

Public Agenda Pack



Notice of Meeting of

LICENSING AND REGULATORY COMMITTEE

Thursday, 11 April 2024 at 2.00 pm

John Meikle Room, The Deane House, Belvedere Road, Taunton TA1 1HE

To: The members of the Licensing and Regulatory Committee

Chair: Councillor Simon Carswell
Vice-chair: Councillor Marcus Kravis

Councillor Peter Clayton	Councillor Simon Coles
Councillor Hugh Davies	Councillor Lance Duddridge
Councillor Tony Lock	Councillor Martin Lovell
Councillor Mike Murphy	Councillor Connor Payne
Councillor Tom Power	Councillor Tony Robbins
Councillor Diogo Rodrigues	Councillor Brian Smedley
Councillor Andy Soughton	

For further information about the meeting, including how to join the meeting virtually, please contact Democratic Services democraticservicesteam@somerset.gov.uk.

All members of the public are welcome to attend our meetings and ask questions or make a statement **by giving advance notice** in writing or by e-mail to the Monitoring Officer at email: democraticservicesteam@somerset.gov.uk by **5pm on Friday, 5 April 2024**.

This meeting will be open to the public and press, subject to the passing of any resolution under the Local Government Act 1972, Schedule 12A: Access to Information.

The meeting will be webcast and an audio recording made.

Issued by David Clark (the Proper Officer) on Tuesday 2 April 2024.

AGENDA

Licensing and Regulatory Committee - 2.00 pm Thursday, 11 April 2024

Public Guidance Notes contained in Agenda Annexe (Pages 5 - 6)

Click here to join the online meeting (Pages 7 - 8)

1 Apologies for Absence

To receive any apologies for absence.

2 Minutes from the Previous Meeting (Pages 9 - 12)

To approve the minutes from the previous meeting held on Thursday 15 February 2024.

3 Declarations of Interest

To receive and note any declarations of interests in respect of any matters included on the agenda for consideration at this meeting.

(The other registrable interests of Councillors of Somerset Council, arising from membership of City, Town or Parish Councils and other Local Authorities will automatically be recorded in the minutes: [City, Town & Parish Twin Hatters - Somerset Councillors 2023](#)).

4 Public Question Time

The Chair to advise the Committee of any items on which members of the public have requested to speak and advise those members of the public present of the details of the Council's public participation scheme.

For those members of the public who have submitted any questions or statements, please note, a three minute time limit applies to each speaker and you will be asked to speak before Councillors debate the issue.

We are now live webcasting most of our committee meetings and you are welcome to view and listen to the discussion. The link to each webcast will be available on the meeting webpage, please see details under 'click here to join online meeting'.

5 Hackney carriage and private hire vehicle testing and emergency equipment (Pages 13 - 116)

To consider a report on the proposed Hackney Carriage and Private Hire Vehicle Testing and Emergency Equipment Policy which would lead to the changes outlined in Appendices 2 to 9.

6 Minutes of the Licensing and Regulatory Sub-Committees (Pages 117 - 136)

To note the minutes of Licensing and Regulatory Sub-Committees held since the previous Licensing and Regulatory Committee.

Guidance notes for the meeting

Council Public Meetings

The legislation that governs Council meetings requires that committee meetings are held face-to-face. The requirement is for members of the committee and key supporting officers (report authors and statutory officers) to attend in person, along with some provision for any public speakers. Provision will be made wherever possible for those who do not need to attend in person including the public and press who wish to view the meeting to be able to do so virtually.

Inspection of Papers

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at democraticserviceteam@somerset.gov.uk or telephone 01823 357628.

They can also be accessed via the council's website on [Committee structure - Modern Council \(somerset.gov.uk\)](#)

Members' Code of Conduct requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership. The Code of Conduct can be viewed at: [Code of Conduct](#)

Minutes of the Meeting

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting.

Public Question Time

If you wish to speak or ask a question about any matter on the Committee's agenda please contact Democratic Services by 5pm providing 3 clear working days before the meeting. (for example, for a meeting being held on a Wednesday, the deadline will be 5pm on the Thursday prior to the meeting) Email democraticserviceteam@somerset.gov.uk or telephone 01823 357628.

Members of public wishing to speak or ask a question will need to attend in person or if unable can submit their question or statement in writing for an officer to read out, or alternatively can attend the meeting online.

A 20-minute time slot for Public Question Time is set aside near the beginning of the meeting, after the minutes of the previous meeting have been agreed. Each speaker will have 3 minutes to address the committee.

You must direct your questions and comments through the Chair. You may not take a direct part in the debate. The Chair will decide when public participation is to finish. If an item on the agenda is contentious, with many people wishing to attend the meeting, a representative should be nominated to present the views of a group.

Meeting Etiquette for participants

Only speak when invited to do so by the Chair.

Mute your microphone when you are not talking.

Switch off video if you are not speaking.

Speak clearly (if you are not using video then please state your name)

If you're referring to a specific page, mention the page number.

There is a facility in Microsoft Teams under the ellipsis button called turn on live captions which provides subtitles on the screen.

Exclusion of Press & Public

If when considering an item on the agenda, the Committee may consider it appropriate to pass a resolution under Section 100A (4) Schedule 12A of the Local Government Act 1972 that the press and public be excluded from the meeting on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, as defined under the terms of the Act.

If there are members of the public and press listening to the open part of the meeting, then the Democratic Services Officer will, at the appropriate time, ask participants to leave the meeting when any exempt or confidential information is about to be discussed.

Recording of meetings

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This is the on-line invite to join the Licensing and Regulatory Committee meeting on Thursday 11 April 2024 at 2.00pm. Please note this is an in-person meeting in the John Meikle Room, The Deane House, Belvedere Road, Taunton TA1 1HE

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Minutes of a Meeting of the Licensing and Regulatory Committee held in the John Meikle Room, The Deane House, Belvedere Road, Taunton TA1 1HE, on Thursday, 15 February 2024 at 2.00 pm

Present:

Cllr Simon Carswell (Chair)
Cllr Marcus Kravis (Vice-Chair)

Cllr Peter Clayton	Cllr Hugh Davies
Cllr Tony Lock	Cllr Martin Lovell
Cllr Mike Murphy	Cllr Tom Power
Cllr Diogo Rodrigues	

Other Members present remotely:

Cllr Tony Robbins

24 Apologies for Absence - Agenda Item 1

Apologies were received from Councillor Andy Soughton and Councillor Tony Robbins (who attended the meeting virtually).

25 Minutes from the Previous Meeting - Agenda Item 2

Resolved that the minutes of the Licensing and Regulatory Committee held on 12 October 2023 be confirmed as a correct record.

26 Declarations of Interest - Agenda Item 3

Councillors present at the meeting declared the following personal interests in their capacity as a Councillor of a Town or Parish Council or any other Local Authority:-

UNITARY COUNCILLOR	TOWN AND/OR PARISH COUNCIL
Simon Carswell	Street Parish Council

Peter Clayton	Burnham Highbridge Town Council
Marcus Kravis	Minehead Town Council
Tony Lock	Yeovil Town Council
Martin Lovell	Shepton Mallet Town Council
Mike Murphy	Burnham Highbridge Town Council
Tom Power	Wincanton Town Council
Diogo Rodrigues	Bridgwater Town Council

27 Public Question Time - Agenda Item 4

There were no public questions submitted.

28 Hackney carriage rank positions in Yeovil - Agenda Item 5

The officer presented his report and as part of his presentation and in response to question the following points were made:

- The project had originally looked to reduce traffic in that part of Yeovil but the RQ1 proposals had been watered down with the need to allow buses, loading vehicles, taxis as well as access to disabled parking bays.
- As part of the consultation the Licensing Team had contacted all registered drivers with the proposals (there were 260 Hackney and Private Hire drivers) to which they'd had 4 responses asking to retain the Silver Street rank and no issues were raised with any of the ranks.
- A secondary letter had been sent out to the drivers to which no responses had been received.
- There had been no responses from any members of the public.
- As part of the scheme it had been intended that Silver Street would become a one way thoroughfare. But this was currently an unfunded proposal.
- Any recommendations from the Committee would go to the Executive for final approval.

Cllr Lock addressed the Committee, explaining that he was also speaking on behalf of Cllr Soughton, the division member and fellow town councillor. He highlighted:

- That he supported the original proposal to move the Silver Street rank to Princess Street.
- He had been confused by the audit's conclusion, in section 4.3 of the report, as Princess Street was flatter and had a wider pavement than Silver Street.
- That the South Street rank no longer be retained on safety grounds as it was near the brow of the hill and that side of the road was often full up of vehicles accessing the day centre. Its removal would aid visibility and traffic flow.
- That the Hendford rank no longer be retained on safety grounds as that part of

the road was pedestrianised.

The Committee discussed the merits of the proposals for the Yeovil Refresh scheme, the recommendations before them, and the suggestions made by the Yeovil member which they unanimously supported. They acknowledged that, not having been part of the original proposals, the removal of the South Street and Hendford ranks would require further consultation.

Resolved:

To recommend the Executive:

1. Extinguish the Silver Street rank and relocate the provision to Princes Street.
2. Provide a new nighttime only rank in Stars Lane car park.
3. Remove the 2 car rank in Stars Lane.
4. Remove the rank in Middle Street, northeast of South Western Terrace junction.
5. Retain and amend the Old Station Road rank.
6. Retain the Earle Street rank.
7. Retain the South Street rank - But undertake further consultation for its removal on safety ground.
8. Retain the Hendford rank - But undertake further consultation for its removal on safety ground.

29 Minutes of the Licensing and Regulatory Sub-Committees - Agenda Item 6

The Committee **noted** that the minutes of the Licensing and Regulatory Sub-Committees held on 6 September 2023, 13 November 2023 (South – 10am), 13 November 2023 (North – 10am), 13 November 2023 (North – 11.15am), South – 12pm), 20 November 2023, 13 December 2023 and 19 December 2023 were confirmed as correct records.

Then, as members wished to discuss an exempt minute, the Committee went into a closed session.

Resolved:

The Public and Press were asked to leave the meeting while the item was being discussed because it involved the disclosure of information relating to an individual defined as exempt by paragraphs 1 & 2 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

Concerns were raised over a hearing involving a driver used by Transporting Somerset for school runs and the standard of training that they had been given. The

driver at the hearing had stated that their employer had provided no training and they had not been given the two leaflets that the School Transport Team indicated that they should have had.

The Licensing Officer confirmed:

- The issue had been flagged up with the School Transport Team.
- They were just starting, as a new unitary authority, to look at harmonising the training that they provided to hackney carriage and private hire drivers.
- Their safeguarding training had focused on the recognition of safeguard issues, exploitation and county lines.

Members, whilst acknowledging that all drivers would have to undergo a DBS check, felt that there was a need for appropriate training to be given to all drivers and that face to face training was their preferred method. Importantly, there was also a need for all training to be recorded. They agreed that there was a need to look at the training that was provided and to highlight their concerns with the Lead Member and the Scrutiny Committee.

Resolved:

To request that Licensing:

1. Bring a report back to the Committee on the harmonisation of the training that they provided to the taxi trade.
2. Raise the Committee's concerns over the training with the Lead Member for Transport and Digital.
3. To enquire if the training provided by the School Transport Team was something that could be added to the work programme for the Scrutiny – Children and Families Committee.

(The meeting ended at 3.35 pm)

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CHAIR

Somerset Council
Licensing & Regulatory Committee - 11th April 2024



Hackney carriage and private hire vehicle testing and emergency equipment

Lead Officer: John Rendell, Licensing Manager/Specialist

Author: John Rendell, Licensing Manager/Specialist

Contact Details: 01823 219491, john.rendell@somerset.gov.uk

Executive Lead Member: Cllr Federica Smith-Roberts

Division / Local Member: Licensing & Regulatory Committee

1. Summary

1.1 Hackney carriages and private hire vehicles (PHVs) are tested to ensure that they are mechanically safe and generally suitable to be used for hire.

1.2 As the Council has yet to fully harmonise hackney carriage and private hire licensing policy, there are currently five hackney carriage and PHV ‘zones’ in existence, each governed by the policies adopted by and inherited from:

- Sedgemoor District Council
- Mendip District Council
- South Somerset District Council
- Taunton Deane Borough Council
- West Somerset Council

1.3 There are different arrangements for the testing of hackney carriages and PHVs across the five zones. Licensing Officers are seeking to replace the legacy arrangements with one, common approach for testing across all five zones.

2. Recommendations

2.1 Members resolve to adopt the hackney carriage and private hire vehicle testing and emergency equipment policy, shown at **Appendix 1**. In doing so, the changes outlined in **Appendix 2** will be made to the legacy policies.

- 2.2 Members resolve that the aforementioned policy comes into effect on a date to be determined by the Licensing Manager/Specialist, prior to which licence holders will be given no less than 6 weeks notice, via email. Doing so means the implementation is co-ordinated with the nomination of test stations.

3. Background

- 3.1 There is no statutory inspection procedure or standard to assess whether a vehicle is mechanically safe enough, or generally suitable, to be used as a hackney carriage or private hire vehicle. Local authorities are able to set their own standards, and policies regarding the frequency of tests, locally. Many involve, as a foundation, a Ministry of Transport (MOT) test, as that is the national standard of roadworthiness for all vehicles 3 years old and over. There are different ‘classes’ of MOT for different types of vehicle. The procedure and standards of testing for car and passenger carrying vehicles (classes 3,4,5 and 7) are set out in an [MOT inspection manual](#), published by the Driver Vehicle Standards Agency (DVSA).
- 3.2 Whilst there is no statutory standard, the Freight Transport Association (FTA) published a best practice guide to the inspection of hackney carriages and PHVs in 2012, which is been supported by the DVSA (note – the document refers to VOSA, the previous name of the DVSA). That document, shown at **Appendix 3** “...sets out the procedures and standards for those who carry out inspections of hackney carriage and private hire vehicles”. It “...provides additional testing requirements to those in the MOT Inspection Manual” and advises that “...local licensing authorities use the best practice guide in conjunction with the VOSA MOT Inspection Manual as an advocate to public safety.” The document includes an example inspection form for local authorities to use (Appendix A) which refers to the elements of an MOT as well as Part 2 of the same document.
- 3.3 The extent to which a vehicle is tested prior to the grant or renewal of a licence varies across the five Somerset zones and depends on certain conditions, namely the age of the vehicle. The various policies on what is required at the point of an application for the grant or renewal of licence being made, is shown at **Appendix 4**. It should be noted however that, whilst the term ‘Council safety and suitability test’ has been used in Appendix 3, the procedures and standards used to test vehicles in each of the zones does differ, as follows:

Zone	Nature of safety and suitability test	Test carried out by
Sedgemoor	An inspection consisting of various elements which are “ <i>in addition to MOT standards</i> ” and carried out in accordance with the Sedgemoor District Council ‘Testing Manual’ dated January 2019 – Appendix 5.	Council test centre in Bridgwater
Mendip	An inspection incorporating the procedures and standards of an MOT and Part 2 of the FTA national inspection standards (Appendix 3). The inspection form used is based on the example in National Inspection Standards.	Four external test centres nominated by the Council
South Somerset	As above.	Council test station in Yeovil
West Somerset	An inspection that incorporates aspects of an MOT and additional standards – Appendix 6.	One external test station nominated by the Council (previously two)
Taunton Deane	An inspection involving standards not part of an MOT – Appendix 7.	Three external test station nominated by the Council

3.4 Testing in three of the five zones is reliant on a single test station and in one case, a single qualified inspector. Disruption to the testing of licensed vehicles would have public safety implications and/or may disrupt the work of the trade. Naturally, this has been a matter of ongoing concern. Increasing the number of test centres is reliant on the harmonisation of the test carried out, therefore the recommendations in this report are and have been a matter of priority. By adopting the policy at **Appendix 1**, officers can begin the process of identifying and nominating suitable test stations (which may of course include a number of the test stations already providing the Council and trade with a service).

3.5 The maximum length of hackney carriage or private hire vehicle licence a Council can issue is 12 months. Generally, all vehicles are tested or inspected prior to the grant or renewal of a licence. But there are also policies in place which require a second test during the period of a licence for certain vehicles:

Zone	Vehicle tested/inspected for a second time, part way through licence, if:
Sedgemoor	10 years and older.
Mendip	3 years and older.
South Somerset	5 years and older.
West Somerset	6 years and older.
Taunton Deane	Not at all.

3.6 It seems only right that the travelling public in Somerset are served by taxi and private hire drivers, vehicles and private hire operators who are vetted and tested to the same rules and safety standards, given they are all licensed by one Council. Standardised arrangements also ensure a level playing field for the licensed trade. Resolving to adopt the policy at **Appendix 1** would represent a significant step in that direction.

3.7 In September and October last year, we consulted licence holders and test stations on a proposal to standardise the format of the safety and suitability test so that all taxis and PHVs would receive the same. The proposal was to adopt the National Inspection Standards example inspection form, thereby bringing all of the zones up to the standard of practice in the Mendip and South Somerset zones. At that stage, there were no proposals to change the frequency of tests; just standardise the format.

3.8 We received 59 responses to our consultation. Of those:

- 13 responders strongly supported the proposal (22%).
- 20 responders supported the proposal (33.9%).
- 8 responders were neutral (13.6%).
- 4 responders were against the proposal (6.78%)
- 14 responders were strongly against the proposal (23.7%).

- 3.9 All of the responders that were either against or strongly against the proposal identified as being licensed for the ‘Taunton Deane’ and ‘West Somerset’ zones, where proprietors are currently required to supply, with an application for the grant or renewal of a licence, a valid MOT and proof that a Council safety and suitability test has been passed in the last 30 days. Many correctly highlighted that the National Inspection Standards inspection form incorporates the standards contained in the MOT manual for cars and passenger vehicles, and raised concerns about how changing would result in effectively having two MOTs a year.
- 3.10 On the 17th of November 2023, after the finish of the consultation, the Department for Transport (DfT) published the revised [‘Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England’](#). In section 8.19 of the aforementioned guidance (herein referred to as ‘the best practice guidance’) the DfT gave its view on the criteria for vehicle tests as well as other aspects of vehicle testing, in particular their frequency.
- 3.11 In light of the publication of the best practice guidance and responses to the consultation (described at paragraph 3.7), it seemed timely to consider the wider policy and arrangements for vehicle testing, beyond just the criteria. The original proposal to standardise the safety and suitability test developed into four separate proposals which, combined, form **Appendix 1** and would result in changes to the legacy policies, as per **Appendix 2**.

Proposal 1: criteria of test

- 3.12 The first proposal is essentially the same as the original; to standardise the test that all hackney carriages and PHVs receive, by introducing the ‘vehicle suitability inspection’; ‘VSI’ for short. As before, the procedures and standards of the VSI comprise of an MOT and those that form the [MOT inspection manual](#), along with the National Inspection Standards (**Appendix 3**). To demonstrate this clearly, the ‘VSI manual’ has been created; attached at **Appendix 8**. This would be used in conjunction with the ‘VSI form’; attached at **Appendix 9**.
- 3.13 The VSI form is based on the example inspection form in the National Inspection Standards (Appendix 3). Unlike the example inspection form, the MOT standards are grouped together in one row, with the other rows representing the various sections of the VSI manual.

- 3.14 Neither the VSI manual or form refer to carrying a fire extinguisher or first aid kit, consistent with ‘Proposal 4’, explained later in this report.
- 3.15 In relation to the criteria for tests, the best practice guidance states *“MOT tests ensure that vehicles comply with roadworthiness and environmental standards which contribute to the government’s road safety strategy. It seems appropriate to apply the same criteria to taxis and private hire vehicles. However, taxis and private hire vehicles provide a service to the public, so it is also appropriate to set criteria for assessing the internal condition of the vehicle, for example, wheelchair fixings and restraint straps, though these criteria should not be unreasonably onerous.”*
- 3.16 The proposed VSI and Manual combine an MOT with other tailored procedures and standards supported by the DVSA. Officers believe the recommended criteria for tests is consistent with the best practice guidance.

Proposal 2: application procedure

- 3.17 The second proposal is that all applications for either the grant or renewal of a hackney carriage or PHV licence must be accompanied by proof the vehicle has, within the last 30 days, passed the VSI, regardless of the age of the vehicle.
- 3.18 Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states that, on receiving an application for the grant of a PHV licence, a council *“must not grant a licence”* unless it is satisfied that, amongst other things, that vehicle is ‘in a suitable mechanical condition’, ‘safe’ and ‘comfortable’. For hackney carriages, the Town Police Clauses Act 1847 is more general, stating that councils ‘may’ license *“...such number of hackney coaches or carriages of any kind or description adapted to the carriage of persons as they think fit.”* Be that as it may, prospective hackney carriages receive the same level of consideration as PHVs in practice. For these reasons, vehicle licence applications must, with few exceptions, be accompanied by a certificate or similar to show the vehicle has undergone an inspection of sorts. Exactly what, is shown at **Appendix 4**.
- 3.19 There are certain circumstances where a vehicle does not have a mechanical inspection of some kind, being:
- In the Sedgemoor zone, prospective hackney carriages and PHVs which are less than 1 year old at the time of application.

- In the Mendip zone, prospective hackney carriages with less than 500 miles on the mileometer. A visual inspection only.
- 3.20 In other instances, vehicles of lower age undergo less testing than an older vehicle might e.g. a Council safety and suitability inspection only, rather than that and an MOT.
- 3.21 Naturally, the lower the amount of mileage, the lower the risk that the vehicle will have sustained damage of some kind or developed a defect. Be that as it may, the question is whether, without a thorough mechanical inspection, can the Council be fully satisfied that a vehicle is ‘in a suitable mechanical condition’, ‘safe’ and ‘comfortable’. Officers believe that, to meet the Council’s statutory duty as outlined at paragraph 3.18, all applications for both hackney carriage and PHV licences should be supported by proof the vehicle has passed the VSI (which includes an MOT) within the last 30 days.

Proposal 3: vehicle testing frequency

- 3.22 The third proposal is to remove all existing requirements for hackney carriages and PHVs to have a second form of VSI during the 12 month period of the licence. The Taunton Deane zone is the only area where this is already the case.
- 3.23 The DfT’s view on the frequency of vehicle tests can be found at section 8.19 of the [best practice guidance](#): *“An annual test for licensed vehicles of whatever age (including vehicles that are less than three years old) seems appropriate in most cases, unless local conditions suggest that more frequent tests are necessary. More frequent tests may be appropriate for older vehicles which may be more prone to mechanical defects (see [Vehicle age limits](#) or for vehicles owned by proprietors that persistently present vehicles that do not meet the standards required by the authority.”*
- 3.24 The purpose of licensing policies and requirements is to keep the public safe, but they should also be proportionate and justifiable because there is often a cost impact on the trade. This is very true in respect of vehicle testing, the full cost of which is met by the vehicle proprietor.
- 3.25 As paragraph 3.5 shows, hackney carriages and PHVs will require a second VSI part way through the life of a licence from the age of 3 years in the Mendip zone. In the Sedgemoor zone, it is as late as 10 years, but not at all in the Taunton zone.

- 3.26 Rather than arbitrarily picking a vehicle age that is at the top, bottom or in the middle of the range of our current policies without any real basis for doing it, officers are proposing to implement a policy where vehicles are ordinarily tested once a year, coinciding with the granting and renewal of a licence. This would provide a fair and straight forward starting point for the trade and Council and can be later reviewed and changed if there were good and proper reasons to do so.

Proposal 4: emergency equipment

- 3.27 The fourth proposal is that all existing requirements for hackney carriages and PHVs to carry fire extinguishers and first aid kits be lifted.
- 3.28 Vehicle licence conditions across all five zones currently require fire extinguishers to be carried. First aid kits are required in all but one zone (being Sedgemoor). Neither vehicle nor driver licences have conditions that oblige the driver to use them in the event of an emergency.
- 3.29 Section 8.18 of the best practice guidance addresses emergency equipment:
- 3.30 *“The Highway Code advises that should a vehicle catch fire, the occupants should get out of the vehicle quickly and to a safe place and not to attempt to extinguish a fire in the engine compartment, as opening the bonnet will make the fire flare. The National Fire Chief Council (NFCC) recommends that licensing authorities that require fire extinguishers to be provided in vehicles, should ensure that suitable and sufficient training is received by the drivers.*
- 3.31 *“The NFCC’s advice is that if a licensing authority elects not to require drivers to undertake training on the safe way to tackle a vehicle fire, vehicles should not be required to carry fire extinguishers and drivers advised to get out and stay out of the vehicle and call 999, rather than attempting to firefight.”*
- 3.32 Officers see no reason why taxi and PHV drivers should be expected to behave differently than any other motorist and attempt to tackle a fire. Therefore, it seems unnecessary to force proprietors and drivers to carry a fire extinguisher, especially as the best practice guidance suggests that should also entail suitable training.

3.33 The best practice guidance does not offer a view on the carrying of first aid kits, but it seems logical to look at this issue in a similar way to fire extinguishers.

4. Consultations undertaken

4.1 There was a four-week consultation, open to all driver, proprietor and private hire operator licence holders, between the 9th of February and 7th of March. Consultation responses were captured in an online questionnaire on the Council website. 914 separate licence holders were directed, via text message and/or email, to visit the webpage for full details of the consultation (and to respond).

4.2 The questionnaire asked those who responded to indicate the degree to which they supported each proposal or not; ranging from ‘strongly support’ through to ‘strongly disagree’. They could also leave comments for each and general comments at the end.

4.3 39 separate individuals responded to the consultation; a response rate of 4.27%. Full details of the responses are shown at **Appendix 10**. Overall, there is more support for each of the proposals than not.

Criteria of test too stringent

4.4 A number of responders who did not support the proposed the test criteria set out in the VSI manual and form (Appendices 8 and 9) cite section 4.1 as being too stringent, since a number of stone chips and scratches to the body of a vehicle would result in it failing the inspection. It should be noted that since the changes have been made to the VSI manual and form following the consultation, section 4.1 now appears as 3.1.

4.5 It should be noted that the proposal is effectively to adopt criteria that is already used for the Mendip and South zones without controversy. Adopting the VSI without the bodywork standards would therefore represent a reduction to standards in those areas.

4.6 Much like the cleanliness of a vehicle, the condition of the bodywork may not necessarily be an accurate reflection of the mechanical condition and overall safety of a vehicle, however it does impact on the public’s perception and confidence in the vehicle and its driver. The Licensing Manager/Specialist acknowledges the concerns raised but believes that maximising public

confidence justifies leaving the bodywork section of the manual unchanged, and that promoting high standards can benefit the trade.

Number of nominated test stations

- 4.7 As indicated at paragraph 3.4, the Licensing service will be able to review the number of test stations nominated to inspect hackney carriages and private hire vehicles once the Council has resolved to harmonise the inspection criteria.

Meter tests

- 4.8 The VSI manual (Appendix 8) deliberately includes section 1.3 for meter test, allowing for the VSI to evolve in the future, subject to dialogue with the trade and nominated test stations.

Allow the MOT aspect of the VSI to be done at any DVSA approved test station

- 4.9 It has been suggested that it should be possible to have MOT aspect of the VSI carried out at any MOT test station approved by the DVSA. The best practice guidance supports that approach as it “...*maximises the testing capacity available to vehicle proprietors and allows licensing authorities to focus their testing capacity on any additional criteria that they consider necessary for taxi and private hire vehicles.*”
- 4.10 To this end, the proposed policy recognises the MOT and additional requirements that form the VSI as two, distinct inspection elements. The VSI element is limited to being carried out a Council nominated test station but the MOT by any DVSA approved test station, consistent with the best practice.

Vehicles would have more than one MOT a year under new rules

- 4.11 One of the principle aims of recommending a new policy on hackney carriage and private hire vehicle testing is to replace legacy policies and arrangements with a system of testing that is simple and not onerous. The VSI manual and checklist deliberately set out the importance of the MOT as being part of the Council’s process for checking the mechanical safety and suitability a prospective vehicle at the time an application is made.

- 4.12 As indicated at paragraph 3.20, the Council has a legal duty to be satisfied that a private hire vehicle is ‘in a suitable mechanical condition’, ‘safe’ and ‘comfortable’ before it grant a licence. It seems peculiar that the Council should therefore rely on an MOT pass certificate issued up to 11 months before the application is made (which is currently the case in certain circumstances – see Appendix 4).
- 4.13 It is acknowledged that, by introducing the requirement for a vehicle to pass an MOT and VSI no more than 30 days before an application for the grant or renewal of a licence is made, some vehicles would receive more than one MOT in a 12-month period initially. Be that as it may, all future MOTs would then naturally be synchronised with the life of the vehicle licence and renewal cycle. For example: *A hackney carriage licensed to work in the Taunton Deane zone has its annual MOT in February each year. The pass certificate is currently sufficient to be submitted with an application to renew the hackney carriage vehicle licence, which is due in August. Were the proposed policy introduced, the vehicle would have an MOT in February and again in August, just before the vehicle licence is renewed. In the following year however, there would be no need for an MOT in February as the due date would then be synchronised with the life span and renewal of the licence.*
- 4.14 The Licensing Manager/Specialist believes the proposed policy (Appendix 1) represents a straight forward, proportionate and fully justified approach that with the aim of keeping the travelling public safe, and is not unduly onerous on the trade.

Emergency equipment should be required

- 4.15 Some responders have come out in favour of keeping requirements to carry a fire extinguisher and first aid kit in their vehicles, even citing situations in which they have come into use.
- 4.16 Under the proposal, drivers would not be forced to carry emergency equipment but could if they felt inclined. The Licensing Manager/Specialist believes the proposal is appropriate and proportionate.

No smoking signage

- 4.17 One responder suggested that no smoking signage is no longer relevant and should not form part of the VSI.

- 4.18 Since failure to display no-smoking signs in accordance with regulations (The Smoke-free (Signs) Regulations 2012 require at least one legible no-smoking sign), it seems appropriate for it to remain part of the VSI.

‘Spot checks’

- 4.19 The recommended policy concentrates on the Council’s method of ensuring a vehicle is safe and suitable at the point a licence application is received. Since multi-agency operations rely on the willingness and availability of the likes of the Police and DVSA, it is not appropriate for the Council to make a commitment in that regard.

5. Implications

- 5.1 Resolving to adopt the proposed policy will enable the Licensing service to review the test stations that are nominated to carry out hackney carriage and private hire tests. Increasing the number of test stations, particularly in the Sedgemoor and South Somerset zones would give vehicle proprietors greater choice and subject to locations, potentially reduce unnecessary travelling.

6. Background papers

- 6.1 The ‘background papers’ not included with the report as full appendices are:

(a) MOT inspection manual: <https://www.gov.uk/guidance/mot-inspection-manual-for-private-passenger-and-light-commercial-vehicles>

(b) Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England:
<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance/taxi-and-private-hire-vehicle-licensing-best-practice-guidance-for-licensing-authorities-in-england#vehicle-licensing>

7. Appendices

1.	Proposed policy
2.	Legacy policy amendments necessary if recommendation resolved

3.	Hackney Carriage and Private Hire Vehicles National inspection standards
4.	Hackney carriage vehicle licence grant and renewal application requirements
5.	Sedgemoor District Council testing manual
6.	West Somerset inspection checklist
7.	Safety and suitability test criteria for Taunton Deane zone
8.	Vehicle suitability inspection (VSI) manual
9.	Somerset Council VSI form
10.	Consultation responses

Note For sight of individual background papers please contact the report author

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Appendix 1 – proposal

Somerset Council policy on hackney carriage and private hire vehicle testing and emergency equipment

1 Criteria for tests

- 1.1 There is no statutory inspection procedure and standard for hackney carriages and private hire vehicles. In relation to the 'Criteria for tests', the [DfT guidance](#) states that *"MOT tests ensure that vehicles comply with roadworthiness and environmental standards which contribute to the government's road safety strategy. It seems appropriate to apply the same criteria to taxis and private hire vehicles. However, taxis and private hire vehicles provide a service to the public, so it is also appropriate to set criteria for assessing the internal condition of the vehicle, for example, wheelchair fixings and restraint straps, though these criteria should not be unreasonably onerous."*
- 1.2 The Freight Transport Association (FTA) published the 'National Inspection Standards' in 2012; a 'Best practice guide to inspection of Hackney Carriage and Private Hire Vehicles'. That document *"...sets out the procedures and standards for those who carry out inspections of hackney carriage and private hire vehicles"*. It *"...provides additional testing requirements to those in the MOT Inspection Manual"* and advises that *"...local licensing authorities use the best practice guide in conjunction with the VOSA MOT Inspection Manual as an advocate to public safety."*
- 1.3 In recognition of the guidance from the DfT and FTA, the Council's method of determining the mechanical safety and general suitability of vehicles comprises of two elements:
- (a) An MOT.
 - (b) A vehicle suitability inspection (VSI).
- 1.4 The format of the VSI is set out in the 'Somerset Council hackney carriage and private hire VSI manual'. It is based on the procedures and standards contained in the 'National Inspection Standards', which have been modified in some places to be consistent with the latest DfT guidance and Council policy.
- 1.5 For a vehicle licence to be granted or renewed, a vehicle must pass an MOT and VSI not more than 30 days before the date the licence application is submitted.
- 1.6 The MOT can be undertaken by any DVSA approved test station. The VSI can only be undertaken by one of the following Council nominated test stations:

Name and address	Contact details
TBC	TBC

2 Vehicle testing frequency

- 2.1 The [DfT guidance](#) states that *“An annual test for licensed vehicles of whatever age (including vehicles that are less than three years old) seems appropriate in most cases, unless local conditions suggest that more frequent tests are necessary. More frequent tests may be appropriate for older vehicles which may be more prone to mechanical defects (see Vehicle age limits or for vehicles owned by proprietors that persistently present vehicles that do not meet the standards required by the authority.”*
- 2.2 The Council's policy is that hackney carriages and private hire vehicles will receive one VSI a year, just before an application to renew the licence is submitted.
- 2.3 The Council has the power to attach conditions to vehicle licences and, in individual cases where it is appropriate and justified, this can be used to impose a duty on a proprietor have their vehicle tested more frequently.

3. Emergency equipment

- 3.1 There is no requirement for taxis and PHVs to carry a fire extinguisher or first aid kit.
- 3.2 The [DfT guidance](#) states: *“The Highway Code advises that should a vehicle catch fire, the occupants should get out of the vehicle quickly and to a safe place and not to attempt to extinguish a fire in the engine compartment, as opening the bonnet will make the fire flare. The National Fire Chief Council (NFCC) recommends that licensing authorities that require fire extinguishers to be provided in vehicles, should ensure that suitable and sufficient training is received by the drivers.”*
- 3.3 *“The NFCC’s advice is that if a licensing authority elects not to require drivers to undertake training on the safe way to tackle a vehicle fire, vehicles should not be required to carry fire extinguishers and drivers advised to get out and stay out of the vehicle and call 999, rather than attempting to firefight.”*
- 3.4 The Council does not see any reason why licensed drivers should be expected to behave differently than any other motorist and attempt to tackle a fire. Therefore, there is no requirement to carry a fire extinguisher and be suitably trained to use it.
- 3.5 In a similar way, the Council does not require hackney carriages or PHVs to carry first aid kits, or for licensed drivers to be first aid trained.

Appendix 2 – Legacy policy amendments necessary if recommendation resolved

Document	Relevant part/paragraphs	Change
<p>'Guidance & Statement of Policy 2021 to 2025 Licensing of Hackney Carriage & Private Hire Vehicles, Drivers and Operators' adopted by Sedgemoor District Council</p>	<p><i>Annex A – VEHICLES</i></p> <p><u><i>Inspection of Vehicles</i></u></p> <p>“The vehicle must be inspected at the Councils in-house maintenance department, or authorised equivalent, and a pass certificate issued.”</p>	<p>Replace with:</p> <p>“Refer to ‘Somerset Council policy on hackney carriage and private hire vehicle testing and emergency equipment’.”</p>
	<p><u><i>Vehicle Specifications and requirements</i></u></p> <p>“A current MOT certificate is required on all vehicles over one year old. This is in addition to the Council vehicle inspection test carried out annually. Vehicles over 10 years old will be required to pass a general condition check by the Council’s vehicle inspector at the time of renewal and to annually pass TWO Council vehicle safety inspections in addition to the required MOT Test. The proprietor shall produce the registration document upon demand to determine the precise date of first registration. Proprietors have the right of appeal a decision of the Licensing Officer to the Licensing Sub-Committee.” Page 13.</p>	<p>Replace with:</p> <p>“Refer to ‘Somerset Council policy on hackney carriage and private hire vehicle testing and emergency equipment’.”</p>

Document	Relevant part/paragraphs	Change
	<p><u><i>Fire Extinguishers</i></u></p> <p>“Vehicles must be fitted with a fire extinguisher to the following standards:</p> <ul style="list-style-type: none"> • Of an approved type manufactured to BS-EN3. • A minimum 1KG of powder. • Securely mounted with a bracket. • Annually serviced to BS-5306-3 standards. • A 12 month certificate of conformity from the date of service. • A service record and an anti-tamper bag.” 	<p>Replace with:</p> <p>“Refer to ‘Somerset Council policy on hackney carriage and private hire vehicle testing and emergency equipment’.”</p>
	<p><i>ANNEX D - PENALTY POINTS SCHEME</i></p> <p>“Fire Extinguisher not working / out of date / incorrect standard (Driver) – 4”</p>	<p>Remove.</p>
<p>Mendip District Council ‘Taxi and Private Hire Policy’</p>	<p>Page 31, Table 1.</p> <p><i>Valid MOT Certificate</i></p> <p>“Required for all applications. Taxis - required 1 year from date of first registration and PHV</p>	<p>Replace with:</p> <p>“Refer to ‘Somerset Council policy on hackney carriage and private hire vehicle testing and emergency equipment’.”</p>

Document	Relevant part/paragraphs	Change
	- required 3 years from date of first registration.”	
	Page 32, Table 1 <i>Vehicle Test Certificate Pass</i> “Not required on applications for a new vehicle with less than 500 recorded miles. In those instances an inspection by an Authorised Officer will be carried out to verify certain requirements.”	Replace with: “Refer to ‘Somerset Council policy on hackney carriage and private hire vehicle testing and emergency equipment’.”
	<i>3.7 Ministry of Transport (MOT) Test</i> Paragraphs 3.7.1 to 3.7.3	Replace with: “Refer to ‘Somerset Council policy on hackney carriage and private hire vehicle testing and emergency equipment’.”
	<i>3.8 Vehicle inspections</i> Paragraphs 3.8.1 to 3.8.14	Replace with: “Refer to ‘Somerset Council policy on hackney carriage and private hire vehicle testing and emergency equipment’.”
	<i>3.9 Fire extinguishers</i>	Replace with:

Document	Relevant part/paragraphs	Change
	Paragraphs 3.9.1 to 3.9.3	“Refer to ‘Somerset Council policy on hackney carriage and private hire vehicle testing and emergency equipment’.”
‘South Somerset District Council Hackney Carriage and Private Hire Licensing Policy’	<i>Inspection of Vehicles</i> Paragraph 3.9	Replace with: “Refer to ‘Somerset Council policy on hackney carriage and private hire vehicle testing and emergency equipment’.”
	<i>MOT</i> Paragraph 3.10.	Replace with: “Refer to ‘Somerset Council policy on hackney carriage and private hire vehicle testing and emergency equipment’.”
	<i>Vehicle Testing</i> Paragraphs 3.20 to 3.23	Replace with: “Refer to ‘Somerset Council policy on hackney carriage and private hire vehicle testing and emergency equipment’.”
	<i>Appendix F Standard conditions for hackney carriage vehicles</i> Conditions (bb) and (cc)	Remove.

Document	Relevant part/paragraphs	Change
	<p><i>Appendix G Standard conditions for private hire vehicles</i></p> <p>Conditions (y) and (z)</p>	Remove.
Somerset West and Taunton 'Private Hire and Hackney Carriage Drivers, Vehicles and Operators Handbook for the former Taunton Deane borough area'	<p><i>3.6 Motor tricycles as private hire vehicles</i></p> <p>“(g) A fire extinguisher shall be carried at all times on the vehicle and maintained.</p> <p>(h) A first aid kit which complies with the guidance in the Vehicle Licensing Criteria shall be carried at all times and maintained.”</p>	Remove.
	<p><i>3.8 MOT</i></p> <p>Entire paragraph.</p>	<p>Replace with:</p> <p>“Refer to ‘Somerset Council policy on hackney carriage and private hire vehicle testing and emergency equipment’.”</p>
	<p><i>3.10 Plate Test</i></p> <p>Entire paragraph.</p>	Replace with:

Document	Relevant part/paragraphs	Change
		“Refer to ‘Somerset Council policy on hackney carriage and private hire vehicle testing and emergency equipment’.”
	<i>Appendix 3, Standard Conditions for a Hackney Carriage Vehicle Licence</i> Conditions 3(c)(d) and (e)	Remove.
	<i>Appendix 4, Standard Conditions for a Private Hire Vehicle Licence</i> Conditions 3(c)(d) and (e)	Remove.
	<i>Appendix 5, Hackney Carriage and Private Hire vehicles: Plate test for motorised vehicles</i>	Remove.
	<i>Appendix 6, Application procedure for licensing brand new vehicles</i>	Remove.
Somerset West and Taunton ‘Hackney Carriage/Private Hire	<i>Testing Of Vehicles</i> Paragraphs 3.8 to 3.10	Replace with:

Document	Relevant part/paragraphs	Change
Regulations for the former West Somerset district area'		"Refer to 'Somerset Council policy on hackney carriage and private hire vehicle testing and emergency equipment'."
	<p><i>Motor tricycles as private hire vehicles</i></p> <p>"(g) A fire extinguisher shall be carried at all times on the vehicle and maintained.</p> <p>(h) A first aid kit which complies with the guidance in the Vehicle Licensing Criteria shall be carried at all times and maintained."</p>	Remove.
	<p><i>APPENDIX A</i></p> <p><i>HACKNEY CARRIAGE/PRIVATE HIRE DRIVER REGULATIONS & CONDITIONS</i></p> <p>Condition 15 b)</p>	Remove reference to 'first aid kit' and 'fire extinguisher'.
	<p><i>APPENDIX C</i></p> <p><i>VEHICLE REGULATIONS AND CONDITIONS</i></p> <p>Condition 32 d)</p>	Remove reference to 'fire extinguisher'.

Document	Relevant part/paragraphs	Change
	<i>APPENDIX C</i> <i>VEHICLE REGULATIONS AND CONDITIONS</i> Conditions 35 h) and j)	Remove.
	<i>APPENDIX F</i> <i>FIRST AID KIT GUIDANCE</i>	Remove.

Hackney Carriage and Private Hire Vehicles National inspection standards



Best Practice Guide

August 2012

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

Supported by



Delivering safe, efficient, sustainable logistics



FREIGHT TRANSPORT ASSOCIATION

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

August 2012

Editor: **Andy Mair**

Production: **Hilary Kingdon**

Design: **Tracey Garrett**

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

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

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

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

*Calls may be recorded for training purposes

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Foreword

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

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

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

Nigel R Maden

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



Revision record

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

Part I: Introduction

1.1 Best practice guide

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

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

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

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

1.2 Application to devolved administrations

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



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

1.3 Technical safety issues

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

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

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

1.4 Scope of the guidance

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

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

1.5 Specification of vehicle types that may be licensed

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

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

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

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

1.6 Accessibility



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

Licensing authorities will be aware that it remains the Department

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

1.7 Type approval

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

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

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

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

Voluntary inspections

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

1.8 Vehicle testing

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

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

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

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

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

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

2 Novelty vehicles (stretched limousines)

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



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

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

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

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

3 General information

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

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

Statement of undertakings and declaration

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



Part 2: Procedures and standards of inspection

This best practice guide sets out the procedures and standards for those who carry out inspections of hackney carriage and private hire vehicles.

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

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Section 1

Lamps, reflectors and electrical equipment

1.9 Electrical wiring and equipment

Method of inspection	Reason for rejection
<i>This examination is limited to that part of the electrical system that can be readily seen without dismantling any part of the vehicle.</i>	
a Check all electrical wiring for: <ul style="list-style-type: none"> • condition • security • position • signs of overheating • heavy oil contamination 	a Wiring <ul style="list-style-type: none"> • 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
b Check all switches controlling all obligatory lights	b Switches <ul style="list-style-type: none"> • Insecurity or malfunction of a switch controlling an obligatory light

1.9 Additional lamps

Method of inspection	Reason for rejection
<i>With the ignition switched on check the following.</i>	
Reversing lamps <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 	Reversing lamps <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 Are not in good working order or insecure d Flickers when tapped lightly by hand
Front fog/driving lamps <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 	Front fog/driving lamps <ul style="list-style-type: none"> e Lamp inoperative or operates other than in dipped beam mode f Operate incorrectly g Operate incorrectly
'For Hire' and roof signs <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 Condition and security of wiring d Functional test of signs for illumination 	'For Hire' and roof signs <ul style="list-style-type: none"> a Incorrect colour or details shown on sign, ie registration number, vehicle number etc b Insecure sign c Wiring is not in good condition or is loose or chaffed d Illumination not consistent across the sign, ie all light bulb(s) LED(s) illuminated when switched on

Section 2

Steering and suspension

2.1 Steering control – steering wheel

Method of inspection	Reason for rejection
<i>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). Note the following.</i>	
<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

2.1 Steering control – steering column

Method of inspection	Reason for rejection
a Try to lift the steering in line with the steering column and note the movement at centre of steering wheel	a Excessive movement at centre of steering wheel in line with steering column (end float) <i>Note: Certain types of steering column might show some movement not due to excessive wear, eg those fitted with universal joints or flexible couplings</i>
b While steering wheel is rotated, check for deterioration in any flexible coupling or universal joint of steering column	b A flexible coupling or universal joint deteriorated, worn or insecure
c Where practical, check any clamp bolts for presence and security of locking devices. (These may be located in the engine compartment or under chassis)	c A coupling clamp bolt or locking device loose or missing

2.4 Suspension spring units and linkages

Method of inspection	Reason for rejection
Coil springs	Coil springs
a Welding repairs	a Repaired by welding

Section 3

Brakes

No additional inspection requirements

Section 4

Tyres and road wheels

4.1 Tyres – condition

Method of inspection	Reason for rejection
On all the tyres, including spare wheel where fitted , examine each tyre meets all the requirements laid down in the 'MOT Inspection Manual – Private Passenger and Light Commercial', ISBN 978-0-9549352-5-2 <i>Note: 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</i>	In accordance with the 'MOT Inspection Manual – Private Passenger and Light Commercial Vehicle Testing', ISBN 978-0-9549352-5-2 <i>Note: Space saver tyres should only be approved with the support of a method statement highlighting driver responsibilities with regard to the maximum permitted speed and that space savers are a temporary 'get-you-home tyre'</i>

Method of inspection	Reason for rejection
<p>Important note: stretched limousines</p> <p>In the case of American imported stretched limousines, vehicle inspectors will need to be vigilant when inspecting tyres for suitability, and an assessment should be made with the information detailed on the convertor plate. Most converted stretched limousines are converted from Ford Lincoln Town Cars with a number of Cadillac variants also.</p> <p>In approved 'stretch' limousine conversions, the maximum weight can be in excess of 7,100lbs (3.2 tonnes) and care should be exercised when determining suitable tyre ratings. Generally speaking a Ford Lincoln or Cadillac would require a tyre rating index of at least 107T, which gives a load rating of 2,149lbs (975kgs) with a maximum speed of 118 miles per hour.</p>	<p>Stretched limousines</p> <p>More information and guidance can be obtained from: National Limousine & Chauffeur Association on: www.nlca.co.uk</p>

Section 5

Seat belts and supplementary restraint systems

No additional inspection requirements

Section 6

Body, structure and general items

6.1 Vehicle 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 miss-match to a panel(s) to such an extent that it detracts from the overall appearance of the vehicle

Method of inspection	Reason for rejection
	<p>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</p> <p>k Obvious signs of rust/corrosion of any size particularly those that are covered by advertising signs</p> <p>l Lack of clearly displayed or omission of 'No Smoking' signs</p>

6.1 Vehicle body, security and condition (interior)

Method of inspection	Reason for rejection
a Examine thoroughly the interior for damaged, insecure or loose fixtures, fittings or accessories	a Insecure and loose fixtures, fittings or accessories
b Dirty, missing and worn trim, carpets, seat belts, mats, headlining, boot area and inclusion of prescribed items. Remove mats to inspect carpets underneath for cleanliness and wear	b Missing, dirty, soiled, stained worn or insecure trim, carpets, headlining, and mats in such a condition that they are likely to soil or damage passengers' clothing or luggage
c Examine interior lights, motion door locks and warning lights	c An inoperative interior light (all lights must illuminate if they are part of the manufacturer's standard equipment). Missing or defective motion switch/lock or warning lamp not illuminated
d Examine heating, demisting and air condition systems for correct operation, including passenger compartment controls where fitted (includes electric front and rear screen demisters)	d A system(s) which does not function correctly, or any part is missing including vents, controls and switches
e Examine all windows ensuring they allow lowering and rising easily	e An opening window that is inoperative or difficult to open and or close mechanism broken/missing
f Examine interior door locks, grab handles/rails safety covers	f Missing, defective or loose door locks, child locks, protective covers grab handles and rails. Grab handles/rails, which are rigid to aid the blind and partially sighted, and are worn to excess
g Examine grills/partitions for security and condition	g A grill/partition which is insecure or has sharp edge which may cause injury to passengers or driver
h Examine electrical wiring for condition, security, including intercom systems	h Frayed, chaffing wiring, non-shielded terminals and 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
i Examine the boot for access, contents, cleanliness and water ingress	i 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 (ie spare wheel tools and equipment etc)
Additional items to be inspected in limousines and novelty vehicles.	
j All fixtures and fittings, ie mirror balls, drinks cabinets, televisions etc must be stored securely and not hinder the ingress or egress from the passenger compartment	j Any fixture or fitting that is loose or insecure or where walkways are blocked that prevent ease of ingress or egress from the passenger compartment

Method of inspection	Reason for rejection
<p>k 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><i>Note: Any vehicle presented in a dirty, untidy condition will not be tested</i></p>	<p>k No maximum seating capacity sign or signs displayed. A sign or signs not clearly visible to all passengers</p>
<p>Mandatory 'No Smoking' sign</p> <p>l Check for presence and display of No Smoking sign</p>	<p>l No Smoking sign missing/not adequately displayed</p>

6.1 Bumper bars

Method of inspection	Reason for rejection
<p>Examine the bumper bars and check the following.</p> <p>a They are secure to their mountings</p> <p>b The mountings are secure to the vehicle</p> <p>c There is no evidence of damage</p>	<p>a A loose bumper bar or mounting. A weakened bumper bar and/or mounting is insecure because of poor repairs</p> <p>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 secured by wire or other temporary means is regarded as insecure and must be rejected</p> <p>c Bumper bars which have jagged edges, cracks, splits or projections, which may cause injury to persons near the vehicle. Paint miss-match or fading which is significantly different to that of the rest of the paintwork</p>

6.2 Doors and seats

Method of inspection	Reason for rejection
<p>Doors and emergency exits</p> <p>Examine the 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 the presence, condition and correct functioning of all door stay catches and devices (including sliding doors)</p> <p>Check 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>Check that seats are secure, clean and not unduly worn</p>	<p>Doors and emergency exits</p> <p>a A door or emergency exit does not latch securely in the closed position</p> <p>b A door or emergency exit cannot be opened from both the inside and outside the vehicle from the relevant control in each case</p> <p>c Missing, loose or worn handles, lock or striker plate</p> <p>d Markings describing the presence and method of opening an emergency exit missing, illegible or incorrect</p> <p>e Missing, loose or damaged trim/cover plate</p> <p>f Seat cushion(s) stained, torn, holed, worn or insecure. A seat that does not provide adequate support at base or backrest. Torn, slashed or badly stained seats are not acceptable</p> <p>g A door stay catch or device missing, excessively worn or not fulfilling its function</p>

Method of inspection	Reason for rejection
<p>Important note</p> <p>With the exception of 'novelty vehicles' only vehicles with forward and rear facing seats will be accepted.</p> <p>For more information on seating for novelty vehicles see section 12.1</p>	
<p>Accessibility: wheelchair vehicles</p> <p>Door configurations for wheelchair accessible vehicles</p> <p>a Single rear door – must open to a minimum of 90 degrees and be capable of locking in place</p> <p>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</p>	<p>Accessibility: wheelchair vehicles</p> <p>a Door does not open to a full 90 degrees and cannot be secured in the open position</p> <p>b Twin doors do not open to a full 180 degrees and cannot be secured in the open position</p>

Section 7

Exhaust, fuel and emissions

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>a Check that fuel tank filler caps are:</p> <ul style="list-style-type: none"> • present • of the correct type • secure and seated properly to ensure correct function of sealing <p>b Examine 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> <p>c Check that no fuel pipe runs immediately adjacent to or in direct contact with electrical wiring or the exhaust system</p>	<p>a A filler cap missing or unsuitable or in such condition that it would not prevent fuel leaking or spilling</p> <p>b Damaged, chafed, insecure pipes or pipes so positioned that there is a danger of them fouling moving parts</p> <p>c A fuel pipe immediately adjacent to or in direct contact with electrical wiring or exhaust system</p> <p>d Temporary/emergency fuel cap fitted</p>

Section 8

Driver's view of the road

8.1 Mirrors and view to rear

Method of inspection	Reason for rejection
<i>The number and position of all obligatory mirrors must be checked.</i>	
Check the condition of each mirror reflecting surface	A mirror reflecting surface deteriorated or broken. <i>Note: A defective additional external mirror is not a reason for rejection</i>

8.3 Windscreen – view to the front

Method of inspection	Reason for rejection
<i>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.</i>	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
For all air operated wipers examine: <ul style="list-style-type: none"> the condition of any visible piping the function of the operating mechanism the function of necessary valves to protect the braking system <p><i>Note: Equipment or objects not originally fitted to the vehicle as part of the original design must not obstruct the designed forward view of the driver. In particular, objects such as (but not limited to) pennants, cab decorations and external stone guards/visors should not interrupt the view through the swept area by the windscreen wipers</i></p>	Air operated wipers: <ul style="list-style-type: none"> pipes inadequately clipped or supported incorrect function of the wipers or leaking components incorrect operation of protection valves

8.5 Window glass or other transparent material

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

Method of inspection	Reason for rejection
<p>g Vehicles first used on or after 1 June 1978, check that windscreens and other windows, wholly or partly, on either side of the drivers' seat are made from safety glass displaying an acceptable safety mark</p> <p><i>Note: Marking is not required for safety glass on vehicles first used before 1 June 1978</i></p>	<p>g For vehicles first used on or after 1 June 1978, that windscreens and/or other windows wholly or partly on either side of the drivers seat that are not made from safety glass display an acceptable safety mark</p>

Section 9

Tricycles and quadricycles

No additional inspection requirements

Section 10

Additional requirements

10.1 Transmission

Method of inspection	Reason for rejection
<p>Examine transmission, check for the following.</p>	
a Missing or loose flange bolts	a A loose or missing flange bolt(s)
b Cracked or insecure flanges	b A flange cracked, or loose on the transmission shaft
c Wear in shaft and/or wheel bearings	c Excessive wear in shaft bearing
d Security of bearing housings	d A bearing housing insecure to its fixing
e Cracks or fractures in bearing housings	e A cracked or fractured bearing housing
f Wear in universal joints	f Excessive wear in a universal joint
g Deterioration of flexible couplings	g Deterioration of a transmission shaft flexible coupling
h Distorted, damaged shafts	h A damaged, cracked or bent shaft
i Deterioration of bearing housing flexible mountings	i Deterioration of a flexible mounting of a bearing housing
j Clearance between transmission shafts and adjacent components	j Evidence of fouling between any transmission shaft and an adjacent component

10.2 Oil and water leaks

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

10.3 Luggage/load space

Method of inspection	Reason for rejection
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	Load restraint system, if required, not present at time of test Load restraint system faulty or unserviceable

10.4 Trailers and towbars

Method of inspection	Reason for rejection
<p>Trailers</p> <p>Where a local licensing authority permits the use of trailers for the carriage of luggage, then the trailer needs to be presented for test along with the vehicle that will be authorised to tow it. The trailer will also need to display the appropriate registration plate and a licence plate</p> <p><i>Note: Trailers presented for inspection should be built by an approved or recognised trailer manufacturer</i></p> <p><i>An example of a typical trailer inspection sheet can be found at Appendix A</i></p>	<p>Trailers</p> <p>Rejections as indicated on the trailer inspection sheet shown at Appendix A</p>
<p>Towbars</p> <p>Where tow bars are fitted checks must be made on the condition and security to the towing vehicle</p>	<p>Towbars</p> <p>Rejections as indicated on the trailer inspection sheet shown at Appendix A</p>

Section 11

Ancillary equipment

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 restraint</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)</p>
<p>Wheelchair access and equipment</p> <p>A vehicle shall be fitted with either of the following forms of wheelchair access equipment:</p>	

Method of inspection	Reason for rejection
<p><i>Ramps</i></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><i>Wheelchair lift</i></p> <p>d A purpose designed wheelchair lift shall conform to the LOLER 98 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 wheel chair lift will require a LOLER certificate that is valid for a period of six months from the date of issue</p> <p><i>Note: Passenger lifting equipment will need to be thoroughly examined by a competent person, in use, at least once every six months</i></p> <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>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, ie kerbside when stopped in a normal road</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 (1,220mm). 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</p> <p>h A locking mechanism shall be fitted that holds the access door in the open position whilst in use</p> <p>i All wheelchair tracking must be fit for purpose and structurally sound</p>	<p>c Ramps missing, insecurely stored, damaged/deformed, anti-slip covering in poor condition or missing</p> <p>d Vehicle not presented with a valid or current LOLER certificate</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 is fitted to the offside access door of the vehicle</p> <p>g There is not clear headroom in the aperture within the central third of 48 inches (1,220mm)</p> <p>h No evidence of a suitable locking mechanism to hold the door open</p> <p>i Damaged or insecure tracking or detritus deposits within the tracking rails</p>

11.2 Fire extinguisher

Method of inspection	Reason for rejection
<p>a Check the fire extinguisher for presence:</p> <ul style="list-style-type: none"> • the expiry date • seal • type – water or foam • approved mark – BS5423 or EN3 <p>b The fire extinguisher must be kept in an accessible position inside the vehicle. The extinguisher may be carried out of view, ie 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"> • out of date • broken or missing seal • no approved marking visible or other non-approved marking shown • incorrect type • in an obviously poor condition or discharged state <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
a Check the first aid kit for presence, the expiry date and the seal is intact. There is no requirement to inspect the contents of the first aid kit	a A first aid kit is missing, out of date, in a poor or contaminated condition or the seal has been broken
b The first aid kit must be kept in an accessible position inside the vehicle. The first aid kit may be carried out of view, ie in a fastened glove compartment provided there is a clear sign on the dashboard, stating the location	b The first aid kit is not fitted in an accessible position or its position is not clearly marked

Section 12

Novelty vehicles (stretch limousines)

12.1 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)

12.2 Undue stresses

Method of inspection	Reason for rejection
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	Tolerances and wear should be as defined in the VOSA MOT Inspection Manual – Private Passenger and Light Commercial Vehicle Testing as follows: <ul style="list-style-type: none">• steering – section 2• brakes – section 3• tyres – section 4

12.3 Passenger notices

Driver declaration

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

Passenger notices

- In addition, notices forbidding children to be carried in side facing seats must be displayed in prominent positions, ie on entry to the passenger compartment and on the inside of the vehicle on either side of the passenger compartment. In addition, local licensing authorities may require outward facing signs adjacent to all entrance/exit doors to the passenger compartment
- Further notices should be displayed inside the vehicle, where all passenger 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

Appendices

Appendix A

Hackney Carriage and Private Hire – Trailer inspection form

Hackney Carriage and Private Hire Trailer inspection sheet

Space for
local authority logo




Plate number of towing vehicle _____

Registration number of towing vehicle _____

Registered owner of vehicle _____

Manufacturer's plate showing chassis number _____

Manufacturer's plate showing maximum weight _____

Inspection area	Description	Pass (✓)	Fail (X)
Licence plate	Contains details and complies with local licensing authorities' format		
Licence plate	Clearly displayed, legible and securely fixed		
Licence plate	Serviceable – not damaged or defaced		
Trailer couplings	Check condition and operation and presence of a safety breakaway cable		
Tow bar mounting brackets	Check condition and security		
Trailer body	Check condition of side and rear tailboards		
Trailer chassis	Check condition		
Suspension	Check condition and operation		
Wheel bearings	Check for excessive free play or roughness in bearings		
Tonneau cover and fittings	Check for condition		
Wheels and tyres	Check security, condition and wear		
Braking system	Operates satisfactorily		
Lighting	All obligatory lights work		
Indicators	All indicators work		
Reflective triangle	Check presence and condition		
Numberplate	Check condition, security of fitting and displayed clearly		
Speed restriction notice	Check condition and displayed clearly		

I hereby certify that the above trailer has been inspected and has/has not* been found to be roadworthy and suitable to be used as a hackney carriage/private hire* trailer at the time of inspection.

Examined by (name) _____

Signature _____ Date _____

*Delete as appropriate

Appendix B

Definition of motor vehicles

Category	Definition
M	A motor vehicle with at least four wheels designed and constructed for the carriage of passengers
M1	Vehicles designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the driver's seat
M2	Vehicles designed and constructed for the carriage of passengers and comprising more than eight seats in addition to the driver's seat, and having a maximum mass not exceeding five tonnes
M3	Vehicles designed and constructed for the carriage of passengers and comprising more than eight seats in addition to the driver's seat, and having a maximum mass exceeding five tonnes

Appendix C

Hackney Carriage and Private Hire – Inspection sheet (front)

Hackney Carriage and Private Hire

Inspection form

Space for local authority logo



IMPORTANT: READ NOTES OVERLEAF

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

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

*delete as appropriate

B I hereby certify that the above vehicle has been inspected and has/has not* been found to be roadworthy and suitable to be used as a hackney carriage/private hire* vehicle at the same time of inspection.

Signed _____ (Tester/Inspector)

Name in capitals _____ Date _____

Authentication stamp

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

Hackney Carriage and Private Hire – Inspection sheet (back)

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

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

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

Additionally the insurance may not be operative.

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

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Appendix 4 – hackney carriage and private hire vehicle licence grant and renewal application requirements

Zone	Vehicle description	Hackney carriage requirements	Private hire requirements
Sedgemoor	Less than 1 year old.	None.	None.
	1 year old and above.	<p>Grant: MOT test pass certificate provided and Sedgemoor 'vehicle test' passed at Council test station.</p> <p>Renewal: MOT test pass certificate provided only, with Council safety and suitability test arranged at a later date.</p>	<p>Grant: MOT test pass certificate provided and Sedgemoor 'vehicle test' passed at Council test station.</p> <p>Renewal: MOT test pass certificate provided only, with Council safety and suitability test arranged at a later date.</p>
Mendip	Less than 500 miles on the mileometer.	<p>Inspection of:</p> <ul style="list-style-type: none"> (a) Mileometer reading (b) External and internal visual inspection for cleanliness and damage. (c) Tyre depth and condition. (d) Taximeter fitted and readily visible to customers (taxis). (e) Fire extinguisher being fitted and fixed properly either readily available for driver or in the boot space. (f) First aid kit. (g) Underneath the vehicle and engine space will be visually checked. 	Council safety and suitability test passed at nominated test station.

Zone	Vehicle description	Hackney carriage requirements	Private hire requirements
	Vehicles less than 1 year old but more than 500 miles on mileometer.	Council safety and suitability test passed at nominated test station.	Council safety and suitability test passed at nominated test station.
	1 to 3 years old	MOT test pass certificate provided and Council safety and suitability test passed at nominated test station.	Council safety and suitability test passed at nominated test station.
	3 years old and above.	MOT test pass certificate provided and Council safety and suitability test passed at nominated test station.	MOT test pass certificate provided and Council safety and suitability test passed at nominated test station.
South Somerset	1 year old and less.	Council safety and suitability test passed at Council test station.	Council safety and suitability test passed at Council test station.
	Over 1 year old.	MOT test pass certificate provided and Council safety and suitability test passed at Council test station.	MOT test pass certificate provided and 'Council safety and suitability test passed at Council test station.
Taunton Deane	All.	MOT test pass certificate provided and Council safety and suitability test passed at nominated test station.	MOT test pass certificate provided and Council safety and suitability test passed at nominated test station.
West Somerset	Less than 1 year old.	Council safety and suitability test passed at nominated test station.	Council safety and suitability test passed at nominated test station.
	1 year old and over.	MOT test pass certificate provided and Council safety and suitability test passed at nominated test station.	MOT test pass certificate provided and Council safety and suitability test passed at nominated test station.

SEDGEMOOR DISTRICT COUNCIL

THE LICENSING OF HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

Testing Manual

Elements of the Vehicle Test in addition to M.O.T. Standards

Version 1 – updated January 2019

1. EXTERIOR OF THE VEHICLE

Method of Inspection		Reason for Rejection		Notes
1.1	The exterior of the bodywork, the underside of the vehicle and the engine compartment must be in a suitable clean condition to allow for proper inspection of these areas. (See notes)	1	Contamination preventing proper inspection.	If the vehicle is presented for inspection in such a condition to prevent a full examination of items for inspection, the test will not be carried out.
1.2	Check all door check straps to ensure that doors are held in place when fully opened.	2	Door check straps which fail to hold the doors in place when fully opened.	
1.3	Bodywork should be free from dents and scratches which adversely affects the safety and appearance of the vehicle.	3	Any bodywork with sharp or protruding edges likely to cause injury to a pedestrian or other road users. Visibly poor or shoddy repairs. Significant bodywork damage. Any body panel not matching the vehicles original colour.	
1.4	Ensure that the front and rear bumpers are in good order (without damage) and are securely fixed to the vehicle.	4	Damaged or inadequately secured front or rear bumpers.	

Method of Inspection		Reason for Rejection		Notes
1.5	Examine the rubber seals to every door for <u>serious</u> damage, looseness or absence.	5	A door seal which is damaged or worn to the extent that air/water penetration may occur constitutes a fail. Any sharp edges arising from door seal defects constitutes a fail.	
1.6	Check that every reversing light fitted by the manufacturer of the vehicle.	6	A reversing light which:	Some vehicles have reversing lights fitted as an extra. If this is so, then check that the switch provided for its use is fitted in such a position capable of indicating to the driver of the vehicle that the reverse light (s) have been activated or deactivated. All other light checks still apply.
	(a) Operates when reverse gear is selected.	6(a)	Does not operate when reverse gear is selected.	
	(b) is complete, in good working order and in clean condition.	6(b)	Is incomplete, not in good working order or in clean condition, i.e. so damaged or deteriorated that its function is impaired.	
	(c) Emits a steady white light.	6(c)	Emits other than a steady white light when reverse gear is selected remains on when reverse gear is deselected.	
	(d) Is securely fitted and provides adequate illumination to the rear of the vehicle.	6(d)	Insecure or does not provide adequate illumination to the rear of the vehicle.	

Method of Inspection		Reason for Rejection		Notes
1.7	Operate the washers and the wipers and note the swept area of the rear window.	7(a)	A wiper or washer control missing or inaccessible to the driver.	This inspection only applies to a vehicle that is manufactured with a windscreen wiper and washer(s) fitted to the rear window of the vehicle.
		7(b)	A wiper does not automatically operate when switched on (if applicable).	
		7(c)	A wiper installed for the use of the driver does not operate over an area of the rear window enough to give the driver an adequate view.	
1.8	Examine the condition, security and effectiveness of the wiper blade and its contact with the rear window.	8	A wiper blade insecure, missing, deteriorated or which does not clear the rear window effectively to give the driver an adequate view to the rear from the driver's seat.	
1.9	Check the function of the rear window washer.	9	The window washer does not provide enough liquid to clear the rear window in conjunction with the wiper.	

2. SIGNS – PRIVATE HIRE VEHICLE SIGNS

Method of Inspection		Reason for Rejection		Notes
2.1	Examine the sign affixed to the roof of the vehicle to ensure that they comply with the Council's conditions.	1	Displaying a sign which fails to comply with the Council's conditions.	

3. LICENCE PLATES

Method of Inspection		Reason for Rejection		Notes
3.1	Inspect the vehicle licence plates fixed to the vehicle to ensure they are correct and check for signs of damage or excessive wear, and ensure that the licence detail is clearly legible.	1	A damaged plate or a plate with licence number not clearly legible. Incorrect licence plate displayed.	The plates should be permanently fixed to the bumpers, tailgate or rear panel, so that it can be clearly seen.

4. TYRES AND SPARE WHEEL

Method of Inspection		Reason for Rejection		Notes
4.1	Ensure that the tyre provided on the spare wheel is of the same size and construction as those fitted to the road wheels (See notes).	1	<p>A spare wheel not provided with vehicle. A tyre which is of a different size or construction, unless supplied in accordance with manufacturer's specification.</p> <p>Damaged, worn, sub-standard or otherwise illegal tyres.</p> <p>Excessively under or over inflated spare tyre.</p> <p>Failure to provide a suitable jack and/or wheelbrace with the vehicle.</p> <p>Failure to satisfactorily secure the spare wheel.</p> <p>A damaged or distorted spare wheel rim to such extent that it renders it unserviceable.</p>	<p>If a vehicle has tyres in a combination which conforms to current legal requirements (eg. radial and cross-ply), the carrying of one spare wheel/tyre cannot be accepted, since it can only be used in limited circumstances. The vehicle must, therefore, fail the test, even if the spare tyre is in good condition and matches one pair of tyres fitted to the vehicle. A mix of steel and cord radial on one axle will not be accepted.</p> <p>This section does not apply if a vehicle was not fitted with a spare wheel when manufactured and a repair kit is supplied.</p>

5. BOOT

Method of Inspection		Reason for Rejection		Notes
5.1	<p>Examine the boot interior for evidence of corrosion or water penetration, floor covering is in good condition, free of dirt, litter etc, no containers of any flammable or corrosive materials (eg. oil, petrol), no loose tools and other items.</p> <p>Check that the vehicle boot supports and opening mechanism adequately support the lid when it is in the "lifted" position.</p>	1	<p>Corrosion to the floor of the boot, inner wing panels or lid.</p> <p>Inadequate floor covering.</p> <p>Accumulations of dirt, grease, rubbish etc. in the boot which could soil or damage luggage stored therein.</p> <p>Containers for the storage of oil, petrol or any flammable or corrosive material shall not be carried in the vehicle.</p> <p>Any tools or other items not adequately secured or would hinder the storage of luggage.</p> <p>Defective opening mechanism.</p> <p>Defective boot supports which prevent the lid from being properly secured in the "lift" position.</p>	<p>The materials could contaminate passengers' luggage, taint food etc.</p>
5.7	<p>Check that the vehicle is equipped with suitable wheelchair ramps and they are permanently legibly marked with the registration mark of the vehicle that they are being carried in.</p> <p>Check pull out steps fitted to vehicle.</p> <p>Check that the vehicle is equipped with the apparatus for securing a wheelchair in the vehicle.</p>	7(a)	<p>Vehicle not equipped with suitable wheelchair ramps and ramps not in good order.</p> <p>Vehicle not equipped with the apparatus.</p>	<p>This section only applies to vehicles fitted with disabled facilities.</p>

6. ENGINE COMPARTMENT

Method of Inspection		Reason for Rejection		Notes
6.1	Carry out a visual inspection of the engine compartment for signs of oil leaks.	1	Excessive oil leaks.	
6.2	Ensure that the battery is properly secured in position.	2	A battery which is not adequately secured.	
6.3	Examine the engine mountings for signs of deterioration.	3	Insecure or excessively deteriorated engine mountings.	
6.4	Ensure that the radiator is properly secured to the vehicle and check the cooling system for signs of any leaks.	4	An inadequately secured radiator or leaks from the cooling system.	

7. INTERIOR OF VEHICLE

Method of Inspection		Reason for Rejection		Notes
7.1	Examine the floor and upholstery inside the vehicle for accumulations of dust, dirt, litter, general debris, cigarette ash, odour, staining or excessive wear.	1	A vehicle which is in a dirty condition with an excessive accumulation of dust, litter, debris etc. or staining to the carpets or upholstery.	
7.2	Examine the upholstery provided to ensure that they are not worn, holed or torn.	2		
7.3	Examine each of the passenger seats within the vehicle to ensure that all seat cushions and back rests are in a good condition and offer proper support to passengers.	3	Seat cushions or back rests which are in poor condition and/or offer poor support to passengers.	
7.4	Examine the rear seats to ensure that the seat base is secure.	4	Inadequately secured rear seat bases.	
7.5	Check the operation of the interior light within the vehicle, both the manual switch and the door operated switches if fitted by the manufacturer.	5(a)	Faulty interior light fitting and switches.	
7.6	Check the operation of the heater/windscreen de-mister to ensure that it is in satisfactory working order.	6	Defective heater/windscreen de-mister.	Unless controlled by computer Management System.
7.7	The anti-slip face on the clutch pedal.	7	The anti slip provision on the clutch pedal is missing, loose or worn smooth.	

Method of Inspection		Reason for Rejection		Notes
7.8	Check the operation of all window winder mechanisms ensuring that they allow all windows to be fully lowered and raised easily.	8	Window winder mechanism that do not allow windows to be easily lowered or raised.	Vehicles fitted with electric windows must comply to this standard of operation.
7.9	Check the operation of all rear doors from the interior of the vehicle.	9(a)	A rear passenger door that cannot be opened from the inside using the interior handles.	
		9(b)	Missing or damaged handles which prevent the opening of the rear doors from the interior.	
7.10	Check that a mirror is fitted to the interior and near side of the vehicle.	10	Missing, insecure or defective mirrors which do not give a clear view to the rear from the driver's seat.	Minibuses to be fitted with N/S & O/S mirrors.
7.11	Check that there are no excessive unpleasant odours noticeable inside the vehicle.	12	Unacceptable smells including vomit, waste food or other similar contaminants.	
7.12	Check that there are 'No smoking' and 'Seat belts must be worn' stickers displayed and are visible to all passengers.	12	Stickers missing or damaged.	

Method of Inspection		Reason for Rejection		Notes
7.13	Ensure that all emergency exits provided on the vehicle are clearly marked, in letters not less than 25mm high, on both the inside and outside, the words "EMERGENCY DOOR" or "FOR EMERGENCY USE ONLY".	13(a)	Less than 25mm high.	Sections 7.13 and 7.14 are only applicable to vehicles which are licensed or intended to be licensed for the carriage of six to eight passengers not including the driver.
		13(b)	The words "EMERGENCY DOOR" or "FOR EMERGENCY USE ONLY" are not displayed on either inside or outside.	
		13(c)	They are not adjacent to the exits	
7.14	Check that the means of operation for the emergency exits are clearly indicated on or near the door.	14	The means of operation are not clearly indicated.	

8. FIRE EXTINGUISHERS

Method of Inspection		Reason for Rejection		Notes
8.1	<p>The carriage of a fire extinguisher is mandatory.</p> <p>Fire extinguisher manufactured to BS-EN3.</p> <p>A minimum of 1kg. powder.</p> <p>Serviced annually to BS-5306-3 and carry an up to date service record.</p> <p>Fitted with anti-tamper tag.</p> <p>Marked with the registration number of the vehicle in which it is fitted.</p> <p>Securely mounted within a retaining bracket.</p> <p>A label must be displayed in the vehicle giving the location of the extinguisher if it is not immediately visible to driver and passengers.</p>	1	<p>A fire extinguisher which does not conform to the Council's standard (BSEN3).</p> <p>A fire extinguisher which is not in a secure and readily accessible position within the vehicle (including the boot).</p> <p>A leaking, empty or damaged extinguisher.</p> <p>A fire extinguisher which is not permanently and legibly marked with the registration of the vehicle.</p>	

9. ROAD TEST

Method of Inspection		Reason for Rejection		Notes
9.1	Check for any vibrations through the steering column or transmission.	1	Excessive vibration within the vehicle which may cause discomfort to any passenger being carried therein.	
9.2	Listen for any unusual noise from the engine and transmission.	2	Excessive engine or transmission noise.	
9.3	Check the clutch for correct operation.	3	A clutch mechanism which fails to give proper clearance or slips excessively during operation.	
9.4	Check the operation of the gear lever for signs of wear in the mechanism.	4	Excessive wear in the gear change mechanism which does not provide an effective change of gears in their appropriate sequence.	
9.5	Observe the performance of the engine during the road test for signs of any misfiring, lack of engine power etc. or any indication that the engine is not functioning in the correct manner.	5	Any evidence that there is a problem affecting the performance or reliability of the vehicle.	
9.6	Investigate and report any other matters which affect the fitness of the vehicle for use as a hackney carriage or private hire vehicle.			

10. IN RESPECT OF MINIBUS AND MPV STYLE VEHICLES WITH EFFECT FROM 1st FEBRUARY 2019

Method of Inspection		Reason for Rejection		Notes
10.1	A minimum of three doors to the passenger accommodation.	1	Fewer than three doors.	Not applicable to purpose built vehicles.
10.2	Check there are proper signs on how to lift/tip/move the second row of seats.	2	Missing or damaged signs	
10.3	Check that all operating levers for the above seat are coloured yellow/orange and are visible.	3	Colour is faded or damaged.	
10.4	Check that 'Exit' signs are fitted to doors and any opening windows.	4	Missing or damaged signs.	
10.5	Check there is an internal device for the rear hatch door to enable it to be opened from the inside.	5	Missing or inoperative device.	

APPEALS FOR PROCEDURE

If a vehicle proprietor is dissatisfied with the decision of a vehicle examiner to refuse to issue a test certificate in respect of a vehicle and the defect is listed in the Test Manual, then he/she should refer the matter to the Licensing Officer who will consider the matter and will then report to the proprietor his decision. If he/she is still dissatisfied then the Head of Environmental Health & Strategic Housing will be required to investigate the matter.

Appendix 6

WEST SOMERSET

HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE INSPECTION CHECKLIST

Vehicle Reg No. Make and Model

Approx Year of Manufacture Mileage

Name and Address of Vehicle Owner

.....

Code	Item of test	Pass	Fail	Remarks
LIGHTING EQUIPMENT				
01	Oblig Front Lamps			
02	Oblig. Rear Lamps			
03	Oblig. Headlamps			
04	Headlamps Aim			
05	Stop Lamps			
06	Rear Reflectors			
07	Directional Indicators			
STEERING AND SUSPENSION				
08	Steering Controls			
09	Steering Mechanism			
10	Power Steering			
11	Transmission Shafts (Fwd Only)			
12	Sub Axle Assemblies			
13	Wheel Bearings			
14	Suspension			
15	Shock Absorber			
BREAKING SYSTEM				
16	Service Brake Condition			
17	Parking Brake Condition			
18	Service Brake Efficiency			
19	Parking Brake Efficiency			
20	Service Brake Balance			

Appendix 6

TYRES AND WHEELS				
21	Tyre Type			
22	Tyre Condition			
23	Road Wheels			
SEAT BELTS				
24	Security Of Mountings			
25	Condition Of Belts			
26	Operation			
GENERAL ITEMS				
27	Windscreen Washers			
28	Windscreen Wipers			
29	Horn			
30	Condition Of Exhaust System			
31	Effectiveness Of The Silencer			
32	Condition Of Vehicle Structure			
33	Are there sufficient means to enable the passenger to communicate to the driver?			
34	Is the roof water tight?			
35	Can at least one window on each side be opened and closed?			
36	Are the seats properly cushioned and covered?			
37	Has the floor a proper carpet, mat or other suitable covering?			
38	Are the fittings and furniture in a clean condition, well maintained and in every way fit for public service?			
39	Is the vehicle constructed to carry luggage? If so, can luggage be secured?			
40	Has the vehicle a suitable fire extinguisher ready available and in date?			Date on extinguisher...../...../.....
41	Has the vehicle at least two doors for the use of passengers in addition to			

Appendix 6

	the door for the driver?			
42	Is a taximeter fitted? If 'yes', what is the make of the taximeter?			Make
43	Is the taximeter in working order? (If no the vehicle cannot be licenced)			
44	Is the seal on the taximeter unbroken?			
45	Does the meter show the correct fare when travelling the 'measured mile'?			
46	Has the statement of fares been painted or marked on the inside of the vehicle, or on a plate affixed thereto, in clearly distinguishable letters and figures and fixed so that the chart can easily be seen by the passenger(s)?			
47	Has the large licence plate provided by the Council been displayed on the outside and the small plate displayed on the inside?			
48	Is there an operative Department of Environment Test certificate (MOT) under Section 43 of the Road Traffic Act 1972? (applicable for vehicles being presented for testing for the first time only)	Yes	No	If yes: Serial No. of Cert Date of Cert..... Name and address of issuing garage:
49	Is the Road Fund Licence displayed?	Yes	No	If yes: Licence No: Expiry date:
50	Does the vehicles signage or markings comply with the Councils Regulations?	Yes	No	
51	Does the vehicle have a suitable first aid kit?	Yes	No	
52	Is the windscreen clear of chips and scratches?	Yes	No	
LIMOUSINE VEHICLES ONLY				
53	Unladen Weight below 7100lbs	Yes	No	
54	Maximum stretch below 120"	Yes	No	
55	QVM/CMC plate displayed	Yes	No	
56	In your professional opinion would this vehicle survive the demands of	Yes	No	

Appendix 6

	being licenced for a full year?			
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During the test on this vehicle, the defects noted below were noticed, which in the opinion of the Examiner, render the vehicle unfit as a Hackney/Private Hire Vehicle.

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Signature of examiner

Signature of authorised Officer

Appendix 7 – safety and suitability test criteria for Taunton Deane zone

1. The whole exterior of the vehicle must be adequately maintained and clean, to allow for identification, visual amenity and the protection of other's property;
2. The interior of the vehicle must be safe for all classes of the public;
3. Passenger seats must be a minimum of 406mm in width. In addition, there must be a minimum of 229mm of clear knee space, measured from the front portion of the passenger seat to the surface in front;
4. Where adjustable windows are installed, they must be capable of use by passengers to ensure comfort and safety;
5. An appropriate number of interior lights must be fitted to ensure passenger comfort and safety;
6. Any upholstery must be undamaged and unblemished for comfort, safety and visual amenity;
7. Carpet or floor covering must be secure to promote the safety of passengers;
8. The boot or luggage area of the vehicle must be clean and dry to ensure the protection of customer property and for visual amenity;
9. The boot or luggage area of the vehicle must be adequately equipped to ensure the safe and secure transportation of luggage;
10. Front and rear window demisters must be in good working order to enable the driver to maintain a good level of vision and awareness of the road at all times;
11. The Council issued vehicle internal identification sticker must be displayed so that it is clearly visible to all passengers;
12. The Council issued vehicle licence plate must be fixed so that, where practicable, it is visible when the boot is in an upright position. The plate must also not extend below the bumper line and must not be placed in the rear window of the vehicle;
13. All tyres fitted must be appropriate for the type of vehicle;
14. The vehicle must carry a fire extinguisher that meets the BS EN3 standard and bears the British Standard kitemark. It must be fitted with a seal to verify that it has not been used, permanently marked with the vehicle registration number and securely fixed in a easily accessible position;
15. Where a vehicle is fitted with a meter:
 - (a) It must be fitted so as to be visible to all passengers and;

- (b) A current Council tariff card must be displayed so that it is clearly visible to all passengers;
16. The vehicle must carry a first aid kit which is fixed in an easily accessible position and;
- (a) Contains at least one of each of the following items:
 - Eye pad
 - Triangle bandage
 - Cleansing wipe
 - Powder free gloves
 - Conforming bandage
 - Wash proof plaster
 - (b) Where applicable, the items listed above must not be beyond their expiry date.
17. Doors must be capable of being secured in an open position to ensure passenger safety;

Wheelchair accessible vehicles

18. The vehicle must be equipped with a system that enables and promotes the safe, secure and comfortable boarding, conveyance and alighting of wheelchair bound passengers in accordance with the Hackney Carriage and Private Hire National Inspection Standards.

Overall judgment of inspector

19. At the time of the vehicle being tested, it must, in the inspector's opinion, be capable of withstanding the demands of operating as a licensed vehicle for the period of a year and therefore fit to be licensed as a Hackney Carriage or Private Hire vehicle.

Appendix 8: Hackney carriage and private hire

Vehicle suitability inspection (VSI) manual

February 2024

The Freight Transport Association (FTA) published the 'National Inspection Standards' in 2012; a 'Best practice guide to inspection of Hackney Carriage and Private Hire Vehicles'. That document "*...sets out the procedures and standards for those who carry out inspections of hackney carriage and private hire vehicles*". It "*...provides additional testing requirements to those in the MOT Inspection Manual*" and advises that "*...local licensing authorities use the best practice guide in conjunction with the VOSA MOT Inspection Manual as an advocate to public safety.*"

In recognition of the guidance from the DfT and FTA, Somerset Council has adopted a VSI format which comprises of the procedures and standards of inspection set out in the 'National Inspection Standards', which Somerset Council has modified in some places to be consistent with the latest DfT guidance and Council policy.

To allow a thorough examination of a vehicle or any part thereof, it must be presented for test in a clean condition. The vehicle presented will fail the test if, in the opinion of the vehicle examiner, the vehicle is so dirty that it would be unreasonable for the test to be carried out.

A test will not be carried out unless the examination fee has been paid in advance.

1. Lamps, reflectors and electrical equipment

1.1 Electrical wiring and equipment

Method of inspection	Reason for fail
<i>This examination is limited to that part of the electrical system that can be readily seen without dismantling any part of the vehicle.</i>	
a) Check all electrical wiring for: <ul style="list-style-type: none"> • condition • security • position • signs of overheating • heavy oil contamination b) Check all switches controlling all obligatory lights.	a) Wiring: <ul style="list-style-type: none"> • 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. b) Insecurity or malfunction of a switch controlling an obligatory light.

1.2 Additional lamps

Method of inspection	Reason for fail
<i>With the ignition switched on check the following:</i>	
Reversing lamps 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.	Reversing lamps a) Fails to operate or does not emit a white diffused light. b) Fails to extinguish when neutral or forward gear is selected. c) Are not in good working order or insecure. d) Flickers when tapped lightly by hand.
Front fog/driving lamps 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.	Front fog/driving lamps e) Lamp inoperative or operates other than in dipped beam mode. f) Operate incorrectly. g) Operate incorrectly
'For Hire' and roof signs For hackney carriages: h) Roof sign fitted. i) Ensure the sign is securely fastened to the vehicle.	'For Hire' and roof signs For hackney carriages: h) Does not have roof sign. i) Insecure sign.

<p>j) Condition and security of wiring.</p> <p>k) Functional test of sign for illumination.</p> <p>For private hire vehicles:</p> <p>l) Check for roof sign as prohibited on private hire vehicles.</p>	<p>j) Unsatisfactory wiring condition.</p> <p>k) Sign does not illuminate or Illumination not consistent across the sign, i.e. all light bulb(s) LED(s) illuminated when switched on.</p> <p>For private hire vehicles:</p> <p>l) Roof sign fitted.</p>
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1.3 Meter test – hackney carriages only

Method of inspection	Reason for fail
<i>Not currently in use.</i>	

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2. Steering and suspension

2.1 Steering control – steering wheel

Method of inspection	Reason for fail
<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). Note the following.</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 fail
<ul style="list-style-type: none"> a) Try to lift the steering in line with the steering column and note the movement at centre of steering wheel. b) While steering wheel is rotated, check for deterioration in any flexible coupling or universal joint of steering column. c) Where practical, check any clamp bolts for presence and security of locking devices. (These may be located in the engine compartment or under chassis. 	<ul style="list-style-type: none"> a) Excessive movement at centre of steering wheel in line with steering column (end float). <i>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.</i> b) A flexible coupling or universal joint deteriorated, worn or insecure. c) A coupling clamp bolt or locking device loose or missing

4.3 Suspension spring units and linkages

Method of inspection	Reason for fail
<p>Coil springs</p> <ul style="list-style-type: none"> • Check for welding repairs. 	<p>Coil springs</p> <ul style="list-style-type: none"> • Repaired by welding.

3. Body, structure and general items

3.1 Vehicle body and condition (exterior)

Method of inspection	Reason for fail
<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 miss-match 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 clearly displayed or omission of 'No Smoking' signs.

3.2 Vehicle body, security and condition (interior)

Method of inspection	Reason for fail
a) Examine thoroughly the interior for damaged, insecure or loose fixtures, fittings or accessories.	a) Insecure and loose fixtures, fittings or accessories.
b) Dirty, missing and worn trim, carpets, seat belts, mats, headlining, boot area and inclusion of prescribed items. Remove mats to inspect carpets underneath for cleanliness and wear.	b) Missing, dirty, soiled, stained worn or insecure trim, carpets, headlining, and mats in such a condition that they are likely to soil or damage passengers' clothing or luggage.
c) Examine interior lights, motion door locks and warning lights.	c) An inoperative interior light (all lights must illuminate if they are part of the manufacturer's standard equipment). Missing or defective motion switch/lock or warning lamp not illuminated.
d) Examine heating, demisting and air condition systems for correct operation, including passenger compartment controls where fitted (includes electric front and rear screen demisters).	d) A system(s) which does not function correctly, or any part is missing including vents, controls and switches.
e) Examine all windows ensuring they allow lowering and rising easily.	e) An opening window that is inoperative or difficult to open and or close mechanism broken/missing.
f) Examine interior door locks, grab handles/rails safety covers.	f) Missing, defective or loose door locks, child locks, protective covers grab handles and rails. Grab handles/rails, which are rigid to aid the blind and partially sighted, and are worn to excess.
g) Examine grills/partitions for security and condition.	g) A grill/partition which is insecure or has sharp edge which may cause injury to passengers or driver.
h) Examine electrical wiring for condition, security, including intercom systems.	h) Frayed, chaffing wiring, non-shielded terminals and 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.
i) Examine the boot for access, contents, cleanliness and water ingress.	i) 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).
j) Check for presence and display of 'No Smoking' sign.	j) 'No Smoking' sign missing/not adequately displayed.

<p>Additional items to be inspected in limousines and novelty vehicles.</p> <p>k) All fixtures and fittings, i.e. 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>l) Any fixture or fitting that is loose or insecure or where walkways are blocked that prevent ease of ingress or egress from the passenger compartment.</p> <p>m) No maximum seating capacity sign or signs displayed. A sign or signs not clearly visible to all passengers.</p>
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3.3 Bumper bars

Method of inspection	Reason for fail
<p>Examine the bumper bars and check the following.</p>	
<p>a) They are secure to their mountings.</p> <p>b) The mountings are secure to the vehicle.</p> <p>c) There is no evidence of damage.</p>	<p>a) A loose bumper bar or mounting. A weakened bumper bar and/or mounting is insecure because of poor repairs.</p> <p>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 secured by wire or other temporary means is regarded as insecure and must be rejected.</p> <p>c) Bumper bars which have jagged edges, cracks, splits or projections, which may cause injury to persons near the vehicle. Paint miss-match or fading which is significantly different to that of the rest of the paintwork.</p>

3.4 Doors and seats

Method of inspection	Reason for fail
<p>Doors and emergency exits</p> <p>Examine the 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 the presence, condition and correct functioning of all door stay catches and devices (including sliding doors).</p> <p>Check 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>Check that seats are secure, clean and not unduly worn.</p>	<p>Doors and emergency exits</p> <p>a) A door or emergency exit does not latch securely in the closed position.</p> <p>b) A door or emergency exit cannot be opened from both the inside and outside the vehicle from the relevant control in each case.</p> <p>c) Missing, loose or worn handles, lock or striker plate.</p> <p>d) Markings describing the presence and method of opening an emergency exit missing, illegible or incorrect.</p> <p>e) Missing, loose or damaged trim/cover plate.</p> <p>f) Seat cushion(s) stained, torn, holed, worn or insecure. A seat that does not provide adequate support at base or backrest. Torn, slashed or badly stained seats are not acceptable.</p> <p>g) A door stay catch or device missing, excessively worn or not fulfilling its function.</p>
<p>Accessibility: wheelchair vehicles</p> <p>Door configurations for wheelchair accessible vehicles:</p> <p>a) Single rear door – must open to a minimum of 90 degrees and be capable of locking in place.</p> <p>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.</p>	<p>Accessibility: wheelchair vehicles</p> <p>a) Door does not open to a full 90 degrees and cannot be secured in the open position.</p> <p>b) Twin doors do not open to a full 180 degrees and cannot be secured in the open position.</p>

4. Exhaust, fuel and emissions

4.1 Exhaust system

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

4.2 Fuel system – pipes and tanks

Method of inspection	Reason for fail
<p>a) Check that fuel tank filler caps are:</p> <ul style="list-style-type: none">• Present• of the correct type• secure and seated properly to ensure correct function of sealing.	<p>a) A filler cap missing or unsuitable or in such condition that it would not prevent fuel leaking or spilling.</p>
<p>b) Examine 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>	<p>b) Damaged, chafed, insecure pipes or pipes so positioned that there is a danger of them fouling moving parts.</p>
<p>c) Check that no fuel pipe runs immediately adjacent to or in direct contact with electrical wiring or the exhaust system.</p>	<p>c) A fuel pipe immediately adjacent to or in direct contact with electrical wiring or exhaust system.</p>
	<p>d) Temporary/emergency fuel cap fitted.</p>

5. Driver's view of the road

5.1 Mirrors and view to rear

Method of inspection	Reason for fail
<i>The number and position of all obligatory mirrors must be checked.</i>	
Check the condition of each mirror reflecting surface.	A mirror reflecting surface deteriorated or broken. <i>Note: A defective additional external mirror is not a reason for rejection.</i>

5.2 Windscreen – view to the front

Method of inspection	Reason for fail
<i>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.</i>	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.
For all air operated wipers examine: <ul style="list-style-type: none"> the condition of any visible piping. the function of the operating mechanism. the function of necessary valves to protect the braking system. <p><i>Note: Equipment or objects not originally fitted to the vehicle as part of the original design must not obstruct the designed forward view of the driver. In particular, objects such as (but not limited to) pennants, cab decorations and external stone guards/visors should not interrupt the view through the swept area by the windscreen wipers.</i></p>	Air operated wipers: <ul style="list-style-type: none"> pipes inadequately clipped or supported. incorrect function of the wipers or leaking components. incorrect operation of protection valves.

5.3 Window glass or other transparent material

Method of inspection	Reason for fail
a) Visually check the condition of all windscreens, internal screens, partitions, side, rear, roof and door windows for cracks, surface damage and discolouration.	a) A crack, surface damage or discoloration in glass or other transparent material that: <ul style="list-style-type: none"> impairs the driver's front, side, or rear view of the road. presents a danger to any person in the vehicle.
b) Check presence and security of all windscreens, side, roof, or rear windows, or internal screens or partitions.	b) A windscreen or any other outside window missing, or any windscreen, window, internal screen or partition insecure.
c) Check for evidence of obvious leaks from all windscreens and side, rear, roof or door windows.	c) Any external window or windscreen is obviously leaking.
d) Check for presence, security and condition of guard rails or barriers at windows, internal screens or partitions.	d) A guard-rail or barrier at a window, internal screen or partition missing, insecure or damaged.

e) For all vehicles first used before 1 January 1959. As far as is practicable, check that glass fitted to windscreens and outside windows facing to the front is safety glass, except glass fitted to the upper deck of a double deck bus.

f) For all vehicles used on or after 1 January 1959, as far as is practicable, check that glass used for windscreens and all outside windows is safety glass, or safety glazing.

g) Vehicles first used on or after 1 June 1978, check that windscreens and other windows, wholly or partly, on either side of the drivers' seat are made from safety glass displaying an acceptable safety mark

Note: Marking is not required for safety glass on vehicles first used before 1 June 1978.

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.

g) For vehicles first used on or after 1 June 1978, that windscreens and/or other windows wholly or partly on either side of the drivers seat that are not made from safety glass display an acceptable safety mark

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6. Additional requirements

6.1 Transmission

Method of inspection	Reason for fail
Examine transmission, check for the following.	
a) Missing or loose flange bolts.	a) A loose or missing flange bolt(s).
b) Cracked or insecure flanges.	b) A flange cracked, or loose on the transmission shaft.
c) Wear in shaft and/or wheel bearings.	c) Excessive wear in shaft bearing.
d) Security of bearing housings.	d) A bearing housing insecure to its fixing.
e) Cracks or fractures in bearing housings.	e) A cracked or fractured bearing housing.
f) Wear in universal joints.	f) Excessive wear in a universal joint.
g) Deterioration of flexible couplings.	g) Deterioration of a transmission shaft flexible coupling.
h) Distorted, damaged shafts.	h) A damaged, cracked or bent shaft.
i) Deterioration of bearing housing flexible mountings.	i) Deterioration of a flexible mounting of a bearing housing.
j) Clearance between transmission shafts and adjacent components.	j) Evidence of fouling between any transmission shaft and an adjacent component.

6.2 Oil and water leaks

Method of inspection	Reason for fail
a) Check vehicle for oil and water leaks from any assembly or component to the ground.	a) An oil or water leak, from any assembly, which deposits fluids underneath the vehicle whilst stationary.
b) And/or which could be deposited on surrounding bodywork or onto the exhaust system.	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.
<i>Note: If necessary, the engine can be run at idle speed to confirm the existence of an oil leak</i>	

6.3 Luggage/load space

Method of inspection	Reason for fail
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.	Load restraint system, if required, not present at time of test. Load restraint system faulty or unserviceable

6.4 Trailers and tow bars

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

7. Ancillary equipment

7.1 Wheelchair restraint and access equipment

Method of inspection	Reason for fail
<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 restraint</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).</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><i>Ramps</i></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><i>Wheelchair lift</i></p> <p>d) A purpose designed wheelchair lift shall conform to the LOLER 98 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><i>Note: Passenger lifting equipment will need to be thoroughly examined by a competent person, in use, at least once every six months.</i></p> <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>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>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 (1,220mm). 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.</p> <p>h) A locking mechanism shall be fitted that holds the access door in the open position whilst in use.</p>	<p>Wheelchair access and equipment.</p> <p>c) Ramps missing, insecurely stored, damaged/deformed, anti-slip covering in poor condition or missing.</p> <p>d) Vehicle not presented with a valid or current LOLER certificate.</p> <p>e) The installed ramp does not have any visible reference to a maximum safe working load or certification to BS 610.</p> <p>f) Wheelchair access equipment is fitted to the offside access door of the vehicle.</p> <p>g) There is not clear headroom in the aperture within the central third of 48 inches (1,220mm).</p> <p>h) No evidence of a suitable locking mechanism to hold the door open.</p>

i) All wheelchair tracking must be fit for purpose and structurally sound.

i) Damaged or insecure tracking or detritus deposits within the tracking rails.

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Appendix 9 - Somerset Council vehicle suitability inspection (VSI) form

Customer name:	Make and model:	Recorded Mileage:	Vehicle type (tick): <input type="checkbox"/> Hackney carriage <input type="checkbox"/> Private hire
Chassis no:	Vehicle reg:	Plate no:	
Wheelchair accessible: <input type="checkbox"/> YES <input type="checkbox"/> NO	Vehicle prepared for test <input type="checkbox"/> YES <input type="checkbox"/> NO The vehicle will automatically fail the test if, in the opinion of the vehicle examiner, it has not been presented in a clean and tidy condition.		

Manual no. / Items tested	Pass (✓)	Fail (✗)	Reasons for failure
1.1 - Electrical wiring and equipment			
1.2 - Reversing lamps			
1.2 - Front fog/driving lamps			
1.2 - 'For hire' and roof signs			
1.3 – Meter test – not in use currently			
2.1 - Steering control – steering wheel			
2.2 - Steering control – steering column			
2.3 - Suspension spring units and linkages			
3.1 - Vehicle body and condition (exterior)			
3.2 - Vehicle body, security and condition (interior)			
3.3 - Bumper bars			
3.4 - Doors and seats			
4.1 - Exhaust system			
4.2 - Fuel system – pipes and tanks			
5.1 - Mirrors and view to rear			
5.2 - Windscreen – view to the front			
5.3 - Window glass or other transparent material			
6.1 - Transmission			
6.2 - Oil and water leaks			
6.3 - Luggage/load space			
6.4 - Trailers and tow bars			
7.1 - Wheelchair restraint and access equipment			

<p>B I hereby certify that the above vehicle has been inspected and has/has not* been found to be roadworthy and suitable to be used as a hackney carriage/private hire* vehicle at the same time of inspection.</p> <p>Signed _____ (Testor/inspector)</p> <p>Print name: _____</p> <p>Date _____</p> <p>*Delete as appropriate</p> <p>MOT test number: _____</p>	<p>Testing station stamp</p>
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C **WARNING:** In my opinion, the vehicle is dangerous to drive because of the following defect:

D **Re-inspection due to initial failure:**

I hereby certify that the above vehicle has been re-inspected and all failed items have been satisfactorily rectified.

Signed _____
(*Testor/inspector*)

Print name: _____

Date _____

Testing station stamp

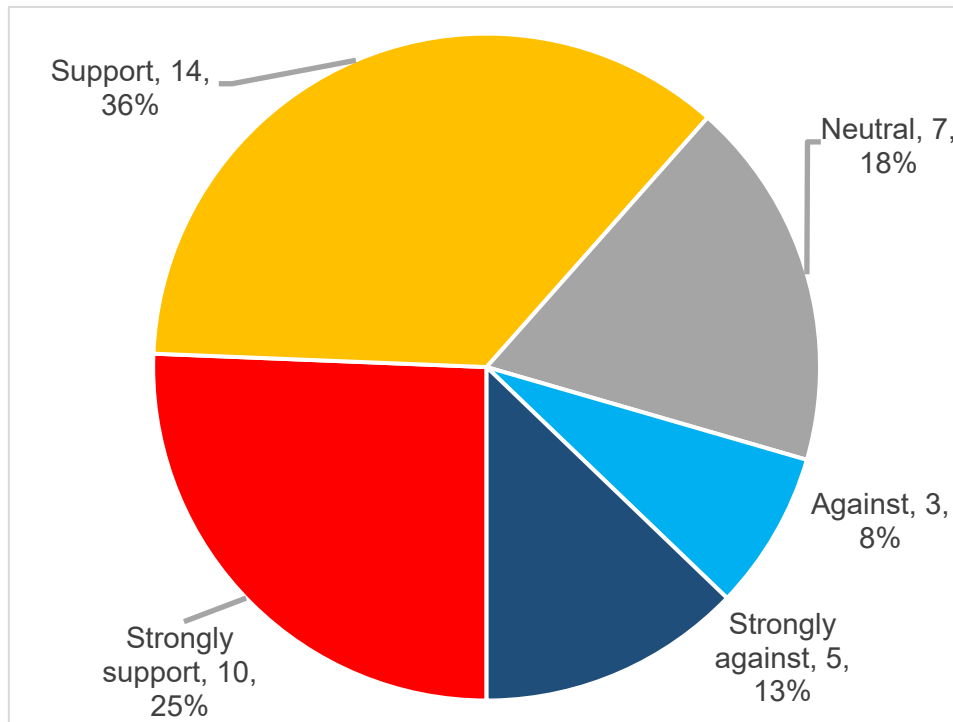
If your vehicle has failed the inspection, you should have it repaired without delay and you are not to use the vehicle for hire and reward until such repairs are carried out.

Appendix 10 – consultation responses

Each person that responded to the consultation

Proposal 1: Safety and suitability test

Standardise the test that all taxis and PHVs receive, by introducing the 'Vehicle suitability inspection' which would be carried out by nominated test stations, in accordance with the Somerset Council VSI manual and VSI form.



Strongly support:

1. "Hopefully we will have a test station in Burnham-On-Sea or HIGHBRIDGE." David King
2. "One test is sufficient." William J Richards

Support:

1. "Having one test every 12 months take place in one test centre for all hackney and private hire will ensure that we are all following the same set of requirements and policy's that are being put in place. One nominated are so everyone knows the routine and regulations. So, no confusion or hopefully any chances of mistakes or misunderstandings being made. Allowing for an easier booking service." Abdul Kalam
2. "I agree with the VSI, However strongly disagree that no meter tests are currently undertaken. The VSI is asking tester to double test items that if it has just been mot'd they would of checked. i.e fuel cap sealing device etc.

As usually they are done together or atleast within the same couple days of eachother i don't see the need in double testing items.” Sebastian Toon

3. “The vehicles should be tested once a year.” Malcolm Green
4. “We would like to add our garage to the list of nominated garages to do these checks as we currently mot a large number of taxis and are a authorised meter supplier and fit but are unable to currently do the part 2 test which would benefit our customers.” Steve Toon

Neutral:

1. “Being a driver will leave the changes to my owner of Locks.” David Mogg
2. “I disagree with the 30 days mot before renewal as on some cases we would be having 2 mots within 2 months of each other also with this we pay for the plate once a year are licence and now we have if this goes though it will be costing even more then before I gree with the vsi test as this is what we used to have many years ago . But the council need to come out and do vehicles inspection more often not just nights but days as well checking on state of taxis and private hire cars.” Dawn Hurford
3. “If the test centre is local and easy excisable with the hours and ability to book the tests, then it would make sense. But once a year not every 6 months if the car is not over 5 years.” Abdul Mukul Wadud
4. “One test and one test centre are the best way to keep it. Then everyone knows where and when. And that all vehicles are going under the same tests and screening process. As long as the test centre has the ability to do the testing on the day and easier booking system.” Faizan Ali

Against:

1. “I think section 4 is way to harsh given the state of the roads in the area.” Dawn Miller

Strongly against:

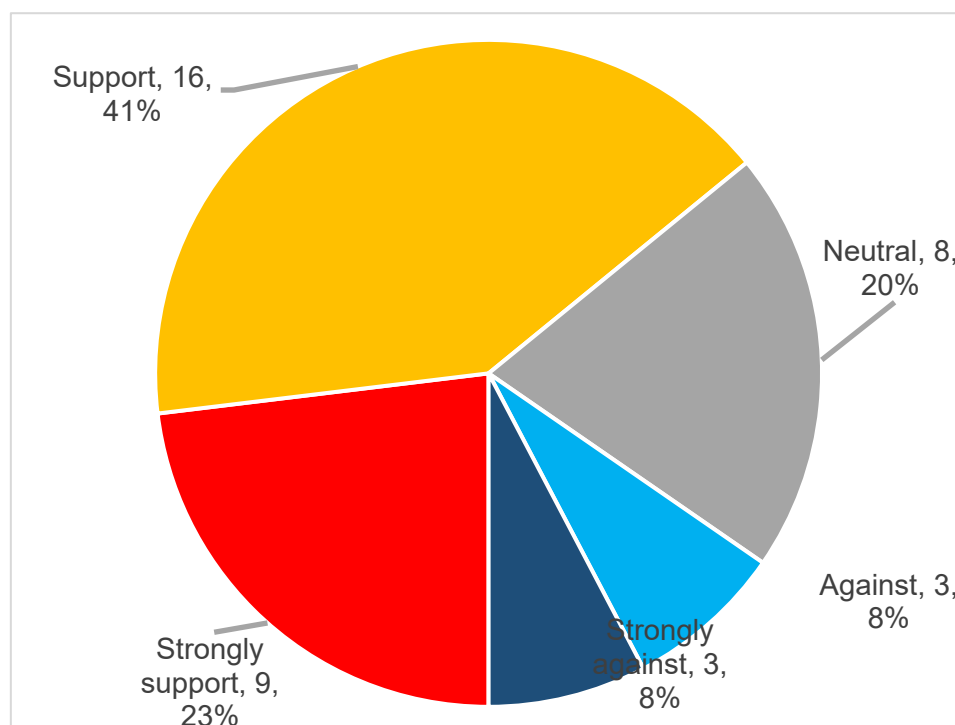
1. “Section 4 of the vsi manual. Given the state of somersets roads, the road to verge edges, loose chipping works, over growing hedges, pot holes and the general poor condition of the road surface I think some leniency and common sense should be applied to section 4, as far as eight stone chips and small scratches are concerned. Unless of course Somerset Council are prepared to pay for the damage there mismanagement causes to our cars.” Justin Miller
2. “I don’t support the forced use of nominated garages for an MOT, taxi inspection yes but not an MOT, this allows car to much monopoly, owners should be allowed to choose who does there MOTs, at the end of the day - each mot tester is still required by law to ensure a uniform safety test. You have zero reason to restrict who does our MOTs. Some people have

mechanics we have used for years because we value given them our work, and know they won't rip us off with unneeded work." Jared Colclough

3. "The council have provided us with a suitable place for us to get our vehicles tested for the last 40 years, this may affect when we can book vehicles in the future." Joshua Saturley
4. "If you want 2 mot a year fine but vosa testing station is going to be difficult as they carry out hgv and all other vehicles,so are you saying all mot service stations are not fit for purpose. we have used these for years and i dont know of one mot test centre will let it pass if its not road worthy, it cost a lot of money to set these up they are not going to throw it all away for 1 taxi. i disagree with your survey that all the people contested it were in Taunton and west somerset 59 companys and owner drivers through the somerset area there must be 60 owners and company in Taunton and west somerset." Brian Fouracre
5. "Leave things as they are sick and tired of all this messing about still got people driving around not following procedures too many sets of rules for different people." Barry Pinkawa

Proposal 2: Application procedure

All applications for the grant and renewal of a hackney carriage or PHV licence to be accompanied by VSI form and MOT pass certificate issued within the last 30 days, regardless of vehicle age.



Strongly support:

1. "Both Hackney and private hire taxis are classed as public transport so inspection of the interior and ensuring all restraints and safety straps are in fully functioning and in good condition is a case of health and safety which we have to follow as drivers also. Also ensuring the inside of the vehicles are clean and maintained is not only for the comfort of the customer. But yes, it comes under the heading of health and safety which as a public service we need to be aware of. I think it is good to also carry a first aid box and fire extinguisher. One you never know as a driver when out on the road what you may come across and may offer assistance, even basic first aid. And sometimes these days we do pick up more and more customers that ambulances are unable to get too. Providing a bandage or gauze can offer passengers much needed help till they get to hospital. Fire extinguishers is a safety precaution that you never know when it may help us as drivers or other drivers. It doesn't take up a lot of room. It's not a lot to maintain or learn to use safely. But it's down to the question are taxis classed as public transport or not. As all public transportation are required to carry them. As a health and safety precaution. The only issue that any of the drivers have with the implemented mot policies and standards are the Section 4. D: More than 8 stone chips visible on a bonnet/grill that has not penetrator to the metal or more than 4 stone chips that have penetrator 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. F. More than 4 stone chips on any panel where the base coat has been penetrated to the metal and is untreated (with the inspector's satisfaction choice of product). What do these pieces of the inspection has to do with the running of the car. The members of the public's satisfaction of safe journey in a clean safe vehicle. With the state of the roads no car has no chips, and if you are driving as many miles as us taxi drivers especially if we are doing long journey like airport runs, on the motorways. you have all sorts flying up at hitting the car. To fail a car over this has cause a lot of unsatisfied drivers with the way these little things costing them business and a big cost to sort to some of the inspector's satisfaction." Rafaqat Shah

2. "I agree MOT's and VSI' (part two in old money) is done within 30days of application. However i feel if a vehicle is stopped roadside by licensing &/ DVSA, Police ETC. The VSI and potentially MOT Should be re taken within a time limit (i.e such as a PG9 issued by police or dvsa requires MOT to lift) the council should then barr that vehicle from being able to work whilst these defects have not been rectified. hence the requirement for a new VSI. &/ MOT if suitable. BUT THIS MEANS THE COUNCIL WILL ACTUALLY HAVE TO DO THEIR JOB AND DO STOP CHECKS ON THESE VEHICLES GOING ROUND WITH OBVIOUS ISSUES!!!"
Sebastian Toon

Support:

1. "A vehicle under 3 years old should be exempt." Malcolm Green

2. "I believe that if one really wanted to ensure that vehicles don't deteriorate between tests, then the interval of said tests should be dictated by mileage, not time. Even a 6 monthly interval could allow a vehicle to do 25-30k miles

between tests, which is more than enough (especially considering the current state of local road surfaces) to wear out suspension components, tyres and more. However, as pointed out in the introductory email, this could become prohibitively expensive.” Richard Maya

3. “I’ve always been against an age policy, because the main four points of contact with the road are changed quite regularly and if the vehicle is regularly serviced so is the brakes suspension and any other regular worn components.” Justin Miller
4. “In some case some cars may need the extra safety checks for example cars that are providing regular transportation for wheelchairs, which the ramps or wheelchair lifts. Need regular Maintenance along with the harnesses and straps ensuring they are being maintained and safe to use. These vehicles should carry fire extinguishers. For these vehicles it's not just a case of driver and passenger's get out to a place of safety. If the passenger is strapped into the back of the vehicle the driver may need the extinguisher to ensure they can help the passenger to exit the vehicle as well.” Faizan Ali
5. “It shouldn't matter what age the vehicle is as they all are of different qualities some wear mileage better than others.” Dawn Miller
6. “Little bit concerned about the ! In certain cases ?maybe you can explain this factor more openly.” Martin Saye

Neutral:

1. “A valid mot document is any age should still be valid.” Jared Colclough
2. “Can we have a list of the stations you are proposing and how many will be in our area and how are you picking them and cost. mot test 98 percent cover this only the presentation of the inside and outside of the vehicles is the difference.” Brian Fouracre
3. “Certain vehicles within the hackney and private hire probably would need 6 monthly checks, to ensure that their extra adaptations to their vehicles or the equipment that they have on their cars are in good service and safe. Eg. Disabled taxis, as these need regular Maintenance due to wear and tear from use. But these drivers shouldn't be penalised for this. As some of the drivers had no choice in buying these cars it was down to council policy. But also, these cars should have to carry a fire extinguisher. It's not so easy for them and their passenger to exit the car to get to safety. And they are carrying extra electrical parts to allow the ability of a wheelchair to get in the taxi. And these can overheat but can be prevented turning into a fire by using an extinguisher that's carried in the vehicle.” Abdul Kalam
4. “If a car is from a rural area, then it could need more checks as driving in rougher roads. And more than often these cars are the older cars.” Abdul Mukul Wadud

5. "Seems slightly complicated given the 30 day MOT requirement. This might give rise to 2 or even 3 MOT tests within a 12 month period." Ram Joung Neupane

Against:

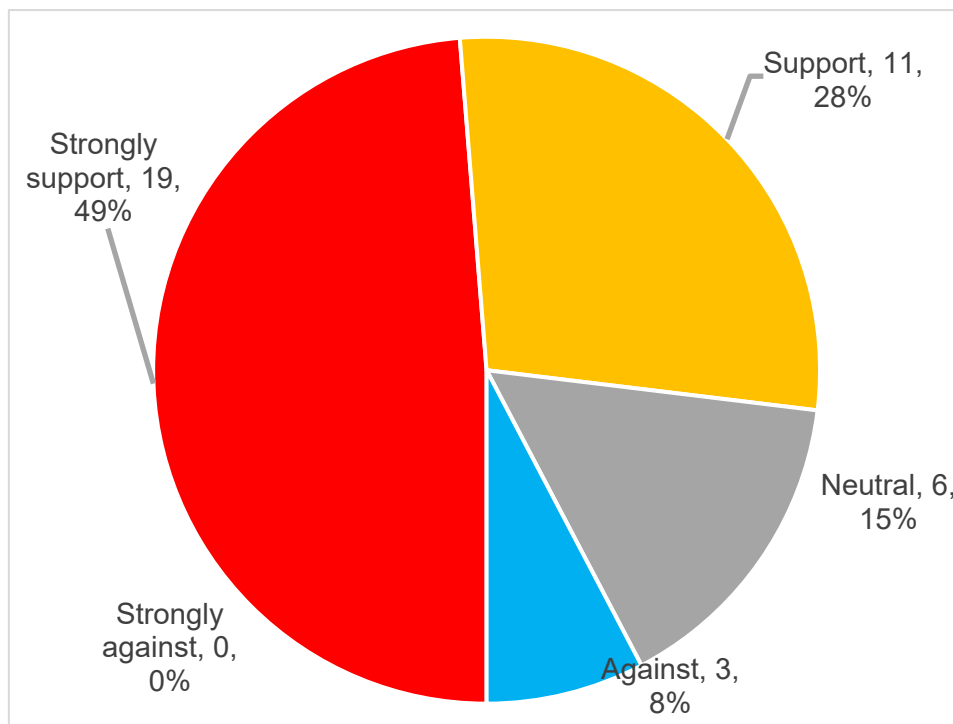
1. "As said in previous comments". Dawn Hurford
2. "You would be adding extra costs for vehicles that the MOT dates aren't inline with plate renewal, would require an extra test for the 1st year if this was bought in." Max Bishop

Strongly against:

1. "I am strongly against having an inspection so close together to the mot, having them 6 months apart only leaves limited time without a vehicle being inspected for safety and roadworthy." Joshua Saturley
2. "Leave it as it was surely the council have more problems to deal with than all this Dorset do not have half the restrictions even the euro 6 doesn't apply why are we do different." Barry Pinkawa

Proposal 3: Vehicle testing frequency

Remove all existing requirements for taxis and PHVs to have twice yearly VSIs.



Strongly support:

1. "A yearly check to ensure that the car is safe and following all health and safety protocols at the same time as the mot, would be more efficient. As a taxi driver it is my job to make sure my passenger is happy and gets into my car feels comfortable, and i get them to where they are going to safe. So, to do this i have to make sure my vehicle is well maintained and clean otherwise, passengers won't use my taxi. And i be out of a job. All vehicles that members of the public use have to make them feel safe and secure. We are in the service industry. Carrying a fire extinguisher is just being safe, taxi drivers get flagged down by stranded motorist or even at accidents as people see taxi and think they must carry things encase of an emergency. Extinguishers are not only for putting out fires but preventing them. Overheated electrics these days with cars becoming more and more computerised. And the distances some of us drivers do especially at night when the roads are quiet and there's only. If the council are still planning on carrying out random checks on the cars. Then why is there need for more resources being spent on doing an extra check and yet more money we can't afford on extra safety checks. Especially if it's to count how many scratches i have on my bumper or chips i have on my bonnet from the poorly maintained roads around the area." Abdul Kalam
2. "I support this as vehicles regardless the age can be in much better condition as some only being 5 years old, also with the prices of new vehicles it makes it very difficult to find one suitable for use as a taxis at a reasonable price." Joshua Saturley
3. "This should be enough and one Mot a year should be enough with one for the plate whenever applicable. Please note we feel if one person has to have side panels and plates so do all no separate rules or exceptions no wonder it's all a mess." Barry Pinkawa
4. "It's enough." William J Richards
5. "As a taxi driver i see it as my job to ensure the safety of myself and others on the road so carrying a fire extinguisher and first aid kit, is there when and if needed. The first aid kit has come in handy many times picking up passengers after a night out and had a fall or worse taking to hospital. So having something to hand to offer them to put on themselves. Till they get home of seek medical help is common sense and the right thing to do. Fire extinguisher is not only helpful for putting out fires but preventing them. Like the overheating of the engine and sensors in the cars these days everything is electronic and if it goes wrong and overheats. Fire can be prevented by using the extinguisher. So not just for putting out fires but prevention. But these can all be checked at the 12 monthly check. once a year should be enough to check the taxis are safe and following the rules and protocols. We as hackney drivers are subject to spot checks throughout the year anyway. so, this serves as extra checks as well surely. Maybe the private hire should be called for a spot check as they don't work from a designated area." Faizan Ali

Support:

1. "The 6 monthly checks serve no purpose except, conflict with the drivers as they have already had everything checked on their 12-month check. And throughout the year we get spot checked at the rank. Our business is to transport our customer's safely and comfortably to their destination. So, it's in our interest to ensure that the car is well maintained and safe to travel in. Carrying a first aid kit and fire extinguisher is there for safety. For us as drivers and our customer's but also other vehicles on the road. we travel a lot and often can offer assistance or help to others that see us as public transport so must carry basic safety supplies." Abdul Mukul Wadud
2. "This makes more practical sense as taxis are meant to be randomly spot checked regularly anyway. The county has the records of each car and drivers, so you know what cars would need to be checked and the driver and their experience from their records if they are good at their checks and Maintenance. With the new text message system that is meant to be in place now. It will be easier to get hold of any of the drivers to arrange a spot check if felt needed. instead of calling everyone in taking up resources at the garage." Rafaqat Shah
3. "I currently believe that the system in place for two tests a year, one of them being an MOT is sufficient for any vehicle regardless of age. Some vehicles are of better quality than others. Although personally I've never had one fail in 30 years but I do have the advantage of my own garage to do our own servicing." Justin Miller
4. "I support 6 monthly checks but this should also include councils, and the volunteer fleet." Dawn Miller
5. "Again certain individual cases ? you suspect a driver has a faulty car ? You need to clarify this point again ?" Martin Saye

Neutral:

1. "We haven't had to do them so i have no feeling against or for it. I believe sometimes they need to be inspected regularly as people don't seem to look after their vehicles. But as we have our own workshop i'd like to think our vehicles are tip top." Sebastian Toon
2. "See my answer for proposal 2. Frankly, my belief is that the safest cars are those owned by conscientious, mechanically sympathetic drivers, and these cars will be kept safe by the owners, regardless of testing regimen. Some owners aren't so inclined, and unless the testing were stepped up significantly (which would become costly to the owners) there will still be poorly maintained cars running around." Richard Maya
3. "depending the vehicles age." Ian Chinnock

Against:

1. "I believe we are providing a service, and regular inspections will encourage drivers & operators to ensure the vehicles are kept to a high standard at all times, frequent checks by DVSA, police & the licensing

department MUST at the top of the licensing departments agenda. Unfortunately the operators that stick to the rules and regulations feel let down by the council & lack of random spot checks.” Max Bishop

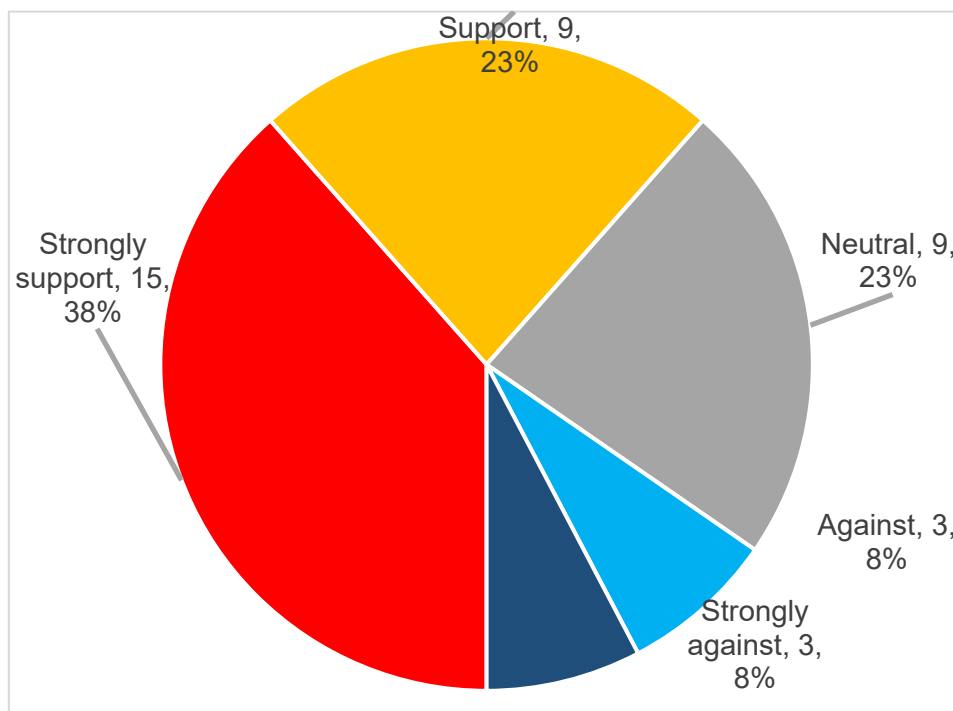
2. “I support that vehicles over 10 years (and/or a mileage threshold i.e. 200,000 miles) should have twice yearly inspection.” Philip Turley

Strongly against:

None.

Proposal 4: Emergency equipment

Remove all existing requirements for taxis and PHVs to carry a fire extinguisher and first aid kit.



Strongly support:

1. “i agree its to dangerous for drivers to try and put a fire out get out and stay away funny though you have insisted it for the last 25 years.” Brian Fouracre
2. “I've been saying to john rendell for years that we are not trained for first aid or fighting fires so therefore technically we shouldn't use it unless the council mandates/provides training. Although i beleive originally it wasn't neccaruiely a requirement for drivers to use but as a public point for first responders i.e police could hail a taxi and steal it from them as they knew they would be carrying one.” Sebastian Toon

3. "I have always thought this was a somewhat redundant requirement. Glad to see it go. Can we please also do away with the requirement to have No Smoking signs? It has been decades since people could smoke in a taxi legally, and should be obvious to everyone, since the law has prohibited smoking in shops, restaurants etc for so long that it is now common knowledge. It would be lovely to buy a nice new car and not have to fill it with pointless stickers." Richard Maya
4. "Totally we are not first aid trained and not. fireman therefore think all this a waste of our money and time" Barry Pinkawa
5. "I have never needed to use my fire extinguisher and the first aid kit should be carried, although not essential." Malcolm Green
6. "The fire extinguisher and first aid kit being dropped is a good idea. On smaller vehicles the fire extinguisher is not an easy item to fit that isn't in the way. Both the first aid and extinguisher has to be replaced because the used by date runs out before getting used. I've been an operator for 8 years and not used either in that time." Barry Ford
7. "I've said for years we ain't firefighters or paramedics. Not needed so get rid." Jared Colclough

Support:

1. "We can't administer first aid so seems pointless." William J Richards
2. "First aid kits are insufficient and fire extinguishers cause more problems than they save" Dawn Miller
3. "In 30 years, I have known four instances where fire extinguishers have gone off accidentally or prematurely when they are contained within the cabin space when they do that, it's quite dangerous for everybody because they are powder and they fill the cabin space with fine particulate dust which can be as bad as smoke. There is a rule where we can keep them in the boot, which is much safer, but given the fact that most crashes are from rear end shunts it would be more than likely you wouldn't be able to get to the extinguisher anyway. In my experience most first aid kits are insufficient for most rtc's anyway those that are don't really fit in vehicles that well either." Justin Miller

Neutral:

1. "These days most responsible drivers would carry emergency or safety supplies. Encase of an accident anyway so if it wasn't compulsory. But let the drivers know that it would be up to them or their boss if they carried them." Faizan Ali
2. "Carrying a fire extinguisher and first aid kit, could possibly be down to the drivers own choice or the company they happen to work for." Abdul Mukul Wadad

3. "I would prefer a 'recommendation' that First Aid kits are still carried - as a public benefit, as taxi drivers are out and about a lot and their FA kit or training may come in useful." Ram Joung Neupane

Against:

1. "Have had the need to use both in the past and was glad i had access to both you dont know if ul be first on a scene could mean the difference between life and death situation." Sebastian Toon

Strongly against:

1. "This should be mandatory, and in proven occasions this equipment is crucial. The fact that this is even being considered to absolutely absurd. For example, we had a driver before Christmas who dropped a passenger to Curry Rivel - the passenger was intoxicated, she hit her head on the curb when getting out of the vehicle. Baring in mind the location it is very rural, and an ambulance took almost 40 minutes to get to her and the driver. Luckily the driver had a first aid kit and used it. She was bleeding, had the driver not had this equipment it could've been much worse." Max Bishop
2. "It is health and safety issues here we need to keep these in place but make sure all drivers are aware of the risk if they use them." Dawn Hurford
3. "Common sense says anybody should carry these items , no training needed just COMMON SENSE ! That's what we all used to have before the internet came along !" Martin Saye

General comments

1. "I agree with 6 month testing regardless of age. I think the vsi is to strict on stone chips and scratches, some common sense is required. I agree with dropping fire extinguishers and first aid kits, been in the industry over 30 years and never used either however Ive had fire extinguishers, go off prematurely. there should be an even playing field and all council and the volunteer fleet should have to be treated the same." Dawn Miller
2. "I feel given the standards of vehicles licensed over the last few years, the age of vehicles now being licensed given the age restriction being removed. There should be more stringent testing done by people that actually know and understand the handbook. For instance, here at TLC we have over 20 years of being taxi operators and would be a perfect partner for VSI's given we are a DVSA Approved test bay and hold valid taxi licenses. This means that because we are licensed, we can actually drive the vehicles and conduct meter tests etc. Something i feel strongly should be tested as who knows what people are charging... There are some horror stories for sure!" Sebastian Toon

3. "I think the way policy needs review and amending its 20 years out of date as myself and John have had many discussions on this matter" Steve Toon
4. "If taxis are classed as public transportation. Then as such isn't it mandatory for all public transportation and public areas to provide fire extinguishers. Then going through all checks that are done to meet the criteria for the health and safety part of our checks. How does the way the body work on the car look got to have anything to do with safety of our passengers. A few scratches on my bumper or door are not going to put my passengers in any harm. You see buses driving a round covered in dirt and in bad condition. Their public transport. Also why is it that Taunton dean gets different standards to the rest of Somerset boroughs. Surely, we need to be under one policy and standard throughout Somerset." Faizan Ali
5. "In summary, I think section 4 of the VCI is a bit too stringent and the testers need to use some common sense and rather than worry about stone chips just worry about the look of the vehicle and whether it's safe and fit to use as a taxi or private hire. There needs to be more places to have your vehicles tested and Taxis from all areas should be able to book in at any test station, whether they're in their own area or in somebody else's. There should be no kind of age policy at all I could accept there would be a mileage policy and there should be two tests a year regardless of age mileage. I would be inclined to agree with dropping the fire extinguisher and the first aid kit only because the first aid kits available to the general public are in sufficient in a Road collision, fire extinguishers can cause more problems than the fires they're likely to put out." Justin Miller
6. "Nobody listens to us so no point it's hard to speak to people at Taunton deane to get any answers Taxi drivers are treated like something on the bottom of your shoe and always have been, council subsidise the buses and our cost are going through the roof and you want to cut fares especially on 6 and 8 seaters when they cost a lot more to buy and run." Brian Fouracre
7. "Only what has been said. Need to make it easier for taxi drivers and companies keep rules the same across the board otherwise you are just going to get people doing it with licences which are happening all the time." Barry Pinkawa
8. "Open policy with the drivers when it comes to the MOT and service information. An explanation for the reason for section 4 Exterior body work inspection and why this is needed. Also, how any of D,E,F, can warrant a fail." Rafaqat Shah
9. "Please see comments on No Smoking signs. I really believe that this requirement is also out of date. Who needs to be told that you can't smoke in a taxi? Occasionally I have to remind a customer who has had a drink or two, but the stickers in my windows never made a jot of difference!" Richard Maya

10. "The first point of call is in case the car starts to smoke pull over some were safe. Then get your passengers out of the car. And ensure that the passengers are in a safe place away from the car. Then you can return to the car to retrieve the extinguisher and investigate if it's safe to tackle or need to call for assistance. A simple leaflet explaining the safety protocols if concerned drivers don't know and may put them self's and passengers in danger." Abdul Kalam
11. "We run a 7/8/9 seat minibus and have looked at Japanese imports because they're generally low mileage and in very good condition due to the climate. A big plus is they're ulez compliant because the government can't get any emissions data. Any scope for implementing this?" Barry Ford
12. "With all the safety checks which we all agree need to be done, but why are we being checked and being failed at these extra unnecessary tests you are making us do every 6 months for body work. The council has already made us lose a lot of money with all the road works. which also contribute to the chips that we are being picked up for in this check. Then you want us to go a get a paint job that costs hundreds. Other areas are not being treated like this." Abdul Mukul Wadud
13. "You don't need to make this harder than it needs to be. Yearly mot at a station of our choosing Yearly vehicle inspection just before renewal of license. Done." Jared Colclough

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Minutes of a Meeting of the Licensing Sub-Committee held in the Council Chamber, Council Offices, Cannards Grave Road, Shepton Mallet BA4 5BT, on Tuesday, 6 February 2024 at 9.30 am

Present:

Councillor Simon Carswell (Chair)
Councillor Marcus Kravis

Other Members present remotely:

Councillor Tony Robbins
Councillor Hugh Davies

Also Present:

Eyup Saliev	Applicant
Paul Edney	Applicant Supporter
Ann Chislet	Lawyer
Luke Hall	Trainee Solicitor
Alan Weldon	Licensing & Fraud Manager
Olivia Denis	Licensing & Business Support Officer

Other Persons:

Mark Dorrington	Councillor - Market Ward, Frome Town Council
Jennifer MacKay	Representee
Frederic Rostand	Representee
Gill White	Objector

Others present remotely:

Emine Fezal Yurdakul	Agent for Applicant
Rowan James	Representee
Phil Wake	Licensing & Business Support Officer
Lewis Clarke	

21 Appointment of Chair for the Sub-Committee - Agenda Item 1

Councillor Simon Carswell was proposed by Councillor Marcus Kravis and seconded by Councillor Robbins and duly appointed.

22 Apologies for Absence - Agenda Item 2

There were none.

23 Declarations of Interest - Agenda Item 3

There were none.

24 Minutes of the previous Sub-Committee (East) Meeting held on 13 December 2023 - Agenda Item 4

The minutes of the previous meeting held on 13 December 2023 were proposed by Councillor Marcus Kravis and Seconded by Councillor Tony Robbins as a correct record and carried unanimously.

25 Procedure to be followed when considering Licensing Applications under the Licensing Act 2003 - Agenda Item 5

The Licensing Sub-Committee noted the procedure to be followed when considering Licensing Applications under the Licensing Act 2003. The Chair introduced the members of the Sub-Committee and the Officers present at the hearing.

The Chair announced that he would be changing the order of speaking so that the Applicant, would follow the Licensing Officer. The Responsible Authorities and Other Persons would follow in that order.

The Chair confirmed that the Officer's report relating to the case, the procedure to be adopted during the hearing and the documents which the authority is required to provide under the Regulations had been received by all Parties in advance of the meeting.

26 Consideration of an application for a Premises Licence in respect of UK Off Licence, 8 Bath Street, Frome, Somerset, BA11 1DH - Agenda Item 6

The Licensing & Business Support Officer presented her report and highlighted the following:

The application sought to permit the sale of alcohol at the Premises as follows:-

- The supply of alcohol be permitted from Monday to Sunday 11.00am to 11.00pm
- The opening hours of the Premises to be Monday to Sunday: 6.00am to 11.00pm
- Prior to the hearing, the Applicant and licensing representative from Avon and Somerset Constabulary agreed a set of conditions to those initially offered by the Applicant. These conditions were attached to the report as Appendix 5.
- Representations received objected to the application were initially received from 35 residents living within the vicinity of the Premises. When the conditions were agreed with Avon and Somerset Constabulary, 9 Representees withdrew their applications. A copy of the representations received could be found at Appendix 3.
- A copy of the application could be found at Appendix 1.
- A copy of the plan for the premises could be found at Appendix 2.
- A plan showing the radius area where a large proportion of the representations were received from could be found at Appendix 4.
- Conditions to be attached to the licence, should it be granted were also agreed with the applicant and the Police. These could be found at Appendix 5.
- A map showing the location of the premises could be found at Appendix 6.
- No representation had been received from Environmental Protection or the Avon and Somerset Police who were the responsible authorities.

The issues raised by the Other Persons related to public nuisance both in terms of noise, litter, and street fouling, prevention of crime and disorder, public safety and prevention of harm to children.

The Applicant was then invited to make his submission and he stated that:

- He had agreed to the amendments to his operating schedule and would reduce the hours for the sale of alcohol to reduce impact on the residents' concerns and wanted to show a good relationship with the local community.
- His intention was to run a good establishment which would be well managed. He agreed to install a surveillance system.

- There would be regular staff training and his staff would be trained appropriately regarding Challenge 25 Policy and managing difficult customers.
- All spirits would be located behind the till, and all other alcoholic beverages located on display would not obstruct the view of the staff.
- He also ran the business next door and was aware of local trouble-makers as he was a member of the local pub watch scheme.
- He would be willing to accept the comprehensive conditions which were agreed with the Avon and Somerset Constabulary.

The Licensing and Business Support Officer summed up stating that the sub-Committee must consider the provisions of the Licensing Act and the obligation to promote the four licensing objectives.

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

In it's decision making process, the Licensing Sub-Committee must have regard to:

- Licensing Act 2003, and subsequent amendments
- The Statutory Guidance issued under Section 182 of the Licensing Act 2003.
- Somerset Council's Statement of Licensing Policy. The policy is available on request and from the Somerset Council website [Licensing Policies and Policy Consultations \(somerset.gov.uk\)](https://www.somerset.gov.uk/consultations)

All parties were reminded that there was a right of appeal against the decision of the Licensing Authority's pursuant to Section 181 of and Schedule 5 to the Licensing Act 2003. Such an appeal is to be made within 21 days of the date of receipt of the formal Notice of Determination and should be made to the Magistrates' Court.

All parties were reminded of the procedure contained within the Licensing Act 2003 which related to review of the premises licence. This provision permitted nearby

residents, or responsible authorities to apply for a review of a premises licence where problems with crime and disorder, public safety, public nuisance, or the protection of children from harm were occurring. The Panel respectfully reminded all parties that for any review to go ahead, evidence would need to be collected of incidents occurring that undermined the licensing objectives.

All parties confirmed that they were satisfied with the conduct of the hearing.

Members of the Licensing Sub-Committee, the Legal Officers and the Democratic Services officer, attending in an advisory capacity only, remained in the meeting and all other officers and applicants withdrew to allow the members of the Sub-Committee to consider their decision in private.

Members of the Sub-Committee considered their decision in private session and were mindful of the advice given to them by the Legal Officer.

On reconvening, the Chairman informed those present at the hearing of the decision of the Licensing Sub-Committee:

RESOLVED

The Sub-Committee was satisfied that the application for a licence in the terms of the amended application should be granted and with the incorporation of the licence conditions agreed with Avon and Somerset Constabulary.

The meeting ended at 11:15

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CHAIR

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Public Agenda Pack



Minutes of a Meeting of the Licensing Sub-Committee held in the Council Chamber, Council Offices, Cannards Grave Road, Shepton Mallet BA4 5BT, on Monday, 19 February 2024 at 10.00 am

Present:

Cllr Simon Carswell (Chair)
Cllr Marcus Kravis (Vice-Chair)

Cllr Martin Lovell

In attendance:

Owen Barratt	Applicant
Lesley Dolan	Lawyer
Olivia Denis	Licensing & Business Support Officer
Jack Godley	Senior Licensing & Business Support Officer
Steve Horler	Representee
Robert Horler	Representee

27 Appointment of Chair for the Sub-Committee - Agenda Item 1

Councillor Simon Carswell was proposed by Councillor Marcus Kravis and seconded by Councillor Martin Lovell and duly appointed.

28 Apologies for Absence - Agenda Item 2

There were none.

29 Declarations of Interest - Agenda Item 3

There were none.

30 Procedure to be followed when considering Licensing Applications under the Licensing Act 2003 - Agenda Item 4

The Licensing Sub-Committee noted the procedure to be followed when considering

Licensing Applications under the Licensing Act 2003. The Chair introduced the members of the Sub-Committee and the Officers present at the hearing.

The Chair announced that he would be changing the order of speaking so that the Applicant, would follow the Licensing Officer. The Responsible Authorities and Other Persons would follow in that order.

The Chair confirmed that the Officer's report relating to the case, the procedure to be adopted during the hearing and the documents which the authority is required to provide under the Regulations had been received by all Parties in advance of the meeting.

31 Consideration of an application for a Premises Licence in respect of Owen's Sausages and Hams Limited, Unit 3, 3 Station Approach Industrial Estate, Station Approach, From, BA11 1RE - Agenda Item 5

The Licensing & Business Support Officer presented her report and highlighted the following:

Owen's Sausages and Hams Limited was a delicatessen style Sausage Bar and Kitchen. The premises had recently undergone renovation, including building of the new sausage kitchen. The proposed licensable area covered the ground floor only, and the outside yard to the rear of the building. The space would be used primarily as a dining area for customers.

The premises were located towards the rear of a large building, which contained other licensed premises. The building is situated close to Frome Train Station, on the Station Approach Industrial Estate.

The applicant had applied for a premises licence in order to sell alcohol on and off the premises as detailed below.

Licensable Activity	Days	Start Time	Finish Time
Supply of Alcohol (either on or off the premises)	Monday - Sunday	09:00	23:00
Hours Premises are open to the Public	Monday - Sunday	09:00	23:30

During the representation period agreement was reached between the Applicant and the Avon and Somerset Constabulary as to conditions to be attached to the licence, with the Applicant also offered conditions through the Operating Schedule set out at Section M of the application. The agreed conditions and those offered up by the Applicant were all set out at **Appendix 3** to the agenda papers.

No representations were received from any Responsible Authority.

One representation had been received from an Other Party, Frome Reclamation Limited, Mr Steve Horler. A copy of the representation received can be found at **Appendix 4**.

The Applicant was then invited to make his submission and he stated that:

- He was a chef who opened a small business and required a premises licence to support the sale of his food.
- There were two aspects to his business – he took one pig a month and provided retail packaged products and also hotdogs and sausages and mash. There were tables and chairs within the premises where patrons could sit and eat, but he did not provide table service.
- All food was ordered and collected from the bar where he served everybody.
- He had no outside seating at the present time, but this may change when the weather was warmer.

When questioned about Condition 18, the Applicant confirmed that all outside furniture would be brought indoors overnight.

When questioned by the representatives of the Other Party about a function that took place at the premises on the 2 February where the back doors of the building were open and alcohol was being served until 04:00, the Applicant advised the Sub-Committee that this event was facilitated by another proprietor in the building and was nothing to do with him. He left the building at 21:00.

When questioned by Councillor Kravis, the Other Party's representative confirmed that he had no evidence that suggested that the Applicant was responsible for this event.

The Licensing Officer confirmed that a noise complaint had very recently been received about the event on the 2 February.

The issues raised by the Other Persons' related to health and safety issues with the use of the outside area, articulated lorries reversing in that area as no measurements had been provided (Appendix 3 of the agenda papers) and the fact that there was an oil burner that needed to be higher and was re-fuelled by a tanker that had to reverse up to it and a smoker that was not protected as well as the fact that foul water was taken across the tarmac and into a storm water drain.

Mr Horler said that he had reported these concerns to Environmental Health and to Health and Safety and had received no response.

The Licensing Officer advised the Licensing Sub-Committee that the application for a premises licence had been sent to the Food Safety Officer, Public Safety, Environmental Protection, Planning and the Fire and Rescue Service. None of the above parties have lodged a representation to this application.

Further concerns from Mr Horler was that the Applicant was intending to serve drinks on two areas that were not covered in his lease.

The Licensing Officer explained the position of licensing pursuant to the Act - the fact that the proposed licensable areas may not be included in an Applicant's lease were not a consideration for the Sub- Committed. Where a premises licence is granted for an area, it is for an Applicant to secure all other relevant consents in respect of the areas which are intended to operate as licensed premises under the Act.

Added concerns were expressed about conditions agreed with the Police not being enforceable and that there was nothing to stop patrons walking all over the estate.

The Chair advised that it was a matter for the Police to monitor and enforce the conditions that they had agreed with the Applicant. The Licensing Officer confirmed that the Licensing Authority worked very closely with the Police Licensing Officer and if issues began to arise, the Licensing Authority and the other Agencies involved would work with the Applicant to prevent escalation of those matters of concern.

Mr Horler reported that he had a covenant in place with the Landlord of the building where the Applicant's premises were located, regarding closure of the security gate. He surmised that this had been breached by the Applicant because, as he pointed out, the gate was located at the top of the lane that ran down the side of the building in which the Applicant's premises were located. He said that by agreement with the Landlord of the building, his company closed the gate at 20:00 as there had been frequent breaking and entering into the building and this has made a considerable difference. He also advised that he hires a security guard.

- All conditions to be added to the licence, should it be granted, could be seen at **Appendix 5.**
- A map showing the location of the premises could be seen at **Appendix 6.**
All parties were reminded that there was a right of appeal against the decision of the Licensing Authority's pursuant to Section 181 of and Schedule 5 to the Licensing Act 2003. Such an appeal is to be made within 21 days of the date of receipt of the formal Notice of Determination and should be made to the Magistrates' Court.

All parties were reminded of the procedure contained within the Licensing Act 2003 which related to review of the premises licence. This provision permitted nearby residents, or responsible authorities to apply for a review of a premises licence where problems with crime and disorder, public safety, public nuisance, or the protection of children from harm were occurring. The Panel respectfully reminded all parties that for any review to go ahead, evidence would need to be collected of incidents occurring that undermined the licensing objectives.

All parties confirmed that they were satisfied with the conduct of the hearing.

Members of the Licensing Sub-Committee, the Legal Officers and the Democratic Services officer, attending in an advisory capacity only, remained in the meeting and all other officers and applicants withdrew to allow the members of the Sub-Committee to consider their decision in private.

Members of the Sub-Committee considered their decision in private session and were mindful of the advice given to them by the Legal Officer.

On reconvening, the Chairman informed those present at the hearing of the decision of the Licensing Sub-Committee:

RESOLVED

The Sub-Committee returned and delivered their decision that on the evidence before it, having considered all the circumstances, they grant the application for a Premises Licence as applied for together with the Conditions that the Applicant had agreed with the Police and the conditions it had offered up through the Operating Schedule in Section M of the application, all of which were set out in Appendix 5 of the agenda papers.

(The meeting ended at Time Not Specified)

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CHAIR

Public Agenda Pack



Minutes of a Meeting of the Licensing Sub-Committee held in the Sedgemoor Room, Bridgwater House, King Square, Bridgwater, TA6 3AR, on Monday, 4 March 2024 at 2.00 pm

Present:

Cllr Simon Carswell (Chair)

Cllr Hugh Davies

Cllr Simon Coles

32 Appointment of Chair for the Sub-Committee - Agenda Item 1

Cllr Simon Carswell was appointed as Chair of the Sub-Committee.

33 Apologies for Absence - Agenda Item 2

Apologies were received from Councillor Mike Murphy.

34 Declarations of Interest - Agenda Item 3

None.

35 Procedure to be followed when considering Licensing Applications under the Licensing Act 2003 - Agenda Item 4

36 Minutes of the Sub-Committee - Agenda Item 5

The Chair of the meeting was authorised to agree the accuracy and sign the minutes as a correct record following circulation to the members of the Sub-Committee.

37 The Perfect shop Ltd. - Agenda Item 6

The Chair welcomed everyone to the meeting and Members of the Panel, officers and the following attendees introduced themselves:

Tim Mander - Bridgwater Town Council

Rohit Julka	-	Applicant
Nipun Chawla	-	Designated Premises Supervisor
Chris Lucan	-	Licensing agent
Nick Semper	-	Licensing agent

It was confirmed that the meeting would follow the procedure as set out in the agenda pack and then the Licensing Officer presented his report.

Mr Mander explained that he was the Chair of the Town Council's Planning Committee, which was charged with considering licensing application, and that the Committee had unanimously voted to object to the application. As part of his presentation and in response to questions he made the following points:

- The premises was within the part of Bridgwater town centre, between Penel Orlieu and the Admiral Blake statue, that had been identified by the Avon & Somerset Police as a hotspot for youth crime.
- There was already an ongoing and persistent issue of anti-social behaviour linked to the increasing number of street drinkers in the area
- It was their view that granting a liquor licence to another town centre shop unit would lead to an increased amount of the crime and disorder.
- Public safety would be endangered as a direct result of the ready sale of alcohol in a prime town centre location.
- An additional off-licence would encourage street drinkers to hang around the town centre and further increase tensions between gangs and young teenage children and the adult street drinkers, and could lead to a greater degree of public nuisance.
- Both the Police and the Town Wardens had been working hard to defuse tensions and tackle that unruly behaviour that was unfortunate. common around the town centre.
- Granting a licence to sell alcohol on an off licence basis could undermine the hard work put in by the various agencies, particularly in respect to protecting children from harm.
- Whilst they welcomed the numerous conditions that the Police were proposing the Town Council was concerned over who would be available around the clock, to monitor their compliance with the conditions.
- Although their main concern was over daytime drinking there was another shop, just over the town bridge, that was open until the early hours of the morning and they were worried that an additional shop nearby would only add to problems.

The Licensing Officer clarified that the other shop referred to had a licence to sell alcohol from 08:00hrs to 01:00hrs Sunday to Thursday and from 08:00hrs to 04:00hrs Friday and Saturday, and that they were able to sell single cans of drinks

marked with an 'X' on the bottom of the cans.

The Applicants, as part of their presentation and in response to questions, made the following points:

- The shop would be a convenience store offering groceries with an off licence provision offering competitive prices, fresh produce and would be ideal for last minute shopping.
- The Applicant was investing a lot in the layout and design of the shop.
- The Applicant had 3 similar premises in Weston-Super-Mare and several years trading experience in convenience stores with off licences.
- The Sub-Committee's legal requirements in determining the application and the guidance and relative case law that applied.
- There had been no criticism of the premises, operating schedule, Applicant or Designated Premises Supervisor (DPS).
- There was no history of disorder, noise complaints or any other concerns involving the shop.
- There had been no objections from any of the other Responsible Authorities.
- Bridgwater Town Council's objection was speculative.
- That the availability of alcohol did not increase drunkenness or crime and disorder.
- There were already other outlets in the town selling alcohol.
- All their staff would be regularly trained with regards to selling alcohol.
- They had agreed to the comprehensive raft of conditions requested by the Police including no sales of single cans of beer, cider, lager or spirit mixes and the labelling of all alcohol sold to show from where it had been purchased.
- The intention was for Mr Chawla (DPS) and his wife to run the business as they had accommodation in the town. However, for the first few weeks or months, and at least until Mrs Chawla, who had passed her licensing exam, obtained a personal licence, Mr Julka would assist with the running of the premises.
- Mr Julka and Mr Chawla were both SIA registered and had the confidence to refuse sales of alcohol.
- The shop's opening hours would be 08:00hrs to 23:00hrs.

In summing up Mr Mander confirmed that as the town councillor for the area he'd had a number of concerns by the public brought to him. He acknowledged that whilst the Town Council was not a relevant authority many residents looked to them for support, and it was the Town Council's responsibility to speak up for them. Should a licence be granted the Council would be looking to the Police and Town Wardens to ensure that the conditions were being adhered to.

Mr Lucan summed up for the Applicant by stating that the hearing was simply about

whether or not the shop, with its hours, operating schedule and the Police conditions would undermine the licensing objectives. That there was no history of noise nuisance, pollution, safety, anti-social behaviour, drugs, crime or disorder issues with the operation of these premises, the applicant or any other business run by him.

Having heard all the evidence, members of the Panel made their decision in private, in the presence of the Solicitor and the Committee Manager.

Resolved

The Licensing Sub-Committee had been asked to consider an application for a new premises licence from Mr Rohit Julka for the premises at 13 High Street Bridgwater Somerset following an objection from the Town Council. The Sub-Committee was advised that the Applicant had reached agreement with the Police for conditions to be included on any licence that may be granted and therefore there was no formal objection from them.

The Sub-Committee had considered all of the evidence presented by the Applicant and Objector both in person and in writing. The Sub-Committee's decision was made in accordance with the Council's Statement of Licensing Policy, the Secretary of State's Guidance and current case law.

The application as submitted was for the sale and supply of alcohol off the premises only between 08.00hrs - 2300hrs, 7 days a week.

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DECISION

The Sub-Committee recognised that this was a well-prepared application with a comprehensive operating schedule and additional conditions had been agreed with the Police.

The application, as submitted, was for the sale of alcohol mirroring the opening hours of the premises. The Applicant was already successfully trading from 3 premises in Weston-Super-Mare without cause for concern.

The objection of the Town Council was driven by the significant number of premises already licensed to sell alcohol in the vicinity. The Council's Licensing Policy stated that shops, stores and supermarkets should generally be permitted to sell alcohol off the premises during the normal hours they intend to open. As a new application this premises was not a focus of disorder and disturbance and the Council does not have a cumulative impact policy to limit further premises.

The objection concentrated mostly on anti-social behaviour that already exists within the town centre and was speculative as far as the premises were concerned, having not been previously licensed.

The application was for a convenience store and whilst the Town Council was concerned that an additional outlet selling alcohol may lead to an increased amount of crime and disorder within the town centre, it did not follow that that would be the case or that this premises would be the cause. The Applicant cannot be held responsible for anti-social activities outside of their premises and not directly attributable to the management of those premises. The Government's guidance makes clear that beyond the immediate area surrounding the premises those are matters for the personal responsibility of individuals under the law.

The Sub-Committee fully understood the concerns of, and supports the Town Council in its endeavours to rid the town centre of anti-social behaviour, especially alcohol related unruly behaviour. However, it had to be recognised that the Police, as the primary agents of enforcing crime and disorder and public nuisance objectives, had chosen not to object to the application but recommended some 24 conditions that could be added to any licence.

In addition, there was no evidence before the Sub-Committee that suggested that this application cannot or will not promote the licensing objectives once supported by those conditions agreed with the Police.

Therefore, it was the decision of the Sub-Committee that a new premises licence be granted to Mr Rohit Julka for the premises at 13 High Street Bridgwater Somerset on the terms requested subject to the provisions of the operating schedule and the conditions agreed with Avon & Somerset Police.

(The meeting ended at 3.30 pm)

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CHAIR

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Public Agenda Pack



Minutes of a Meeting of the Licensing Sub-Committee held in the Sedgemoor Room, Bridgwater House, King Square, Bridgwater, TA6 3AR, on Monday, 18 March 2024 at 10.00 am

Present:

Cllr Peter Clayton
Cllr Hugh Davies

Cllr Lance Duddridge

38 Appointment of Chair for the Sub-Committee - Agenda Item 1

Cllr Hugh Davies was appointed as Chair of the Sub-Committee.

39 Apologies for Absence - Agenda Item 2

None.

40 Declarations of Interest - Agenda Item 3

None.

41 Procedure to be followed when considering Licensing Applications under the Licensing Act 2003 - Agenda Item 4

The Licensing Sub-Committee noted the procedure to be followed when considering Licensing Applications under the Licensing Act 2003.

42 Minutes of the Sub-Committee - Agenda Item 5

The Chair of the meeting was authorised to agree the accuracy and sign the minutes as a correct record following circulation to the members of the Sub-Committee.

43 Designated Premises Supervisor - Laburnum House Hotel - Agenda Item 6

The Licensing officer explained that at 11pm the previous night Mr Cox had

withdrawn his application and that his email giving reasons for his decision had been circulated to the Sub-Committee.

Mr Cox confirmed that he had indeed withdrawn his application.

The Chair then explained that, with the application withdrawn, there was now no need for the relevant submissions of the parties to be considered. The Sub-Committee hoped that the Police and Mr Cox would now take the opportunity to try and reach an amicable resolution to the matter and then closed the meeting.

(The meeting ended at 10.04 am)

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CHAIR