

5. DRIVER APPLICATION POLICY CHANGE

REPORT OF: HEAD OF HOUSING, ENVIRONMENTAL HEALTH AND BUILDING CONTROL

Contact Officer: Alec Lee Hackney Carriage and Private Hire Licensing Officer
Email:alecl@midsussex.gov.uk Tel: 01444 477335

Wards Affected: All

Key Decision: No

PURPOSE OF REPORT

1. For the Licensing Committee to consider a change in policy and conditions with regard to the application process to become a licensed Hackney Carriage or Private Hire driver by Mid Sussex District Council.

SUMMARY

2. Following advice from the Border and Immigration Agency it appears that there is a need for additional checks to be made on all applicants for Hackney Carriage and Private Hire Drivers Licences on initial application and on the renewal of issued licences.

RECOMMENDATIONS

3. Members to advise which of the following options they support.
 - (a) To implement a change in policy and conditions.
 - (b) To make no change.
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4.0 BACKGROUND

- 4.1 Following recent enquiries made by the Home Office Border and Immigration Agency some drivers licensed by this authority were found to be in breach of certain conditions attached to their passport effecting their right to residence in the United Kingdom and their right to work. Whilst this only effects a small minority of drivers the Home Office Border and Immigration Agency have suggested that we introduce further checks on applications to confirm their status.
- 4.2 The Mid Sussex Taxi Association has also raised concerns that an applicant's full criminal record may not be established if they have been resident in another country prior to becoming licensed by this authority. They also raised concerns that an applicant's full driving licence history may not be fully declared at the time of application. They have requested that further checks with the Driver and Vehicle Licensing Agency should be made to ensure that the applicants driving history is checked thoroughly before a licence is issued.
- 4.3 At present in accordance with the provisions of Section 47 of the Road Traffic Act 1991, and the guidance contained in the Department of Transport Circular 2/92 and Home Office Circular 13/92, The Council carries out a Confidential Criminal Records Bureau enquiry with respect to all applicants when they apply for the initial grant of a

licence. These checks cover convictions received in the United Kingdom and should any applicant have received a conviction outside of the United Kingdom then this will not be shown on the disclosure form.

4.4 At present all that is required of an applicant to prove his / her driving licence history is for them to produce their current DVLA drivers licence which may not show a full record of their driving history in the United Kingdom.

4.5 Since potentially vulnerable people such as children and the elderly are regularly reliant upon drivers operating to the highest moral standards, these confidential criminal record checking arrangements and driving licence history checks are intended to assist local authorities in satisfying themselves that applicants are fit and proper persons to hold a Hackney Carriage and Private Hire Drivers Licences.

5.0 RELEVANT LEGISLATION

5.1 Under the provisions of Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, the local authority shall not grant an applicant for Private Hire or a Hackney Carriage Drivers Licence a licence

(a) Unless they are satisfied that the applicant is a fit and proper person to hold a drivers licence or

(b) To any person who has not for at least twelve months been authorised to drive a motorcar, or is not at the date of the application for a drivers licence so authorised.

6.0 CURRENT CONDITIONS

Currently all applicants for a new Drivers Licence who apply to be licensed must under go a Criminal Record Bureau check. Once licensed a check is carried out every third year. Applicants must supply documentation from a list supplied by the Criminal Record Bureau to prove their identity. This list is long and gives the applicant the choice of what documents they want to provide. Three of these documents are a current passport, a birth certificate and a current DVLA driver licence, of these three documents the applicant only has to provide one, and on numerous occasions a passport or driving licence is not the document produced.

No checks are made with regard to an applicants right to work or residency.

No checks are made with regard to any criminal convictions that may have been given to an applicant who has lived outside of the United Kingdom or who has moved to the United Kingdom from another country.

No checks are made to establish if an applicant has received an official caution from the police or a relevant authority, has been subject of fixed penalty notices, is the subject of an Anti Social Behaviour Order (ASBO) or a High Court or County Court judgement.

No checks are made of an applicants driving history other than a check of their current driving licence which could show any motoring convictions imposed over the preceding ten years. Convictions over ten years old may not be shown. Consequently an applicant could have convictions recorded against them which if known at the time of licensing could have resulted in the applicant not being licensed.

7.0 SITUATION WITH SURROUNDING AUTHORITIES

At this moment in time the following bordering authorities :
Crawley Borough Council, Horsham District Council, Brighton and Hove City Council
Wealden District Council include the following checks:

- Require all applicants to produce their current passport, birth certificate and DVLA drivers Licence in order to prove their identity for the benefit of a Criminal Record Bureau check.
- Check with The Home Office Border and Immigration Agency regarding an applicants status about to their right to remain and work in the United Kingdom.(Applicants who are legally in the United Kingdom on a Student Visa are not allowed to be self employed and are not permitted to work more than 20 hours per week. This is difficult to enforce and some authorities will not licence applicants who are on a Student Visa. Before issuing any drivers licences Crawley council require a signed declaration by the applicant that they are not self employed and also require details of their prospective employer. A signed declaration is also required of the prospective employer that the applicant will be employed by them.
- Require all applicants who have been resident in the United Kingdom for less than five years to provide a Certificate of Good Behaviour from the Police in the County, District or Province of the country (ies) that they have been resident in prior to moving to the United Kingdom. This certificate must be translated into English (at the applicants expense) and must be certified by the Embassy of the country (ies) it concerns.
- Require all applicants for new driver licences and existing licence holders to declare any official cautions (police or relevant authority), fixed penalty convictions, ASBO's and High Court or County Court judgements. Existing licence holders must do this with in seven days of being convicted or judged.
- Require all applicants for new drivers licences to under go a check with the DVLA in order to obtain their full driving licence history. This is at the applicants expense (current fee being charged is £10).

8.0 SUGGESTED IMPROVEMENTS

- That the council make it mandatory for all applicants for new Hackney Carriage and Private Hire Drivers Licences to produce a valid Passport, Birth Certificate and DVLA Drivers Licence. This will allow the Licensing Officer to be able to carry out the necessary checks with the Home Office Border and Immigration Agency to establish applicants right to residency and right to work in the United Kingdom.
- That the council make it mandatory that before any Drivers Licences are issued to applicants who are in the United Kingdom on a Student Visa that the applicant and the applicants prospective employer sign declarations that the applicant is not self employed and will not work more than 20 hours per week or that Mid Sussex District Council does not licence applicants on a Student Visa.

- That the council make it mandatory that all applicants for a new Hackney Carriage and Private Hire Drivers Licence and in the case of existing licence holders declare within seven days in writing to the council any official caution (police or relevant authority) given to them, any fixed penalty notice issued to them, any Anti Social Behaviour Order (ASBO) or any High Court or County Court judgement they may have recorded against their name.
- That the council make it mandatory that all applicants for a new Hackney Carriage or Private Hire Drivers Licence under go a Driver Licence History check with the DVLA this would be at the expense of the applicant.

9.0 RISK MANAGEMENT STATEMENT

- 9.1 In accordance with the Council's Equality and Diversity Policy, consideration has been given to the potential risks associated with the determination of this report. A decision should be reached that takes into account the rights of the applicant or existing licence holder. Decisions should also take into account the councils duty to minimise risk to members of the public and should therefore be necessary, proportionate and legal.

10.0 FINANCIAL IMPLICATION

- 10.1 If the Council refuses to issue drivers licences then the applicants might appeal against the Councils decision to the Magistrates Court, and if the Court found in their favour, they could award costs against the Council.

6. DENTS AND SCRATCHES CONDITION

REPORT OF: HEAD OF HOUSING, ENVIRONMENTAL HEALTH AND BUILDING CONTROL

Contact Officer: Yvonne Leddy, Environmental Health Manager
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Wards Affected: All

Key Decision: No

1.0 PURPOSE OF REPORT

The purpose of the report is for the Licensing Committee to consider if the 'Dents and Scratches' condition (currently suspended) attached to Hackney Carriage and Private Hire vehicle licences should be reinstated or removed indefinitely.

2.0 SUMMARY

Following representation from the Taxi Association (Appendix1) that the application of the 'Dents and Scratches' policy would cause an undue financial burden to its members, the Licensing Committee suspended the condition for a period of six months. The suspension period has now passed and the Licensing Committee have to decide if the condition should be reinstated or removed indefinitely.

3.0 RECOMMENDATIONS

Members to advise which of the following options they support:

- (a) To remove condition (a) on the "Hackney Carriage and Private Hire Vehicle Fitness Inspection Schedule" relating to exterior condition of vehicles and condition 16 of the Hackney Carriage Vehicle licence and condition 23 of the Private Hire Vehicle licence.
 - (b) To reinstate condition (a) on the "Hackney Carriage and Private Hire Vehicle Fitness Inspection Schedule" relating to exterior condition of vehicles and condition 16 of the Hackney Carriage Vehicle licence and condition 23 of the Private Hire Vehicle licence.
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4.0 BACKGROUND

4.1 POWER TO LICENCE VEHICLES

By virtue of the Town Police Clauses Act 1847, The Local Government (Miscellaneous Provisions) Act 1976 and the Transport Act 1985. The Council is required to administer and enforce the activities of Hackney Carriages and Private Hire Vehicles and Operators throughout the district.

- 4.2** Before a local authority grants a vehicle licence it must be satisfied that all Hackney Carriages and Private Hire Vehicles are mechanically maintained to a high standard

and are visibly presentable at all times. Once licensed these vehicles are regularly inspected by the Council to ensure that the standard is maintained.

- 4.3** In March 2003 the Licensing Committee resolved to authorise the Director of Community Development to carry out a review of the Councils existing Hackney Carriage and Private Hire Vehicle conditions. During the consultation period a copy of the draft amended vehicle conditions were sent out to all Private Hire Operators and the Taxi Association. A subsequent meeting was held with the trade from which a set of proposed revised conditions were produced. These were then reissued to every Hackney Carriage and Private Hire driver licensed by the Council for comments. This resulted in three responses, two from companies and one from the Taxi Association.
- 4.4** In July 2003 the final draft of the revised vehicle conditions and the Vehicle Inspection Schedule were placed before the Licensing Committee and were accepted and implemented with effect from 1st August 2003.
- 4.5** The vehicle Inspection Schedule (Appendix 2) lays out the test criteria to be used by the two contracted testing stations. Section (a) deals with EXTERIOR – Rust, Dents and Scratches and details what is acceptable and what is not. The dents and scratches policy has been included as part of condition 16 of the Hackney Carriage vehicle licence (Appendix 3) and condition 23 of the Private Hire Vehicle licence (Appendix 4).
- 4.6** These conditions have been applied since inception by the testing stations and to date there has not been an appeal regarding vehicles failed with dents and scratches.

5.0 NEIGHBOURING AUTHORITIES

- 5.1** The vast majority of neighbouring authorities have similar policies with regard to exterior conditions of vehicles, with Adur and Horsham Councils having identical policies.

6.0 CURRENT SITUATION

- 6.1** Since the commencement of the suspension of the Dents and Scratches policy there has been a noticeable decline in the condition and appearance of Hackney Carriages and Private Hire Vehicles by the Licensing Officer. This is confirmed by the two testing stations that have written to the council with their concerns (Appendix 5 and 6)
- 6.2.1** There are now licensed vehicles being used which do not comply with the suspended conditions some of these vehicles appear scruffy and in some cases potentially unroad worthy due to accident damage sustained to them.
- 6.3** It appears that some drivers are taking advantage of the situation and are delaying getting accident repairs done where they are at fault or where the insurance claim is protracted. Under the terms of some Hackney Carriage and Private Hire insurance policies the insurers will supply a temporary vehicle while the licensed vehicle is being repaired. In order for a temporary vehicle to be supplied the insurers normally require a licence suspension notice to be issued by the council, which states that the vehicle concerned does not comply with the councils fitness conditions. Without this notice some insurers will not supply a temporary vehicle. If a temporary vehicle is not supplied then drivers tend to delay getting the repairs done which results in an

accident damaged vehicle being used for a longer period of time before the repair is affected. Once the vehicle is taken off the road for repair the driver is then unable to work until the repair has been affected, depending on the damage to the vehicle this could vary between days and months where the driver / proprietor has no income.

- 6.3.1 There is a large section of the trade who take pride in the appearance of their vehicles and maintain high standards at all times.

7.0 RISK MANAGEMENT

- 7.1 In accordance with the Council's Risk Management Strategy, consideration had been given to the potential risks associated with the determination of this application. It is suggested that when reaching a decision it must be taken into account the need for there to be a balance between the rights of the licence holder and any risks that there may be to the travelling public.

8.0 FINANCIAL IMPLICATION

- 8.1 There are no financial implications.

9.0 OTHER MATERIAL IMPLICATIONS

- 9.1 None.

MID SUSSEX TAXI ASSOCIATION

Formerly the Mid Sussex District Hackney Plate Holders Association

Secretary: Mike Revely, 6 Cantelupe House, Cantelupe Road, East Grinstead, West Sussex. RH19 3BZ

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To the:

Mid Sussex District Council's Licensing Committee.

Subject: The Association's application for a moratorium on the current 'Dents & Scratches' policy in the light of prevailing economic circumstances within the industry.

We hereby petition the Council to agree to a suspension of the 'Dents & Scratches' regulations currently in place. Their stringency and strict application is, in our view, causing unnecessary expense to drivers during this difficult economic period when many divers are struggling to make ends meet.

We respectfully request that this is applied with immediate effect from the date of the hearing, if successful, as in the meantime some drivers may be forced to carry out 'corrective repairs' later deemed unnecessary and may seek compensation.

The justifying viability factors that support the application.

Market Share:

The vast number of Private Hire vehicles operating within MSDC borders (our own and those from Wealden, Reigate & Banstead, Mole Valley, Epsom & Ewell et al) and the fact that many of these vehicle rank up and take public hirings with apparent impunity is eroding the financial viability of the Mid Sussex taxi trade.

Fuel costs:

Recently fuel costs have increased dramatically, imposing extra costs upon taxi businesses where fuel expenditure is already a considerable part of our expenses. Without some relief in our outgoings the drivers' incomes will suffer.

We respectfully request that the above proposal is duly considered by the above committee.

The preceding documentation is laid before the Mid Sussex Council by:

Mike Revely,
Secretary for the Association.
July, 2008.



HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE FITNESS INSPECTION SCHEDULE

VEHICLE INSPECTION SCHEDULE

Upon presentation for inspection, the exterior of the vehicle should be clean so that rust damage, dents and scratches can be clearly identified. Vehicle interiors should also be clean, tidy and free of accumulations of litter and rubbish. Exterior faults should be marked on the Inspection Schedule Sheet.

The vehicle is to be tested to a standard higher than that for a standard Department of Transport

Test and testers' attention is drawn to items in the testers manual that are advisory.

If in the testers opinion any items or vehicle defects effects the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein, the items or item should be noted on the inspection schedule and the vehicle failed. Should it be considered by the tester that the vehicle is unsafe to be used to carry members of the public the tester is requested to inform the Council's Safety and Licensing Department on 01444 477335 immediately.

(a) EXTERIOR – Rust, Dents and Scratches.

(i) Rust

Any vehicle presented should be free from any significant areas of visible rusting. Although minor blemishes should not constitute a failure, the following general criteria should be followed:

Any vehicle with more than three rust patches of more than 3cms in diameter or a single rust patch of more than 20 sq.cms. should be failed.

(ii) Dents

Any vehicle with minor dents on three or more panels where such dents are more than 5 cms in diameter length or a single dent of more than 20cms in diameter/length, should be failed.

(iii) Scratches

Any vehicle with unrepaired scratches down to bare metal on three or more panels, of 5cms in length, or a single scratch of more than 20cms in length, should be failed.

(iv) Paintwork

All panels on the vehicle shall be painted in colours consistent with the general colour scheme of the vehicle: panels with unmatched colours or in primer, should be deemed as "failures".

(b) INTERIOR

(i) Seats

All seats, including the driver's, must be free from unrepaired cuts, tears or cigarette burns, except of very minor nature. Any repairs must have been carried out in a professional and neat manner.

(ii) Carpets/Floor Covering

All carpets and floor covering shall be complete and free from cuts, tears or serious staining.

The driver's footwell shall be clear and free of any obstructions (e.g. microphone, cash bag, torch etc).

(iii) Headlining and other Trim

All interior trim, including headlining, shall be clean, complete, properly fitted and free from serious cuts, tears or major soiling.

(iv) Window Operation

All passengers, excepting those occupying a middle seat, must be able to open adjacent windows without difficulty

(v) Tinted Windows

The windscreen and the front side windows to either side of the drivers head, shall not be tinted to a degree that exceeds the limits as laid out in the Road Vehicles (Construction and Use) Regulations 1986, as amended.

(c) Boot/Luggage Compartment

When presented for inspection, this should be empty, except for a full size spare wheel, essential tools and first aid kit. The compartment should be clean and any coverings free from major cuts, tears and other damage.

(d) Taxi Meter

All hackney carriages must be fitted with a taxi-meter calibrated to the current rate of hire charges.

(e) Roof Signs

All vehicles that normally display a roof sign capable of illumination must be presented for the test with that sign in place and in working order.

All signs that are capable of being illuminated shall illuminate and in the case of a Hackney Carriage the sign shall be wired to the taximeter so as to enable it to be extinguished while the meter is in operation. (Vehicles with meters/signs not complying shall be failed).

(f) Auxiliary Electrical Equipment

All auxiliary electrical equipment fitted to the vehicle (e.g. roof box, radio, aerials etc) must be securely wired into the vehicles electrical system and fused where appropriate.

All auxiliary wiring passing through the vehicle's bodywork must be adequately insulated (preferably through a grommetted hole). All auxiliary wiring must be kept away from fuel lines.

(g) Fire Extinguisher /First Aid Kit

All vehicles must carry a securely fixed fire extinguisher (fitted with a gauge indicating the level of contents) in a position which is readily accessible to the driver (preferably in the front of the vehicle) and a suitable first aid kit which is carried in such a position

in the vehicle as to be readily visible and available for immediate use in an emergency.

(h) Mirrors

All vehicles must be fitted with off-side AND nearside door or wing mirrors in addition to an interior mirror.

(i) Spare Wheel

A spare wheel must be carried on the vehicle and the tyre must be legal.

(j) Seat Belts

All vehicles must be fitted with rear seat belts.

Proprietors should arrange for their vehicles to be inspected as soon as possible prior to the current fitness certificate expiry date.

How ever in line with M.O.T. tests the Fitness test can be carried out not more than one month before the old certificate expires, the expiry date on the new certificate can be entered as 12 months from the expiry date on the old certificate. To take advantage of this extension to the expiry date, you must show your current certificate to the tester before he/she issues the new one.

Proprietors are particularly reminded that:-

- (1) Apart from new vehicles mentioned at 3 below all vehicles over one year old being tested for a hackney carriage certificate and a private hire licence must first have a current MOT certificate. Private hire vehicles need an MOT certificate after ONE year. (The certificate must be produced at the time of inspection).
- (2) The Contractor will be carrying out inspection work only. Under no circumstances will any repair work be undertaken. The Contractor's inspection will not only cover the mechanical condition of the vehicle but also it's interior and exterior condition and appearance. All vehicles (apart from new vehicles with less than 6000 miles on the mileometer) must obtain a Certificate of Fitness. The certificate will be issued from Mr MOT or Supreme Clutch Services upon vehicles being passed as fit to be licensed.

All vehicles submitted for test must display a current Road Fund Licence.

The inspection fee must be paid when the vehicle is presented for inspection. A receipt will be given.

- (3) No application for either a hackney carriage or private hire vehicle licence will be considered without a Certificate of Fitness, apart from new vehicles with less than 6000 miles on the mileometer. Such new vehicles should be brought to the Council Offices for inspection at the time of applying for the Licence. No fee will be charged for this inspection. The Certificate of Fitness is valid only for the duration as specified on the certificate.

Appeal procedures for vehicles failing the Council's fitness test

Where a vehicle fails the fitness test the vehicle proprietor has a right of appeal

The proprietor must inform the Licensing Officer **in writing** within seven days of the original test, that an appeal test is required. The appeal test will be conditional that the vehicle shall have covered no more than 250 miles and that no repairs or adjustments are made to the item(s) or system(s) which are subject of the appeal.

An Inspector from the Vehicle and Operator Service Agency will conduct the appeal test at the Council's current vehicle testing station.

The vehicle proprietor along with his/her engineer, the tester who failed the vehicle and the owner or a representative of the testing station will be given the opportunity to attend the appeal test.

The adjudication of the appeal Inspector will be final.

NB Proprietors are reminded that a fee will be charged if an appointment is broken or cancelled with less than 48 hours notice.

In your own interests please ensure that your vehicle is in a clean and roadworthy condition before making the appointment for a test.

The above testing is in addition to the requirements for normal MOT Certificates. However, if required Mr MOT and Supreme Clutch Services will issue a VT20 Ministry of Transport Certificate for a reduced fee if requested at time of Council Test.

MID SUSSEX DISTRICT COUNCIL

Conditions and guidelines relating to the issue of this Hackney Carriage Vehicle licence

NOTE :- These conditions and guide-lines are to be read in conjunction with the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, the Transport Act 1985, the current bye-laws in force within the district and any other relevant legislation.

1. Any seats or seating over and above the number for which this vehicle is licensed shall be removed before the vehicle is used to carry passengers for hire or reward.
2. All hackney carriages (other than a London type taxi) shall be fitted with an illuminated roof sign showing the word TAXI in letters approximately 50mm - 150 mm high. The company name and telephone number may also be shown.
The sign to be displayed transversely on or above the roof of the vehicle.
The roof sign shall be wired to the taximeter so as to enable it to be extinguished during the carrying of a fare for which the meter is in operation.
Company or Trading name and telephone number may be displayed on the external surface of the two front doors. The letters may not exceed 16cm in height.
3. The proprietor shall cause the external plate supplied by the Council to be displayed in a prominent position below the rear window on the rear exterior surface of the vehicle.
4. The proprietor shall cause the internal plate supplied by the Council to be displayed inside the front windscreen in a prominent position so that it is clearly visible to passengers being carried therein.
5. The proprietor shall ensure that any person driving the vehicle to which this licence relates is the holder of a current hackney drivers licence issued by Mid Sussex District Council.
6. The proprietor shall ensure that any person employed by him or permitted by him to use the vehicle as a hackney carriage is fully conversant with the current bye-laws in force in the district. (Copies of the bye-laws are available on request).
7. The proprietor shall ensure that the vehicle is capable of satisfying the Council's mechanical and structural inspection at any time during the period for which the licence is in force.
8. Any authorised officer of the Council or any constable shall have power at all reasonable times to inspect and test any hackney carriage or taximeter. If he is not satisfied as to the fitness of either or both he may require the vehicle or meter to be further inspected at the testing station approved by the Council. If the vehicle or taximeter fails to meet the necessary requirements the licence will be suspended until such time as the requirements are met. If the authorised officer or constable is not so satisfied before the expiration of a two month period the licence shall be deemed to have been revoked.
9. A first aid kit and fire extinguisher must be carried on the vehicle at all times and be accessible to the driver. The fire extinguisher should be fitted with a gauge indicating the level of contents.
10. The proprietor or driver of the hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of passengers than the number of persons specified in this licence.
11. The taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring.
12. The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.
13. The proprietor shall disclose to the Council within seven days details of any convictions imposed on him during the period of his licence.
14. A vehicle will not be deemed suitable for licensing as a hackney carriage vehicle unless :-

- (a) It has at least four doors of which three are readily accessible by the passengers unless a London style cab.
- (b) It is capable of comfortably seating at least four passengers in addition to the driver and for that purpose:-
 - the rear seat of the vehicle shall measure at least 122cm (48") at its widest part and the headroom from the centre of the back seat to the roof lining shall measure at least 86cm (34"); and
- (c) Provision is made for the carriage of luggage that is commensurate with the number of persons that the vehicle is conveying.
- (d) It is fitted with a seat belt for each passenger seat to conform with the current British Standards.
- (e) The steering wheel is located on the right side of the vehicle (off side)
- (f) The engine capacity shall not be less than 1290cc.

15. The proprietor shall ensure that no material alteration or change in the specification, design, condition, appearance, or use of the vehicle is made without the approval of the Council at any time whilst the licence is in force.

16. The vehicle and all its fittings and equipment must at all times when the vehicle is in use or available for hire be kept in a safe, tidy and clean condition, maintained in satisfactory mechanical order, body condition and overall appearance and must comply with all relevant statutory requirements. In particular the exterior of the vehicle shall:-

- be free from dents and damage to body parts and trim;
 - be free of areas of rust and/or damaged paintwork;
 - have all factory fitted bumpers and body mouldings in place and be in good order and repair; and the interior of the vehicle shall :-
 - be free from stains, tears, cuts and/or cigarette burns;
- have all door and window mechanisms in good working order and the boot and luggage space must be kept clear for use by the passengers with certain exemptions (e.g. spare wheel and jack).

17. A vehicle must not carry any child below the age of fourteen years other than in accordance with the Road Traffic Act 1988 and subsequent regulations.

18. When advertisements other than those mentioned in Condition 2 above are displayed on the vehicle then
- (a) those advertisements shall be of a permanent nature and
 - (b) before the advertisements can be displayed on the vehicle prior approval must be sought from the authorised Officer.
 - (c) There shall be displayed the words "Taxi" on the surface of the vehicle in letters not exceeding 16cm in height. This shall be by prior approval by the authorised Officer.

19. All vehicles (apart from new vehicles and vehicles with less than 6000 miles recorded on the mileometer) shall be required to pass the vehicle inspection /fitness test annually.

All vehicles three to five years old shall be required to pass the vehicle inspection/fitness test annually at a six month interval from the MOT.

All vehicles over five years shall be required to pass the vehicle inspection / fitness test at six monthly intervals.

20. The proprietor shall ensure that a copy of the current fare table supplied by the Council is exhibited inside the carriage in such a position that it can be read by fare paying passengers.

21. The proprietor shall report to the Council as soon as reasonably practicable and in any case within 72 hours of the occurrence thereof, any accident to the vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein.

MID SUSSEX DISTRICT COUNCIL

Conditions and guidelines relating to the issue of this Private Hire Vehicle Licence.

NOTE :- These conditions and guidelines are to be read in conjunction with The Local Government (Miscellaneous Provisions) Act 1976 and any other relevant legislation.

1. Any seats or seating over and above the number for which this vehicle is licensed shall be removed before the vehicle is used to carry passengers for hire or reward.
2. The private hire licence plate provided by the Council for display outside the vehicle must be firmly affixed in a prominent position on the rear exterior surface below the rear window.
3. The private hire licence plate provided by the Council for display inside the vehicle must be fixed to the front windscreen of the vehicle in a position where it may be conveniently read by passengers travelling in the vehicle.
4. The proprietor shall ensure that any person driving the vehicle to which this licence relates is the holder of a current private hire drivers licence issued by Mid Sussex District Council.
5. The proprietor shall ensure that any person employed by him or permitted by him to use the vehicle as a private hire vehicle is fully conversant with the conditions of his driver licence.
6. The proprietor shall ensure that the driver only conveys passengers who have pre-booked their journey(s) via the holder of the Operators Licence.
7. The proprietor shall ensure that the vehicle is capable of satisfying the Council's mechanical and structural inspection at any time during the period for which the licence is in force.
8. Any authorised officer of the Council or any constable shall have power at all reasonable times to inspect and test any private hire vehicle. If he is not satisfied as to its fitness he may require the vehicle to be further inspected at the testing station approved by the Council. If the vehicle fails to meet the necessary requirements the licence will be suspended until such time as the requirements are met. If the authorised officer or constable is not so satisfied before the expiration of a two month period the licence shall be deemed to have been revoked.
9. A first aid kit and fire extinguisher must be carried on the vehicle at all times and be readily accessible to the driver. The fire extinguisher should be fitted with a gauge indicating the level of contents.
10. The proprietor or driver shall not convey or permit to be conveyed in the vehicle any greater number of passengers than the number of persons specified in this licence.
11. The proprietor shall report to the Council as soon as reasonably practicable and in any case within 72 hours of the occurrence thereof, any accident to the vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein.
12. The proprietor shall deposit a copy of the vehicle licence issued by the Council with the private hire operator for whom the vehicle is being used during the time it is so used for that operator.
13. The proprietor shall notify the Council in writing of any change in his/her address within 7 days of such change.
14. The proprietor must notify the Council of any change of operator he/she may make.
15. The proprietor shall not tout or solicit on a road or public place any person to hire or be carried for hire in any private hire vehicle.
The proprietor shall not cause or procure any other person to tout or solicit on a road or public place any person to hire or be carried for hire in any private hire vehicle.
16. Private hire vehicles may display a roof sign subject to the following conditions: -

- (a) The roof sign may not exceed a size of 46 cm in width and 16 cm in height.
 - (b) The roof sign must include the words "advance bookings only" in letters not less than 2.5cm in height display to front and rear.
 - (c) The name of the company or trading name and/or telephone number may appear on the sign. The size of the lettering shall not exceed a ratio of 1.5 to 1 in relation to the size of the words "advance booking only".
 - (d) All lettering displayed on the sign must be black and all words printed in the same font style and same degree of boldness.
 - (e) The words taxi, cab or hire must not appear on the sign, even if it forms part of the company name.
 - (f) If the sign is capable of illumination it shall not be so illuminated until the vehicle is stationary having arrived at a destination for a pre-booking.
17. The company name and telephone number may be displayed in the rear windscreen in letters and figures not exceeding 5cm in height. Such letters and figures shall not be illuminated. The words taxi, cab or hire must not appear even if it forms part of the company name.
18. Company or Trading name and telephone number may be displayed on the external surface of the two front doors.
- (a) The words "advance booking only" must be included in lettering no less than 5cms in height in close proximity to any other wording.
 - (b) The company name or trade name and/or telephone number in lettering no greater than 16cm in height.
 - (c) All wording must be printed in the same font style and same degree of boldness and in a contrasting colour to the background. The words taxi, cab or hire must not appear on the sign even if it forms part of the company name.

When advertisements other than those mentioned as above are displayed on the vehicle then

- (a) those advertisements shall be of a permanent nature and
- (b) before the advertisements can be displayed on the vehicle prior approval must be sought from the authorised Officer.

(c) There shall be displayed the words "Private Hire Vehicle" on the surface of the vehicle in letters not exceeding 16cm in height. This shall be by prior approval by the authorised Officer.

19. No other advertisement save as mentioned in conditions 15,16, 17 and 18 above may be displayed on the vehicle.
20. Where a vehicle displays any sign permitted by these conditions there shall be displayed in the vehicle, in a position where it may be read by passengers, a notice bearing the following wording:
WARNING – YOU MUST HAVE PRE-BOOKED THIS VEHICLE IT IS AN OFFENCE FOR THE DRIVER TO PICK UP PASSENGERS WITHOUT A PRE-BOOKING HAVING BEEN MADE. IN THE EVENT OF A COMPLAINT PLEASE CONTACT :-HACKNEY CARRIAGE/PRIVATE HIRE LICENSING OFFICER, MID SUSSEX DISTRICT COUNCIL
- TEL 01444 477335
21. A vehicle will not be deemed suitable for licensing as a private hire vehicle unless
- (a) It has at least four doors of which three are readily accessible by the passengers.
 - (b) It is capable of comfortably seating its passengers in addition to the driver and for that purpose :-
- the rear seat of the vehicle shall measure at least 122cm (48") at its widest part and the headroom from the centre of the back seat to the roof lining shall measure at least 86cm (34"); and
- (c) Provision is made for the carriage of luggage that is commensurate with the number of persons that the vehicle is conveying.
 - (d) It is fitted with a seat belt for each passenger seat to conform to the current British Standards.
 - (e) The steering wheel is located on the right side of the vehicle (off side)
 - (f) The engine capacity shall not be less than 1290cc.

22. The proprietor shall ensure that no material alteration or change in the specification, design, condition, appearance, or use of the vehicle is made without the approval of the Council at any time whilst the licence is in force.
23. The vehicle and all its fittings and equipment must at all times when the vehicle is in use or available for hire be kept in a safe, tidy and clean condition, maintained in satisfactory mechanical order, body condition

and overall appearance and must comply with all relevant statutory requirements. In particular the exterior of the vehicle shall :-

- be free from dents and damage to body parts and trim;
- be free of areas of rust and/or damaged paintwork;
- have all factory fitted bumpers and body mouldings in place and be in good order and repair; and the interior of the vehicle shall:-
- be free from stains, tears, cuts and/or cigarette burns;
- have all door and window mechanisms in good working order and the boot and luggage space must be kept clear for use by the passengers with certain exemptions (eg. spare wheel and jack).

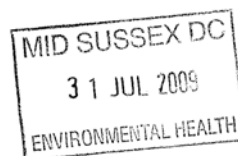
24. A vehicle must not carry any child below the age of fourteen years other than in accordance with the Road Traffic Act 1988 and subsequent regulations.

25. All vehicles (apart from new vehicles and vehicles with less than 6000 miles recorded on the mileometer) are required to pass the vehicle inspection /fitness test annually.
All vehicles three years to five years old shall be required to pass the vehicle inspection /fitness test annually at a six month interval from the MOT.
All vehicles over five years shall be required to pass the vehicle inspection/fitness test at six monthly intervals.

Private hire vehicle licence conditions – March 2006

Appendix 5

Supreme Clutch Services
The Forge,
London Road,
East Grinstead,
West Sussex,
RH19 2RQ
Tel: 01342 313136



Mr. A Lee
Taxi Licensing
Mid Sussex County Council
Oaklands
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

29th July 2009

Dear Mr. Lee,

Further to our recent conversation, I am writing to you to express my concern in the condition of some of the Taxi and Private Hire vehicles I am currently inspecting.

Since the suspension of the body work/bumper damage section of the test, I have noticed that the general appearance and condition of a number of vehicles has considerably deteriorated. I feel sure that it was not the intention of the suspension for this to have happened and I'm sure that you too have noticed the same problem.

I would be grateful if you would consider mentioning the above observation at the next meeting you have with the appropriate committee, so as they may reconsider their decision in suspending this section of the test.

Yours faithfully,

N. Shrigley
Proprietor

*Tale. 3/9/09
informed that you were
on holiday*

Proprietor: Mr. N. Shrigley VAT no.: 403185386 Registered in England
Registered address: 42 Becketts Way, Framfield, East Sussex, TN22 5PE.



**Mr Mot
Unit 7 Teknol House
Victoria Road
Burgess Hill
West Sussex
RH15 9LH**

13th August 2009

Dear Mr Lee,

With regard to the relaxation of the dents and scratches Rule on Private Hire and Hackney vehicles, it has been noticed that Although many of the drivers take a pride in keeping their vehicles Up to standard, there are some that appear to be taking advantage Of the situation and are allowing their vehicles to become quite Shabby.

Yours sincerely

A handwritten signature in black ink, appearing to read "Tony Driscoll". The signature is fluid and cursive, with a long horizontal stroke at the end.

Tony Driscoll

**Minutes of a Meeting of the Mid Sussex District Council Licensing
Sub-Committee held on 7th July 2009
from 10.00 a.m. until 11.55 a.m.**

Present: Councillors: Christopher Hersey
Graham Knight
Julian Thorpe

Officers in attendance: Senior Licensing Officer, Assistant Solicitor, Committee Co-Ordinator

Also in attendance: Applicants

LS.7 ELECTION OF A CHAIRMAN

Councillor Christopher Hersey was elected Chairman for the duration of the meeting.

LS.8 SUBSTITUTES AT MEETINGS OF COMMITTEE – COUNCIL PROCEDURE RULE 4

The Sub-Committee noted that no substitutes had been appointed in accordance with Council Procedure Rule 4 – Substitutes at Meetings of Committees etc.

LS.9 APOLOGIES FOR ABSENCE

None.

LS.10 DECLARATIONS OF INTEREST

None.

LS.10 APPLICATION FOR VARIATION OF A PREMISES LICENCE – EAST GRINSTEAD RUGBY FOOTBALL CLUB, SAINT HILL ROAD, EAST GRINSTEAD RH19 4JU

Paul Thornton, Senior Licensing Officer, took Members through the report and highlighted that the application before them is for a variation of a premises licence. He referred to a plan he had tabled showing the position of the properties occupied by the Interested Parties. These properties are 110 metres across open ground from the Club.

The Senior Licensing Officer informed Members that it is the intention of the Club to use the Premises Licence, if granted, for Licensable activities and surrender the Club Premises Certificate.

The Senior Licensing Officer drew Members' attention to representations that had been received from the Environmental Protection Team, who had asked that their conditions be appended to the licence if it is granted. The Senior Licensing Officer also drew Members' attention to his request for conditions to be applied in accordance with the applicants operating schedule, should the application be granted.

The Senior Licensing Officer informed the meeting that the Applicants have agreed to the additional conditions being imposed, should the application be granted. A copy of the applicants agreement to the addition of these conditions has been forwarded to the two interested parties, to date no formal withdrawal of their objections has been received.

Submission by The Applicant

The Applicant explained that the Club wishes to maximise revenue by opening more and increasing the number of parties, conferences and functions on the premises. He added that, since making the application, the Club has agreed to comments made by the Police and the Council's Planning Services.

Questions by Member of the Sub-Committee and the Applicants Response

Councillor Hersey referred to the representations made by the Interested Parties with regard to the noise from the balcony. He asked the Applicant whether the suggestion to cease use of the balcony at 10.30 p.m. is acceptable, He also asked for an example of the use of the balcony.

The Applicant explained that the balcony is used generally to watch the rugby, it is also used as a smoking area. He confirmed that the Club is agreeable to closing the balcony at 10.30 p.m.

Question by Member of the Sub-Committee

Councillor Knight referred to the use of the balcony and asked whether the Club would object to a condition being imposed that no furniture would be placed on it.

Response by The Applicant

The Applicant agreed to this condition, stating that the balcony was not large enough to accommodate furniture anyway.

In response to a question from Councillor Thorpe regarding the opening of windows, the Applicant confirmed that there are no windows on that side of the building, only a door on to the balcony.

In response to a question from Councillor Hersey regarding the balcony's use, the Applicant confirmed that it is only used for watching matches and as a smoking area. He added that drinks are taken outside, but only in plastic containers.

In response to a question from Councillor Thorpe regarding usage of the clubhouse, the Applicant explained that it is used for weddings, 60th birthday parties and members birthday parties. He confirmed that the Designated Premises Supervisor is on site at all functions.

In response to a question from Councillor Hersey regarding number capacity. The Applicant confirmed that fire regulations allow 250 people but the Club limits this to 100 to 120 as they look at comfort rather than safety.

Final Submission by the Sub-Committee

Councillor Hersey clarified that, should the licence be granted, the Club would be agreeable to the additional conditions as mentioned above, along with a condition refraining the use of the balcony until 10.30 a.m., including a notice asking patrons be quiet in the hours of darkness. The Applicant confirmed that the Club would be agreeable to this.

The Sub-Committee adjourned at 10.18 a.m. to determine the Application and reconvened at 10.48 a.m. to deliver their decision.

The Legal Advisor informed the meeting of the legal advice she had given the Sub-Committee in determining this application.

RESOLVED

That the Variation of a Premises License be approved, subject to the following conditions:-

1. Designated Premises Supervisor to be on the premises at all functions
2. No drinks promotions at functions.
3. A Risk Assessment must be conducted for all functions and decisions made about Door Staff and the use of plastic glasses. The documentation must be made available for inspection by Sussex police Officers and accredited staff of Sussex Police and Mid Sussex District Council.
4. Staff will be tasked to regularly inspect the licensed area, including the toilets.
5. Regular checks will be made to clear away empty glasses and bottles.
6. Patrons must be requested to arrive and leave the premises in an orderly and quiet manner.
7. All staff will be trained to require evidence of the age of any person seeking to buy alcohol and appearing to the staff to be under the age of 21. The evidence shall be photographic, such as a passport or photographic driving licence or PASS approved documentation.
8. Prominent notices will be displayed on the premises advising customers that they may be asked to provide evidence of age.
9. A refusal of sale register will be kept for all refused sales to persons in relation to their age. This must be made available on site for inspection by Sussex Police Officers and accredited staff of Sussex Police and Mid Sussex District Council.
10. Record for staff training must be maintained and held on the premises for inspection by Sussex Police Officers and accredited staff of Sussex police and Mid Sussex District Council.
11. Noise from regulated entertainment shall be inaudible within any noise sensitive premises (which includes any residence and which may have one or more windows open to allow for ventilation). The test for fulfilment

of this condition shall be that noise from the premises shall be no more than barely audible at the boundary of any noise sensitive premises.

12. On each day that regulated entertainment takes place the premises supervisor shall ensure that the test for fulfilment of condition 2 takes place on at least 2 occasions and the results of this shall be recorded in a logbook to be kept at the premises.
13. All external windows and doors shall remain closed when regulated entertainment takes place, except when used in the event of an emergency.
14. All external windows and doors shall remain closed after 2300 hours, except when used in the event of an emergency.
15. Signage shall be clearly displayed requesting patrons to respect the neighbours and to leave the premises in a quiet and orderly manner. Should any patron fail to comply with this request then all reasonable steps shall be taken to ensure that a public nuisance is not created.
16. Signage shall be clearly displayed on and at entrances to the balcony, requesting patrons using the balcony to use it in a quiet and orderly manner.
17. The balcony shall be closed to patrons after 2230 hours, except when used in the event of an emergency.
18. No tables and chairs to be placed on the balcony.

Chairman