

UPDATED



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
COUNCIL
2 SEPTEMBER 2021

TAXI AND PRIVATE HIRE POLICY

1. PURPOSE OF THE REPORT

- 1.1 To introduce an overarching taxi and private hire policy based on recommendations in the Department for Transport's (DfT) statutory guidance, pulling together all the Council's policies, conditions, byelaws and procedures into one document.
- 1.2 To amend existing Council policy and conditions to reflect the recommendations made by the DfT.
- ~~1.3~~ To outline the consultation process with stakeholders, including the taxi and private hire trade.
- ~~1.4~~ To adopt the Vehicle Inspection Standards manual based on the best practice guide produced by the Department for Transport (DfT) Hackney Carriage and Private Hire Inspection Technical Officer Group (TOG).

2. RECOMMENDATIONS

- (i) that the draft overarching policy on taxi and private hire be approved;
- (ii) that the amendments to existing policy and licensing conditions be approved;
- ~~(iii)~~ that the consultation process be approved;
- ~~(iii)(iv)~~ that the Vehicle Inspection Standards manual be approved for immediate use.

3. SUMMARY OF KEY ISSUES

- 3.1 In July 2020, the Department for Transport (DfT) issued guidance in respect of licensed taxis and private hire in the light of the Bradford enquiry. As the guidance is statutory, licensing authorities must have regard to it. Although the guidance, 'Statutory Taxi and Private Hire Standards', focuses on safeguarding of children and vulnerable adults, all passengers will benefit from the recommendations contained within it. The recommendations follow detailed discussion with the trade, regulators and safety campaign groups. The Department, therefore, expects these recommendations to be implemented unless there is a compelling reason not to.
- 3.2 In the interest of transparency, all licensing authorities are being asked to publish their consideration of the measures contained within the statutory standards and the policies and delivery plans that stem from these. The DfT will be monitoring what the

Council does and there is an expectation that an overarching policy will be in place by December 2021.

- 3.3 The guidance recommends a cohesive policy document, [see Appendix 1](#), bringing together all the Council's procedures on taxi and private hire licensing such as the criminal convictions policy, licensing conditions and procedures. This policy should be reviewed at least every five years.
- 3.4 To comply with the DfT's recommendations, it is proposed that the Council:
- amends the following taxi and private hire policies, guidance and conditions to bring them up to date and to reflect the recommendations contained within the DfT's statutory guidance: -
 - Criminal Convictions Policy dated January 2018;
 - Medical Exemption Policy dated January 2018;
 - Pre-Licensing and Licensing Conditions for Hackney Carriage Drivers and Vehicles;
 - Pre-Licensing and Licensing Conditions for Private Hire Drivers, Vehicles and Operators.
- 3.5 The main changes to policy and licensing conditions are as follows: -
- the Council to provide information to the national anti-fraud network NR3 register where appropriate and undertake driver checks through the register;
 - a decision to refuse or revoke a licence as the individual is thought to present a risk of harm to a child or vulnerable adult will be referred to the Disclosure and Barring Service (DBS);
 - basic DBS checks to be undertaken annually on private hire operators and vehicle proprietors;
 - enhanced DBS and barred list checks for drivers to be undertaken every 6 months rather than on application only (usually every 3 years) - to facilitate these checks, introducing a licensing condition whereby drivers must subscribe to the DBS update service;
 - making safeguarding training compulsory for all taxi and private hire drivers – existing drivers to be given a 3-year lead in period – changing licensing conditions to reflect this;
 - enabling authorised officers of other licensing authorities to request appropriate information and documents of license holders allowing cross border and 'county lines' enforcement by amending existing conditions;
 - new licensing condition on how to make a complaint to be displayed in all licensed vehicles;
 - new licensing conditions for private hire operators to: -
 - keep registers of all staff that take bookings or dispatch vehicles
 - undertake basic DBS checks for these staff
 - require staff to report convictions
 - have an ex-offenders' policy
 - enhance their record-keeping

- updates the taxi and private hire vehicle licensing conditions to reflect Members' decision following the air quality consultation.
- 3.6 It is proposed that the Council consults with stakeholders on the changes as recommended in the DfT's statutory guidance. It is recommended that the following bodies are consulted:
- taxi and private hire trade by writing to all drivers and private hire operators;
 - Chamber of Commerce;
 - safety campaign groups;
 - women's groups;
 - local traders;
 - customers, including groups that represent the disabled;
 - organisations with a wider transport interest;
 - multi-agency safeguarding arrangements.
- 3.7 It is proposed that the Council consults:
- by publishing the consultation on the website in the usual way;
 - writing to all licensed drivers and private hire operators; and
 - writing to other interested stakeholders.
- 3.8 It is proposed that the consultation is open for one month. Following the consultation, another report will be submitted to Members advising of the outcome of the consultation and any proposed amendments based on responses received.

3.9 It is proposed that the Council adopts the Vehicle Inspection Manual based on the DfT's best practice guidance. The manual sets out the procedures and minimum vehicle inspection standards for those who carry out inspections of hackney carriage and private hire vehicles. The manual will be useful for proprietors, operators and drivers of hackney carriage and private hire vehicles as it details the standards that vehicles are subjected to. The manual also explains the reasons why a vehicle may not be issued with a pass certificate: a licence will not be issued until a vehicle has passed. Approved garages should already be following the DfT's best practice guidance, therefore, it is proposed that this manual is adopted immediately by the Council to place it on a more formal footing.

4. CONCLUSION

4.1 The new policy and amendments to existing policy, licensing conditions and procedures will strengthen the licensing regime. It puts safeguarding at the core of the decision-making process, thereby protecting children and vulnerable adults and consequently, better protect passengers and the public.

4.2 The Vehicle Inspection Standards manual clearly sets out the standards that approved garages should use when inspecting taxis and private hire vehicles, also providing clarity to the trade. As approved garages should already be following the DfT's best practice guidance, it is proposed that this manual is adopted immediately to help ensure that taxi and private hire vehicles are roadworthy thereby helping to protect passengers and other road users.

5. IMPACT ON STRATEGIC THEMES

5.1 Improvements to the licensing regime will better protect local communities.

6. IMPLICATIONS

- (i) **Impact on Customers** – an overarching policy drawing together all the Council’s policy, byelaws, conditions and procedures into one document will provide clarity to applicants and the public. As safeguarding is core to the policy and amendments to licensing conditions and procedures, the licensing regime will better protect children and vulnerable adults, and consequently protect all passengers and the public. **The Vehicle Inspection Standards manual will help ensure vehicles are roadworthy protecting the public.**
- (ii) **Impact on Equalities** – The new policy and procedures, especially around the training of taxi and private hire drivers, will bring greater awareness of equality legislation to provide more accessible and better services for disabled people.
- (iii) **Impact on Risk** – The Council could be challenged for not implementing recommendations in the DfT’s statutory guidance, thereby failing in its safeguarding role and bringing the licensing regime into disrepute.
- (iv) **Impact on Resources (financial)** – Currently £1,600 for annual membership of the antifraud network which gives access to the NR3 register to check that applicants for a taxi or private hire driver’s licence meet the ‘fit and proper person’ test. Driver and Vehicle Licensing Agency (DVLA) checks are also undertaken for each driver, currently £4 per applicant. All these charges are recouped through the licensing fees.
- (v) **Impact on Resources (human)** – None, the licensing regime will be administered through existing resources.
- (vi) **Impact on the Environment** – By ensuring new and replacement taxis and private hire vehicles are to Euro VI standard or better from 2022 will help improve air quality.
- (vii) **Impact on Strengthening Communities** – Improving the licensing regime to protect children and vulnerable adults will help protect local communities. Working with the trade and other agencies will strengthen local communities and bring better protection to them.

Background Papers:

DfT statutory guidance, see

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904369/statutory-taxi-and-private-hire-vehicle-standards-english-28-07-2020.pdf

Criminal Convictions Policy and current licensing conditions, see website and click on relevant links, [Dual driver licences | Dual driver licences | Maldon District Council](#)

Medical exemption policy, see website and click on relevant link, [Wheelchair accessible vehicles | Wheelchair accessible vehicles | Maldon District Council](#)

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APPENDIX 1



Hackney Carriage and Private Hire Policy

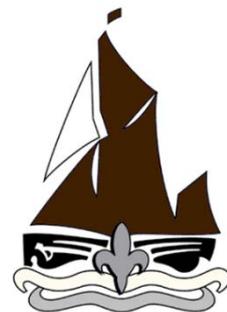
Issued 2021

Document Control Sheet

Document title	Hackney Carriage and Private Hire Policy
Summary of purpose	To introduce an overarching taxi and private hire policy based on recommendations in the Department for Transport's (DfT) statutory guidance, pulling together all the Council's policies, conditions, byelaws and procedures into one document.
Prepared by	Gill Gibson
Status	Draft
Version number	1
Approved by	Council
Approval date	2 September 2021
Date of implementation	December 2021
Review frequency	5 years
Next review date	July 2026
Circulation	Trade and other interested stakeholders
Published on the Council's website	Yes

Validity Statement

This document is due for review by the date shown above, after which it may become invalid. Users of the strategy or policy should ensure that they are consulting the currently valid version of the document.



**MALDON DISTRICT
COUNCIL**

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1. Introduction

The over-riding aim of licensing regime is to protect the public. This policy provides guidance to applicants, existing licence-holders and the public of the Council's standards and procedures in place to fulfil its function as a licensing authority.

To protect the public, the Council will: -

- determine if an applicant is a fit and proper person;
- act if a licence-holder is no longer considered a fit and proper person;
- implement measures to safeguard children and vulnerable adults;
- determine if vehicles are safe;
- improve air quality by placing conditions on vehicles.

This policy will be reviewed as and when required and at least every 5 years.

2. Delegation

The Planning and Licensing Committee is empowered to discharge the Council's powers, duties and functions in respect of hackney carriage and private hire licences. It is responsible for determining whether applicants meet the fit and proper person test.

The Licensing Sub-Committee is delegated on behalf of the Planning and Licensing Committee to determine applications where: -

- the applicant has unspent convictions or
- endorsements exceeding 6 points* accrued on his/her domestic driving licence (where the application is for a driver's licence).

*This allows more serious and persistent breaches to be determined by Committee.

The Senior Specialist - Community is delegated to: -

- determine all other hackney carriage (taxi) and private hire licences;
- in consultation with the Chairman of the Planning and Licensing Committee, suspend or revoke hackney carriage and private hire licences;
- authorise officers and appoint contractors who are appropriately qualified and experienced to discharge the powers and duties delegated.

3. Gathering and sharing information

The Council will consider a range of information when deciding to grant a licence and to meet the ongoing obligation to ensure a licensee remains suitable to hold a licence.

3.1 The Disclosure and Barring Service (DBS)

The Council will require either a basic or enhanced DBS (includes barred lists) check for all applicants. Those with enhanced certificates can subscribe to the DBS Update Service, this allows individuals and nominees to access their records. The Department for Transport's statutory standards require these update checks to be carried out six monthly. Subscription to the service removes the need for further certificates to be requested, unless there has

been a change or the subscription to that service has failed to be maintained by the licence holder. This reduces the administrative burden and mitigates potential delays in relicensing.

To facilitate regular DBS checks, drivers must register with the DBS update service: an annual fee is required to ensure continuation of the service. The Council will check the disclosure status every 6 months.

Basic DBS checks will be undertaken annually for vehicle proprietors on renewal of the licence. Private hire operators (including all partners or directors) will need to submit annual basic DBS checks. These basic checks will not be required, if applicants or licence holders are drivers and current DBS checks have already been undertaken.

3.2 Applicant and Licensee self-reporting

Applicants and licensees are required to disclose if they hold or have previously held a licence with another authority. They are also required to disclose if they have had a licence application refused, or a licence revoked or suspended by another licensing authority.

Licence-holders are required to notify the Council of arrest and release, criminal charge or conviction (including cautions), and fixed penalty notice in writing within 48 hours. Licensed drivers must also notify the Council of domestic driving licence endorsements during the term of the licence.

The Council will consider whether a licence holder is fit to continue to hold the licence based on the balance of probabilities. A failure to disclose an arrest, charge or conviction brings into question the honesty of the licence holder and their status as a fit and proper person, regardless of the outcome of the initial allegation.

3.3 Referrals to the DBS

Where the Council have refused or revoked a licence in circumstances where the licence holder is considered to present a risk of harm to a child or vulnerable adult they will be referred to the DBS. A referral will be made when it is reasonably believed that the person has: -

- harmed or poses a risk of harm to a child or vulnerable adult;
- satisfied the 'harm test' – for more information, see <https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs#what-is-harm>;
- received a caution or conviction for a relevant offence (refer to above link for more information); and
- has worked or might work in a regulated activity.

These referrals may result in the person being added to a barred list and enable other licensing authorities to consider this should they receive applications. As a matter with significant consequences, it is expected that this reporting will only be considered in the most serious of cases.

3.4 Working with other agencies

One of the most effective ways to minimise the risk to children and vulnerable adults when using taxis and private hire vehicles is to ensure that decisions are made with the fullest

knowledge possible. The Council will work with agencies to gain as much information as possible about applicants and to monitor the ongoing suitability of existing licensees.

The Council will engage with Essex Police and neighbouring licensing authorities to highlight potential risks to the public, sharing information if it is appropriate to do so. Common Law Police Disclosure allows the Police to pass on timely and relevant information. Information is shared as soon as possible following an arrest or charge, rather than on conviction, allowing measures to protect the public to be put in place immediately.

The Council will make use of and contribute to the NR3 register: a national register of hackney carriage (taxi) and private hire vehicle driver licence refusals and revocations which was commissioned by the LGA as part of a national anti-fraud network. If there is notification that an applicant has been refused a licence or had one revoked, the Council will contact the relevant licensing authority for more information. The relevance of information received will be considered when determining the applicant's fitness to be licensed. Likewise, the Council will share details of revocations or refusals of licences with other licensing authorities on request in line with the data sharing agreement between the Council and the NAFN and national data protection legislation.

Should the Council receive information that a licence holder did not disclose relevant information, it may consider whether the non-disclosure represents dishonesty and may review whether the applicant or licence holder is or remains a 'fit and proper' person.

The Council will, where it is appropriate to do so, work with the taxi and private hire trade to raise awareness of local criminal activities and national crime trends that may engage with their services. By working with licensees, the Council can assist in the identification and intervention of activities that might be related to 'county lines', modern slavery and exploitation of vulnerable groups and individuals.

4. Decision-making

Members and officers that determine whether a licence is granted are required to undertake training. Officers acting on behalf of licensing authority will be suitably qualified commensurate with their role.

Training for Members of a licensing committee will include: -

- licensing procedures;
- natural justice;
- understanding the risks of child sexual abuse and exploitation;
- disability and equality awareness; and
- the making of difficult and potentially controversial decisions.

Training will include the use of case study material to provide context and real scenarios. All training will be formally recorded.

If an applicant or licence holder has any convictions, warnings, cautions or charges awaiting trial, the Council will consider: -

- how relevant the offence(s) are;
- how serious the offence(s) are;

- when the offence(s) were committed;
- the date of conviction;
- circumstances of the individual concerned;
- sentence imposed by the court;
- the applicant's age at the time of conviction;
- whether there is a pattern of offending;
- any other character check considered reasonable (e.g. personal references); and
- any other relevant factors.

Existing licence-holders are required to notify the Council in writing within 48 hours of arrest and release, criminal charge or conviction (including cautions), and fixed penalty notices). In addition, drivers must also notify the Council of receiving driving endorsements within 48 hours.

Applicants are entitled to a fair and impartial determination of their application. Each case will be determined on its own merits within the constraints of policy and relevant legislation. Should a decision maker have a prejudicial interest in a case - financial or a personal - with those involved they should declare their interest at the earliest opportunity. This must be prior to any discussions or decisions.

The Council will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Unless specifically prevented through policy the Council may consider that a person with a conviction(s) need not be automatically barred from obtaining a licence. Normally an applicant would be required to: -

- remain free of conviction for an appropriate period; and
- show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction may not be regarded as adequate evidence that a person is a fit and proper person).

Where an applicant has been convicted of a criminal offence, the Council cannot review the merits of the conviction. When determining an application, decision-makers must have regard to the Taxi and Private Hire Assessment of Criminal Convictions – appendix A.

In determining whether a person is fit and proper, Members can ask themselves the following question: "Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?"

The discharge of licensing functions will be undertaken in accordance with the following general principles: -

- policies will be used as internal guidance and are supported by a member/officer code of conduct;
- implications of the Human Rights Act;
- rules of natural justice;
- decisions must be reasonable and proportionate;
- hearings to be fairly conducted and allow for consideration of all relevant factors;

- decision makers must avoid bias and predetermination;
- data protection legislation.

4.1 'Fit and proper person' checks

When considering the suitability of applicants, the safeguarding of the public is paramount. All applicants (drivers, vehicle proprietors and private hire operators) are required to pass the 'fit and proper person' test. All decisions on the suitability of an applicant or licensee will be made on the balance of probability. This means that an applicant or licensee will not be 'given the benefit of doubt'.

If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', the licence will not be granted or, if already granted, suspended or revoked. The threshold used is lower than for a criminal conviction (beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction or met the criminal threshold of proof.

Enhanced disclosures from the Disclosure and Barring Service (DBS) which includes the adult and child barred lists, are required for drivers. Basic disclosures are required for vehicle proprietors and private hire operators (unless they are drivers and criminal record checks will already have been undertaken).

The Council will also use other records and information in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other Councils and information disclosed by the Police. All applicants must have the right to live and work in the UK – see Home Office website for details.

4.2 NR3 Register

In relation to drivers only, checks will also be undertaken on the National Register of Refusals and Revocations also known as NR3 which as part of the National Anti-Fraud Network (NAFN). The register has been developed to support public safety through the potential sharing of information that is relevant when considering whether an individual is a fit and proper person to hold a licence.

The Council will record details of hackney carriage or private hire driver licences that have been refused or revoked. Details will be kept on the register for a period of 25 years as it is sufficiently serious for it to remain relevant to future licence applications. For example, where it concerns an issue of sexual misconduct in relation to a passenger. The data retention period for the register has, therefore, been set to reflect the potential gravity of some revocations and refusals, and the need for this information to be shared.

The information recorded on NR3 itself will be limited to: -

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken

- date of decision
- date decision effective

It is an offence for any person to knowingly make a false declaration or to omit any material facts when making an application. Where an applicant has given a false statement or declaration, the licence will normally be refused or revoked if already issued.

In the interests of public safety, the Council will not normally issue a licence to any individual that appears on either barred list. If there are exceptional circumstances which means that, based on the balance of probabilities, the Council considers an individual named on a barred list to be 'fit and proper', the reasons for reaching this conclusion will be recorded.

4.3 Vehicle proprietors and private hire operators

A refusal to license a driver or to suspend or revoke a driver's licence does not automatically mean that person cannot be issued or continue to hold either a vehicle or private hire operator's licence. These decisions will be independent of the driver's licence and based on appropriate information (the Council will only consider what would be disclosed on a basic check). The council acknowledge the significant roles that separate those of a driver from a proprietor or operator and assess convictions and information accordingly.

Vehicle and private hire operator licences may be applied for by a company or partnership. The Council will apply the 'fit and proper' test to each of the directors or partners in that company or partnership. Vehicle proprietors and private hire operators must notify the Council of any change in directors or partners and submit a basic disclosure and barring service (DBS) check for each unless they are subscribed to the enhanced DBS update service.

Where the Council is notified of a vehicle licence being transferred to a third party, the Council will expect to see a current DBS check from the new proprietor(s). This will not be necessary if a new proprietor is an existing driver or private hire operator licensed by the Council and DBS checks have already been undertaken (within the last 12 months if a basic check or subscribed to the DBS update service following an enhanced check).

4.4 Time spent outside the UK

If the applicant has spent 6 continuous months or more living outside the UK, they must provide a criminal record check from the country/countries covering this period. This must be of a similar standard to DBS checks. If these records are not available, a 'Certificate of Good Character' must be produced – see Home Office guidance. Please note that any such information must be produced with an English translation provided by an independent, competent translator.

4.5 Duration of licences

The standard length of licences: -

- 1 year for vehicles (taxis and private hire)
- 3 years for drivers
- 5 years for operators

Shorter duration licences will only be issued when the Council thinks it is appropriate in the specific circumstances of the case. For example, if a licensee has requested one; where required (e.g. when the licence holder's leave to remain in the UK is time-limited); or when the licence is only required to meet a short-term demand. Licences will not be issued on a 'probationary' basis. The fee for shorter duration licences will be the same as for standard length licences as the same amount of work is required to process the application regardless of the duration of the licence.

5. Drivers

Relevant documentation must be submitted with each application (applications will be invalid until **all** relevant documentation has been received). Licences will only be granted where the applicant is 21 years of age or older and has: -

- the right to live and work in the UK;
- a minimum of 3 years post-qualification driving experience and held a full UK driving licence for at least 1 year;
- successfully completed training from the Council's approved training provider and provided a certificate of completion including the separate topographical test (roads, routes and places of interest);
- adequate literacy and numeracy skills, including sufficient ability to speak and understand English, to provide the service that they wish to be licensed for (assessed as part of the training requirement).

Applicants must also submit the following documentation: -

- enhanced criminal record check within 28 days of application being granted (drivers are required to sign up to the DBS update service so that DBS status checks can be undertaken every 6 months);
- current certificate of medical fitness (to group 2 standard);
- DVLA Driving entitlement consent form – 3-year mandate (the Council will undertake annual checks);
- passport standard photograph.

5.1 Drivers

The 'fit and proper person' test will be applied to all drivers. The Council will consider all convictions recorded against the applicant, whether spent or not. For more information, see section 4 of this Policy and the Taxi and Private Hire Assessment of Criminal Convictions, appendix A. Licences will not normally be granted if the applicant is on a child and/or vulnerable adult barring list. Other intelligence will also be considered when determining an application (e.g. complaints; information from the Police and other agencies, including information on the NR3 register; certificate of training; etc.)

5.2 Medical assessment

The Council recognises that licensed drivers should have more stringent medical standards than those applicable to normal car drivers because they: -

- carry members of the public who have expectations of a safe journey;

- are on the road for longer hours than most car drivers; and
- may have to assist disabled passengers and handle luggage.

Drivers are, therefore, required to pass a Group 2 Standards of Medical Fitness as applied by the DVLA for lorry and bus drivers. This must be submitted to the Council along with their application. All applicants (both first time applicants or those wishing to renew their licence) shall provide a medical examination form (available on the Council's website). A medical assessment can be carried out by your G.P., another registered G.P. practice or a suitably qualified medical practitioner and the applicant's full medical history is provided if required by the medical assessor.

Once a licence holder reaches 65 years of age, a medical examination form must be completed annually and submitted to the Council. Failure to submit this within a reasonable timeframe will result in the licence being suspended until a satisfactory medical examination certificate has been received.

Licence holders with certain medical conditions (for example certain neurological conditions) may also be required to submit annual forms and adhere to additional requirements to retain their driver's licence.

Licence holders must advise the Council of any deterioration or other change in their health that may affect their driving capabilities.

The Council reserves the right to ask for a medical certificate at any time throughout the life of the licence at the licence holder's expense. This must be provided within 7 days.

5.3 Medical exemptions

Drivers are required to assist disabled passengers. If a driver is incapable of providing this assistance, he/she can apply for an exemption certificate. For more information, see Equality Act: Taxis, Private Hire Vehicles and Driver Requirements, appendix B.

5.4 Training

All taxi and private hire drivers to undertake training from the Council's approved training provider at their own expense. Details of current providers can be found on the Council website. The training will cover: -

- disability awareness and safeguarding issues;
- knowledge of relevant legislation, byelaws, Council policies and licensing conditions relating to hackney carriages and private hire;
- an assessment of the applicant's literacy and numeracy skills.

This is required to: -

- provide a safe and suitable service to vulnerable passengers of all ages;
- recognise what makes a person vulnerable;
- understand how to respond and report safeguarding concerns and where to get advice;
- ensure compliance with the law and licensing conditions;

- ensure that the applicant has suitable reading, writing and numeracy skills so that they can understand the requirements for holding a driver's licence and are able to communicate effectively with passengers.

Existing licence holders are required to have training on renewal of their licence. Once drivers satisfactorily complete training, they will require refresher training every 3 years, however, where a licence expires before a renewal application is made, full rather than refresher training will be required.

All applicants must successfully complete the training and provide a satisfactory certificate of completion together with their application (for both new and renewal applications) before a licence can be determined. A fee is payable direct to the training provider each time training is undertaken.

The Council may require drivers to undertake other training during the life of the licence where proportionate and necessary. For example, following a complaint or as part of a decision made by Committee in pursuance of the licensing objectives and this Policy.

5.5 Geographical knowledge tests

New applicants for a dual driver's licence are required to pass a geographical knowledge test of the district of Maldon. This test to be undertaken with the Council's approved training provider at their own expense. A new applicant must pass the knowledge test within 2 years of an application and will be allowed 4 attempts during this period. Applicants who fail to pass within 2 years will be required to wait a calendar year before making further application for a driver's licence. A separate fee is payable to the training provider each time the test is taken.

5.6 Renewals

It is the licence holder's responsibility to make applications for renewal prior to expiry of their licence: it is recommended that this is done 2 months before the expiry date. If made during this period, the new licence will commence immediately following the current licence. Applications forms are available on the Council's website. Licences will not be extended beyond the expiry date: if the licence is allowed to expire, any further application will be treated as new and the driver will need to sit the knowledge test and undertake the required training unless either were received within the previous 3 years. Drivers will be unable to operate until a new licence is issued where a licence has been allowed to expire.

6. Vehicles and vehicle proprietors

Relevant documentation must be submitted with each application (applications will be invalid until all relevant documentation has been received).

Licences will only be granted where the vehicle proprietor: -

- is 21 years of age;
- has the right to live and work in the UK;

and submits a

- basic criminal record check within 28 days of application (unless a taxi or private hire driver or a private hire operator where enhanced or basic checks have already been undertaken) - in the case of a company or partnership, each of the partners and/or directors are required to submit a basic DBS check and the Council to be advised of any new partners/ directors during the period of the licence;
- bill of sale or vehicle registration document or registration counterfoil;
- valid and appropriate certificate of motor insurance;
- vehicle inspection certificate – MOT (if applicable);
- mechanical inspection certificate completed by a garage approved by the Council.

6.1 Vehicle proprietors

The 'fit and proper person' test will be applied to each vehicle proprietor. The Council will consider whether an applicant or licence holder with a criminal conviction (but not those relating to driving) meet the 'fit and proper' threshold. For more information, see section 4 of this Policy and the Taxi and Private Hire Assessment of Criminal Convictions, appendix A.

6.2 Vehicle standards

Vehicles are subject to high mileage and wear and tear, therefore, a stringent maintenance and inspection regime is required to protect all concerned. The Council considers the MOT inspection manual for private passenger and light commercial vehicles issued by VOSA as the basic inspection standard alongside the hackney carriage and private hire vehicle pre-licensing and licensing conditions, appendix D and E.

In relation to equality and accessibility issues – see Policy, appendix B.

6.3 Air quality and environmental considerations

Emissions from licensed vehicles to be reduced to improve air quality within the district of Maldon. All new and replacement vehicles licenced after 1st January 2022 are required to comply with the Euro 6 emissions standards.

6.4 Vehicle inspection and MOTs

In addition to routine maintenance, servicing and MOTs, vehicles must be inspected by a garage approved by the Council (see appendix **FE**) when applying for a vehicle licence.

Approved garages must inspect vehicles in accordance with the Council's Hackney Carriage and Private Hire Vehicle Inspection Standards manual (appendix G). This manual has been developed from a best practice guide produced by the Department for Transport Hackney Carriage and Private Hire Inspection Technical Officer Group.

Thereafter, it must then be inspected at intervals specified in the licensing conditions. Where considered necessary, authorised officers may require additional mechanical inspections at the licence holder's expense.

Vehicles must pass MOTs at the following intervals: -

- hackney carriages – 1 year from first registration;
- private hire vehicles – 3 years from first registration;

and annually thereafter.

Licence holders who fail to maintain their vehicles in a safe and roadworthy condition may have their licence(s) suspended or revoked by the Council.

If a licensed vehicle is damaged, the proprietor must report this damage to the Council within 72 hours and may be requested to present the vehicle for inspection by licensing officers.

6.5 Safety: CCTV and screens

Closed circuit television (CCTV) and screens are not mandatory licensing requirements. Proprietors and operators may install these to protect drivers and discourage criminal behaviour following a full risk assessment as set out by the information commissioner. They must also be formally registered as a data controller. For more information, see <https://ico.org.uk/for-organisations/sme-web-hub/checklists/data-protection-self-assessment/cctv-checklist/>

Installation must: -

- be undertaken by a competent person;
- not interfere with vehicle construction or other equipment;
- not increase the risk of injury or discomfort to the driver and passengers;
- be included in maintenance and inspection regimes;
- meet any applicable safety certification requirements.

The Council must be informed of any installations if the licence has already been issued. Installations should be present at the time of mechanical inspections and noted on the examination record. Screens must be of the solid polycarbonate type. Specific conditions may be applied to a licence on a case by case basis. Guidance on this installation can be found at: <https://www.gov.uk/government/publications/coronavirus-covid-19-safety-screens-for-taxis-and-phvs/coronavirus-covid-19-safety-screens-for-taxis-and-phvs>.

Where CCTV is fitted, proprietors and operators will become 'data controllers' and must comply with all aspects of data protection and the CCTV codes of practice. There must be clear signage that the vehicle uses CCTV. Further information can be found through the Information Commissioners Office (<https://ico.org.uk/>).

CCTV must not routinely be used to record conversations of passengers. Sound must only be used by way of a panic switch as advised by the ICO and can be activated by either the driver or passenger in extreme circumstances, e.g. threat of physical violence. The footage should only be accessed by the Police or authorised officer of the Council, not by either the proprietor, operator or driver. Footage must be kept for no longer than necessary and in accordance with the owner's own data retention policy.

6.6 Renewals

It is the licence holder's responsibility to make applications for renewal prior to expiry of their licence: it is recommended that this is done within the 2 months of the expiry date. Applications forms are available on the Council's website. Licences will not be extended beyond the expiry date: if the licence lapses, all applications will be treated as new and vehicles will be unable to operate until a new licence is issued.

Where officers are unable to grant licences in accordance with the scheme of delegation, the licence will be deemed to be granted until it can be determined by Committee.

It is recommended that vehicles are examined at an approved testing station within 1 month prior to the expiry date so that repair work and re-testing which can be completed. Mechanical inspections carried out within 1 month of the expiry of the previous examination will take effect from the date of expiry and not from the date of the test (much like with MOT's). Mechanical inspections carried out after the date of expiry will be valid from the date of the expiry and not the date of the inspection (as with MOT's).

6.7 Private hire vehicles

Vehicles used to carry passengers for hire and reward, including those contracted by an organisation, must be licensed as a private hire vehicle. As a general guide, this shall include executive hire, chauffeur services, airport travel, stretch limousines and novelty vehicles. Vehicles used **only** for weddings or funerals are exempt from being licensed.

Vehicles, including limousines and speciality vehicles, will be licensed for a maximum seating capacity of 8 passengers or less. Limousines and speciality vehicles may be subject to additional specialist conditions: these will prevail when in conflict with our standard conditions.

Operators may seek permission to waive certain conditions. Operators are recommended to contact the Council's Licensing team to discuss whether a speciality vehicle is likely to be granted a licence prior to purchase, including the waiver of conditions, to avoid unnecessary expense. Each application will be determined on a case by case basis.

The authority is empowered to add any reasonable condition to an operator's licence in addition to the standard conditions.

6.8 Waiver of conditions (plate exemptions)

Vehicles that are granted plate exemptions are expected to undertake executive chauffeur work and not normal day to day private hire work. If standard private hire work is being undertaken, exemptions granted may be forfeited.

Examples of the type of services that might benefit from 'plate exempt' status include: -

- contracts with national or local government personnel conveyed on official business;
- contracts associated with VIP and close protection;
- contracts with senior personnel of large companies to convey managing directors and clients.

Examples of the services that may not be considered suitable for 'plate exempt' status: -

- school and social service contracts;
- routine journeys to public transport hubs;
- journeys to entertainment venues, e.g. theatres, sporting venues, hospitality.

The list is not exhaustive and intended only to be indicative.

Vehicles with exemptions must not display any advertisements, signage, logos or insignias advertising the operating company inside or outside the vehicle.

Operators and proprietors who wish to apply for an exemption certificate must complete the application form and provide adequate supporting documentation (e.g. business cards, advertising materials, web address, etc.) to establish that the vehicle will be used solely for executive bookings. The Council may request further supporting information. The need for plate exemption shall be for the applicant to evidence and not for the authority to disprove.

The decision whether to grant exemption status is delegated to the lead Licensing Officer and their decision may be reviewed by the Senior Specialist – Community. The applicant must be able to demonstrate a benefit to the customer rather than the business.

Limitations may be placed on the licence allowing only **certain** types of work to be undertaken without having to display vehicle and driver licences. Exempted vehicles are subject to additional conditions: these will prevail when in conflict with standard conditions.

If a vehicle is no longer to be used for the purpose identified in the exemption application, the exemption plate and certificate must be surrendered and returned to the council. If still to be used for hire, the authority will provide the appropriate licence plates and door stickers etc.

6.9 Vehicle transfer or replacement

To **transfer** ownership of a licensed vehicle, the proprietor must notify the Council (otherwise an offence is committed). The new owner must complete a transfer application form (available on the Council's website) and provide a basic DBS certificate along with a bill of sale or a V5 registration document or a registration document counterfoil.

New owners must provide a basic DBS check (unless the Council is already in possession of a current one) and the vehicle must not be hired out until the new licence is issued.

Details of the new owner must be provided as soon as possible and within 14 days. A proprietor who fails to give notice without reasonable excuse is guilty of an offence and may lead to prosecution.

To **replace** a licensed vehicle, details of the new vehicle must be provided to the Council. Licence plates for the new vehicle will not be issued until the old plates have been returned to the Council and all documentation and licensing conditions have been met.

6.10 Fares and Fees

Fares: fare tariffs can only be established in respect of hackney carriages. Due to the rural nature of the Maldon district and taking into consideration trade feedback, the Council has not approved a fare system. Fares are a matter to be agreed between the licence holder and the hirer.

If requested, a written receipt of the cost of the fare to be provided to the customer. Vehicles may be fitted with electronic payment methods.

Fees: the law allows the Council to recover the costs involved in granting licences. Changes in the fee will be advertised as required and the relevant Committee will consider any comments received. Fees can be found on the Council website.

6.11 Taxi Stands

There are 2 stands within the district of Maldon: -

- High Street, Maldon
- Mill Road, Maldon

If first in line, drivers must remain with their vehicle and be available for immediate hire. There is no obligation, however, for a customer to take the first available taxi and a fare can not be refused without reasonable cause.

A proprietor or driver when standing or plying for hire must not call out or importune a person to hire or use others to do so.

It is an offence to breach Maldon District Council's byelaws.

7. Private hire operators

Although private hire vehicle operators may not have direct contact with passengers, they must ensure that vehicles and drivers are appropriately licensed and so maintain the safety benefits of the driver licensing regime.

Any person who operates a private hire service must apply for a private hire operator's licence – application forms are available on the Council's website. Relevant documentation must be submitted with each application (applications will be invalid until all relevant documentation has been received).

Every application must be accompanied by satisfactory evidence that the operator has: -

- the right to live and work in the country;
- a basic disclosure from the DBS (within 28 days of application) (unless a licensed driver or vehicle proprietor where a recent check has been undertaken) – to be provided annually*; if a company or partnership, each of the directors or partners are required to submit a DBS check;

- a register of all employees that will take bookings and/or dispatch vehicles plus evidence that DBS checks have been obtained for each of them; DBS disclosures must be recent (within 28 days of the check) and must be suitable for the role;
- an ex-offenders' policy for employing individuals with convictions.

* Basic DBS disclosures are required annually unless signed up to the DBS update service following the issue of an enhanced check certificate.

7.1 Fit and proper person

The 'fit and proper person' test will be applied to all operators. The Council will consider whether an applicant or licence holder with a criminal conviction, but not those relating to traffic offences, meet the 'fit and proper' threshold. For more information, see section 4 of this policy and the Assessment of Criminal Convictions, appendix A. If a company or partnership, a basic DBS disclosure will be required for each director or partner. The Council must be informed of any changes in directors or partners during the period of the licence: basic DBS checks must be submitted for each.

If operators (including directors and partners) are also licensed the Council as drivers or vehicle proprietors and a DBS check has been completed, there will be no requirement for the operator to submit a further basic DBS disclosure. Under these circumstances, the applicant is considered a fit and proper person unless there are other extenuating circumstances that might indicate otherwise. If a driver or vehicle licence is refused, suspended or revoked, this may not automatically affect their operator's licence.

The Council will only consider information that would be disclosed in a basic DBS check. This may need to be decided by a Committee based on all relevant information. Should the person cease to hold a driver licence, annual basic DBS disclosures will be required for the duration of the licence.

Operators must undertake their own basic DBS checks on all employees engaged in the booking or dispatch of vehicles. Only unspent convictions will be shown on basic DBS enquiry. DBS disclosures need to be recent and within 28 days of taking up employment. Alternatively, a responsible organisation may undertake these checks on the operator's behalf. Employees must inform the operator of any convictions when employed in this role as part of their employment contract. Suitability for this role shall not be solely reliant upon the DBS check, but, may take into account requirements of the ex-offenders' policy or other information known to the licence holder.

7.2 Employee register

Operators must maintain a register of employees involved in bookings and/or dispatch, evidencing that they have had sight of a basic DBS disclosure for each. Basic DBS checks must be undertaken on any individuals added to the register. Records of DBS checks must be maintained for the duration that the employee remains on the register. Should an employee cease to be on the register and later re-entered, the operator must request a new basic DBS certificate and record sight of this. The register must be provided to Licensing Officers upon request.

If employing ex-offenders for bookings or dispatch, it must be compatible with the operator's ex-offenders' policy. Those with a conviction for offences provided in the Assessment of Criminal Convictions, annex A, other than those relating to driving, may not be suitable to decide who is sent to carry a child or vulnerable adult unaccompanied in a car. The operator must consider this when establishing their ex-offenders' employment policy.

Operators may outsource booking and dispatch functions, but they cannot pass on responsibility or the obligation to protect children and vulnerable adults. Operators are required to evidence that comparable protections are applied by the company to which they outsource these functions.

If any person on the register or an outsourced company is not found to be suitable to carry out the work of the operator, the matter will be referred to Committee for determination. The operator will be accountable and required to demonstrate that they undertook all reasonable steps to ensure the person or outsourced company were suitable.

7.3 Record of Bookings

There is a legal requirement for private hire operators to keep records of every booking invited or accepted whether from a member of the public or another operator. Before the commencement of any journey and to comply with licensing conditions, a record of the booking must be kept for 12 months. For details of the records to be kept, see licensing conditions, appendix D.

7.4 Renewal

It is the licence holder's responsibility to make applications for renewal prior to expiry of their licence: it is recommended that this is done 2 months before the expiry date. Applications forms are available on the Council's website. Licences will not be extended beyond the expiry date: if the licence lapses, all applications will be treated as new and operators will be unable to operate until a new licence is issued.

8. Enforcement

The Council is committed to providing an adequately resourced licensing service where decision-makers are suitably trained and supported by robust policies, systems and procedures. This will help prevent those that are not deemed 'fit and proper' being licensed and will allow for suitable monitoring and enforcement of existing licence-holders.

The Council will, where the need arises, jointly authorise officers from other authorities so that compliance and enforcement action can be taken against licensees from outside their area.

8.1 Complaints

Those wishing to complain about drivers, vehicles and private hire operators may do so by contacting the Council. This can be done online on the Council's website or by emailing licensing@maldon.gov.uk.

All complaints will be logged and investigated: where necessary, further action will be taken, e.g. further training, formal review of the licence or enforcement.

To facilitate passengers making complaints, a notice must be displayed inside licensed vehicles so that it is clearly visible to all passengers. Complaints will be recorded, forming intelligence that will be considered during the application process for renewal of licences.

Operators and vehicle proprietors must make a record of complaints made directly to them. Each complaint must be investigated, and action taken if required. Vehicle proprietors and operators should liaise with Licensing Officers if they have any concerns about drivers. Where the nature of the complaint amounts to a criminal offence or non-compliance with hackney carriage and private hire licensing conditions, the licensing authority must be informed as soon as possible (and within 72 hours).

Licence holders must co-operate with any investigation by authorised licensing officers of the Council or the licensing authority of any other area through which they travel. Vehicle proprietors and operators must disclose records relating to complaints when lawfully requested. Any refusal, undue delay or obstruction may bring into question the suitability of the licence holder.

Complaints will not be accepted from persons who wish to remain anonymous, however, identities will not be released to the licence holder if there is a genuine concern for personal safety. Complaints considered to be repetitive, vexatious or malicious in nature will not be investigated and the complainant informed accordingly.

8.2 Whistleblowing

The Council is committed to the highest possible standards of openness and accountability. Employees can report any suspected malpractice or wrongdoing – see the Council's whistleblowing policy for further information. Where staff raise concerns, these will be dealt with openly and fairly.

8.3 Powers

In the interest of public safety, the Council can refuse, suspend or revoke a licence if the applicant/licence holder is not considered a fit and proper person.

The Council can suspend or revoke a driver's licence where he/she has been convicted of an: -

- offence involving dishonesty; indecency; or violence;
- offence under or failed to comply with the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976;
- immigration offence or required to pay an immigration penalty; or
- any other reasonable cause.

Common law police disclosure focuses on providing timely and relevant information which might indicate a public protection risk. Information is passed on at arrest or charge, rather

than on conviction which may be some time after, allowing any measures to mitigate risk to be put in place immediately.

The Senior Specialist – Community in consultation with the Chair or Deputy Chair of the Licensing Committee may consider all information available and decide as soon as possible whether to suspend, revoke or refuse a hackney carriage or private hire licence.

Before any decision is made, the Council will consider all available evidence and a driver will be given the opportunity to state their case. If a period of suspension is imposed, it cannot be extended or changed to revocation later unless further information is made available. A decision to revoke a licence does not, however, prevent the Council from reissuing or restoring a licence where further information is made available affecting the balance of probability.

For example, if allegations against a driver were later considered to be unfounded, a licence could be re-issued if it had been revoked. A suspension may be appropriate if a minor issue that can be addressed though, for example, additional training. In this instance, the licence would be returned to the driver once the training had been completed.

The Council will keep appropriate records for all licences refused, suspended or revoked and will share this information as required with other Licensing Authorities if appropriate to do so and in line with data protection requirements.

8.4 Appeals

Any person who has their driver or operator's licence application: -

- refused or their licence suspended or revoked on the grounds of not being a fit and proper person; or
- wishes to challenge a licensing condition;

has a right of appeal to the Magistrates' Court within 21 days of being given notice of refusal, suspension, revocation or to challenge the requirements of a licence condition.

If a vehicle licence is suspended, revoked, refused or had a licence condition attached, the applicant or licence holder has a right of appeal to the Crown Court in the case of a hackney carriage or Magistrates Court in respect of a private hire vehicle.

9. Data Protection

All information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches and the provision or receipt of information are necessary to the Council's statutory licensing functions of ensuring that all drivers, vehicle proprietors and private hire operators are fit and proper to hold a licence.

If you wish to raise any issue related to the data protection legislation, including any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer. This includes submitting a subject access request. For more information, see the Council's website.

UPDATED

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APPENDIX 1
Appendix F

Approved Testing Stations for taxis and private hire

- 1) Arrow Auto Services, Station Road, Maldon CM9 4LQ
- 2) Champion Motors, 12b West Station Yard, Spital Road, Maldon CM9 6TR
- 3) Latchingdon Garage Ltd, 11 The Street, Latchingdon, Chelmsford CM3 6JP
- 4) Providence Protech, 10 Springfield Industrial Estate, Springfield Road, Burnham on Crouch, CM0 8UA
- 5) Quest Motors Ltd, Wycke Hill Business Park, Wycke Hill, Maldon CM9 6UZ

UPDATED**APPENDIX 1**
Appendix F**Taxi and private hire vehicle inspection sheet**

Surname of vehicle owner:		Vehicle registration:	
First name(s):		Make:	
Address:		Model	
Postcode:		Year of manufacture	
Daytime tel no:		VIN or chassis no:	
Mobile no:		Recorded mileage:	
Email address:		Colour:	
	Failure		
	Yes	No	Reason for failure
Interior condition of body work			
Exterior condition of body work			
Front and back plates - secured			
Door stickers - upper front doors			
Advertising not to detract from plates and door stickers			
Position & contents of first aid kit			
Fire extinguisher - maintained			
Roof sign secure			
Size of roof sign			
Illuminated roof sign			
Lighting equipment			
Front and rear lamps			
Head lamps			
Head lamp aim			
Side lamp			
Rear reflectors			
Direction indicators			
Hazard warning lights			
Fog lamps front			
Fog lamps rear			
Number plate lamps			
Steering and suspension			
Steering control			
Steering mechanism / system			
Power steering			
Transmission shafts			
Wheel bearings			
Front suspension			
Rear suspension			
Shock absorbers			
Wheel alignment			
Brakes			
Controls / ABS warning system			

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APPENDIX 1 Appendix F

Condition of parking brake system			
Condition of service brake system			
Service brake performance %			
Parking brake performance %			
Tyre and wheels including spare			
Tyre tread depth			
Tyre condition			
Road wheels			
Seatbelts			
Mountings			
Condition			
Operation			
Registration plate condition			
Clutch pedal condition			
Clutch pedal operation			
Oil leaks			
Road tax and MOT check			
Tax Disc			
Rear view mirrors			
Fuel system condition			
Seats condition and security			
People carrier/minibus moveable seat			
Door locks and catches			
Windscreen wipers and washers			
Horn			
Exhaust system			
Exhaust emissions			
Vehicle security			
Security of wiring			

Test result

I certify that for the reasons given above, the vehicle does/does not* pass the statutory requirements (*delete a appropriate)

Test centre:

Tester (full name):

Signed:

Date:

Re-test only

I certify that the appropriate works have now been carried out on this vehicle and it now complies with the statutory requirements.

Test centre:

Tester (full name):

Signed:

Date:

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APPENDIX 1
Appendix F

When completed, to be returned to Maldon District Council, Princes Road Maldon
For further information, contact licensing@maldon.gov.uk

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APPENDIX 1
Appendix F

Hackney Carriage / Private Hire Vehicle Inspection Report

Sections 60 and 68 Local Government (Miscellaneous Provisions) Act 1976

Date:

Time:

Location:

Make:

Registration Number:

Plate Number:

DEFECTS

Delete i.– iv. as applicable

- i. Vehicle **NOT** to be used for hire or reward until repaired and re-inspected
- ii. Vehicle must be presented for inspection with defect rectified by
- iii. This report is for your information only
- iv. Offences reported

Licensing Officer:

Received by:

Badge Number:

Re-inspection location to be agreed between Licensing Officer and proprietor/driver
This report **MUST** be produced at the time of re-inspection

UPDATED

APPENDIX 1
Appendix F

Hackney Carriage / Private Hire Vehicle Inspection Report
(Re-inspection report)

This notice refers to the defect(s) listed overleaf

Make:

Registration Number:

Plate Number:

It is certified that the defect(s) recorded overleaf on (date)
have been satisfactorily rectified. This vehicle is now in a suitable condition to be used for
the purposes of hire or reward.

Licensing Officer:

Date:

Driver's signature:

Officer's comments:

To be retained by Licensing



Hackney Carriage and Private Hire Vehicle Inspection Standards

Issued August 2021

1 Introduction

1.1 Manual of Inspection

This manual sets out the procedures and minimum vehicle inspection standards for those who carry out inspections of hackney carriage and private hire vehicles. The manual is available to proprietors, operators and drivers of hackney carriage and private hire vehicles as it details the standards that vehicles are subjected to. The guide also explains the reasons why a vehicle presented for inspection may not have been issued with a pass certificate.

This manual has been developed from a best practice guide produced by the Department for Transport (DfT) Hackney Carriage and Private Hire Inspection Technical Officer Group (TOG). Various interested parties, including the Department for Transport (DfT), Vehicle and Operator Services Agency (VOSA), Disabled Persons Transport Advisory Committee (DPTAC) and the Institute of Licensing were consulted on the Best Practice Guide developed by TOG.

1.2 Technical Safety Issues

The aim of the Council is to protect the public: the public should have access to safe and well-maintained hackney carriages and private hire vehicles. It is important that passengers feel confident that the vehicle is safe. The manual focuses, therefore, on technical safety issues and safe working practices based on local requirements and expected standards.

1.3 Scope of the Guidance

This manual deliberately seeks to embrace safety aspects of vehicle inspections using, as a basic inspection standard, those laid down in 'The MOT Inspection Manual for Car and Light Commercial Vehicle Testing' issued by VOSA. This manual provides additional testing requirements to those in the MOT Inspection Manual. In exercising its licensing function, Maldon District will use the manual in conjunction with the VOSA MOT Inspection Manual as an advocate to public safety.

1.4 Specification of Vehicles Types that may be Licensed

The legislation gives the Council discretion over the types of vehicle that they can license as hackney carriages or private hire vehicles.

1.5 Accessibility

The Council designates vehicles which are deemed to be wheelchair accessible under Section 167 of the Equality Act 2010. For more information, see the Council's website and Policy.

1.6 Type Approval

From time to time, the Council will be asked to license a vehicle that has been imported independently (by somebody other than the manufacturer). Such vehicles will be subject to the 'type approval' rules. This means meeting the technical standards of either: -

European Whole Vehicle type approval;
British National Type Approval; or
British Single Vehicle Approval (before 29 April 2009); or
Individual Vehicle Approval (from 29 April 2009)

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.dft.gov.uk

The Council insists 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.

Voluntary Inspections

Vehicles that are already registered for use in the UK are not eligible for a Single Vehicle Approval, however, there are situations where evidence of compliance with the approval standard would be beneficial or a requirement. The Council 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 SVA" or "Voluntary IVA" test is available. The test criteria applied will be dependent on the vehicle category/class nominated on the application form VSVA 1. The fees are the same as those appropriate to the class of vehicle/test carried 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 a Minister's Approval certificate. The letter of compliance is not acceptable for first licensing/registration purposes.

1.7 Vehicle Testing

Hackney carriage and private hire vehicles are used for hire and reward and as such are normally subject to much higher annual mileages and more arduous driving than normal private vehicles. In the interests of passenger and other road user's safety, therefore, a more stringent maintenance and testing regime is required.

The purpose of testing is to confirm that 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 will be required.

It is an offence under the road traffic regulations to use an unroadworthy vehicle on the public highway.

Hackney carriage and private hire operators failing to maintain their vehicles in a safe and roadworthy condition may have their licence suspended, revoked or refused.

This manual 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 manual is not exhaustive.

In assessing the mechanical condition of a vehicle, it is more likely an item which would ordinarily pass a MOT test with an advisory note, could fail the hackney carriage and private hire vehicle test.

2 Stretch Limousines

This section of the manual sets out guidance for licensing stretch limousines. The standard of the test for stretch limousines will be at the same standard as for other private hire vehicles. As a basic inspection standard, those laid down in 'The MOT Inspection Manual for Car and Light Commercial Vehicle Testing' issued by VOSA and this manual. A stretch limousine shall only be registered as a private hire vehicle if it complies with the following conditions.

- Vehicles with no more than 8 passenger seats as indicated on the V5C. The V5C will state the number of seats and must be produced to the Council prior to the vehicle being licensed or inspected. If the number of seats differs from what is indicated on the V5C, then contact will be made with VOSA and the local area Traffic Commissioner immediately. Failure to produce a valid and current V5C for the vehicle to be tested could result in refusal to inspect the vehicle.
- As stretch limousines are not factory produced, a vehicle maintenance inspection by the keeper of the vehicle should be undertaken every 10 weeks, as recommended by Traffic Commissioners, VOSA and the National Limousine and Chauffeur Association (NLCA).
- The inspection standards to be applied to the stretch limousines 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 about seating capacity, the production of the relevant documents and frequency of vehicle inspections.
 - See Section 4 – Tyres and roadwheels. Reference in this section is made to tyre rating to be applied to stretch limousines.
 - See Section 12 – Vehicle Identification Number (VIN). VIN markings should be checked to ensure compliance, seating capacities and undue stresses.

The Council will seek to obtain a declaration from the operator of licensed stretch limousines that the vehicles with side facing seats will never be used to carry passengers under 16 years of age, **regardless of whether the vehicle is fitted with seatbelts or not.**

The Council will also look for notices forbidding children to be carried in side facing seats to be displayed in prominent positions, i.e. on entry to the passenger compartment and on either side of 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 – except for 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

Except for 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.

Statement of Undertakings and Declaration

In the interests of road and passenger safety, the licensed operator undertakes to make proper arrangements so that vehicles are always kept in a roadworthy condition.

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SECTION 1 – Lighting and Signaling Equipment**Section Contents**

Sub-Section	Subject
1.1	Stop Lamps – High Level Stop Lamps
1.2	Electrical Wiring and Equipment
1.3	Additional Lamps <ul style="list-style-type: none">• Reversing Lamps• Front Fog/Driving Lamps• For Hire and Roof Signs

1.1 Stop Lamps – High Level Stop Lamps

Method of Inspection	Reason for Rejection
<p>Any additional stop lamps fitted and connected must be tested. Where high level stop lamps are fitted and there is doubt as to whether they are connected, the benefit of this doubt should be given to the presenter.</p> <p>Check the high-level stop lamp where fitted:</p> <ul style="list-style-type: none"> a. is not obscured and is not obviously incorrectly positioned b. at least 50% of the lamp must be visible from the rear 	<p>High level stop lamp:</p> <ul style="list-style-type: none"> a. obscured or obviously incorrectly positioned b. less than 50% of the lamp not working or obscured

1.2 Electrical Wiring and Equipment

Method of Inspection	Reason for Rejection
<p>This examination is limited to that part of the electrical system that can be readily seen without dismantling any part of the vehicle.</p> <p>a. Check all electrical wiring for:</p> <ul style="list-style-type: none"> ○ condition ○ security ○ position ○ signs of overheating ○ heavy oil contamination <p>b. Battery and carrier for:</p> <ul style="list-style-type: none"> ○ security ○ battery for leaks <p>c. Check all switches controlling all obligatory lights</p>	<p>a. Wiring:</p> <ul style="list-style-type: none"> ○ not adequately insulated ○ not adequately secured ○ positioned so that it is chafing or clipped to a fuel line or likely to be damaged by heat so that insulation will become ineffective. ○ with clear evidence of overheating ○ heavily contaminated with oil <p>b. Battery and carrier:</p> <ul style="list-style-type: none"> ○ a battery and/or carrier not secure and likely to become displaced ○ battery leaking <p>c. Insecurity or malfunction of a switch controlling an obligatory light</p>

1.3 Additional Lamps

Method of Inspection	Reason for Rejection
<p>With the ignition switched on, check that:</p> <p>Reversing lamps</p> <ul style="list-style-type: none"> a. the reversing lamps emit a diffused white light when reverse gear is selected b. the lamps extinguish when neutral gear is selected c. the lamps are in good working order and are secure d. the lamps do not flicker when lightly tapped by hand <p>Front fog/driving lamps</p> <ul style="list-style-type: none"> e. a single front fog lamp emitting a white or yellow diffused light illuminates only when dipped beam is selected f. a pair of matched fog lamps both emitting a white or yellow diffused light should illuminate together g. a pair of matched, long-range driving lamps, both emitting a white diffused light should illuminate together 	<p>A reversing lamp that:</p> <ul style="list-style-type: none"> a. fails to operate or does not emit a white diffused light b. fails to extinguish when neutral or forward gear is selected c. is not in good working order or insecure d. flickers when tapped lightly by hand <p>Front fog/driving lamps:</p> <ul style="list-style-type: none"> e. inoperative or operates other than in dipped beam mode f. operate incorrectly g. operate incorrectly

1.3 Additional Lamps

Method of Inspection	Reason for Rejection
<p>'For Hire' and Roof Signs</p> <p>Check that:</p> <ul style="list-style-type: none"> a. correct style and type of sign fitted b. ensure the sign is securely fastened to the vehicle c. check condition and security of wiring d. functional test of signs for illumination 	<p>'For Hire' and Roof Signs</p> <ul style="list-style-type: none"> a. Incorrect colour or details shown on sign, i.e. registration number, vehicle number, etc. b. Insecure sign c. Wiring is not in good condition, is loose or chafed d. Illumination not consistent across the sign, i.e. all light bulb(s), LED(s) illuminated when switched on

SECTION 2 – Steering

Section Contents

Sub-Section	Subject
2.1	Steering Control – Steering Wheel
2.2	Steering Control – Steering Column
2.3	Suspension Spring Units and Linkages

2.1 Steering Control – Steering Wheel

Method of Inspection	Reason for Rejection
<p>With both hands, rock the steering wheel from side to side at right angles to steering column and apply slight downward and upward pressure to the steering wheel rim (in line with column).</p> <p>Note:</p> <ul style="list-style-type: none"> a. fractures in steering wheel hub b. fractures in steering wheel rim c. steering wheel spokes loose or fractured d. jagged edges on steering wheel rim e. if possible, check the retaining device on steering wheel is fitted 	<ul style="list-style-type: none"> a. Steering wheel hub fractured b. Steering wheel rim fractured c. A steering wheel spoke loose or fractured d. Jagged edges on steering wheel rim likely to injure the driver e. A steering wheel hub-retaining device not fitted

2.2 Steering Control – Steering Column

Method of Inspection	Reason for Rejection
<p>a. Try to lift the steering in line with the steering column and note the movement at centre of steering wheel</p> <p>b. Push steering wheel away and then pull it towards you, note any side play</p> <p>c. While steering wheel is rotated, check for deterioration in any flexible coupling or universal joint of steering column</p> <p>d. Where practical, check any clamp bolts for presence and security of locking devices (these may be in the engine compartment or under chassis)</p>	<p>a. Excessive movement of centre of steering wheel in line with steering column (end float)</p> <p>Note: certain types of steering column might show some movement not due to excessive wear, e.g. those fitted with universal joints or flexible couplings.</p> <p>b. Excessive side play indicating worn top bearings or insecure top mounting bracket</p> <p>c. A flexible coupling or universal joint deteriorated, worn or insecure</p> <p>d. A coupling clamp bolt or locking device loose or missing</p>

2.3 Suspension Spring Units and Linkages

Method of Inspection	Reason for Rejection
Coil Springs a. Welding repairs	a. Repaired by welding

SECTION 3 - Brakes

Section Contents

Sub-Section

No additional inspection requirements

SECTION 4 – Tyres and Roadwheels

Section Contents

Sub-Section	Subject
4.1	Tyres – Condition

4.1 Tyres

Method of Inspection	Reason for Rejection
<p>On all the tyres, including spare wheel (where fitted), ensure each tyre meets all requirements laid down in the MOT Inspection Manual for Car and Light Commercial Vehicles (ISBN 0-9549239-0-1) - except that the standard in that MOT manual concerning 1.6mm tread shall be read as being not less than 2mm.</p> <p>Note 1 Where a doughnut tank is fitted in the boot for LPG, the spare wheel if still carried in the boot must be properly secured. Alternatively, a spare wheel cage installed to manufacturer's and British Standards may be fitted to the underside of the vehicle.</p> <p>Note 3 Tyres shall not be older than 5yrs (including spare tyre)</p>	<p>Not in accordance with the MOT Inspection Manual for Car and Light Commercial Vehicles (ISBN 0-9549239-0-1) or if the tread is less than 2 mm.</p> <p>Note 2 Spare tyres shall be minimum space saving wheels or run flat unless otherwise agreed with the Council as being unachievable due to the manufacturer's original design feature.</p> <p>Note 4 Tyres shall not be fitted as 'part-worn' tyres</p>

SECTION 5 – Seat Belts

Section Contents

Sub-Section

No additional inspection requirements

SECTION 6 – Body and Structure**Section Contents**

Sub-Section	Subject
6.1	Body and Condition (Exterior)
6.2	Vehicle Body, Security and Condition (Interior)
6.3	Doors and Seats
6.4	Bumper Bars (Specialty Vehicles only)

6.1 Body and Condition (Exterior)

Method of Inspection	Reason for Rejection
<p>Examine the body thoroughly for security, corrosion, damage, poor repair/paint match or sharp edges that are likely to cause injury.</p>	<ul style="list-style-type: none"> a. An insecure or missing body panel, trim, step or accessory b. Any sharp edge whatsoever which may cause injury c. Heavy scuffing, abrasions or deformation to front and rear bumper d. More than 8 stone chips visible on a bonnet/grill that has not penetrated to the metal or more than 4 stone chips that have penetrated to the metal e. More than 8 stone chips on any panel including door edges, provided the base coat has not been penetrated f. More than 4 stone chips on any panel where the base coat has been penetrated to the metal and is untreated g. A single dent of more than 80mm or more than 3 dents of not more than 20mm in any one panel h. More than 4 scratches and/or abrasions of more than 50mm in length in any one panel provided that the base coat has not been penetrated i. Dull, faded paintwork which has lost its gloss finish or paint mismatch to a panel(s) to such an extent that it detracts from the overall appearance of the vehicle j. Evidence of poor repairs and/or paint finish to a repaired panel(s), including runs and overspray to adjoining panels/trim that detracts from the overall appearance of the vehicle k. Obvious signs of rust/corrosion of any size, particularly those that are covered by advertising signs l. Lack of clear (not faded) or omission of 'No Smoking' or wheelchair (where applicable) signs

6.1 Body and Condition (Exterior)

Method of Inspection	Reason for Rejection
<p>Roof Sign a. Appropriate roof sign in place</p> <p>Door Sign (Stickers) b. Appropriate door sign in place</p> <p>Licence Plates c. Appropriate licence plates fitted</p>	<p>a. Roof sign not present or damaged or displaying incorrect information</p> <p>b. Door sign damaged or not present or attached with magnetic stickers (except if new plate in which case check sheet should be marked NP to indicate door sign was not checked). Sticker must be placed centrally within the upper half of front door panel.</p> <p>c. Licence plates not affixed or damaged to exterior (except if new plates, in which case check sheet should be marked NP to indicate licence plate was not checked).</p>

6.2 Vehicle Body, Security and Condition (Interior)

Method of Inspection	Reasons for Rejection
<p>Examine:</p> <ul style="list-style-type: none"> a. interior fixtures, fittings or accessories and accessories b. trim, carpets, seat belts, mats, headlining and boot (remove mats to inspect carpets underneath for cleanliness and wear) c. seats, seat coverings (where fitted), upholstery and trims d. interior lights, motion door locks and warning lights e. heating, demisting and air condition systems for correct operation, including passenger compartment controls where fitted (includes electric front and rear screen demisters) f. windows to ensure they lower and rise easily g. door locks, grab handles/rails, safety covers h. grills/partitions for security and condition i. electrical wiring for condition, security (including intercom systems) 	<ul style="list-style-type: none"> a. Damaged, insecure and loose fixtures, fittings or accessories b. Missing, dirty, soiled, stained, worn or insecure trim, carpets, seatbelts, mats, headlining or boot c. Seats, covering, upholstery and trims not clean, in good condition or state of repair (e.g. large cut, tear over 2cm unacceptable) d. An inoperative interior light (all lights must illuminate if they are part of the manufacturer’s standard equipment) or missing or defective motion switch/lock or warning lamp not illuminated. e. A system does not function correctly or any part is missing (including vents, controls and switches) f. An opening window that is inoperative or difficult to open and/or close, mechanism broken/missing g. Missing, defective or loose door locks, child locks, protective covers, grab handles/rails (grab handles/rails which are rigid to aid the blind and partially sighted and are worn to excess) h. A grill/partition which is insecure or has sharp edges which may cause injury to passengers or driver i. Frayed, chafing wiring, non-shielded terminals or cables so routed that they cause a trip hazard, cables that can be easily disconnected (intercom system defective, warning light inoperative and signs illegible/missing)

6.2 Vehicle Body, Security and Condition (Interior)

Method of Inspection	Reason for Rejection
<p>j. boot for access, contents, cleanliness and water ingress</p> <p>Additional items to be inspected in limousines and novelty vehicles:</p> <p>k. all fixtures and fittings (e.g. mirror balls, drinks cabinets, televisions, etc.) must be stored securely and not hinder the ingress or egress from the passenger compartment</p> <p>l. a notice identifying the maximum seating capacity to be displayed in the passenger compartment and clearly visible to all passengers (it may be necessary to display more than one sign indicating the maximum seating capacity)</p> <p>Note: any vehicle presented in a dirty, untidy condition must not be tested</p>	<p>j. Unable to open, close and/or lock boot lid, failure of boot lid support mechanism, defective seals/evidence of water ingress, dirty boot and/or carpets, loose items stored in boot (i.e. spare wheel, tools and equipment etc.)</p> <p>k. Any fixture or fitting that is loose or insecure or where walkways are blocked that prevents ease of ingress or egress from the passenger compartment</p> <p>l. No maximum seating capacity sign or signs displayed, a sign or signs not clearly visible to all passengers</p>

6.3 Doors and Seats

Method of Inspection	Reason for Rejection
<p>Doors and Emergency Exits</p> <p>Examine:</p> <p>a. condition of all doors and emergency exits; check door locks, striker plates, handles and hinges for security, wear and missing and damaged trim/cover plates</p> <p>Check:</p> <p>b. markings describing the presence and method of opening emergency exit(s) are readily visible on or adjacent to the exit and are legible</p> <p>c. seats are secure, clean and not unduly worn</p> <p>NOTE: except for 'novelty vehicles', only vehicles with forward and rear facing seats will be accepted</p>	<p>Doors and Emergency Exits</p> <p>A door of emergency exit:</p> <p>a. does not latch securely in the closed position cannot be opened from both the inside and outside the vehicle from the relevant control in each case Missing, loose or worn handles, lock or striker plate Missing, loose or damaged trim/cover plate</p> <p>b. Markings describing the presence and method of opening an emergency exit missing, illegible or incorrect</p> <p>c. Seat cushion(s) stained, torn, holed, worn or insecure A seat that does not provide adequate support at base or backrest Badly stained seats or seats with large cuts or tears of 2cm or longer are not acceptable</p>

6.3 Doors and Seats

Method of Inspection	Reason for Rejection
<p>Accessibility: Wheelchair Vehicles</p> <p>Door configurations for wheelchair accessible vehicles:</p> <ul style="list-style-type: none"> a. single rear door – must open to a minimum of 90 degrees and be capable of locking in place b. twin rear doors – both must open to a minimum of 180 degrees and be capable of being locked in place - this is to enable an attendant (driver or guide) to assist the wheelchair passenger if required 	<ul style="list-style-type: none"> a. Door does not open to a full 90 degrees and cannot be secured in the open position b. Twin doors do not open to a full 180 degrees and cannot be secured in the open position

6.4 Bumper Bars (Specialty Vehicles only)

Method of Inspection	Reason for Rejection
<p>Examine the bumper bars and check:</p> <ul style="list-style-type: none"> a. they are secure to their mountings b. the mountings are secure to the vehicle c. there is no evidence of damage 	<ul style="list-style-type: none"> a. A loose bumper bar or mounting, weakened bumper bar and/or mounting is insecure because of poor repairs b. A fractured mounting bracket, mounting bolts so worn or elongated that the bumper bar is likely to detach partially or completely from the vehicle when in use A bumper bar is secured by wire or other temporary means c. Bumper bars which have jagged edges, cracks or splits or projections which may cause injury to persons near the vehicle Paint mismatch or fading which is significantly different to that of the rest of the paintwork

SECTION 7 – Fuel and Emissions

Section Contents

Sub-Section	Subject
7.1	Exhaust System
7.2	Fuel System – Pipes and Tanks

7.1 Exhaust System

Method of Inspection	Reason for Rejection
Where applicable, check for presence, security and adequacy of grease shields to hot exhausts	A heat shield missing, insecure or inadequate

7.2 Fuel System – Pipes and Tanks

Method of Inspection	Reason for Rejection
<p>Examine:</p> <ul style="list-style-type: none"> a. fuel tank(s) for security and leaks b. pipes to see they are securely clipped to prevent damage by chafing and cracking and are not in a position where they will be fouled by moving parts <p>Check that:</p> <ul style="list-style-type: none"> c. fuel tank filler caps are <ul style="list-style-type: none"> o present o of the correct type o secure and sealed properly to ensure correct function of sealing d. no fuel pipe runs immediately adjacent to or in direct contact with electrical wiring or the exhaust system 	<ul style="list-style-type: none"> a. Fuel tank insecure or leaking b. Damaged, chafed, insecure pipes, or pipes so positioned that there is a danger of them fouling moving parts <p>c. A filler cap missing, unsuitable or in such condition that it would not prevent fuel leaking or spilling</p> <p>Note: temporary/emergency fuel caps are not permitted</p> <ul style="list-style-type: none"> d. A fuel pipe immediately to or in direct contact with electrical wiring or exhaust system

SECTION 8 – Drivers View of the Road**Section Contents**

Sub-Section	Subject
8.1	Mirrors
8.2	Windscreen – View to the Front
8.3	Window Glass or Other Transparent Material

8.1 Mirrors

Method of Inspection	Reason for Rejection
<p>The number and position of all obligatory mirrors must be checked</p> <p>Check:</p> <p>a. condition of each mirror reflecting surface and whether a person sitting in the driver’s seat can see clearly to the rear</p>	<p>Note: a defective additional external mirror is not a reason for rejection</p> <p>a. Mirror condition:</p> <ul style="list-style-type: none"> ○ a mirror reflecting surface deteriorated or broken ○ in such a position that a person sitting in the driver’s seat cannot see clearly to the rear

8.2 Windscreen – View to the Front

Method of Inspection	Reason for Rejection
<p>Sit in the driver’s seat and check that there is reasonable view of the road ahead, bearing in mind the original design of the vehicle.</p> <p>a. For all air operated wipers, examine the:</p> <ul style="list-style-type: none"> ○ condition of any visible piping ○ function of the operating mechanism ○ function of necessary valves to protect the braking system <p>Note: equipment or objects not originally fitted to the vehicle as part of the original design must not obstruct the forward view of the driver. Objects such as (but not limited to) pendants, cab decorations and external stone guards/visors should not interrupt the view through the swept area by the windscreen wipers.</p>	<p>The position or size of any object restricts the driver’s view of the road ahead, bearing in mind the original design of the vehicle.</p> <p>b. Air operated wipers:</p> <ul style="list-style-type: none"> ○ pipes inadequately clipped or supported ○ incorrect function of the wipers or leaking components ○ incorrect operation of protection valves

8.3 Window Glass or Other Transparent Material

Method of Inspection	Reason for Rejection
<p>Check:</p> <ul style="list-style-type: none"> a. the condition of all windscreens, internal screens, partitions, side, rear, roof and door windows for cracks, surface damage and discolouration b. presence and security of all windscreens, side, roof or rear windows or internal screens or partitions c. for evidence of obvious leaks from all windscreens and side, rear, roof or door windows d. for presence, security and condition of guard rails or barriers at windows, internal screens or partitions e. as far as practicable for all vehicles first used before 1 January 1959 that glass fitted to windscreens and outside windows facing to the front is safety glass f. as far as practicable for all vehicles used on or after 1 January 1959 that glass used for windscreens and all outside windows is safety glass or safety glazing 	<ul style="list-style-type: none"> a. A crack, surface damage or discolouration in glass or other transparent material that: <ul style="list-style-type: none"> o impairs the driver's front, side or rear view of the road or o presents a danger to any person in the vehicle b. A windscreen or any other outside window missing or any windscreen, window, internal screen or partition insecure c. An external window or windscreen is obviously leaking d. A guard rail or barrier at a window, internal screen or partition missing, insecure or damaged e. The windscreen and/or any outside window facing to the front of a vehicle obviously not safety glass fitted to a vehicle first used before 1 January 1959 f. Glass used for a windscreen or an outside window is obviously not safety glass

8.3 Window Glass or Other Transparent Material

Method of Inspection	Reason for Rejection
<p>g. for vehicles first used on or after 1 June 1978, windscreens or other windows, wholly or partly, on either side of the driver's seat are made from safety glass displaying an acceptable safety mark</p>	<p>g. For vehicles first used on or after 1 June 1978, windscreens and/or other windows wholly or partly on either side of the driver's seat that are not made from safety glass display an acceptable safety mark</p>
<p>h. windscreens and front passenger and driver side windows have a visual light transmission throughout of 75% and 70% or higher respectively</p>	<p>h. Visual light transmission readings are below those stated</p>
<p>i. windows other than those in h. above have a visual light transmission reading throughout of 32% or higher</p>	<p>i. Visual light transmission readings are below those stated</p>

SECTION 9 – Tricycles and Quadricycles (if specialty vehicle)

Section Contents

Sub-Section	Subject
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	No additional inspection requirements
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SECTION 10 – Additional Requirements**Section Contents****Sub-Section**

10.1	Speedometer
10.2	Transmission
10.3	Engine and Transmission Mountings
10.4	Oil and Water Leaks
10.5	Luggage/Load Space
10.6	Trailers and Tow Bars

10.1 Speedometer

Method of Inspection	Reason for Rejection
Check: a. that a speedometer is fitted b. the condition of the speedometer c. the speedometer can be illuminated	Speedometer: a. not fitted b. not complete, clearly inoperative, dial glass broken or missing c. cannot be illuminated

10.2 Transmission

Method of Inspection	Reason for Rejection
<p>Examine transmission, check for:</p> <ul style="list-style-type: none"> a. missing or loose flange bolts b. cracked or insecure flanges c. wear in shaft and/or wheel bearings d. security of bearing housings e. cracks or fractures in bearing housings f. wear in universal joints g. deterioration of flexible couplings h. distorted, damaged shafts i. deterioration of bearing housing flexible mountings j. clearance between transmission shafts and adjacent components 	<ul style="list-style-type: none"> a. A loose or missing flange bolt(s) b. A flange cracked or loose on the transmission shaft c. Excessive wear in shaft bearing d. A bearing housing insecure to its fixing e. A cracked or fractured bearing housing f. Excessive wear in a universal joint g. Deterioration of a transmission shaft flexible coupling h. A damaged, cracked or bent shaft i. Deterioration of a flexible mounting of a bearing housing j. Evidence of fouling between any transmission shaft and an adjacent component

10.2 Transmission

Method of Inspection	Reason for Rejection
<p>Front Wheel Drive</p> <p>a. Check the drive shaft inner and outer universal joint couplings and constant velocity joints for:</p> <ul style="list-style-type: none"> ○ wear and security ○ damage to flexible rubber or fabric universal joints ○ security and oil contamination of flexible rubber or fabric universal joints ○ condition, presence and security of constant velocity joint gaiters 	<ul style="list-style-type: none"> ○ Drive shaft constant velocity or universal joint coupling worn or insecure ○ A flexible rubber or fabric universal coupling unit damaged by severe cracking or breaking up ○ A flexible rubber or fabric universal coupling unit excessively softened by oil contamination or insecure ○ A drive shaft constant velocity joint gaiter split, missing or insecurely mounted

10.3 Engine and Transmission Mountings

Method of Inspection	Reason for Rejection
<p>a. Examine condition of:</p> <ul style="list-style-type: none"> ○ mountings ○ sub-frames <p>and</p> <p>b. the security to chassis and check for:</p> <ul style="list-style-type: none"> ○ fractures ○ looseness ○ deterioration 	<p>} } } } } } } } } } } } }</p> <p>Any mounting or sub-frame</p> <ul style="list-style-type: none"> - loose - fractured - deteriorated - inappropriate repair

10.4 Oil and Water Leaks

Method of Inspection	Reason for Rejection
<p>Check:</p> <ul style="list-style-type: none"> a. vehicle for oil and water leaks from any assembly or component to the ground b. and/or which could be deposited on surrounding bodywork or onto the exhaust system <p>Note: if necessary, the engine can be run at idle speed to confirm the existence of an oil leak</p>	<ul style="list-style-type: none"> a. An oil or water leak, from any assembly, which deposits fluids underneath the vehicle whilst stationary b. Leaks which, when the vehicle is moving, could be deposited upon the surrounding bodywork, exhaust and brake system so that it would: <ul style="list-style-type: none"> ○ contaminate areas ○ could potentially cause a health, safety or fire risk.

10.5 Luggage/Load Space

Method of Inspection	Reason for Rejection
<p>Physical separation is not so much an issue as is the safety of passengers in the event of an accident. The luggage should, therefore, be secure and prevented from becoming dislodged in an accident in such a manner as may cause injury. Such security can be by means of a sheet or net which could be anchored to the floor of the luggage area. Clearly, if the luggage compartment is not physically separated from the passenger compartment, then care will need to be taken so as not to carry any hazardous items such as fuel cans, detergents or other loose items that could leak if they become damaged.</p>	<ul style="list-style-type: none"> ○ Load restraint system, if required, not present at time of test ○ Load restraint system faulty or unserviceable

10.6 Trailers and Tow Bars

Method of Inspection	Reason for Rejection
<p>Trailers</p> <p>a. Where the Council permits the use of trailers for the carriage of luggage, then the trailer needs to be presented for test along with the vehicle that is authorised to tow it. The trailer will also need to display the appropriate registration plate and a licence plate.</p> <p>Note: trailers presented for inspection should be built by an approved or recognised trailer manufacturer.</p> <p>Tow bars</p> <p>b. Where tow bars are fitted, checks must be made on the condition and security to the towing vehicle.</p>	

SECTION 11 – Wheelchair Accessible Vehicles (WAVs) and Ancillary Equipment**Section Contents**

Sub-Section	Subject
11.1	Wheelchair Restraint and Access Equipment
11.2	Fire Extinguisher
11.3	First Aid Kit

11.1 Wheelchair Restraint and Access Equipment

Method of Inspection	Reason for Rejection
<p>Wheelchair Restraint</p> <p>a. Where applicable, check condition and operation of wheelchair restraint.</p> <p>b. A system for the effective anchoring of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces</p> <p>Wheelchair Access and Equipment</p> <p>A vehicle shall be fitted with either of the following forms of wheelchair access equipment.</p> <p>Ramps</p> <p>c. Check that appropriate ramps fitted are securely installed in the designated storage area. Examine for damage, deformity, sharp edges etc. and provision of anti-slip covering.</p> <p>Wheelchair Lift</p> <p>d. A purpose designed wheelchair lift shall conform to the LOLER Regulations. A report, confirming that the lifting equipment is safe to use, shall be presented at the time of the vehicle inspection. Vehicles presented for inspection with a wheelchair lift will require a LOLER certificate that is valid for a period of six months from the date of issue.</p> <p>Note: passenger lifting equipment will need to be thoroughly examined by a competent person at least once every six months</p>	<p>a. A wheelchair restraint is defective, worn or missing</p> <p>b. Wheelchair anchorage systems and devices do not conform to European Directive 76/115 EEC (as amended by 90/629 EEC)</p> <p>c. Ramps missing, insecurely stored, damaged/deformed, anti-slip covering in poor condition or missing</p> <p>d. Vehicle not presented with valid or current LOLER certificate</p>

11.1 Wheelchair Restraint and Access Equipment

Method of Inspection	Reason for Rejection
<p>e. Any purpose designed wheelchair access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to safe working load of 250kgs and certified to BS 6109.</p>	<p>e. The installed ramp does not have any visible reference to a maximum safe working load or certification to BS 6109.</p>
<p>f. Wheelchair access equipment shall be fitted either into the rear or side access door of the vehicle. Where it is fitted to a side door this shall be the door situated on the nearside of the vehicle, i.e. kerbside when stopped in a normal road.</p>	<p>f. Wheelchair access equipment is fitted to the off-side access door of the vehicle.</p>
<p>g. The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 48 inches (1220mm). The measurement shall be taken from the upper centre of the aperture to a point directly below on either the upper face of the fully raised lift platform, or the upper face of the ramp fully deployed on level ground. The minimum width of the aperture of the doorway should also be 750mm wide and 800mm height (notwithstanding the required minimum headroom in the centre).</p>	<p>g. There is not clear headroom in the aperture within the central third of 48 inches (1220mm).</p>
<p>h. The space in which the passenger in a wheelchair is to be accommodated should have a minimum of 1200mm by 700mm and headroom of 1400mm.</p>	
<p>i. A locking mechanism shall be fitted that holds the access door in the open position whilst in use.</p>	<p>i. No evidence of suitable locking mechanism to hold the door open.</p>

11.1 Wheelchair Restraint and Access Equipment

Method of Inspection	Reason for Rejection
<p>All wheelchair tracking must be fit for purpose and structurally sound.</p> <p>Wheelchair passengers should travel facing forwards or backwards only.</p> <p>Further information on disabled people's transport is available from the Disabled Persons Transport Advisory Committee (DPTAC) website opposite.</p>	<p>Damaged or insecure tracking or detritus deposits within the tracking rails.</p> <p>www.dptac.gov.uk</p>

11.2 Fire Extinguisher

Method of Inspection	Reason for Rejection
<p>a. Check the fire extinguisher for:</p> <ul style="list-style-type: none"> o expiry date o seal o type – water, CO₂, foam or dry powder o approved mark – ISO 7165 <p>b. The fire extinguisher must be kept in an accessible position inside the vehicle. The extinguisher may be carried out of view, i.e. in a fastened glove compartment provided there is a clear sign on the dashboard stating the location.</p>	<p>a. A fire extinguisher is missing or:</p> <ul style="list-style-type: none"> o out of date o broken or missing seal o no approved marking visible or other non-approved marking shown o gauge shows as empty <p>b. Not fitted in an accessible position or its position is not clearly marked</p>

11.3 First Aid Kit

Method of Inspection	Reason for Rejection
<p>Check:</p> <ul style="list-style-type: none"> a. there is a first aid kit, expiry date and seals intact b. that is in an accessible position inside the vehicle. The first aid kit may be carried out of view, i.e. in a fastened glove compartment provided there is a clear sign on the dashboard, stating the location. 	<p>The first aid kit is:</p> <ul style="list-style-type: none"> a. missing, out of date, broken or seals have been broken b. not fitted in an accessible position or its position is not clearly marked

SECTION 12 – Stretch Limousines**Section Contents**

Sub-Section	Subject
12.1	Vehicle Identification Number (VIN)
12.2	Seating Capacity
12.3	Undue Stresses
12.4	Passenger Notices

12.1 Vehicle Identification Number (VIN)

Method of Inspection	Reason for Rejection
<p>Vehicle Identification Number (VIN) should be checked to ensure it complies with the guidance as follows:</p> <ul style="list-style-type: none"> a. for vehicles constructed from 1998 onwards, the VIN should begin with ILI b. pre-1998 vehicles, VIN should begin with ILM c. if a VIN begins with ILN or anything other, then this is likely to be a non-approved ('cut-and-shut') modification 	<p>Inappropriate VIN markings displayed or no VIN markings present</p>

12.2 Seating Capacity

Method of Inspection	Reason for Rejection
It is strongly recommended that prior to the inspection of a novelty vehicle, the inspector checks the seating capacity on the V5C to ensure it does not exceed 8 passenger seats.	If the V5C states more than 8 passengers, then this vehicle MUST NOT be tested or licensed as a private hire vehicle. The vehicle should be referred to VOSA for licensing as a passenger carrying vehicle (PCV).

12.3 Undue Stresses

Method of Inspection	Reason for Rejection
<p>Vehicle inspectors should be aware of undue stresses caused to the steering, brakes and tyres due to the additional weight imposed on the vehicle at the modification process.</p>	<p>Tolerances and wear should be as defined in the VOSA Car and Light Commercial Vehicle Testing Manual as follows:</p> <ul style="list-style-type: none"> ○ steering - Section 2 ○ brakes - Section 3 ○ tyres - Section 4

12.4 Passenger Notices

Declaration

Vehicles with side facing seats not to be used to carry passengers under 16 years of age, **regardless of whether the vehicle is fitted with or without seatbelts.**

Passenger Notices

- I. In addition, notices forbidding children to be carried in side facing seats must be displayed in prominent positions, i.e. on entry to the passenger compartment and on the inside of the vehicle on either side of the passenger compartment.
- II. Further notices should be displayed inside the vehicle, where all passengers can clearly read the notice, advising passengers of the maximum carrying capacity of the vehicle and a warning to passengers that should the capacity be exceeded then the vehicle will not be insured.

SECTION 13 – Driver Protection Screens and CCTV

Section Contents

Sub-Section	Subject
13.1	Driver Protection Screens
13.2	CCTV

13.1 Driver Protection Screens

Method of Inspection	Reason for Rejection
<p>Driver protection screens are not a mandatory requirement in either hackney carriages or private hire vehicles, but, where they are fitted, the screen, fittings and installation and must comply with relevant:</p> <ul style="list-style-type: none"> • UN ECE/EU type approval • Road Vehicles (Construction and Use) Regulations 1986 • Millbrook or MIRA product assessment <p>Contact:</p> <p>Millbrook: info@millbrook.co.uk or www.millbrook.co.uk/contact MIRA: salesfrontoffice@horiba-mira.com</p>	<ul style="list-style-type: none"> a. Fails to meet the approval requirement b. Not installed to manufacturer’s recommendations, without excess gaps between screen and vehicle interior. c. Not of suitable material (not rigid to UN ECE R43 standard) d. Screen impedes vision, movement or communication with passenger e. Screen impedes driver or passengers’ entry and egress from vehicle f. Fixtures or fittings present a potential hazard to occupants g. Millbrook or MIRA evidence of approval unavailable h. Installation negatively affects a vehicle safety system (e.g. airbags) <p>Notes</p> <ol style="list-style-type: none"> 1. Licence holders must inform their insurers of any modifications 2. Vehicle inspection reports will identify if tested with or without a driver protection screen. Only those inspected and assessed will be approved by the Council.

13.2 CCTV

Method of Inspection	Reason for Rejection
<p>If fitted, check:</p> <ul style="list-style-type: none"> a. if adequate signage is displayed in the vehicle passenger area advising that they are being monitored and recorded either visually, audibly or both b. associated equipment is maintained and in working order, fitted overtly and in such a way that it does not present a safety hazard to passengers 	<ul style="list-style-type: none"> a. Inadequate signage advising passengers of being visually/audibly recorded b. Not in working order or fitted in such a manner as to present a hazard to any occupant

Notes

The inspection of this vehicle is based on the best practice guide 'Hackney Carriage and Private Hire Vehicle National inspection standards' and Maldon District Council's licensing and pre-licensing conditions. The purpose is to assess the vehicle's suitability for licensing or continued licensing as a hackney carriage or private hire vehicle.

The aim of the licensing regime is to ensure the safety of passengers and other road users. The public should have reasonable access to safe and well-maintained hackney carriages and private hire vehicles.

Please note the following

All hackney carriages and private hire vehicles must be maintained to no less than the standards set out in the VOSA publication 'MOT inspection Manual - car and light commercial'. HC and PHVs are subject to much higher annual mileages and more arduous driving than normal private vehicles. Therefore, in the interests of passenger and other road users' safety, a more stringent maintenance and testing regime is required

The purpose of this vehicle inspection is to confirm that it meets these more stringent standards.

In assessing the mechanical condition of a vehicle, it is more likely an item which would ordinarily pass a MOT test with an advisory note, could fail a hackney carriage and private hire vehicle test.

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.

Any vehicle that fails the mechanical inspection will either be: -

- considered suitable for a retest; or
- suspended until the vehicle is brought to an acceptable standard.

A vehicle will be immediately suspended if, in the opinion of the examiner, one or more of the faults would make the vehicle potentially dangerous or unsafe.

if the vehicle is considered suitable for a re-test, it must be submitted within 10 days - otherwise a full inspection will be required.

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Any vehicle that is suspended or not returned within 10 days for re-test will be referred to the Council's licensing department.

A second retest may be available at the discretion of the vehicle examiner if only minor non-compliance persists.

Any disputes resulting from the examination of the vehicle should be made in the first instance to the vehicle workshop supervisor.

It is an offence under the road traffic regulations to use an un-roadworthy vehicle on the public highway. Hackney carriage and private hire operators failing to maintain their vehicles in a safe and roadworthy condition will have their licence suspended, curtailed or revoked

If, in the opinion of the vehicle examiner, the vehicle has not been fully prepared, the test may be terminated and a further full test could be required (for which a further charge may be made).

Additional inspection requirements may be imposed for licensed novelty vehicles (e.g. stretch limousines).