INTACT-NO	EXCESSIVE	WEAR-
LEG ROOM, HEAD HEIGHT AND SEATING DIMENSIONS	SEE NOTES BELOW		
HEATING	INTACT	WORKING	
PASSENGER LIGHTING	INTACT	WORKING	
FRONT LAMPS	MOT REGULATIONS	(C & U)	
HEAD LAMPS	MOT REGULATIONS	(C & U)	
HEAD LAMP ALIGNMENT	MOT REGULATIONS	(C & U)	
STOP LAMPS	MOT REGULATIONS	(C & U)	
REAR LAMPS	MOT REGULATIONS	(C & U)	
REVERSING/FOG LAMPS	MOT REGULATIONS	(C & U)	
REAR REFLECTORS	MOT REGULATIONS	(C & U)	
NUMBER PLATE LAMPS	MOT REGULATIONS	(C & U)	
INDICATORS	MOT REGULATIONS	(C & U)	
SPARE WHEEL & TYRE	MOT REGULATIONS	(C & U)	
LUGGAGE ARRANGEMENTS	SEE NOTES BELOW		
EXTERIOR MIRRORS	MOT REGULATIONS	(C & U)	
OPERATION OF SHOCK ABSORBERS	MOT REGULATIONS	(C & U)	
CONDITION OF NUMBER PLATES	MOT REGULATIONS	(C & U)	

UNDER THE BONNET

BATTERY SECURITY	MOT REGULATIONS	(C & U)
WIRING SECURITY	MOT REGULATIONS	(C & U)
BRAKE PIPES AND HOSES	MOT REGULATIONS	(C & U)
OIL AND FUEL LEAKS	MOT REGULATIONS	(C & U)
EMISSION OF SMOKE	MOT REGULATIONS	(C & U)
BONNET OPERATION	SEE NOTES BELOW	
EXHAUST MANIFOLD	MOT REGULATIONS	(C & U)

UNDER THE VEHICLE

STEERING MECHANISM	MOT REGULATIONS	(C & U)
POWER STEERING	MOT REGULATIONS	(C & U)
TRANSMISSION SHAFTS	MOT REGULATIONS	(C & U)
STUB AXLE ASSEMBLIES	MOT REGULATIONS	(C & U)
WHEEL BEARING	MOT REGULATIONS	(C & U)
SUSPENSION	MOT REGULATIONS	(C & U)
SHOCK ABSORBERS	MOT REGULATIONS	(C & U)
SERVICE BRAKE CONDITION	MOT REGULATIONS	(C & U)
PARKING BRAKE CONDITION	MOT REGULATIONS	(C & U)
EXHAUST SYSTEM	MOT REGULATIONS	(C & U)
TRANSMISSION MOUNTINGS	MOT REGULATIONS	(C & U)
ENGINE MOUNTINGS	MOT REGULATIONS	(C & U)

UNDER BODY

CHASSIS	MOT REGULATIONS	(C & U)
WHEELS AND TYRES	MOT REGULATIONS	(C & U)
TYRE TREAD	MOT REGULATIONS	(C & U)
TYRE TYPE	MOT REGULATIONS	(C & U)
TYRE CONDITION	MOT REGULATIONS	(C & U)
ROAD WHEELS	MOT REGULATIONS	(C & U)
UNDER CHASSIS CLEANLINESS	SEE NOTES BELOW	

~~BRAKES TEST~~

~~SERVICE BRAKE EFFICIENCY~~ ~~MOT REGULATIONS (C & U)~~
~~PARKING BRAKE EFFICIENCY~~ ~~MOT REGULATIONS (C & U)~~
~~SERVICE BRAKE BALANCE~~ ~~MOT REGULATIONS (C & U)~~

Fire extinguishers: shall be fixed with a bracket in the car or boot and be readily available for use. *Comment: **The Licensing Team recommends that this condition be retained.***

Driver and passenger foot-wells: Driver and passenger foot-wells shall be kept free of obstructions.

Leg room, seat dimensions and internal arrangements: Private hire vehicles shall meet the following minimum standards:

- Vehicles with 4 seats or more shall have a minimum of 4 passenger doors.
*Comment: **The Licensing Team recommends that this condition be amended to read;*** Vehicles shall have 5 seats to accommodate a minimum of 4 passengers and have a minimum of 4 doors.
- Larger vehicles may be licensed for not more than 8 passengers.
- The aggregate internal width of seats shall not be less than 1,290mm when measured across the seats at shoulder height. The dimensions of all rear seats shall not be less than 430mm.
- Provide not less than 152mm leg-room between the front seat and cushion of the rear seat measured horizontally.
- The licensing team shall exercise reasonable discretion on the suitability of vehicles to be licensed as private hire vehicles.
- Seats shall be secure and backrests shall be capable of being secured in the upright position.

Bonnet. The bonnet must open and close properly and be fitted with a working safety catch in accordance with the manufacturer's specifications.

Vehicle Cleanliness The vehicle shall be submitted for inspection in a clean condition to enable the vehicle inspector to carry out a full and proper inspection and examine all necessary components. Reasonable steps should be taken to keep the licensed vehicle clean throughout the licensed period.

Floor coverings Floor covering shall be complete and free from cuts, tears, or serious staining.

Interior (General) All interior trim, including headlining, door panels and speakers shall be clean, complete, properly fitted and free from serious cuts, tears or major soiling. Door handles and windows shall be operational. All fittings shall be secured in a manner that prevents sharp edges or other hazards protruding into the passenger carrying areas.

Rust The vehicle shall be free from significant areas of visible rusting. Although minor blemishes will not normally constitute a failure, the following general criteria should be

followed. Any vehicle with three or more visible rust patches larger than 5sq cms each shall be failed. The vehicle examiner shall be allowed reasonable discretion when assessing rust.

Dents: Any vehicle with minor dents on three or more panels where such dents detract from the appearance of the vehicle shall be failed. The vehicle examiner shall be allowed reasonable discretion when assessing dents.

Scratches: Any vehicle with unrepaired scratches down to bare metal on three or more panels of 50mm in length or where the cumulative appearance of scratches detracts from the appearance of the vehicle shall be failed. The vehicle examiner shall be allowed reasonable discretion when assessing vehicle condition.

Paintwork: Any vehicle with panels painted in non-matching colours, or in primer, shall be failed.

Accident damage: Vehicles with significant unrepaired bodywork damage shall be failed.

TRAILERS. Trailers shall,

1. Be maintained in roadworthy condition.
2. Be fitted with lights in accordance with The Road Vehicles Lighting Regulations 1989.
3. Display a number plate of the towing vehicle.
4. Not obscure the 'Local Authority Plate'.

Access Equipment and fittings for passengers with disabilities (where fitted): Access ramps and hoists shall properly installed and maintained in working order. Wheelchair clamps and harnesses shall be correctly fitted, be available for use and, maintained in good working order. Fittings and fitments shall be capable of being used by persons using a wheelchair.

MISCELLANEOUS MATTERS

A Private Hire Vehicle must be clearly distinguishable from Hackney Carriages.

Door panels size and design. Door identification panels shall be permanently fixed and displayed on the front passenger and driver doors. The panels may not be fixed using magnets or other non-permanent means. Panels shall measure 400mm x 127mm and clearly display the vehicle private hire plate number. The panels will be supplied by Harlow Council.

Tinted windows. All rear nearside, offside, tailgate and boot windows fitted to Licensed Vehicles first licensed by Harlow Council after 1st December 2016 shall have a minimum 70% light transmittance. (This value is the same legal minimum value for front nearside and offside windows.) Private Hire Vehicles continuously licensed by Harlow Council prior to 30th November 2016 and fitted with factory made tinted windows shall not be re-licensed after 30th November 2018. Licensed vehicles fitted with aftermarket tinted windows <70% transmittance shall not be licensed. *Comment: The Council has routinely required aftermarket tinted windows to be removed from rear windows of private hire vehicles but in recent years it has become apparent that an increasing number of vehicles have 'factory-fitted' tinted windows. The amount tint currently found in licensed private hire vehicles (light transmission through the glass) varies between 70% and 10%. Persons travelling in vehicles fitted with very dark windows cannot be seen from outside of the vehicle. Thirty one private hire drivers (13% of licensed PH drivers) answered the consultation question about tinted windows. The consultation results have revealed strong opposition among private hire drivers with 31 (97% of respondents) opposed to its introduction. Members of the trade have forwarded various pieces of research which would indicate that*

there is no link between crime and tinted windows. The trade has also drawn attention to the cost of replacement glass and of the limited availability of suitable replacement vehicles in the second hand market without tinted windows.

Eight hackney carriage drivers (12% of licensed HC drivers) answered the consultation question about tinted windows. The consultation revealed support among hackney carriage drivers with 5 (63% of respondents) in favour of the proposed new condition with 1 person opposed. The full results of the survey are attached to the committee report.

Essex Police has offered the following advice: I am not aware of any link between 'tinted' windows and crime. I would however suggest that if you are able to impose conditions the lighter the window the better, but simply this allows the Police or any other person clear vision into a vehicle for evidential purposes. Windows that are not tinted would provide 'safeguarding' for passengers as they can be seen.

The licensing team recommends that the Council limit the use of tinted glass in licensed vehicles by assigning a value below which the vehicle would not be licensed and, that selected value (%) be balanced against the cost of replacement glass and availability of suitable replacement used vehicles. A value of between 40% and 60% would in most circumstances allow passengers to be seen in the rear of the vehicle during daylight.

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HACKNEY CARRIAGE VEHICLE LICENSING AND TESTING

Standard conditions applicable to Hackney Carriage Vehicle licences.

Hackney Carriage Vehicles (Proprietors) are licensed under Section 37 of the Town Police Clauses Act 1847.

Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 allows a Local Authority to impose conditions that it 'considers reasonably necessary' in respect of Hackney Carriage Vehicles.

Mandatory Orders. Harlow Council operates a system referred to as 'Mandatory Orders'. This means that Hackney Carriage vehicle licenses are only issued to vehicles, which meet the London Public Carriage Office specification i.e. 'London-style cabs'.

1. **Use of Vehicle.** A Hackney Carriage Vehicle once licensed is always a Hackney Carriage Vehicle and as such can only be driven by a Hackney Carriage Driver who holds a licence under Section 46 of the Local Government (Miscellaneous Provisions) Act 1976. *Comment; The licensing team recommends that this condition be amended to read:* A Hackney Carriage Vehicle once licensed is always a Hackney Carriage Vehicle and as such may only be driven by a Hackney Carriage Driver who holds a licence under Section 46 of the Town Police Clauses Act 1847 and Section 53 of the Local Government (Miscellaneous Provisions) Act 1976 except where the vehicle or driver is being tested in accordance with the provisions specified in Schedule 7 of the Transport Act 1985.
2. **Persons permitted to drive a licensed vehicle.** A Hackney Carriage licensed by Harlow Council may only be driven by a person licensed by Harlow Council to drive a Hackney Carriage. *Comment; The licensing team recommend this condition be amended to read:* A Hackney Carriage licensed by Harlow Council may only be driven by a person licensed by Harlow Council to drive a Hackney Carriage except where the vehicle or driver is being tested in accordance with the provisions specified in Schedule 7 of the Transport Act 1985.
3. **Additional Conditions.** Where necessary, the Environment and Licensing Manager shall apply specific conditions to the grant or renewal of the vehicle licence.
4. **Inspection of the Vehicle** All MOT and Compliance tests shall be carried out by the Council's nominated garage. The Council shall not license a Hackney Carriage unless the vehicle has successfully passed an MOT and Compliance test.
5. **Inspection intervals.** Licensed vehicles shall be presented for MOT annually and immediately prior to first being licensed. Thereafter, a licensed vehicle shall be presented for Compliance testing at the following intervals;
 - Immediately prior to the issue of first licence (on the date of the MOT)
 - Annually for vehicles up to 12 years of age at first registration,
 - Twice a year for vehicles older than 12 years of age
 - At the request of the Council for enforcement purposes.
 - Proprietors are required to book their MOT and Compliance tests with the nominated garage at the specified intervals.

*Comment: The consultation has revealed strong support for hackney carriages to be inspected at more frequently than proposed above. Although 'black cabs' are specially designed vehicles and well suited for their intended purpose, a 12 year old vehicle may have covered several hundred thousand miles before the requirement for bi-annual testing begins at 12 years old. **The Licensing Team recommends that Hackney Carriages be required to be inspected twice per year when they reach 6 years of age.***

6. **Written off Vehicles** Any vehicle that had previously been 'written off' as a category C insurance claim shall not be licenced by the Council for the first time on or after 1st March 2017. Any vehicle that had been previously written off as a category C and which was currently licensed by the Council on 1st December 2016 shall not be re-licensed by the Council after 1st January 2018. *Comment: The trade has advanced some convincing arguments that Category C vehicles may be repaired to an acceptable standard where the vehicle has been repaired by an accredited repair facility. However, when a vehicle is sold the history of that repair may be lost and on occasions, the new owner will be unaware that the vehicle had previously been written off. The current position errs on the side of caution. **The Licensing team recommends that the existing condition be retained.***
7. **Trailers.** Prior to being used for the first time a trailer shall be inspected by the Council's nominated garage. Trailers used by Hackney Carriage vehicles will be subject to testing at the same time as the vehicle.
8. **Plates and Badges.** The Hackney Carriage plate shall be permanently fixed to the outside rear of the vehicle and shall be displayed at all times. The vehicle badge shall be displayed on the partition window where it may clearly be seen by passengers.
9. **Fitness of the Vehicle.** The vehicle shall be maintained in a clean, comfortable, presentable and roadworthy condition at all times.
10. **Signs and advertising.** Signs on vehicles shall be clear, not misleading and must not be offensive. Signs must not impede the safe operation of the vehicle.
11. **Accidents Causing Damage to the Vehicle.** The proprietor of a Hackney Carriage shall report to the Council as soon as reasonably practicable, but in any event, within 72 hours after the occurrence of an accident, details of any accident which the vehicle is involved irrespective of the extent to which the vehicle is physically damaged. In circumstances where the vehicle was not driven by a licensed driver, the requirement shall extend to the vehicle proprietor to report the accident to the Council. *Comment: revised conditions taken before the 22nd November 2016 relate to driver convictions, cautions, arrests and fixed penalty notices and not to vehicle accidents. This condition informs the vehicle **proprietor** of his or her obligations under S50 of the 76 Act which states; Without prejudice to the provisions of section 170 of the Road Traffic Act 1988, the proprietor of a hackney carriage or of a private hire vehicle licensed by a district council shall report to them as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence thereof, any accident to such hackney carriage or private hire vehicle causing damage materially affecting the safety, performance or appearance of the hackney carriage or private hire vehicle or the comfort or convenience of persons carried therein. **The Licensing Team recommend that this condition be revised to read:** The proprietor of a hackney carriage vehicle licensed by a district council shall report to the council as soon as reasonably*

practicable, and in any case within seventy-two hours of the occurrence of, any accident to such hackney carriage vehicle causing damage materially affecting the safety, performance or appearance of the hackney carriage vehicle or the comfort or convenience of persons carried therein.

- 12. Insurance.** A valid insurance policy in respect of the vehicle covering the carriage of passengers for hire and reward shall be in force throughout the period of the licence. *Comment: This is a requirement of the Road Traffic Act 1988. The Council requires that all licensed vehicles be suitably insured on the date on which they are licensed and to cover hire and reward. A requirement to carry a paper copy of the insurance certificate is of little value because some drivers pay monthly and paper records are easily forged. This condition provides clarity to drivers that they require insurance to cover hire and reward. Officers may require a driver to produce evidence of insurance in accordance with S50 (4) of the Act. The Licensing Team recommend that this condition be retained.*
- 13. Fire Extinguisher** A fire extinguisher manufactured to BSEN3 1996 shall be readily available for use. It shall be fixed in position using a bracket and not carried loose in the vehicle or boot. *Comment: Informal discussions held with members of the trade indicate little support for this condition; drivers are not trained to fight fire and their first concern would be for their safety and that of their passengers. This is accepted, however the cost is modest and having a fire extinguisher to hand may where it is safe to use it limit the spread of fire and reduce risk. The Licensing Team recommends that this condition be retained.*
- 14. Plying for Hire/Hackney Carriage Ranks.** Hackney carriage vehicles may ply for hire on an approved Hackney Carriage rank and may be hailed while travelling along any public highway within the District of Harlow. A Hackney Carriage vehicle may be dispatched to undertake a pre booked journey.
- 15. Hackney Carriage Meters.** Hackney carriages shall be fitted with a meter compliant with The Measuring Instruments (Taximeters) Regulations 2006 and shall be periodically tested and sealed by the Council or by persons working on behalf of the Council.
- 16. Alteration of the 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 the licence is in force.
- 17. Wheelchair Accessibility** All Hackney Carriage Vehicles shall be wheelchair accessible and fitted with access ramps and fastening equipment. Hackney carriage vehicles are required to carry wheelchair passengers unless the driver has a medical exemption certificate issued by the Council on medical advice.
- 18. Vehicle Emissions.** All licensed vehicles shall be Euro 4 compliant or higher. Vehicles continuously licensed on 22nd November 2016 or before which are not certified by the manufacturer as Euro 4 compliant shall not be relicensed after 22nd November 2018. *Comment: It is noted from the consultation that hackney carriage drivers/proprietors support the proposed move to lower polluting vehicles. However, hackney carriages are specialist vehicles which retain their value over a longer period of time and new or later vehicles represent a significant investment. A new hackney carriage costs in the region of £45k. The use of Euro 4 compliant*

hackney carriages vehicles (from the existing Euro 3 standard) will help to protect air quality in Harlow by removing older more polluting vehicles from service. At March 2017 the Council had 51 hackney carriages (81% of the fleet) registered prior to 2006 and 11 (19% of the fleet) registered after 2006 when Euro 4 was first introduced. The effect of this condition on hackney carriage proprietors would therefore have a much greater impact to the hackney carriage trade when compared with the effects on the private hire trade. The trade has also pointed to the changes proposed by the Mayor of London which will see the introduction of new technology and a gradual phasing out of diesel hackney carriages in London. The trade has indicated that they would like to take advantage of the opportunity of purchasing later vehicles that can no longer work in London but would nonetheless meet Euro 4, 5 or 6 standards as these vehicles become available. The trade consider it to be unlikely that these vehicles will become available in sufficient numbers until 2020 or later. Proprietors have also raised concerns about the progression of this condition particularly in view of the high cost of these vehicles and may wish to receive assurance as to likely future changes to emission conditions. The Council may wish to signal when it will move to Euro 5 and Euro 6 standards and set out a timetable accordingly. The Council will also wish to take account of the potential significant costs associated with these changes and differentiate between hackney carriages and private hire vehicles by providing the hackney carriage trade with an additional year to achieve compliance. **The Licensing Team recommends that this condition be amended as follows:** All licensed vehicles licensed for the first time shall be Euro 6 compliant. Vehicles continuously licensed on 22nd November 2016 which are not certified by the manufacturer as minimum Euro 4 compliant shall not be relicensed after 1st January 2020. Hackney Carriage vehicles licensed after 1st January 2023 shall be certified by the manufacturer as minimum Euro 5 compliant.

- 19. Maintenance Standards.** The licensed vehicle shall meet the minimum standards set out in the MOT and Compliance standards below. A licensed vehicle which fails the MOT **standard** shall not be used as a Hackney Carriage and the proprietor shall as soon as practicable inform the Council's licensing team of any such failure. A licensed vehicle shall not be used as a Hackney Carriage where it fails a compliance test other than at the discretion of the Environment and Licensing Manager. Any such failure shall as soon as practicable be notified to the Licensing Team. *Comment: For ease of reference this proposed new policy combines the vehicle licensing requirements with previously published compliance standards and MOT requirements. However, by itemising all the MOT requirements, (which are subject to regular revisions) the document appears unnecessarily large and has repeated legal requirements found elsewhere. The Licensing Team therefore recommends that details of the list of MOT requirements (crossed through below) be removed and condition 23 to read:*

Compliance and MOT Standards. The licensed vehicle shall meet the minimum standards set out in the MOT and in the Compliance standards below. A licensed vehicle which fails the MOT **standard** shall not be used as a Hackney Carriage and the proprietor shall as soon as practicable inform the Council's licensing team of any such failure. A licensed vehicle shall not be used as a hackney carriage where it fails a compliance test other than at the discretion of the Environment and Licensing Manager. Any such failure shall as soon as practicable be notified to the Licensing Team. The Licensed Vehicle shall meet the following standards when tested annually and at 6 month intervals with the exception of vehicle emission testing which shall be carried out annually.

MOT: the vehicle shall meet the MOT standard when undergoing a compliance test.

~~HACKNEY CARRIAGE LICENSING AND TESTING~~

MOT and Compliance Standard

ITEM	STANDARD REQUIRED
CAB ITEMS	
STEERING CONTROLS	MOT REGULATIONS (C & U)
FOOT BRAKE PEDAL	MOT REGULATIONS (C & U)
CLUTCH PEDAL	MOT REGULATIONS (C & U)
HAND BRAKE LEVER	MOT REGULATIONS (C & U)
WINDSCREEN WIPERS	MOT REGULATIONS (C & U)
WINDSCREEN WASHERS	MOT REGULATIONS (C & U)
HORN	MOT REGULATIONS (C & U)
SPEEDOMETER	MOT REGULATIONS (C & U)
CONDITION OF WINDSCREEN	MOT REGULATIONS (C & U)
PANEL LIGHT AND GAUGES	MOT REGULATIONS (C & U)
INTERIOR LIGHTS	MOT REGULATIONS (C & U)
INDICATORS & WARNING LAMP	MOT REGULATIONS (C & U)
DRIVERS SEAT	MOT REGULATIONS (C & U)
DRIVING MIRRORS	MOT REGULATIONS (C & U)
SEAT BELTS	MOT REGULATIONS (C & U)
FIRE EXTINGUISHER	SEE BELOW
GROUND LEVEL ITEMS	
DOOR GLASS, LOCKS & HINGES	NO EXCESSIVE WEAR & WORKING
CHECK STRAPS AND TRIMS	NO EXCESSIVE WEAR & WORKING
COMMUNICATION WINDOW	INTACT & WORKING
PASSENGER DOOR WARNING SYSTEM	SEE BELOW
SEATING DIMENSIONS	MIN 400MM WIDE PER PASSENGER
HEATING	INTACT & WORKING
PASSENGER LIGHTING	INTACT & WORKING
FRONT LAMPS	MOT REGULATIONS (C & U)
HEAD LAMPS	MOT REGULATIONS (C & U)
HEAD LAMP ALIGNMENT	MOT REGULATIONS (C & U)
STOP LAMPS	MOT REGULATIONS (C & U)
REAR LAMPS	MOT REGULATIONS (C & U)
REVERSING/FOG LAMPS	MOT REGULATIONS (C & U)
REAR REFLECTORS	MOT REGULATIONS (C & U)
NUMBER PLATE LAMPS	MOT REGULATIONS (C & U)
INDICATORS	MOT REGULATIONS (C & U)
SPARE WHEEL & TYRE	MOT REGULATIONS (C & U)
LUGGAGE ARRANGEMENTS	SEE BELOW
EXTERIOR MIRRORS	MOT REGULATIONS (C & U)
OPERATION OF SHOCK ABSORBERS	MOT REGULATIONS (C & U)
CONDITION OF NUMBER PLATES	MOT REGULATIONS (C & U)
TAXI SIGN	SEE BELOW
UNDER THE BONNET	
BATTERY SECURITY	MOT REGULATIONS (C & U)
WIRING SECURITY	MOT REGULATIONS (C & U)

UNDER BONNET (Cont.)

BRAKE PIPES AND HOSES	MOT REGULATIONS (C & U)
OIL AND FUEL LEAKS	MOT REGULATIONS (C & U)
EMISSION OF SMOKE	EURO 3 EMISSION COMPLIANT
BONNET OPERATION	SEE BELOW
EXHAUST MANIFOLD	MOT REGULATIONS (C & U)
FUEL SYSTEM	SEE BELOW

UNDER THE VEHICLE

STEERING MECHANISM	MOT REGULATIONS (C & U)
POWER STEERING	MOT REGULATIONS (C & U)
TRANSMISSION SHAFTS	MOT REGULATIONS (C & U)
STUB AXLE ASSEMBLIES	MOT REGULATIONS (C & U)
WHEEL BEARING	MOT REGULATIONS (C & U)
SUSPENSION	MOT REGULATIONS (C & U)
SHOCK ABSORBERS	MOT REGULATIONS (C & U)
EXHAUST SYSTEM	MOT REGULATIONS (C & U)
TRANSMISSION MOUNTINGS	MOT REGULATIONS (C & U)
ENGINE MOUNTINGS	MOT REGULATIONS (C & U)

UNDER BODY

CHASSIS	MOT REGULATIONS (C & U)
WHEELS AND TYRES	MOT REGULATIONS (C & U)
TYRE TYPE	MOT REGULATIONS (C & U)
TYRE CONDITION	MOT REGULATIONS (C & U)
TYRE TREAD	MOT REGULATIONS (C&U)
ROAD WHEELS	MOT REGULATIONS (C & U)
UNDER CHASSIS CLEANLINESS	SEE BELOW

BRAKES

SERVICE BRAKE EFFICIENCY	MOT REGULATIONS (C & U)
PARKING BRAKE EFFICIENCY	MOT REGULATIONS (C & U)
SERVICE BRAKE BALANCE	MOT REGULATIONS (C & U)

MISCELLANEOUS

FLOOR AND CARPET	SEE BELOW
SEATS	SEE BELOW
INTERIOR (GENERAL)	SEE BELOW
CONDITION OF BODY	SEE BELOW
TRAILERS	SEE BELOW
ACCESS ARRANGEMENTS AND FITTINGS FOR PASSENGERS WITH DISABILITIES	SEE BELOW

COMPLIANCE TEST REQUIREMENTS - HACKNEY CARRIAGE

1. Fire Extinguisher. **A fire extinguisher manufactured to BSEN 3 1996 shall be readily available for use and fixed in position using a bracket and not carried loose in the vehicle or boot.** *Comment: Informal discussions held with members of the trade indicates little support for this condition and it has been pointed out that drivers are not trained to fight fire and that their first concern would be for their safety and the safety of passengers. This is accepted, however the cost is modest and having a fire extinguisher to hand may where it is safe to use it limit the spread of fire*

and reduce risk. The Licensing Team recommends that this condition be retained.

Passenger door warning system. The drivers' control panel warning lights and passenger doors safety locking system must be fully operational. All doors shall lock when the foot brake is applied or the speed is in excess of 5 mph.

Luggage space. The front luggage space shall be reasonably empty, clean and be available for use.

Taxi sign. A "Taxi" sign shall be clearly visible both by day and night when the cab is available for hire. The sign shall be operational.

Bonnet operation. The bonnet shall open and close properly and be fitted with a working safety catch.

Fuel system. A device shall be provided whereby the supply of fuel to the engine may be immediately cut off. Its position together with the means of operation and "off" position must be clearly marked on the outside of the vehicle. In the case of an engine powered by gas or petrol, the device must be visible and readily accessible at all times from outside the vehicle.

Comment: The Licensing Team recommends that this condition be deleted.

Tyre type. Tyres must comply with the requirements of C & U regulations and be marked 'Taxi'. Re-tread tyres must comply with the British Standards Institution requirement BS.AU144E as amended.

Under chassis cleanliness. The vehicle shall be submitted for inspection in a clean condition to enable the vehicle inspector to carry out a full and proper inspection and examine all necessary components

Floor coverings. Floor coverings in the passenger compartment shall be non-slip and capable of being easily cleaned. The floor covering shall be complete and free from cuts, tears, or serious staining.

Seats. All seats, including the driver's seat shall be free from stains, cuts, tears and cigarette burns, except those of a very minor nature. Any repairs shall be carried out in a professional and neat manner.

General interior condition. All interior trim, including headlining, door panels and speakers shall be clean, complete, properly fitted and free from serious cuts, tears or major soiling. Door handles and window winders shall be secure and operational. All fittings shall be secured in a manner that prevents sharp edges or other hazards protruding into the passenger carrying area.

Rust The vehicle shall be free from significant areas of visible rusting. Although minor blemishes will not normally constitute a failure, the following general criteria should be followed. Any vehicle with three or more visible rust patches larger than 5sq cms each shall be failed. The vehicle examiner shall be allowed reasonable discretion when assessing rust.

Dents Any vehicle with minor dents on three or more panels where such dents detract from the appearance of the vehicle shall be failed. The vehicle examiner shall be allowed reasonable discretion when assessing dents.

Scratches: Any vehicle with unrepaired scratches down to bare metal on three or more panels of 50mm in length or where the cumulative appearance of scratches detracts from the appearance of the vehicle shall be failed. The vehicle examiner shall be allowed reasonable discretion when assessing vehicle condition.

Paintwork: Vehicles with panels painted in non-matching colours or in primer shall be failed.

ACCIDENT DAMAGE Vehicles with significant unrepaired body damage shall be failed.

Trailers. Trailers shall,

1. Be maintained in roadworthy condition
2. Be fitted with an appropriate towing attachment between vehicle and trailer
3. Be fitted with lights in accordance with The Road Vehicles Lighting Regulations 1989
4. Tyres shall have adequate tread.
5. Brakes (where fitted) shall be in operational.
6. Display a number plate of the towing vehicle.

Access Equipment and fittings for passengers with disabilities: Access ramps and hoists shall be properly installed and maintained in working order. Wheelchair clamps and harnesses shall be correctly fitted, be available for use and, maintained in good working order. Fittings and fitments shall be capable of being used by persons using a wheelchair.

Tinted windows. All rear nearside, offside, tailgate and boot windows fitted to Licensed Vehicles shall have a minimum 70% light transmittance. (This value is the same legal minimum value for front nearside and offside windows.)