

To: Councillor Woodward (Chair);
Councillors Dennis, D Edwards,
Livingston, McDonald and Skeats.

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20 December 2017

Your contact is: Amy Bryan - Committee Services

NOTICE OF MEETING - LICENSING APPLICATIONS SUB-COMMITTEE 3 - 9 JANUARY 2018

A meeting of Licensing Applications Sub-Committee 3 will be held on Tuesday 9 January 2018 at 6.30pm in Committee Room 1, Civic Offices, Bridge Street, Reading. The agenda for the meeting is set out below.

AGENDA

	WARDS AFFECTED	PAGE NO
1. DECLARATIONS OF INTEREST		-
Councillors to declare any disclosable pecuniary interests they may have in relation to the items for consideration.		
2. MINUTES OF THE MEETINGS OF LICENSING APPLICATIONS SUB-COMMITTEE 3 HELD ON 1 NOVEMBER AND 5 DECEMBER 2017		1
To confirm the Minutes of the Licensing Applications Sub-Committee 3 meetings held on 1 November and 5 December 2017.		
3. QUESTIONS		-
Questions submitted pursuant to Standing Order 36 in relation to matters falling within the Committee's Powers & Duties which have been submitted in writing and received by the Head of Legal & Democratic Services no later than four clear working days before the meeting.		

CIVIC OFFICES EMERGENCY EVACUATION: If an alarm sounds, leave by the nearest fire exit quickly and calmly and assemble on the corner of Bridge Street and Fobney Street. You will be advised when it is safe to re-enter the building.

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| 4. | PROPOSED CHANGES TO THE HACKNEY CARRIAGE VEHICLE MERCEDES VITO EURO 4 TAXI SPECIFICATION | BOROUGHWIDE | 8 |
| | To receive a report on proposed changes to the existing Hackney Carriage Mercedes Vito Euro 4 Taxi. | | |
| 5. | REVISION OF PRIVATE HIRE AND PRIVATE HIRE (SCHOOL TRANSPORT) DRIVER AND VEHICLE CONDITIONS AND VEHICLE SPECIFICATIONS | BOROUGHWIDE | 34 |
| | To receive a report on proposed changes to update the specifications and conditions relating to Private Hire Vehicles and School Transport Vehicles. | | |

At this point, the following motion will be moved by the Chair:

“That, pursuant to Section 100A of the Local Government Act 1972 (as amended) members of the press and public be excluded during consideration of the following item on the agenda, as it is likely that there would be disclosure of exempt information as defined in the relevant Paragraphs of Part 1 of Schedule 12A of that Act”

- | | | WARDS AFFECTED | PAGE NO |
|----|--|----------------|---------|
| 6. | APPLICATIONS FOR THE GRANT, RENEWAL, SUSPENSION OR REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER LICENCES AND APPEALS AGAINST ALLOCATION OF PENALTY POINTS ON PRIVATE HIRE VEHICLE DRIVER’S LICENCE | BOROUGHWIDE | 66 |

Present: Councillor Woodward (Chair);
Councillors Dennis, Livingston, McDonald and Skeats (items 16 to 18 only).

Apologies: Councillors D Edwards.

16. MINUTES

The Minutes of the meetings held on 27 September and 10 October 2017 were confirmed as correct records and signed by the Chair.

17. REVIEW OF STREET TRADING CONSENT LOCATIONS, DELEGATIONS AND PROPOSAL FOR ADDITIONAL SITES WITHIN THE READING TOWN CENTRE

The Director of Environment and Neighbourhood Services submitted a report asking the Sub-Committee to consider approving two additional town centre pitches in respect of street trading. The report also asked the Sub-Committee to delegate authority to officers to vet and issue consents in the town centre where applications were not of a controversial nature and to approve the criteria for officers to use when issuing street trading consents to applicants.

The report stated that at present street trading was restricted to six consent pitches all located on Broad Street. A plan of Broad Street marked with the six current consent pitches was attached to the report at Appendix 1. Licensing officers had worked with the Highways team to confirm that two additional town centre sites on the site of the Civic Offices on Bridge Street would be suitable for street trading. A map identifying the proposed two additional sites was attached to the report at Appendix 2.

A set of the standard conditions which were attached to Street Trading consents was attached to the report at Appendix 3.

The report stated that following consultation with Thames Valley Police, Highways and local Councillors no comments had been received, and Network Management had submitted comments but had not objected to the proposal. A copy of the consultation document was attached to the report at Appendix 4.

The report sought delegated authority for the Head of Planning, Development and Regulatory Services to make available the two additional sites to suitable applicants. The site locations and the effectiveness of each street trading pitch would be reviewed in 12 months. Any applications that officers decided might be controversial would be referred to the Sub-Committee.

The report set out a framework for granting Street Trading consents in the Town Centre which took into account a set of criteria designed to achieve a minimum level of suitability for licensing street traders. It also provided guidance for prospective applicants to work towards and would be used when making any decision on granting a consent. The proposed framework was set out in section 8 of the report.

Resolved -

- (1) That the two additional town centre street trading pitches, as set out in Appendix 2 to the report, be approved;

- (2) That the Head of Planning, Development and Regulatory Services be delegated authority to vet and issue consents in the town centre where applications are not of a controversial nature;
- (3) That the criteria as set out in section 8 of the report be approved for use by officers when issuing street trading consents to applicants.

18. EXCLUSION OF THE PRESS AND PUBLIC

Resolved -

That, pursuant to Section 100A of the Local Government Act 1972 (as amended), members of the press and public be excluded during consideration of the following items of business as it was likely that there would be disclosures of exempt information as defined in paragraphs 1, 2 and 3, specified in Part 1 of Schedule 12A (as amended) to that Act.

19. APPLICATIONS FOR THE GRANT, RENEWAL, SUSPENSION OR REVOCATION OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER LICENCES

The Director of Environment and Neighbourhood Services submitted a report asking the Sub-Committee to consider an application for the renewal of a three year hackney carriage vehicle driver's licence and the application for the grant of a three year private hire vehicle driver's licence.

A summary of the circumstances of each case was appended to the report.

The applicants were both present at the meeting and addressed the Sub-Committee. HAK was accompanied by his wife who also addressed the Sub-Committee.

Resolved -

- (1) That the application by UM for the renewal of a three year hackney carriage vehicle driver's licence be granted for six months and that the Head of Planning, Development and Regulatory Services be authorised to renew the licence for a further six months, subject to no breaches of licence conditions, offences being committed or complaints being received and then for a further 24 months subject to no breaches of licence conditions, offences being committed or complaints being received;
- (2) That the application by HAK for the grant of a three year private hire vehicle driver's licence be refused due to him not being considered a fit and proper person by reason of:
 - (a) the nature of the offences, as detailed in the report;
 - (b) insufficient time had elapsed since his convictions for some offences, as detailed in the report;
 - (c) his breaches of licence conditions, traffic regulations and legislation, as detailed in the report;
 - (d) the Sub-Committee was not satisfied as to the honesty of the applicant.

LICENSING APPLICATIONS SUB-COMMITTEE 3 MINUTES - 1 NOVEMBER 2017

(Exempt information as defined in paragraph 1, 2, 3 and 5)

(The meeting started at 6.43pm and closed at 8.38pm)

LICENSING APPLICATIONS SUB-COMMITTEE 3 MINUTES - 5 DECEMBER 2017

Present: Councillor D Edwards (in the Chair);
Councillors Dennis and Grashoff (substitute for Councillor Skeats).

Apologies: Councillor Woodward (Chair), Livingston, McDonald and Skeats.

20. APPLICATION FOR THE GRANT OF A SEXUAL ENTERTAINMENT VENUE LICENCE - KOALA, 108 FRIAR STREET, READING

The Director of Environment and Neighbourhood Services submitted a report on an application for the grant of a Sexual Entertainment Venue Licence made by Treehouse Bar Limited for the premises located at 108 Friar Street, Reading, RG1 1EP.

The report noted that the Council had adopted Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, which came into effect on 1 April 1983 and the amendment to Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, which came into force on the 1 September 2010. A copy of the resolution passed at Council on 29 June 2010 (Minute 18 refers) was attached to the report at Appendix CM-1. The report also noted that on 27 October 2010, the Licensing Applications Committee had approved the policy, terms, fees and conditions regarding Sexual Entertainment Venues (Minute 3 refers). A copy of the Sexual Entertainment Venue (SEV) Policy was attached to the report at Appendix CM-2, and a copy of the application form and management plan was attached at Appendix CM-3. A copy of the current premises licence pursuant to the Licensing Act 2003 was attached to the report at Appendix CM-4.

The report stated that the hours applied for with regard to the licensable activity were Monday to Sunday 2100 hours until 0300 hours.

The report explained that a consultation had been carried out regarding the application and two representations had been received. Representations had been received from Thames Valley Police, which was attached to the report at Appendix CM-5, and a resident of Reading, which was attached to the report at Appendix CM-6.

A copy of Reading Borough Council's standard terms and conditions for Sexual Entertainment Venues was attached to the report at Appendix CM-7.

An observations report by Mark Halton, of MJH Licensing Consultants Ltd, had been submitted on behalf of the applicant and circulated with the agenda papers. An additional observations report by Mark Halton had been circulated to the Sub-Committee prior to the day of the hearing.

Sarah Clover, barrister representing the premises, was present at the meeting and addressed the Sub-Committee. Also present at the meeting were Simon Bayfield, Designated Premises Supervisor (DPS) and Manager of the premises, Qi He, owner of the premises, Imogen Moss, solicitor for the premises, and Mark Halton, MJH Licensing Consultants Ltd.

PC Simon Wheeler, Thames Valley Police, was present at the meeting and addressed the Sub-Committee.

Resolved -

- (1) That the application for the grant of a sexual entertainment venue licence in respect of Kinky Koala (to trade as Black Diamond), 108 Friar Street, be granted because a grant would not be incompatible with the character of the relevant locality or the use to which any premises in the vicinity is put.
- (2) That the following conditions be attached to the licence:
 - 1) Total nudity (the exposing of genitalia) shall only be permitted in the booth area and at no other place in the premises;
 - 2) No sex act shall take place;
 - 3) The booth area proposed for strip tease (involving complete nudity) shall:
 - i) Be in a position where the performance cannot be seen from the street;
 - ii) Be in a designated area of the premises with segregation from the audience;
 - iii) Be in a position where performers will have direct access to the dressing room without passing through or in close proximity to the audience;
 - 4) Performers shall be aged not less than 18 years;
 - 5) No dancer shall perform if they are intoxicated;
 - 6) There shall be no physical contact between persons appearing on stage and the audience. The entertainment shall be given only by performers/entertainers and the audience shall not be permitted to participate;
 - 7) No performance shall involve the use of sex articles (as defined in the Local Government (Miscellaneous Provisions) Act 1982);
 - 8) The area proposed for dancing (involving partial nudity), shall be in a position where the performance cannot be seen from the street;
 - 9) Entertainers providing topless dancing to customers seated at tables shall at all times wear a G-string or similar piece of clothing that covers the appropriate part of the body and at no time will reveal any part of their genitalia or anus;
 - 10) All dancers must immediately dress at the conclusion of each performance;
 - 11) Whilst the dancers are performing there shall be a minimum distance of 50 centimetres between the dancer and the seated customers. That 50cm is to be measured from the front legs of the chair/sofa that the customer sits upon. A line should be marked on the floor, 50cm away, and the dancer must remain the other side of the line so that the distance is clearly defined.

Notices to this effect shall clearly be displayed at each table and at the entrance to the premises;
 - 12) The licensee, performer and any person concerned in the organisation or management of the entertainment shall not encourage, or permit encouragement of the audience to throw money;

- 13) There shall be no physical contact between customers and the dancers except for the placing of money or tokens into the hands of the dancer at the beginning or conclusion of the performance;
- 14) Should a customer attempt to touch a dancer, the dancer must withdraw and report the matter to her/his manager/supervisor. No obstacle such as seating shall be placed in such a way as to prevent unimpeded exit from the booth for the dancer;
- 15) The Licensee shall record details and deal with any report of contact, misconduct or provocation by a customer or dancer. A record of the actions taken shall be kept in an incident book;
- 16) No telephone number, address or information leading to any further meeting shall be passed from customer to dancer or vice versa;
- 17) No member of the public shall be admitted or allowed to remain in the dance area if they appear to be intoxicated;
- 18) All members of the public shall remain seated in the dance area other than when they arrive, depart, visit the toilet or go to the bar;
- 19) The premises must 'risk assess' the need for door staff, all door staff working on the premises shall be registered with the Security Industry Authority (SIA);
- 20)
 - (i) Wide-angle digital CCTV shall be installed to fully cover all areas including the booth area and corridor where dancing will take place. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 30 days with time and date stamping;
 - (ii) Recordings shall be made available to an authorised officer of the Council or a Police Officer;
 - (iii) Facilities for viewing recording shall be available on site to an authorised officer of the council or police;
 - (iv) No person shall take any recordings or photographs of the authorised entertainment. Notices to this effect shall be clearly displayed at each table;
- 21) A door supervisor or member of the management team shall be present in the corridor at all times when the booths are in use for licensable activities;
- 22) Only curtains shall be permitted to segregate the booths from the corridor;
- 23) Whilst the agreed activities are taking place, no person under the age of 18 shall be allowed on to that part of the premises;
- 24) A national recognised proof of age scheme shall be in force at all times the premises are open to the public. A clear notice shall be displayed at each entrance to the premises in a prominent position so that it can be easily read by persons entering the premises on the following terms:-

“No person under 18 years shall be admitted”.

LICENSING APPLICATIONS SUB-COMMITTEE 3 MINUTES - 5 DECEMBER 2017

(The meeting started at 3.00pm and closed at 4.38pm)

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ENVIROMENT AND NEIGHBOURHOOD SERVICES

TO:	LICENSING APPLICATIONS SUB-COMMITTEE 3		
DATE:	9 JANUARY 2018	AGENDA ITEM:	4
TITLE:	PROPOSED CHANGES TO THE HACKNEY CARRIAGE VEHICLE MERCEDES VITO EURO 4 TAXI SPECIFICATION		
LEAD COUNCILLOR:	COUNCILLOR SARAH HACKER	PORTFOLIO:	CULTURE, SPORT AND CONSUMER SERVICES
SERVICE:	PLANNING DEVELOPMENT & REGULATORY SERVICES	WARDS:	BOROUGHWIDE
LEAD OFFICER:	J S CHAMPEAU	TEL:	0118 937 2239
JOB TITLE:	SENIOR LICENSING & ENFORCEMENT OFFICER	E-MAIL:	Jean.champeau@reading.gov.uk

1. PURPOSE AND SUMMARY OF REPORT

- 1.1 To consider and approve the proposed changes to the existing Hackney carriage Mercedes Vito Euro 4 Taxi.

2. RECOMMENDED ACTION

- 2.1 Members consider the requested changes to the vehicle specification to the Mercedes Vito.
- 2.2 Members approve one of the options proposed by officers.

3. POLICY CONTEXT

- 3.1 On 1 October 2008 Councillors approved the use of the Mercedes Vito taxi, this new vehicle met the conditions of fitness as set out by the Public carriage office. A copy of the committee report is attached as Appendix I.

4 THE CURRENT POSITION

4.1 Current Position

- 4.2 There are 8 Mercedes Vito Euro 4 taxis on the fleet. Over the past four years an issues has developed with the rear wheel steering (RWS) It appears the that the

construction of the RWS is not fit for purpose, keeps breaking down, is difficult and expensive to repair. Mr Raja the owner of a number of Vito's has requested that we adopt the approach taken by Manchester City Council. Manchester City Council has approved the removal of the RWS and the fixing of wheels to full - wheel alignment A copy of the Manchester City Report and Mr Raja request is attached as Appendix II.

4.3 The Mercedes Vito Euro 5 taxi has a RWS system but the RWS issues have been resolved.

5. THE PROPOSAL

5.1

Option 1

- Make No changes to the existing criteria

Option 2

- No new Mercedes Vito Euro 4 taxis be permitted to the fleet.
- The existing Mercedes Vito Euro 4 taxis be maintained to the London standard of fitness until replaced.

Option 3

- No new Mercedes Vito Euro 4 taxis be permitted to the fleet.
- The existing 8 Mercedes Vito Euro 4 taxis be permitted to decommission the RWS by a suitably qualified mechanical engineer.

Option 4

- No new Mercedes Vito Euro 4 taxis be permitted to the fleet.
- The existing Mercedes Vito Euro 4 taxis be permitted to decommission the RWS by a suitably qualified mechanical engineer.
- The Mercedes Vito Euro 4 taxis that have had the RWS decommissioned be removed from the fleet 12 months after the decommissioning date, as they no longer meet the London Standard of fitness.

5.2 Officer comments

The issue of problem RWS has been around for a number of years, it is possible that the first owners of the Vito would not have known of the RWS issue however subsequent Vito's owner's may have known about the problem. The manufacturer is now aware of the issue and is in the process of resolving the issue, if the council permits vehicle's to fleet which are not to the London standard of fitness, will the council come under pressure to licence other vehicles that are below the required standard.

Existing HCV owners may buy cheaper euro 4 models in the knowledge that the council will allow them to be decommissioned if option 3 is adopted.

- 5.3 The Reading Taxi Association has indicated that it is not in favour of altering the existing conditions, a copy of their response can be found as Appendix III.
- 5.4 On 16 November 2017 officers spoke to Mercedes Benz Vans Ltd and detailed the issues raised by Mercedes Euro 4 Vito owners. Mercedes Benz Vans Ltd confirmed in writing that the repairs and spares required are available via specialist dealers, the nearest Mercedes Van repair dealer is Rygor Commercials Ltd located at 8 Rose Kiln Lane Reading. I attach a copy of the email received by officers and the details supplied by the link as Appendix IV.
- 5.5 On 17th of November 2017 an email was sent to officers detailing a reply sent by Mercedes to a Vito owner re the lack of supply for some parts used in the RWS. Officers wrote to Mercedes Benz detailing the content of e-mail and requesting a reply on 14 December 2017 a reply was received acknowledging the issue and confirmation that the matter was being resolved, a copy of these e-mails are attached as Appendix V.

6. COMMUNITY ENGAGEMENT AND INFORMATION

- 6.1 This matter has been raised with the Reading Taxi Association.

7. CONTRIBUTION TO STRATEGIC AIMS

7.1 Sustainable Implications

The use of public transport, which includes hackney carriages, is supported by Reading Borough Council in order to develop as a green city and provides a valuable contribution to the economic development of the town.

7.2 Community Safety Implications

The licensing of, and specifying appropriate licence conditions for hackney carriage vehicles assists in ensuring that a safe and efficient service is provided to residents and visitors.

8. LEGAL IMPLICATIONS

The Council may require any hackney carriage licensed by it to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.

9. FINANCIAL IMPLICATIONS

The costs of purchasing and maintaining a hackney carriage vehicle is borne by the proprietor of the vehicle.

**READING BOROUGH COUNCIL
REPORT BY DIRECTOR OF ENVIRONMENT, CULTURE AND SPORT**

TO:	LICENSING APPLICATIONS SUB-COMMITTEE 3		
DATE:	1 OCTOBER 2008	AGENDA ITEM:	3
TITLE:	PROPOSAL TO INCLUDE THE MERCEDES VITO TAXI AS AN APPROVED VEHICLE FOR USE AS A HACKNEY CARRIAGE		
LEAD COUNCILLOR:	PAUL GITTINGS	AREA COVERED:	ENVIRONMENT & SUSTAINABILTY
SERVICE:	ENVIRONMENTAL SERVICES	WARDS:	BOROUGHWIDE
LEAD OFFICER:	NATASHA MOUNCE	TEL:	0118 939 0707/2707
JOB TITLE:	TEAM LEADER LICENSING	E-MAIL:	Natasha.mounce@reading.gov.uk

1. PURPOSE AND SUMMARY OF REPORT

- 1.1 To seek member's approval to include the Mercedes Vito taxi as an approved hackney carriage for licensing by the Council.

2. RECOMMENDED ACTION

- 2.1 Committee approve the licensing of the Mercedes Vito Taxi, conforming to the Conditions of Fitness as set out by the Public Carriage Office;
- 2.2 Committee require all Mercedes Vito Taxis to be fitted with the Mercedes Taxi Graphic Pack prior to being licensed as hackney carriages in Reading.

3. POLICY CONTEXT

- 3.1 The Council is committed to ensuring the highest of standards in licensed hackney carriage vehicles.

4. BACKGROUND

- 4.1 In July 1987 the Transportation Committee of Reading Borough Council resolved to grant hackney carriage vehicle licences only in respect of vehicles, which complied with the following:

- a. Black in colour;

- b. Comply with Part II of the Public Carriage Office specification 'Conditions of Fitness';
 - c. Not more than 3 years old.
- 4.2 Amendments to this policy have occurred over the ensuing years, resulting in vehicles of any manufacturers standard colour now being able to be licensed and the vehicle age limit for first plating being extended to 5 years old. In respect of new vehicle proprietors licences currently being issued to people who have been driving and renting cabs from others, on 28 March 2007 the Licensing Committee determined that in these cases only brand new vehicles could be licensed.
- 4.3 The specification that hackney carriages comply with the Public Carriage Office's Condition of Fitness still remains. Up until recently these Conditions of Fitness have only applied to what is commonly known as a London style black cab, built by London Taxis International (LTI) which is instantly recognisable as a hackney carriage.
- 4.4 The Mercedes Vito has been in production for a number of years and within Reading there are a number currently licensed as private hire vehicles. Mercedes have now produced the Mercedes Vito Taxi, which complies with the Public Carriage Office's Standards of Fitness. On 26 June 2008 the Public Carriage Office approved the Mercedes Vito Taxi for use as a hackney carriage in London. If Mercedes Vitos are approved for licensing as hackney carriages Reading will be the first authority outside of London to accept the new vehicles.
- 4.5 Several Reading hackney carriage drivers who are currently renting cabs from other owners, but have satisfied the criteria for the issuing of a hackney carriage proprietor's licence, have requested to be able to plate the new Mercedes Vito Taxi.
- 4.6 Currently there is no vehicle type within Reading licensed as both a private hire vehicle and a hackney carriage vehicle. The Mercedes Vito is available with a no cost graphics option of taxi signage that runs down both sides of the vehicle. If members are minded to approve the Mercedes Vito Taxi for use as a hackney carriage in Reading it is recommended that only vehicles fitted with the taxi graphics signage be licensed. This will assist in ensuring the vehicle is recognisable as a hackney carriage to members of the public and will also assist in ensuring that Mercedes Vito Taxis are distinguishable from Mercedes Vito private hire cars.

5 PROPOSAL

- 5.1 It is proposed that the policy of Reading Borough Council remains that any vehicle that meets the Standards of Fitness of the Public Carriage Office be eligible for licensing as a hackney carriage in Reading, and, in the case of

the Mercedes Vito Taxi, only those vehicle fitted with the manufacturers Taxi Graphic Pack be licensed.

6 CONSULTATION

- 6.1 Several hackney carriage drivers who have approval for applying for a hackney carriage proprietor's licence have requested they be able to purchase and plate the Mercedes Vito Taxi. A visit to London to view this vehicle has been made by officers and a representative from the Reading Taxi Association.

7 CONTRIBUTION TO STRATEGIC AIMS

7.1 Sustainable Implications

The use of public transport, which includes hackney carriages, is supported by Reading Borough Council in order to develop as a green city and provides a valuable contribution to the economic development of the town.

7.2 Community Safety Implications

The licensing of, and specifying appropriate licence conditions for hackney carriage vehicles assists in ensuring that a safe and efficient service is provided to residents and visitors.

8. LEGAL IMPLICATIONS

The Council may require any hackney carriage licensed by it to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.

9. FINANCIAL IMPLICATIONS

The costs of purchasing and maintaining a hackney carriage vehicle is borne by the proprietor of the vehicle.

LICENSING APPLICATIONS SUB-COMMITTEE 3 MINUTES - 1 OCTOBER 2008

Present: Councillor Skeats (Chair);
Councillors Duveen, Edwards, P Jones and Stainthorp (for Minutes 17 to 19 and 20, resolution number 3, 4 and part of 1 and 5).

Apologies: Councillor Byrne.

RESOLVED ITEMS

17. PROPOSAL TO INCLUDE THE MERCEDES VITO TAXI AS AN APPROVED VEHICLE FOR USE AS A HACKNEY CARRIAGE

The Head of Environment and Consumer Services submitted a report asking the Sub-Committee to consider including the Mercedes Vito as an approved vehicle for use as a hackney carriage.

In July 1987 the Transportation Committee of the Council resolved to grant hackney carriage vehicle licences only in respect of vehicles, which complied with the following: be black in colour; comply with Part II of the Public Carriage Office specification 'Conditions of Fitness'; and not be more than 3 years old. Amendments to this policy had occurred over the following years, resulting in vehicles of any manufacturers standard colour now being able to be licensed and the vehicle age limit for first plating being extended to five years old. In respect of new vehicle proprietors licences currently being issued to people who had been driving and renting cabs from others, on 28 March 2007 the Licensing Committee had determined that in these cases only brand new vehicles could be licensed.

The Mercedes Vito had been in production for a number of years and within Reading there were a number currently licensed as private hire vehicles. Mercedes had now produced the Mercedes Vito Taxi, which complied with the Public Carriage Office's Standards of Fitness. On 26 June 2008 the Public Carriage Office approved the Mercedes Vito Taxi for use as a hackney carriage in London. If Mercedes Vito's were approved for licensing as hackney carriages, Reading would be the first authority outside of London to accept the new vehicles.

Currently there was no vehicle type within Reading licensed as both a private hire vehicle and a hackney carriage vehicle. The Mercedes Vito was available with a no cost graphics option of taxi signage that ran down both sides of the vehicle. If members were to approve the Mercedes Vito Taxi for use as a hackney carriage in Reading it was recommended that only vehicles fitted with the taxi graphics signage be licensed. This would assist in ensuring the vehicle was recognisable as a hackney carriage to members of the public and would also assist in ensuring that Mercedes Vito Taxis were distinguishable from Mercedes Vito private hire cars.

An example of the Mercedes Vito was available at the meeting for inspection by the Sub-Committee. Mr Roy McMaster from One80 was present at the meeting and addressed the Sub-Committee.

Councillor Stainthorp proposed an amendment to the recommendations that only Mercedes Vito's in the colour of black be approved as a vehicle for use as a hackney

LICENSING APPLICATIONS SUB-COMMITTEE 3 MINUTES - 1 OCTOBER 2008

carriage, which was seconded by Councillor Skeats. The amendment was voted on and lost.

Resolved -

- (1) That the Mercedes Vito, confirming to the Conditions of Fitness as set out by the Public Carriage Officer, be approved as a vehicle for use as a hackney carriage;
- (2) That all Mercedes Vito Taxis be fitted with the Mercedes Taxi Graphic Pack prior to being licensed as hackney carriages in Reading.

18. EXCLUSION OF THE PRESS AND PUBLIC

Champeau, Jean

From: Mohammed Shabir <[REDACTED]@gmail.com>
Sent: 08 November 2017 13:47
To: Champeau, Jean
Cc: [REDACTED]@hotmail.co.uk; [REDACTED]@gmail.com; Masson, Clyde
Subject: Mercedes Vitos

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

Dear Mr Champeau

Thank you for your email.

I can confirm that the RTA is not in favour of altering the current HCV licensing conditions. We believe that the current conditions are working very well.

Although the RTA is sympathetic towards Vito owners currently facing these difficulties, owners of the TX4 have faced problems with engine failures for many years but continue to abide by the licensing conditions. The cost to TX4 owners is far greater than the cost to Vito owners.

If RBC was to move away from the London Standard of fitness including the turning circle, we fear that this would lead to other vehicles being licensed which ultimately would damage the trade in the long term, as well as a drop in standards, and therefore we are not in favour of any changes.

Thank you.

Kind Regards

Mohammed Shabir

Click [here](#) to report this email as spam.

Champeau, Jean

From: Masson, Clyde
Sent: 06 November 2017 08:16
To: Champeau, Jean
Subject: FW: Rear Wheel Steer System [OFFICIAL]
Attachments: RWS_report_FINAL (1)

-----Original Message-----

From: Haseeb Raja [mailto:████████@outlook.com]
Sent: 06 November 2017 00:19
To: Masson, Clyde
Subject: Rear Wheel Steer System

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

Dear Mr. Masson

Reference to our conversation I am emailing regarding the rear wheel steer (RWS) on the Vito Euro 4 Taxi. I have tried to obtain the parts for my taxi from various Mercedes-Benz dealers but have had no luck trying to obtain the actuators for the RWS. I have an email from S and B Commercials who sell the Vito Taxi on behalf of Mercedes-Benz informing my colleague Mr Beg (who also own a euro 4 taxi) that they no longer supply parts for the RWS on the Euro 4 Taxi. They advised me to contact Penso regarding this matter. I contacted Penso but was informed that they only deal with Euro 5 onwards. They also informed me that the company dealing with Euro 4 Taxis no longer exists.

I would request RBC to take the same stance as Manchester City Council and decommission the RWS system on all the Euro 4 Taxis until the age limit of the vehicle. I have attached the report from Manchester City Council in this email.

Regarding the Euro 5 Taxi there seems to be no issues with the RWS systems but as I have discussed with you purchasing a Euro 5 Taxi is not an option because of the money already invested in the Euro 4 vehicle.

Last year I had my RWS overhauled at a cost of over £2000 but the system failed after a few months but I was only given 3 months warranty.

I would like the decommissioning of the RWS system to be considered at the next license committee meeting and would request a meeting with you along with 1 or 2 other Vito owners to discuss this issue in more detail.

Thank you

Haseeb Raja
Plate no. 355

Manchester City Council Report for Resolution

Report to: Licensing & Appeals Committee – 28 October 2013

Subject: Review of Criteria allowing the Decommissioning of the Rear Wheel Steer System on Mercedes Benz Vito Taxi Vehicles

Report of: Head of Planning, Building Control and Licensing
Deputy Chief Executive (Neighbourhoods)

Summary

The report advises the Committee that following their decision on 2 July 2013 to adopt criterion, relating to the decommissioning of the rear wheel steer (RWS) system on Mercedes Benz Vito Taxi vehicles, a related issue has been brought to the City Councils attention.

The report details of an e-mail received from a hackney carriage trade representative who has advised that the Council should have taken into consideration the EU Motor Vehicle Block Exemption Regulation (EU) 461/2010 (MVBBER). (A copy of the notes explaining the background to the regulations is attached to the report at **Appendix 1**) in relation to who could carry out the work to decommission RWS systems on Mercedes Vito Taxi vehicles.

The report provides the Committee with proposed re-worded criteria, which takes into account the issue raised by the trade representative, but which would still provide for the necessary checks in relation to decommissioning

Recommendations

The report recommends that the Committee agree to an amendment to the criteria that was approved on 2 July 2013 and allow the decommissioning work to be carried out by a suitably qualified mechanical engineer with the proviso that such work would then be checked by an agent of Mercedes Benz. The proposed amended criteria to read as follows:

That the RWS to be decommissioned by a suitably qualified mechanical engineer by:-

- Replacement of the rear wheel steer trailing arms with original Mercedes-Benz rear suspension or trailing arm units (new ones)
- Disposal of rear steering equipment including the button in the driver's compartment (which should be replaced by a cover plate)
- Complete disconnection and re-sealing of wiring so it cannot be used again.
- The vehicle to have a full 4-wheel alignment.
- Written certification that the work has been undertaken as outlined above will be required from a Mercedes Benz agent

Wards Affected: All

Community Strategy Spine	Summary of the contribution to the strategy
Performance of the economy of the region and sub region	The amendment to the criteria may lead to work being undertaken by a number of garages within Manchester.
Reaching full potential in education and employment	Opening up the work to other garages may lead to employment opportunities for mechanical engineers
Individual and collective self esteem – mutual respect	Not applicable to the content of this report
Neighbourhoods of Choice	Not applicable to the content of this report

Full details are in the body of the report, along with any implications for:

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences – Revenue

None

Financial Consequences – Capital

None

Contact Officers:

Name: Jenette Hicks
Position: Licensing Unit Manager
Telephone: 0161 234 4962
E-mail: j.hicks1@manchester.gov.uk

Name: Ann Marku
Position: Principal Licensing Officer (Taxis)
Telephone: 0161 957 5956
E-mail: a.marku@manchester.gov.uk

Background documents

Licensing and Appeals Committee report 2 July 2013
EU Motor Vehicle Block Exemption Regulation (EU) 461/2010 (MVBER)
E-mails – (30 Aug/16 Sept)

1. Introduction

- 1.1 On 2 July 2013 the Council approved criteria, which advised hackney carriage vehicle proprietors of the mechanical requirements needed to decommission the RWS system on Mercedes Benz Vito taxis. It also advised that the decommissioning must be carried out by an agent of Mercedes Benz.
- 1.2 On 30 August 2013, the criterion was circulated by e-mail to all trade representatives. A letter was subsequently sent out to all hackney carriage vehicle proprietors. The following is an extract from that letter;

Following consultation with Mercedes Benz the Council will only accept vehicles, where the RWS has been decommissioned as follows:

- That the RWS decommissioning has been carried out by an authorised Mercedes-Benz dealer.
- That the RWS has been decommissioned by:-
- Replacement of the rear wheel steer trailing arms with original Mercedes-Benz rear suspension or trailing arm units (new ones).
- Disposal of rear steering equipment including the button in the driver's compartment (which should be replaced by a cover plate).
- Complete disconnection and re-sealing of wiring so it cannot be used again.
- The vehicle to have a full 4-wheel alignment.
- That the vehicle proprietor provides the Council with documentary evidence that the work has been carried out as specified above.

Mercedes Benz have advised that completion of the works as stated above is likely to take a full day and when completed will ensure that the vehicle is still covered by the manufacturers' warranty and service conditions.

2. Background

- 2.1 On 30 August 2013 the licensing unit received an e-mail from a representative of Taxi Owner Drivers Association (TODA). The e-mail asks whether the Council had taken into consideration the EU Motor Vehicle Block Exemption Regulation (EU) 461/2010 (MVBEX), when deciding the criteria for decommissioning of the RWS.
- 2.2 On 30 August the licensing unit manager responded to the e-mail advising that the EU legislation that he referred to had not been taken into consideration. Officers were not aware of the legislative requirements nor had any person from the trade brought this to the Council's attention during the consultation period or following publication of subsequent committee reports. A subsequent response was received from the trade representative on 16 September 2013. A copy of the e-mails is attached to the report at **Appendix 2**.
- 2.3 Officers consulted with City Solicitors who have confirmed that any conflict between the current criteria and legislation, whether that is domestic or EU needs to be addressed.

2.4 Having taken into consideration the EU legislation officers have proposed an amendment to the current criteria, which will allow any 'suitably qualified mechanical engineer to carry out the decommissioning works' provided it is then checked and certified by a Mercedes Benz agent.

2.4.1 The certification by Mercedes Benz is considered to be necessary as the work to be carried out is a vehicle modification and not simply a repair.

2.4.2 The following paragraph provides the Committee with the proposed suggested wording in respect of the criteria to be met in decommissioning the RWS on the Mercedes Vito taxis

That the RWS to be decommissioned by a suitably qualified mechanical engineer by:-

- Replacement of the rear wheel steer trailing arms with original Mercedes-Benz rear suspension or trailing arm units (new ones)
- Disposal of rear steering equipment including the button in the driver's compartment (which should be replaced by a cover plate
- Complete disconnection and re-sealing of wiring so it cannot be used again.
- The vehicle to have a full 4-wheel alignment.

Written certification that the work has been undertaken as outlined above will be required from a Mercedes Benz agent, which will ensure the necessary checks remain in place

3.0 Other legal implications

3.1 There are no other legal implications to consider.

4.0 Contributing to the Community Strategy

4.1 (a) Performance of the economy of the region and sub region

4.1.1 The amendment to the criteria may lead to work being undertaken by a number of garages within Manchester.

4.2 (b) Reaching full potential in education and employment

4.2.1 Opening up the work to other garages may lead to employment opportunities for mechanical engineers

4.3 (c) Individual and collective self-esteem – mutual respect

4.3.1 Not applicable to content this report

4.4 (d) Neighbourhoods of Choice

4.4.1 Not applicable to content this report

5. Other Considerations

5.1 (a) Equal Opportunities

5.1.1 There are no equal opportunity considerations

5.2 (b) Risk Management

5.2.1 The Council would be at risk of legal challenge should the criteria, not be amended to reflect the EU legislation.

5.3 c) Legal Considerations

5.3.1 There are no other legal considerations other than those already identified within the report.

6.0 Conclusion

6.1 The report advises the Committee that information has now been received from, a hackney carriage trade representative, concerning EU legislation (attached to the report at Appendix 1), that was not taken into consideration, when a decision was made relating to the criteria to be followed to allow the decommissioning of the RWS on Mercedes Vito taxis.

6.2 The report advises that Officers, following advise from City Solicitors, considered the relevant EU legislation and have proposed an amendment (provided at 2.4.2 within the report) to the current criteria that takes the legislation into account.



Independent garages and the Motor Vehicle Block Exemption Regulation

Standard Note: SN/BT/5060
Last updated: 6 July 2010
Author: Antony Seely
Section: Business and Transport Section

Many Members have been contacted by constituents concerned about changes to European rules governing competition in the motor trade, and in particular, the threat posed by these rules for independent garages that carry out servicing and need access to spare parts.

Under EU competition law, specific provision is made to exclude certain sectors from the general prohibition of anti-competitive agreements. One of these sectors is the distribution and servicing of motor vehicles. The 'Motor Vehicle Block Exemption', or MVBBER for short, allows car manufacturers to create networks of selective and exclusive dealerships, provided that they do not contain any serious restrictions of competition. The legislation also requires manufacturers to provide authorised repairers access to technical information and spare parts. Until recently, these rules were set out in *European Commission Regulation No. 1400/2002*. In 2008 the Commission began consulting on replacing these rules, as the regulation was set to expire in May 2010. During this process many independent garages expressed concern that without the regulation being renewed, manufacturers would be able to withhold information and parts, shutting them out of the market.

In July 2009 the Commission proposed that repair & maintenance in the market could be covered by a new focussed block exemption regulation, and in December that year launched a formal consultation on this reform.¹ In May 2010 the Commission announced that a new block exemption would apply from 1 June 2010 over the markets for repair and maintenance. In the case of vehicle sales, the Commission decided that the existing provisions in the MVBBER would apply for three more years, as a transitional measure, before being withdrawn – on the grounds that this sector was highly competitive. These arrangements are set in place for 13 years, until 31 May 2023.² The long consultation period over which these proposals have been developed, and the new block exemption for repair, maintenance and spare parts, appear to have met many of the concerns initially expressed about the new regime.

This note discusses the background to this reform.

¹ European Commission press notice IP/09/1984, 21 December 2009

² European Commission press notice IP/10/618, 27 May 2010

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This information is provided subject to our general terms and conditions which are available online or may be provided on request in hard copy. Authors are available to discuss the content of this briefing with Members and their staff, but not with the general public.

"@taxownersmanche
ster.co.uk>

16/09/2013 16:26

To [REDACTED]@manchester.gov.uk>

cc

Subje RE: Decommissioning of the Rear Wheel Steer System on the
ct Mercedes Vito Taxi.

Hi Jenette

Thank you for your reply, which I have now spoken about to the proprietor concerned and can offer the following;

The background is that a proprietor contacted me with the question of why in light of the EU Motor Vehicle Block Exemption Regulation (EU) 461/2010 (MVBBER) he had to go to a manufacturer approved agent for what will be a cost repair/replacement rather than warranty work as was the case with the TX4 fire issue. He has a long standing relationship with a garage that he trusts to carry out repairs/renewals on his vehicles, conversely he has spent several thousand pounds with Mercedes Benz and they have failed to eradicate the problems with his rear wheel steering leaving him with little confidence.

He is of the opinion that if the work was carried out and certified to have been done correctly (by Mercedes themselves, or a suitably qualified engineer) then this should be sufficient.

I can't offer any comment to what was said at the Licensing and Appeals Committee as I was not present, however this particular proprietor was so overwhelmed with relief at the prospect of being able to be rid of his rear wheel steering problems, that the intricacies of the matter came into his mind only when that initial elation subsided and his thoughts turned to the practicalities of having the work done, I suspect other proprietors were somewhat intoxicated by euphoria too. Also some proprietors may have had difficulty following the committee as English is not their first language.

He has asked that in light of the EU Motor Vehicle Block Exemption Regulation (EU)461/2010 (MVBBER)which was not considered prior to the decision; that proprietors must use an approved agent of Mercedes Benz, that

the council reconsider this detail at it's earliest convenience.

Kind regards

-----Original Message-----

From: j.hicks1@manchester.gov.uk [mailto:j.hicks1@manchester.gov.uk]
Sent: 30 August 2013 17:16
To:
Cc:
Subject: RE: Decommissioning of the Rear Wheel Steer System on the Mercedes Vito Taxi.

Hi ,

Ann's left for the day but I've received your e-mail below . There hasn't been any consideration of EU Motor Vehicle Block Exemption Regulation (EU) 461/2010 (MVBEX).

The thought process behind requiring the decommissioning of the Rear Wheel Steer mechanism and restoration to the original steering design is that such changes should be carried out by an approved agent of the vehicle manufacturer

The following recommendation was included in reports considered by the Licensing and Appeals Committee at meetings on 10 June and 2 July 2013


That the Committee allow proprietors of Mercedes Vito vehicles currently licensed in Manchester and fitted with a Low Speed Manoeuvrability System (LSMS) who wish to have the LSMS decommissioned by an approved agent of Mercedes Benz, be allowed to do so and return the vehicle back to its original steering design

There were a number of trade representatives present at both meetings and although trade reps addressed the Committee, no comments were made objecting to the recommendation.

Please let me have any information you wish the Council to consider

Regards

Jenette Hicks
Licensing Manager
Planning, Building Control & Licensing
Manchester City Council
PO Box 271
Manchester
M18 8YU

 manchester.gov.uk

"@taxio
wnersmanchester.c
o.uk>

To

30/08/2013 16:49

cc

Subject
RE: Decommissioning of the Rear
Wheel Steer System on the Mercedes
Vito Taxi.

Dear Ann

Thank you for the email below, could you please clarify if this work must be done at a "approved agent of Mercedes Benz", if so could you confirm whether the council has considered if this requirement is legal in light of the EU Motor Vehicle Block Exemption Regulation (EU) 461/2010 (MVBBER).

Kind regards

From: a.marku@manchester.gov.uk [mailto:a.marku@manchester.gov.uk]
Sent: 30 August 2013 10:19
To:
Subject: Decommissioning of the Rear Wheel Steer System on the Mercedes Vito Taxi.
Importance: High

Dear All - For Your Information

Decommissioning of the Rear Wheel Steer System on the Mercedes Vito Taxi.

On 2 July 2013 The Licensing and Appeals Committee meeting approved that the Low Speed Manoeuvrability System on the Mercedes Vito Taxi can be decommissioned by an approved agent of Mercedes Benz and vito taxis returned to their original steering design . This was subsequently approved by full Council and decommissioning can take place with immediate effect The criteria for the decommissioning is as follows

That the RWS to be decommissioned by:-

Replacement of the rear wheel steer trailing arms with original Mercedes-Benz rear suspension or trailing arm units (new ones).
Disposal of rear steering equipment including the button in the driver's compartment (which should be replaced by a cover plate).
Complete disconnection and re-sealing of wiring so it cannot be used again.
The vehicle to have a full 4-wheel alignment.
Written verification that the work has been undertaken as outlined above will be required from the Mercedes Benz agent

Mercedes Benz have advised that completion of the works as stated above is likely to take a full day and when completed will ensure that the vehicle is still covered by the manufacturers' warranty and service conditions.

Ann Marku
Principal Licensing Officer (Taxis)
Planning, Building Control & Licensing
Manchester City Council
PO Box 271
Manchester
M18 8YU
M18 8EQ (sat Nav)

[REDACTED] k or
[REDACTED] k for general taxi licence enquiries

Champeau, Jean

From: [REDACTED]@daimler.com
Sent: 16 November 2017 11:11
To: Champeau, Jean
Subject: Rear wheel steer maintenance / spare parts

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

Dear Jean,

Many thanks for your time this morning. I made a couple of calls following our conversation and am pleased to confirm that, as expected, rear wheel steer spare parts are readily available through our dealer network to help with EU4 Vito Taxi.

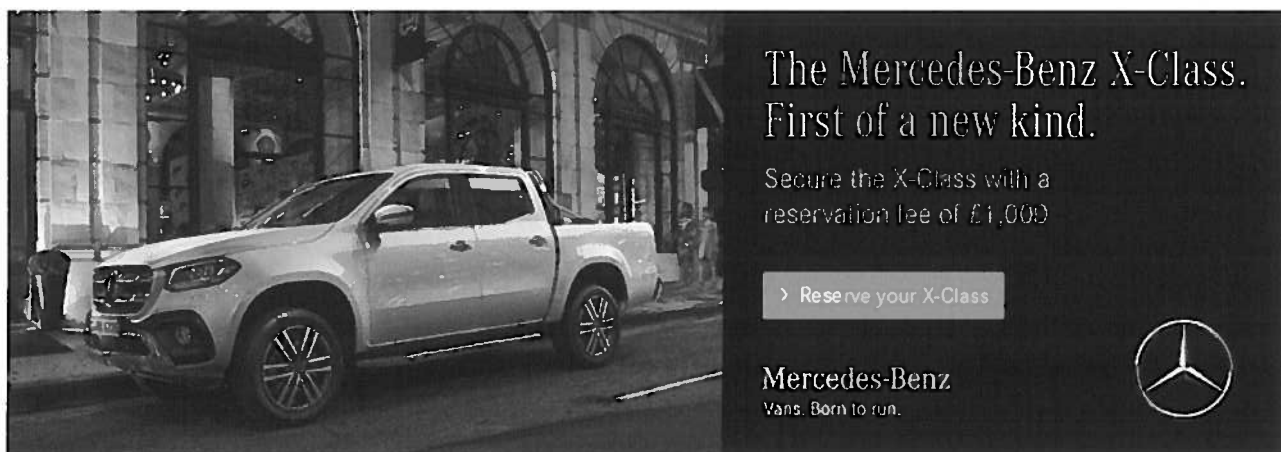
Should you require any further assistance, or wish to point your drivers to a specialist dealer, S&B Commercials at Hatfield are extremely experienced in Taxi and I know would assist: <http://www.sbcommercials.co.uk/pages/van-servicing.php>

Should you require any further assistance, please do not hesitate to contact me – I will also remain on site throughout the day today.

Kind regards,

Nick Williams
District Manager

Mercedes-Benz Vans UK Limited
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Registration Number: 10304278

Registered Address: Tongwell, Milton Keynes, MK15 8BA

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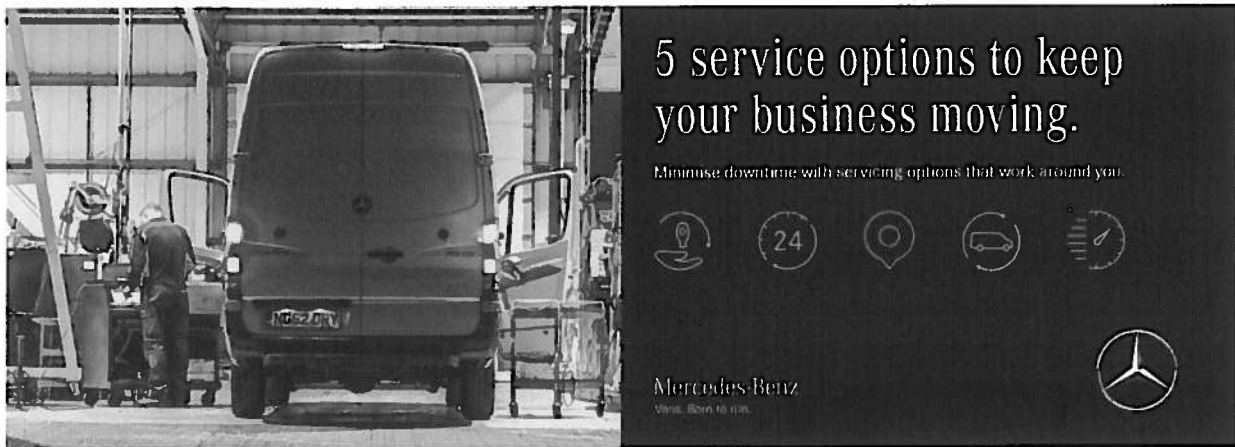
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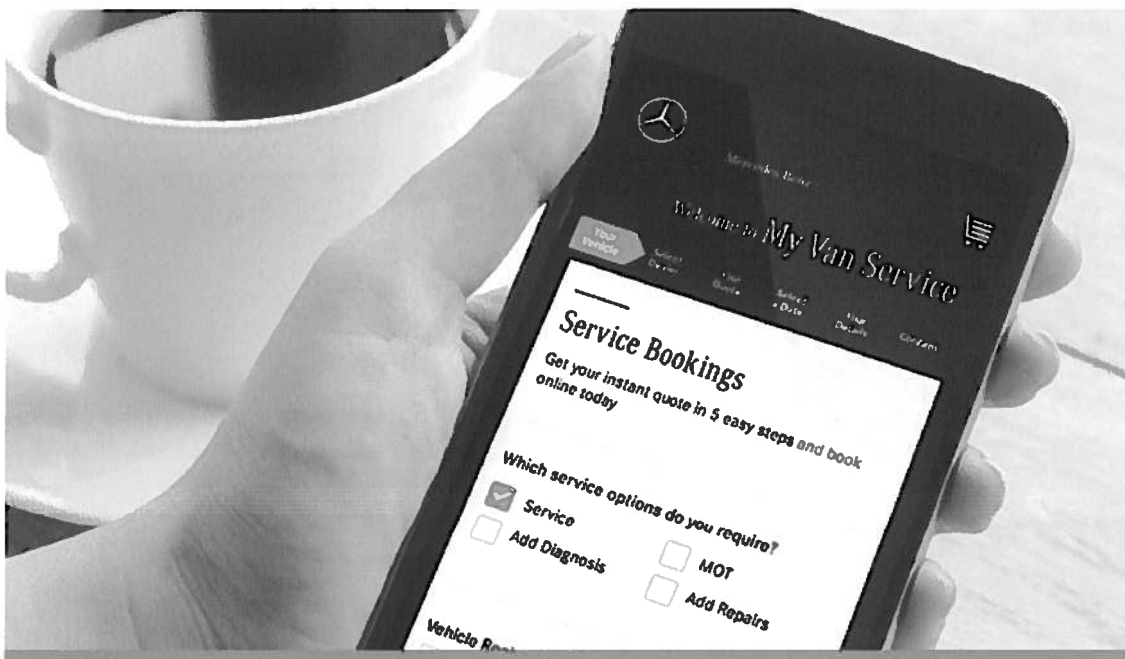
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<

From: [REDACTED]@cac.mercedes-benz.com <[REDACTED]@cac.mercedes-benz.com>

Sent: 17 November 2017 13:59

To: shambe [REDACTED]

Subject: Mercedes-Benz CS-1-13551557689

shambe [REDACTED]

15th November 2017

Ref: CS-1-13551557689

Dear Mr Beg

Mercedes-Benz Model: Vito111KB/ K4X2 3200

Chassis No: [REDACTED]

Registration: [REDACTED]

Thank you for contacting Mercedes-Benz Customer Service. I am writing to you further to the conversation you had with my colleague on the 10th November 2017 in which you discussed the issues you were having with the Rear Wheel Steering Actuators on the above van.

I have spoken to our Technical Team, Rygor Heathrow and Penso who have advised that it is no longer possible for Mercedes-Benz to make or source Rear Wheel Steering Actuators for this model of Vito. This is due to the company involved with its conversion and repair no longer trading as an official Mercedes-Benz Vans Retailer. The only option for having the RWS Actuators repaired by an official Mercedes-Benz Retailer would be to have the latest version of RWS Actuators fitted, which would require replacing of the Electronic Control Unit, Wiring loom, RWS Actuators and updating of software. The cost of these works would be considerable and as far as we are aware at Mercedes-Benz customer Service has to date not been carried out on any EU4 Vito.

The EU4 Vito London Taxi, was provided to KPM as a Traveliner and converted by them into the Mercedes-Benz London EU4 Taxi. Though KPM no longer trade as an official Mercedes-Benz Vans Retailer, they do still operate as KPM Automotive. As such it may be possible for them to source parts for, and repair the Rear Wheel Steering Actuators for the Mercedes-Benz EU4 Vito London Taxi.

If you are unhappy with this final decision or feel this matter is unresolved, you can seek advice with an CTSI Certified Alternative Dispute Resolution provider. We are prepared to engage with The Motor Ombudsman to resolve your dispute. Further details can be found at www.themotorombudsman.org, or alternatively their telephone number is 0345 241 3008 selecting option 1.

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www.themotorombudsman.org

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Yours sincerely

Champeau, Jean

From: [REDACTED]@daimler.com
Sent: 14 December 2017 14:53
To: Champeau, Jean
Subject: Re: Vito rear wheel steering [OFFICIAL]

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Hi Jean,

Thank you for the email. Apologies for the delay in response, I have tried to call a number of times but the number keeps cutting me off after the welcome to Reading Council announcement??

This is more complicated than we originally believed. All components for the Mercedes-Benz Vito are available. The rear wheel steer however, does seem to have gaps in supply due it's alternate manufacture and origin.

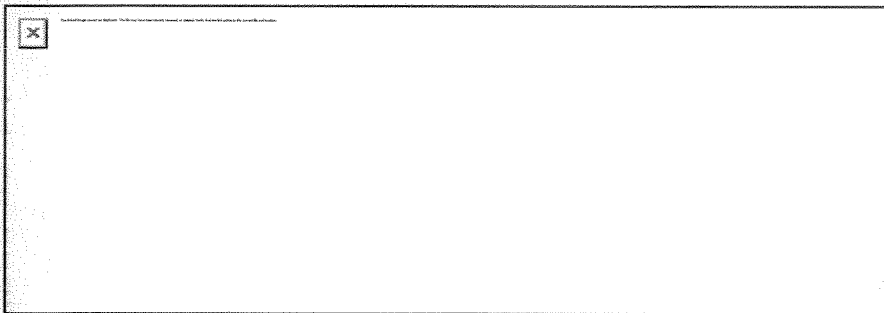
We do have circa 1,400 working EU4 London Taxis all of which have to have functioning rear steer so it is possible to maintain them, but it does seem as if a number of components are being refurbished to maintain long term function.

We are now close to a different solution, on the back of your enquiry, to creating an alternative supply for modified components from another company. This may be available in time for your meeting but at this stage requires agreement by a number of parties.

Apologies Jean, I wish it were more concrete at this stage but will keep you posted.

Kind regards,

Nick Williams
District Manager
Mercedes-Benz Vans UK Ltd
Mobile [REDACTED]
Email: [REDACTED]@daimler.com



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READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES

TO:	LICENSING APPLICATIONS SUB-COMMITTEE 3		
DATE:	9 JANUARY 2018	AGENDA ITEM:	5
TITLE:	REVISION OF PRIVATE HIRE AND PRIVATE HIRE (SCHOOL TRANSPORT) DRIVER AND VEHICLE CONDITIONS AND VEHICLE SPECIFICATIONS.		
LEAD COUNCILLOR:	COUNCILLOR SARAH HACKER	PORTFOLIO:	CULTURE SPORT AND CONSUMER SERVICES
SERVICE:	PLANNING DEVELOPMENT & REGULATORY SERVICES	WARDS:	BOROUGHWIDE
LEAD OFFICER:	DANIEL FUNDREY	TEL:	0118 937 2371
JOB TITLE:	LICENSING ENFORCEMENT SUPPORT OFFICER	E-MAIL:	dan.fundrey@reading.gov.uk

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The specifications and conditions relating to private hire vehicles (PHV) and school transport vehicles (STV) have been reviewed by officers and some sections which relate to seating require removal or replacement to bring them up to date. The PHV specifications were last brought before members in 2013 to update vehicle classifications which simplified the process for drivers to choose the correct type of vehicle. This report will address some conditions and specifications relating to seating. Remove unnecessary and old conditions and correct some wording.

2. RECOMMENDED ACTION

- 2.1 That Members approve the Option proposed at 4.2 below

3. POLICY CONTEXT

- 3.1 The Local Government (Miscellaneous Provisions) Act 1976 allows Local Authorities to attach conditions to PHVs including STVs, operators, and PHV driver licences including STV driver licences. The periodic revision of vehicle conditions and specifications is required to keep up to date with current thinking in respect of licensing and enforcement whilst taking to account new technology and improvements to vehicles introduced by the motor industry.

4. THE PROPOSAL

4.1 Current Position:

- 4.1.1 The current conditions and specifications relating to PHVs and STVs were last amended in 2013 to permit alternative fuel vehicles to be licensed, minimum vehicle engine sizes to be removed, align the vehicles allowed with European standard classifications and changes to window tint specifications to bring them in line with modern manufacturing. There have been many changes to the conditions and specifications over the years but some that have been changed in one set of conditions or specifications still appear in their old format in other conditions or are listed in conditions unnecessarily. The current conditions and specifications are attached in background papers.
- 4.1.2 Officers have been working in consultation with Private Hire trade to review and update the conditions and specifications. No objections were received in respect of the changes proposed in 4.2 below and only one response from an operator Mr Anthony Roe of 1st Class Travel who stated that he is happy with the changes.
- 4.1.3 Proposed conditions and specification are attached in background papers as they would read if changed and below in 4.2 explains the proposed changes and amendments and the reason for them.

4.2 Options Proposed

4.2.1 STV specification 2)

Current wording

2) No vehicle shall be licensed unless it can carry a minimum of 4 passengers.

Proposed wording

2) The vehicle must be capable of carrying no more than 8 passengers.

Licensing Officers received an application for a Peugeot Partner which is classified as a small Multi-purpose vehicle (small MPV). This vehicle only had seating for 3 passengers listed on the V5c log book. This was due seating being removed to convert the vehicle for the carriage of a specific wheelchair user. Under the current specification this is not allowed.

The proposed change would bring the STV specification in line with the current PHV specifications which are already worded as proposed and remove the minimum requirement to allow for specialist wheelchair conversions. The proposed wording highlights the maximum seating allowed in any licensed STV.

4.2.2 PHV Specification 11) and STV specification 6)

Current wording

11) New vehicles will only be licensed which fall within the following Euro NCAP or European Classification groups as set below:

- Large Family
- Executive

- Small MPV (4 passengers only)
- Large MPV
- European Commission Classification D,E,F & M
- Small MPV's will only be licensed to carry 4 passengers

Proposed wording

11) New vehicles will only be licensed which fall within the following Euro NCAP or European Classification groups as set below:

- Large Family
- Executive
- Small MPV (will only be licensed to carry a maximum of 4 passengers)
- Large MPV
- European Commission Classification D,E,F & M

Licensing Officers propose the wording for Small MPVs (4 passengers only) be replaced with (will only be licensed to carry a maximum of 4 passengers) and to remove the unnecessary repeat. This would allow the vehicles to be converted for the specific needs of disabled users by allowing fewer seats whilst keeping the current maximum of 4 passengers.

4.2.3 STV condition 15)

Current wording

15) The vehicle must comply with the following minimum requirements:

(i) rear height (seat to roof measured from point of contact between seat cushion and back of seat) 30" (76cm)

NB If a seat has been replaced by a space for a wheelchair, see Condition 6.10.vii for minimum rear height requirements

(ii) depth of seat 17.5" (45cm)

(iii) knee space (back of front seat to squab) 21.5" (55cm)

(v) at least three passenger doors in addition to the driver's door.

(vi) the vehicle must be suitable for the school transport route covered

Proposed wording

15) The vehicle must be suitable for the school transport route covered.

Licensing Officers propose the removal of most of condition 15) because it has been superseded by the PHV specification 11) and STV specification 6). Also the note (NB) refers to condition 6.10.vii which does not relate to any current condition but is covered in STV condition 21) (vii) and STV specification 1) g). The final section of the (vi) is to remain to ensure the vehicle used is suitable for the passenger's needs.

4.2.4 STV condition 18)

Current wording

18) No vehicle shall be licensed unless it can carry a minimum of four passengers (excluding the driver) and shall provide a minimum clear seat width for each passenger of 16 inches.

Proposed wording

18) The proprietor of any vehicle that is licensed must inform the council prior to any changes they propose to the interior layout of seating.

Licensing Officers propose the removal of this condition as it again relates to minimum seating and a measurement which has been superseded by PHV specification 11) and STV specification 6) and replace it with a condition which reminds the proprietor that they must inform the Council of any changes to the vehicle seating whilst it is licensed.

5. CONTRIBUTION TO STRATEGIC AIMS

5.1 The private hire trade provides a valuable service to the public by being available to transport customers throughout the borough on a 24-hour basis and to provide safe transport for the delivery of children to and from school. The proposed changes promote equality and social inclusion for wheelchair users.

6. COMMUNITY ENGAGEMENT AND INFORMATION

6.1 Regular monthly meetings with trade representatives and consultation on any changes to conditions and specifications.

7. LEGAL IMPLICATIONS

Local Government (miscellaneous Provisions) Act 1976 SECTION 48

(1). Subject to the provisions of this Part of this Act, a district council may on the receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a district council shall not grant such a licence unless they are satisfied-

(a). that the vehicle is-

- (i). suitable in type, size and design for use as a private hire vehicle;
- (ii). not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
- (iii). in a suitable mechanical condition;
- (iv). safe; and
- (v). comfortable;

(b). that there is in force in relation to the use of the vehicle a policy of insurance or such security as complies with the requirements of Part VI of the Act 1972, and shall not refuse the licence for the purposes of limiting the number of vehicles in respect of which such licences are granted by the council.

(2). A district council may attach to the licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this subsection,

conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.

- (3). In every vehicle licence granted under this section there shall be specified-
 - (a). the name and address of-
 - (i). the applicant; and
 - (ii). every other person who is a proprietor of the private hire vehicle in respect of which the licence is granted, or who is concerned, either solely or in partnership with any other person, in the keeping , employing or letting on hire the private hire vehicle;
 - (b). the number of the licence which shall correspond with the number to be painted or marked on the plate or disc to be exhibited on the private hire vehicle in accordance with subsection (6) of this section;
 - (c). the conditions attached to the grant of the licence; and
 - (d). such other particulars as the district council consider reasonably necessary.
- (4). Every licence granted under this section shall-
 - (a). be signed by an authorised officer of the council which granted it;
 - (b). relate to not more than one private hire vehicle;
 - (c). remain in force for such period not being longer than one year as the district council may specify in the licence.
- (5). Where a district council grant under this section a vehicle licence in respect of a private hire vehicle they shall issue a plate or disc identifying that vehicle as a private hire vehicle in respect of which a vehicle licence has been granted.
- (6).
 - (a). Subject to the provisions of this Part of this Act, no person shall use or permit to be used in a controlled district as a private hire vehicle in respect of which a licence has been granted under this section unless the plate or disc issued in accordance with subsection (5) of this section is exhibited on the vehicle in such manner as the district council shall prescribe by condition attached to the grant of a licence.
 - (b). If any person without reasonable excuse contravenes the provisions of this subsection he shall be guilty of an offence.
- (7). Any person aggrieved by the refusal of a district council to grant a vehicle licence under this section, or by any conditions specified in such a licence, may appeal to a magistrates' court.

9. FINANCIAL IMPLICATIONS

9.1 None

10. BACKGROUND PAPERS

- i) Current vehicle specifications
- ii) Proposed vehicle specifications
- iii) Current STV conditions
- iv) Proposed STV conditions
- v) Photos of example vehicle

PRIVATE HIRE

Private Hire Vehicle licences will only be granted to vehicles which comply with A, B & C below.

Potential applicants for private hire vehicle licences are advised to contact Reading Borough Council, ☎ 0118 9373 762 Option 2 for advice on vehicles which are likely to be licensed **BEFORE** they agree to purchase a particular vehicle.

A. SPECIFICATION

1. No vehicle more than 5 years old shall be eligible for licensing for the first time.
2. The vehicle must be capable of carrying no more than 8 passengers.
3. The owner shall ensure that all vehicles upon reaching 10 years old and every 12 months thereafter be inspected by the Council's Officers in order to assess their internal and external condition and ensure that they are suitable to be used as private hire vehicles in accordance with the criteria stated in section 48 of the Local Government (Miscellaneous Provisions) Act 1976. No vehicle older than 20 years shall be licensed for Private Hire use.
4. The vehicle must be right hand drive.
5. The vehicle body must be a fixed head type. (A sunroof may be fitted).
6. The vehicle must have a minimum of four road wheels.
7. Vehicles must either carry the manufactures system of tyre repairs or spare wheel as compliant with the Construction and use Regulations 1986 as amended.
8. Vehicles that do not have a separate luggage compartment (boot) must be fitted with a grill behind the rear seat to prevent luggage entering the passenger area.
9. Access and egress to rear passenger seats must be through a rear passenger door.
10. Access to the vehicle shall not be more than 15" (38cm) from ground level.
11. New vehicles will only be licensed which fall within the following Euro NCAP or European Classification groups as set below:
 - Large Family
 - Executive
 - Small MPV (4 passengers only)
 - Large MPV
 - European Commission Classification D,E,F & M
 - Small MPV's will only be licensed to carry 4 passengers

12. Further to paragraph 11. above, vehicles which do not fall within Euro NCAP or European Classification groups criteria may be considered for Private Hire vehicle licensing on a case by case application basis.

13. **Window tints**

- Windscreens: must let in at least 75% of the light
- Front, side windows: must let in at least 70% of the light

Prior to registration with the Driver Vehicle Licensing Authority and initial licensing with the Council, the rear side windows and rear screen of all newly manufactured vehicles must be fitted with the lowest percentage tint supplied by the manufacturer.

No vehicle shall have after purchase tinting

Owners with any queries concerning compliance with these specifications should consult with officers from the Licensing Section before purchasing any vehicle.

14. Vehicles must not be of a design or in any way similar to, a London style taxi.

15. The Council may vary the requirements of paragraphs 1 - 14 in their absolute discretion in exceptional circumstances but reserve the right to refuse to licence a vehicle if it is considered unsuitable for use as a private hire vehicle.

SCHOOL TRANSPORT VEHICLES

School Transport Vehicle licences will only be granted to vehicles which comply with A & B below.

A. SPECIFICATION

- 1) No vehicle:
 - a) more than five years old at the time of application shall be eligible for licensing as a school transport vehicle for the first time.
 - b) shall be relicensed as a school transport vehicle following a gap of two years where it has not been licensed.
 - c) more than eight years old shall be eligible for licensing as a school transport vehicle provided that the Council in its absolute discretion may license such a vehicle.
- 2) No vehicle shall be licensed unless it can carry a minimum of four passengers.
- 3) Vehicles must be right hand drive and must have at least three passenger doors in addition to the driver's door.

- 4) Vehicles of the “estate” type must be fitted with a secure fixed grille behind the rear seat to prevent luggage from entering the passenger area.
- 5) Vehicles should not be fitted with heavy tinted glass, so that the driver, and front and/or rear passenger(s) cannot be clearly seen from outside of the vehicle.
- 6) New vehicles will only be licensed which fall within the Euro NCAP or European Classification groups as set out in 11) and 12) of the private hire specifications above.
- 7) The vehicle must be suitable for the school transport route covered.
- 8) All tyres must be ‘E’ marked and comply with the requirements of Construction and Use Regulations. Remoulded tyres must be marked as complying with the requirements of BSAU 144e, or as amended, or be certified for use by the Vehicle Certification Agency. All tyres and wheels must be of the size, type and load rating recommended by the vehicle manufacturer.
- 9) All seating should be arranged so that all passengers are seated facing forwards.
- 10) Three point type seat belts must be fitted to all passenger seats. Lap belts may only be used for the middle rear passenger seat of saloon vehicles. Otherwise, all seat belts must be of the three-point type.
- 11) Vehicles which are adapted to carry passengers seated in wheelchairs must meet the following specifications:
 - a) Suitable independent restraint systems must be fitted for both wheelchair and passenger. The restraint system must be installed and operated in accordance with the manufacturer’s instructions. At no time should wheelchair passengers be transported in vehicles that do not have floor restraints fitted.
 - b) Passengers must not be fitted in wheelchairs facing sideways or rearward.
 - c) Vehicles may be fitted with ramps or power operated lifts to facilitate entry and exit for passengers in wheelchairs. Vehicles with a floor height of more than 330mm must be fitted with a power operated lift and not a ramp. All such equipment must be installed, operated and maintained in accordance with the manufacturer’s instructions.
 - d) If a powered lift is used, an emergency manual method of lowering the lift must be provided.
 - e) Ramps or lifts must not prevent service and emergency doors from being operated from both outside and inside the vehicle.
 - f) The ramp surface must be of non-slip material and raised edges should be provided on each side of the ramp.
 - g) Doorways for use by passengers in wheelchairs must be at least 800mm wide up to a height of 800mm, and 600mm wide (between the hand rails) above that height. The height of the doorway must be a minimum of

1300mm. There should be a minimum floor to ceiling height of 1350mm in any part of the vehicle to be occupied by passengers in wheelchairs.

- h) Power-operated passenger lifts must have a load-bearing capacity of at least 300kg, and have a platform size of at least 750mm wide and 1200 mm long with raised rear rollback plate when deployed and with grip handles fitted to both side edges.
- i) Vehicles using power-operated passenger lifts must ensure that they have
 - i) fluorescent yellow grip handles and strips on the edges of the lift,
 - ii) an audible signal to indicate deployment of the lift,
 - iii) clear warning notices displayed to advise passengers not to board a moving lift, and
 - iv) a lift surface of non-slip material.
- j) Tail lifts must be maintained and operated in accordance with the British Standard Code of Practice for Tail Lifts BSEN1756. This code of practice requires that the tail lift to be tested once a year and inspected twice a year.

Vehicle owners have to pay an extra test fee for this service and will need to supply evidence, if requested, that tail lifts meets the required standard.

B. WINDOWS

Windows must meet the following standards:

- Windscreens: must let in at least 75% of the light
- Front, side windows: must let in at least 70% of the light
- Rear, side windows: must let in at least 65% of the light
- Rear screen windows: must let in at least 65% of the light

If you have tinted windows you must provide calibrated evidence that the windows allow in the permitted amounts of light.

PRIVATE HIRE

Private Hire Vehicle licences will only be granted to vehicles which comply with A, B & C below.

Potential applicants for private hire vehicle licences are advised to contact Reading Borough Council, ☎ 0118 9373 762 Option 2 for advice on vehicles which are likely to be licensed **BEFORE** they agree to purchase a particular vehicle.

A. SPECIFICATION

1. No vehicle more than 5 years old shall be eligible for licensing for the first time.
2. The vehicle must be capable of carrying no more than 8 passengers.
3. The owner shall ensure that all vehicles upon reaching 10 years old and every 12 months thereafter be inspected by the Council's Officers in order to assess their internal and external condition and ensure that they are suitable to be used as private hire vehicles in accordance with the criteria stated in section 48 of the Local Government (Miscellaneous Provisions) Act 1976. No vehicle older than 20 years shall be licensed for Private Hire use.
4. The vehicle must be right hand drive.
5. The vehicle body must be a fixed head type. (A sunroof may be fitted).
6. The vehicle must have a minimum of four road wheels.
7. Vehicles must either carry the manufactures system of tyre repairs or spare wheel as compliant with the Construction and use Regulations 1986 as amended.
8. Vehicles that do not have a separate luggage compartment (boot) must be fitted with a grill behind the rear seat to prevent luggage entering the passenger area.
9. Access and egress to rear passenger seats must be through a rear passenger door.
10. Access to the vehicle shall not be more than 15" (38cm) from ground level.
11. New vehicles will only be licensed which fall within the following Euro NCAP or European Classification groups as set below:
 - Large Family
 - Executive
 - **Small MPV (will only be licensed to carry a maximum of 4 passengers)**
 - Large MPV
 - European Commission Classification D,E,F & M

12. Further to paragraph 11. above, vehicles which do not fall within Euro NCAP or European Classification groups criteria may be considered for Private Hire vehicle licensing on a case by case application basis.

13. **Window tints**

- Windscreens: must let in at least 75% of the light
- Front, side windows: must let in at least 70% of the light

Prior to registration with the Driver Vehicle Licensing Authority and initial licensing with the Council, the rear side windows and rear screen of all newly manufactured vehicles must be fitted with the lowest percentage tint supplied by the manufacturer.

No vehicle shall have after purchase tinting

Owners with any queries concerning compliance with these specifications should consult with officers from the Licensing Section before purchasing any vehicle.

14. Vehicles must not be of a design or in any way similar to, a London style taxi.

15. The Council may vary the requirements of paragraphs 1 - 14 in their absolute discretion in exceptional circumstances but reserve the right to refuse to licence a vehicle if it is considered unsuitable for use as a private hire vehicle.

SCHOOL TRANSPORT VEHICLES

School Transport Vehicle licences will only be granted to vehicles which comply with A & B below.

A. SPECIFICATION

- 1) No vehicle:
 - a) more than five years old at the time of application shall be eligible for licensing as a school transport vehicle for the first time.
 - b) shall be relicensed as a school transport vehicle following a gap of two years where it has not been licensed.
 - c) more than eight years old shall be eligible for licensing as a school transport vehicle provided that the Council in its absolute discretion may license such a vehicle.
- 2) **The vehicle must be capable of carrying no more than 8 passengers.**
- 3) Vehicles must be right hand drive and must have at least three passenger doors in addition to the driver's door.

- 4) Vehicles of the “estate” type must be fitted with a secure fixed grille behind the rear seat to prevent luggage from entering the passenger area.
- 5) Vehicles should not be fitted with heavy tinted glass, so that the driver, and front and/or rear passenger(s) cannot be clearly seen from outside of the vehicle.
- 6) New vehicles will only be licensed which fall within the Euro NCAP or European Classification groups as set out in 11) and 12) of the private hire specifications above.
- 7) The vehicle must be suitable for the school transport route covered.
- 8) All tyres must be ‘E’ marked and comply with the requirements of Construction and Use Regulations. Remoulded tyres must be marked as complying with the requirements of BSAU 144e, or as amended, or be certified for use by the Vehicle Certification Agency. All tyres and wheels must be of the size, type and load rating recommended by the vehicle manufacturer.
- 9) All seating should be arranged so that all passengers are seated facing forwards.
- 10) Three point type seat belts must be fitted to all passenger seats. Lap belts may only be used for the middle rear passenger seat of saloon vehicles. Otherwise, all seat belts must be of the three-point type.
- 11) Vehicles which are adapted to carry passengers seated in wheelchairs must meet the following specifications:
 - a) Suitable independent restraint systems must be fitted for both wheelchair and passenger. The restraint system must be installed and operated in accordance with the manufacturer’s instructions. At no time should wheelchair passengers be transported in vehicles that do not have floor restraints fitted.
 - b) Passengers must not be fitted in wheelchairs facing sideways or rearward.
 - c) Vehicles may be fitted with ramps or power operated lifts to facilitate entry and exit for passengers in wheelchairs. Vehicles with a floor height of more than 330mm must be fitted with a power operated lift and not a ramp. All such equipment must be installed, operated and maintained in accordance with the manufacturer’s instructions.
 - d) If a powered lift is used, an emergency manual method of lowering the lift must be provided.
 - e) Ramps or lifts must not prevent service and emergency doors from being operated from both outside and inside the vehicle.
 - f) The ramp surface must be of non-slip material and raised edges should be provided on each side of the ramp.
 - g) Doorways for use by passengers in wheelchairs must be at least 800mm wide up to a height of 800mm, and 600mm wide (between the hand rails) above that height. The height of the doorway must be a minimum of

1300mm. There should be a minimum floor to ceiling height of 1350mm in any part of the vehicle to be occupied by passengers in wheelchairs.

- h) Power-operated passenger lifts must have a load-bearing capacity of at least 300kg, and have a platform size of at least 750mm wide and 1200 mm long with raised rear rollback plate when deployed and with grip handles fitted to both side edges.
- i) Vehicles using power-operated passenger lifts must ensure that they have
 - i) fluorescent yellow grip handles and strips on the edges of the lift,
 - ii) an audible signal to indicate deployment of the lift,
 - iii) clear warning notices displayed to advise passengers not to board a moving lift, and
 - iv) a lift surface of non-slip material.
- j) Tail lifts must be maintained and operated in accordance with the British Standard Code of Practice for Tail Lifts BSEN1756. This code of practice requires that the tail lift to be tested once a year and inspected twice a year.

Vehicle owners have to pay an extra test fee for this service and will need to supply evidence, if requested, that tail lifts meets the required standard.

B. WINDOWS

Windows must meet the following standards:

- Windscreens: must let in at least 75% of the light
- Front, side windows: must let in at least 70% of the light
- Rear, side windows: must let in at least 65% of the light
- Rear screen windows: must let in at least 65% of the light

If you have tinted windows you must provide calibrated evidence that the windows allow in the permitted amounts of light.

SCHOOL TRANSPORT VEHICLE CONDITIONS

These conditions shall apply to all proprietors of school transport vehicles that operate within the Borough of Reading.

In these conditions, unless the subject or context otherwise requires:

- (i) "Authorised Officer" means any officer of Reading Borough Council authorised to deal with school transport services;
- (ii) "The Borough" means the district controlled by Reading Borough Council;
- (iii) "The Council" means Reading Borough Council;
- (iv) "Licence" means a School Transport Vehicle Licence issued by the Council;
- (v) "Proprietor" includes a part-proprietor and means the owner of the vehicle, or in relation to any vehicle which is the subject of a hiring agreement, means the person in possession of the vehicle under that agreement.
- (vi) "Passengers" includes both escorts and children/pupils/students/Social Services clients carried in a school transport vehicle;
- (vii) "School transport vehicle" means a vehicle that is used for the transportation of children or clients under a School Transport Service (STS) contract.
- (viii) "Clients" means any person registered with Social Services requiring transport between normal place of abode and Social Services establishment, or between establishments.
- (ix) "STS" is the School Transport Service, which is responsible for the planning and organisation of school and social services transport for all eligible pupils, students and clients in accordance with Reading Borough Council Policy.

Conditions attached to school transport vehicle licence

1. You must not use or permit the use of a vehicle without a licence.
2. You must not employ any person who is not the holder of a school transport vehicle driver's licence to drive such a vehicle.
3. You must display the licence plate issued to the vehicle in the manner prescribed by the council.
4. If you transfer your interest in your vehicle you must inform the council in writing of this person's name and address and date of transfer within **14 days**.
5. You must present the vehicle for inspection and testing and produce a valid certificate of insurance cover in respect of third party and for hire and reward purposes when required by the council.
6. You must ensure that an appropriate level of public liability insurance is provided in respect of the vehicle as required by the Council.

7. If the vehicle is involved in an accident which causes damage which materially affects the safety, performance or appearance of the vehicle or comfort or convenience of passengers you must report the damage to the council as soon as reasonably practicable or in any case within 72 hours of the accident.
8. On the expiry, revocation or suspension of your licence you must return the licence plates issued to the vehicle within **seven days** of a request of the council.
9. The council may suspend, revoke or refuse to renew a vehicle licence on any of the following grounds:
 - (i) that the vehicle is unfit for use as a school transport vehicle;
 - (i) any offence or non-compliance with the conditions relating to school transport services.
 - (iii) any other reasonable cause.
10. An authorised officer of the council or police constable may inspect your vehicle at all reasonable times to ascertain its fitness for use and if he/she is not satisfied with its condition may, by notice in writing, require it to be made available for a further test at a date and time shown in the notice and may suspend the vehicle licence until this test is carried out. Should the officer not be satisfied with the fitness during the two months following the date of issue of the notice, the licence is deemed to have been revoked.
11. You must not wilfully obstruct an authorised officer of the Council or police officer, or without reasonable excuse fail to comply with any requirement made to you by such a person, or without reasonable cause fail to give any such person any other assistance or information he may reasonably require in the performance of his duties.

Vehicle Requirements

12. No vehicle:
 - (i) more than five years old at the time of application shall be eligible for licensing as a school transport vehicle for the first time.
 - (ii) shall be relicensed as a school transport vehicle following a gap of two years where it has not been licensed.
 - (iii) more than eight years old shall be eligible for licensing as a school transport vehicle provided that the Council in its absolute discretion may license such a vehicle.
13. Vehicles of the "estate" type must be fitted with a secure fixed grille behind the rear seat to prevent luggage from entering the passenger area.
14. Vehicles must be right hand drive.
15. The vehicle must comply with the following minimum requirements:

- (i) rear height (seat to roof measured from point of contact between seat cushion and back of seat) 30" (76cm)

NB If a seat has been replaced by a space for a wheelchair, see Condition 6.10.vii for minimum rear height requirements

- (ii) depth of seat 17.5" (45cm)

- (iii) knee space (back of front seat to squab) 21.5" (55cm)

- (v) at least three passenger doors in addition to the driver's door.

- (vi) the vehicle must be suitable for the school transport route covered.

16. All tyres must be 'E' marked and comply with the requirements of Construction and Use Regulations. Remoulded tyres must be marked as complying with the requirements of BSAU 144e, or as amended, or be certified for use by the Vehicle Certification Agency. All tyres and wheels must be of the size, type and load rating recommended by the vehicle manufacturer.
17. The vehicle must carry at all times, in the place designed for that purpose, a spare wheel and tyre, wheel brace and vehicle jack. 'Space Saver' spare wheels and tyres must be used in accordance with the vehicle manufacturer's recommendations.
18. No vehicle shall be licensed unless it can carry a minimum of four passengers (excluding the driver) and shall provide a minimum clear seat width for each passenger of 16 inches.
19. All seating should be arranged so that all passengers are seated facing forwards.
20. Three point type seat belts must be fitted to all passenger seats. Lap belts may only be used for the middle rear passenger seat of saloon vehicles. Otherwise, all seat belts must be of the three-point type.
21. Vehicles which are adapted to carry passengers seated in wheelchairs must meet the following specifications:
 - (i) Suitable independent restraint systems must be fitted for both wheelchair and passenger. The restraint system must be installed and operated in accordance with the manufacturer's instructions. At no time should wheelchair passengers be transported in vehicles that do not have floor restraints fitted.
 - (ii) Passengers must not be fitted in wheelchairs facing sideways or rearward.
 - (iii) Vehicles may be fitted with ramps or power operated lifts to facilitate entry and exit for passengers in wheelchairs. Vehicles with a floor height of more than 330mm must be fitted with a power operated lift and not a ramp. All such equipment must be installed, operated and maintained in accordance with the manufacturer's instructions.
 - (iv) If a powered lift is used, an emergency manual method of lowering the lift must be provided.

- (v) Ramps or lifts must not prevent service and emergency doors from being operated from both outside and inside the vehicle.
 - (vi) The ramp surface must be of non-slip material and raised edges should be provided on each side of the ramp.
 - (vii) Doorways for use by passengers in wheelchairs must be at least 800mm wide up to a height of 800mm, and 600mm wide (between the hand rails) above that height. The height of the doorway must be a minimum of 1300mm. There should be a minimum floor to ceiling height of 1350mm in any part of the vehicle to be occupied by passengers in wheelchairs.
22. Equipment for the assistance of disabled persons, such as tail-lifts and ramps, will require separate maintenance records.
23. Power-operated passenger lifts must have a load-bearing capacity of at least 300kg, and have a platform size of at least 750mm wide and 1200 mm long with raised rear rollback plate when deployed and with grip handles fitted to both side edges.
24. Vehicles using power-operated passenger lifts must ensure that they have
- (i) fluorescent yellow grip handles and strips on the edges of the lift;
 - (ii) an audible signal to indicate deployment of the lift;
 - (iii) clear warning notices displayed to advise passengers not to board a moving lift;
 - (iv) a lift surface of non-slip material.
25. If the vehicle requires specialist equipment for any passenger, such as a harness, the proprietor should ensure that STS are contacted. If necessary, the equipment will be supplied on loan by STS. If this is the case, the proprietor must ensure that the equipment is maintained and kept in good order.
26. No child under the age of 8 shall sit in the front passenger seat of any school transport vehicle.
27. The proprietor shall use booster cushions conforming to British Standard BS AU 185 or European Standard ECE44 for use by small children where provided by STS, unless the seat belts installed in the vehicle are designed to be adjusted to the shoulder height of young children.
28. Where a vehicle is fitted with childproof locks on the rear doors, these must be used at all times when the vehicle is carrying children under the age of 18.
29. No vehicle shall be licensed unless it has been the subject of a vehicle examination (“an authorised vehicle examination”) by a vehicle examiner approved by the Council, which may occur up to three occasions in a twelve month period.
30. No vehicle shall be licensed, unless it has been issued with a current vehicle inspection exemption certificate, issued as a result of a test carried out under Section 50(1) of the Local Government (Miscellaneous Provisions) Act 1976.

31. Where a vehicle has been issued with a vehicle inspection exemption certificate, which has subsequently expired, the vehicle must not be used for school transport purposes until it has undergone a further authorised vehicle examination and passed.
32. Where a vehicle attends an authorised vehicle examination and fails, if the vehicle has not previously been licensed as a school transport vehicle, it will not be licensed until the fault has been rectified and the vehicle has been re-tested and issued a vehicle inspection exemption certificate.
33. Where a vehicle which is currently licensed as a school transport vehicle attends an authorised vehicle examination and fails;
 - (i) The vehicle shall not be used for school transport purposes until the fault has been rectified; and
 - (ii) The vehicle must be re-tested and issued a current vehicle inspection exemption certificate.
34. Where a school transport vehicle has been issued with a vehicle inspection exemption certificate which expires later than the school transport vehicle licence issued to the same vehicle, provided a renewal application has been submitted in respect of the school transport vehicle licence before the expiry of the current licence, the vehicle may continue to be used as a school transport vehicle, during the remaining period of validity of the vehicle inspection exemption certificate.
35. Where a school transport vehicle has been issued with a vehicle inspection exemption certificate, which expires prior to the school transport vehicle licence issued to the same vehicle, the vehicle may only continue to be used as a school transport vehicle up until the expiry of the exemption certificate. However, provided a new exemption certificate is issued to start during the currency of the previous exemption certificate then the vehicle may continue to be used as a school transport vehicle.
36. Where a vehicle has been issued with a vehicle inspection exemption certificate and a school transport vehicle licence, which run concurrently and expire on the same date, the vehicle shall only continue to be used as a school transport vehicle, provided:
 - (i) a renewal application has been submitted in respect of the licence, prior to the expiry of the current licence;

and
 - (ii) the vehicle must undergo an authorised vehicle examination and a new vehicle inspection exemption certificate must be issued to the vehicle before the expiry of the current vehicle inspection exemption certificate.
37. The proprietor shall not cause or permit the vehicle to stand on a road in a manner which suggests that it is a hackney carriage and shall in no circumstances cause or permit the vehicle to wait on a hackney carriage stand.
38. The proprietor shall not by calling out or otherwise invite any person to hire such vehicle and shall not make use of the services of any other person for such purpose.
39. Without prejudice to condition 41 below, a school transport vehicle shall not display a sign or notice:

- (i) which consists of or includes the word "taxi" or "cab" whether in the singular or plural and whether alone or as part of another word;
 - (ii) which consists of the words "for hire" or the form of wording of which is in any way such as to suggest that the vehicle on which it is displayed is presently available for hire or would be so available if not already hired.
40. Nothing shall be done to the vehicle which will alter its design or appearance so as to lead any person to believe that the vehicle is a hackney carriage.
41. A school transport vehicle shall not carry or display any roof signs or advertisements of any nature on the exterior of the vehicle apart from the following, which are required:
- (i) the school transport vehicle licence plate issued to the vehicle;
 - (ii) the school transport sign, to a type and standard normally applicable to PCV operators, prescribed in the Road Vehicles Lighting Regulations 1989 and amended in Statutory Instrument 1519 The Vehicles Lighting (Amendment) Regulation 1994, in such position as required by the Council, but only while the vehicle is actively involved in transporting pupils and at no other time.
42. Vehicles should not be fitted with heavy tinted glass, so that the driver, and front and/or rear passenger(s) cannot be clearly seen from outside of the vehicle.
43. (i) The proprietor shall not carry or permit to be carried in such vehicle any greater number of persons than the vehicle is licensed to carry and in any case no more persons than the number of seats and seat belts fitted.
- (ii) The vehicle shall not be fitted with a greater number of seats than the maximum number of passengers that is shown on the vehicle licence.
44. The proprietor **shall** at all times when the vehicle is engaged in use under the terms of a STS contract:
- (i) display the school transport vehicle licence plate issued by the council on the rear bumper or boot of the vehicle, to be fitted to a fixed permanent mounting plate in accordance with the reasonable instructions of an authorised officer;
 - (ii) not remove or cause or permit the removal of the school transport vehicle licence plate unless under the instructions of an authorised officer;
 - (iii) not wilfully or negligently cause or suffer the school transport vehicle licence plate allocated to the vehicle by the Council to be concealed from public view or to be so defaced that any figure or material particular is illegible.
 - (iv) display the internal licence plate issued by the council on or around the dashboard of the vehicle so it is clearly visible to passengers.
45. Proprietors of more than two vehicles shall supply monthly return sheets with the following details:
- (i) vehicle make, registration number, school transport vehicle licence number;
 - (ii) driver name, address, badge number.

46. The proprietor of the vehicle shall ensure before he/she commences work each day that:
- (i) the vehicle is maintained in a clean, comfortable, safe, watertight and mechanically sound condition and is in all other respects suitable for the purpose for which it is intended;
 - (ii) the vehicle is provided with both a first aid kit and a suitable BCF dry powder fire extinguisher of 1kg or greater capacity. The extinguisher shall be fitted to the vehicle readily available for use by the driver. The school transport vehicle licence number shall be painted on the extinguisher.
47. At all times during the currency of the licence the proprietor shall keep in force in relation to that vehicle a policy of insurance complying with the requirements of part VI of the Road Traffic Act 1988.
48. At all times during the currency of the licence the proprietor shall keep in force in relation to that vehicle a current and valid vehicle excise licence.
49. All vehicles used for the provision of a STS contract shall be well-maintained. Vehicles should be kept clean, free from litter and graffiti.
50. (i) You must, following a road traffic accident or any other incident involving a licensed school transport vehicle owned by you, give full details of :
- (a) yourself
 - (b) the driver of the vehicle at the time of the accident or incident
 - (c) the insurance for the vehicle.
- to any person reasonably requesting the information within 72 hours of the accident.
- (ii) You must report the accident or incident to STS as soon as possible and in any case within 72 hours.
51. The proprietor shall notify the council in writing within 14 days of the following:
- (i) any change of address from that shown on the school transport vehicle licence;
 - (ii) any change in the engine capacity, registration mark or internal features of the vehicle;
 - (iii) any conviction in any court involving the proprietor and/or the vehicle giving details of the date, offence, name of Court and penalty imposed.
52. The proprietor shall keep written records of any maintenance checks of the vehicle and these shall be available for inspection by authorised officers of the Council.
53. The proprietor shall report the loss or theft of a school transport vehicle licence plate or card to the Police and the Council as soon as the loss becomes known, and in the event of ceasing to use the vehicle for school transport purposes shall return the school transport vehicle licence plate and card to the council within **seven days**.

54. In the event of a licence plate being stolen, lost, damaged or destroyed, the full cost of replacement shall be payable by the proprietor.
55. If the vehicle is operated by a school transport vehicle operator, the proprietor of the vehicle shall, before commencing employment, deposit the school transport vehicle licence and a copy of the certificate of insurance for the vehicle with the school transport vehicle operator for retention by him/her until such time as the vehicle ceases to be operated by him/her.
56. The proprietor of the vehicle shall within **14 days** inform the council in writing if the vehicle ceases to work for the operator with whom his/her licence is deposited.
57. Where a proprietor surrenders his school transport vehicle licence and plate to the council a refund will be made equivalent to one twelfth of the licence fee for each unexpired month subject to a maximum of one half of the licence fee.

Appeal Procedure

Any person aggrieved by any condition specified in this licence may appeal to a Magistrates' Court.

The procedure shall be by way of complaint, and the Magistrates' Court Act 1980 (or any re-enactment thereof) shall apply to the proceedings.

The time within which any such appeal may be brought shall be twenty one days from the date on which notice of the requirement, or other decision was served upon the person desiring to appeal, and for this purpose the making of the complaint shall be deemed to be the bringing of the appeal.

SCHOOL TRANSPORT VEHICLE CONDITIONS

These conditions shall apply to all proprietors of school transport vehicles that operate within the Borough of Reading.

In these conditions, unless the subject or context otherwise requires:

- (i) "Authorised Officer" means any officer of Reading Borough Council authorised to deal with school transport services;
- (ii) "The Borough" means the district controlled by Reading Borough Council;
- (iii) "The Council" means Reading Borough Council;
- (iv) "Licence" means a School Transport Vehicle Licence issued by the Council;
- (v) "Proprietor" includes a part-proprietor and means the owner of the vehicle, or in relation to any vehicle which is the subject of a hiring agreement, means the person in possession of the vehicle under that agreement.
- (vi) "Passengers" includes both escorts and children/pupils/students/Social Services clients carried in a school transport vehicle;
- (vii) "School transport vehicle" means a vehicle that is used for the transportation of children or clients under a School Transport Service (STS) contract.
- (viii) "Clients" means any person registered with Social Services requiring transport between normal place of abode and Social Services establishment, or between establishments.
- (ix) "STS" is the School Transport Service, which is responsible for the planning and organisation of school and social services transport for all eligible pupils, students and clients in accordance with Reading Borough Council Policy.

Conditions attached to school transport vehicle licence

1. You must not use or permit the use of a vehicle without a licence.
2. You must not employ any person who is not the holder of a school transport vehicle driver's licence to drive such a vehicle.
3. You must display the licence plate issued to the vehicle in the manner prescribed by the council.
4. If you transfer your interest in your vehicle you must inform the council in writing of this person's name and address and date of transfer within **14 days**.
5. You must present the vehicle for inspection and testing and produce a valid certificate of insurance cover in respect of third party and for hire and reward purposes when required by the council.
6. You must ensure that an appropriate level of public liability insurance is provided in respect of the vehicle as required by the Council.

7. If the vehicle is involved in an accident which causes damage which materially affects the safety, performance or appearance of the vehicle or comfort or convenience of passengers you must report the damage to the council as soon as reasonably practicable or in any case within 72 hours of the accident.
8. On the expiry, revocation or suspension of your licence you must return the licence plates issued to the vehicle within **seven days** of a request of the council.
9. The council may suspend, revoke or refuse to renew a vehicle licence on any of the following grounds:
 - (i) that the vehicle is unfit for use as a school transport vehicle;
 - (i) any offence or non-compliance with the conditions relating to school transport services.
 - (iii) any other reasonable cause.
10. An authorised officer of the council or police constable may inspect your vehicle at all reasonable times to ascertain its fitness for use and if he/she is not satisfied with its condition may, by notice in writing, require it to be made available for a further test at a date and time shown in the notice and may suspend the vehicle licence until this test is carried out. Should the officer not be satisfied with the fitness during the two months following the date of issue of the notice, the licence is deemed to have been revoked.
11. You must not wilfully obstruct an authorised officer of the Council or police officer, or without reasonable excuse fail to comply with any requirement made to you by such a person, or without reasonable cause fail to give any such person any other assistance or information he may reasonably require in the performance of his duties.

Vehicle Requirements

12. No vehicle:
 - (i) more than five years old at the time of application shall be eligible for licensing as a school transport vehicle for the first time.
 - (ii) shall be relicensed as a school transport vehicle following a gap of two years where it has not been licensed.
 - (iii) more than eight years old shall be eligible for licensing as a school transport vehicle provided that the Council in its absolute discretion may license such a vehicle.
13. Vehicles of the "estate" type must be fitted with a secure fixed grille behind the rear seat to prevent luggage from entering the passenger area.
14. Vehicles must be right hand drive.
15. **The vehicle must be suitable for the school transport route covered.**

16. All tyres must be 'E' marked and comply with the requirements of Construction and Use Regulations. Remoulded tyres must be marked as complying with the requirements of BSAU 144e, or as amended, or be certified for use by the Vehicle Certification Agency. All tyres and wheels must be of the size, type and load rating recommended by the vehicle manufacturer.
17. The vehicle must carry at all times, in the place designed for that purpose, a spare wheel and tyre, wheel brace and vehicle jack. 'Space Saver' spare wheels and tyres must be used in accordance with the vehicle manufacturer's recommendations.
18. **The proprietor of any vehicle that is licensed must inform the council prior to any changes they propose to the interior layout of seating.**
19. All seating should be arranged so that all passengers are seated facing forwards.
20. Three point type seat belts must be fitted to all passenger seats. Lap belts may only be used for the middle rear passenger seat of saloon vehicles. Otherwise, all seat belts must be of the three-point type.
21. Vehicles which are adapted to carry passengers seated in wheelchairs must meet the following specifications:
 - (i) Suitable independent restraint systems must be fitted for both wheelchair and passenger. The restraint system must be installed and operated in accordance with the manufacturer's instructions. At no time should wheelchair passengers be transported in vehicles that do not have floor restraints fitted.
 - (ii) Passengers must not be fitted in wheelchairs facing sideways or rearward.
 - (iii) Vehicles may be fitted with ramps or power operated lifts to facilitate entry and exit for passengers in wheelchairs. Vehicles with a floor height of more than 330mm must be fitted with a power operated lift and not a ramp. All such equipment must be installed, operated and maintained in accordance with the manufacturer's instructions.
 - (iv) If a powered lift is used, an emergency manual method of lowering the lift must be provided.
 - (v) Ramps or lifts must not prevent service and emergency doors from being operated from both outside and inside the vehicle.
 - (vi) The ramp surface must be of non-slip material and raised edges should be provided on each side of the ramp.
 - (vii) Doorways for use by passengers in wheelchairs must be at least 800mm wide up to a height of 800mm, and 600mm wide (between the hand rails) above that height. The height of the doorway must be a minimum of 1300mm. There should be a minimum floor to ceiling height of 1350mm in any part of the vehicle to be occupied by passengers in wheelchairs.
22. Equipment for the assistance of disabled persons, such as tail-lifts and ramps, will require separate maintenance records.

23. Power-operated passenger lifts must have a load-bearing capacity of at least 300kg, and have a platform size of at least 750mm wide and 1200 mm long with raised rear rollback plate when deployed and with grip handles fitted to both side edges.
24. Vehicles using power-operated passenger lifts must ensure that they have
 - (i) fluorescent yellow grip handles and strips on the edges of the lift;
 - (ii) an audible signal to indicate deployment of the lift;
 - (iii) clear warning notices displayed to advise passengers not to board a moving lift;
 - (iv) a lift surface of non-slip material.
25. If the vehicle requires specialist equipment for any passenger, such as a harness, the proprietor should ensure that STS are contacted. If necessary, the equipment will be supplied on loan by STS. If this is the case, the proprietor must ensure that the equipment is maintained and kept in good order.
26. No child under the age of 8 shall sit in the front passenger seat of any school transport vehicle.
27. The proprietor shall use booster cushions conforming to British Standard BS AU 185 or European Standard ECE44 for use by small children where provided by STS, unless the seat belts installed in the vehicle are designed to be adjusted to the shoulder height of young children.
28. Where a vehicle is fitted with childproof locks on the rear doors, these must be used at all times when the vehicle is carrying children under the age of 18.
29. No vehicle shall be licensed unless it has been the subject of a vehicle examination ("an authorised vehicle examination") by a vehicle examiner approved by the Council, which may occur up to three occasions in a twelve month period.
30. No vehicle shall be licensed, unless it has been issued with a current vehicle inspection exemption certificate, issued as a result of a test carried out under Section 50(1) of the Local Government (Miscellaneous Provisions) Act 1976.
31. Where a vehicle has been issued with a vehicle inspection exemption certificate, which has subsequently expired, the vehicle must not be used for school transport purposes until it has undergone a further authorised vehicle examination and passed.
32. Where a vehicle attends an authorised vehicle examination and fails, if the vehicle has not previously been licensed as a school transport vehicle, it will not be licensed until the fault has been rectified and the vehicle has been re-tested and issued a vehicle inspection exemption certificate.
33. Where a vehicle which is currently licensed as a school transport vehicle attends an authorised vehicle examination and fails;
 - (i) The vehicle shall not be used for school transport purposes until the fault has been rectified; and
 - (ii) The vehicle must be re-tested and issued a current vehicle inspection exemption certificate.

34. Where a school transport vehicle has been issued with a vehicle inspection exemption certificate which expires later than the school transport vehicle licence issued to the same vehicle, provided a renewal application has been submitted in respect of the school transport vehicle licence before the expiry of the current licence, the vehicle may continue to be used as a school transport vehicle, during the remaining period of validity of the vehicle inspection exemption certificate.
35. Where a school transport vehicle has been issued with a vehicle inspection exemption certificate, which expires prior to the school transport vehicle licence issued to the same vehicle, the vehicle may only continue to be used as a school transport vehicle up until the expiry of the exemption certificate. However, provided a new exemption certificate is issued to start during the currency of the previous exemption certificate then the vehicle may continue to be used as a school transport vehicle.
36. Where a vehicle has been issued with a vehicle inspection exemption certificate and a school transport vehicle licence, which run concurrently and expire on the same date, the vehicle shall only continue to be used as a school transport vehicle, provided:
 - (i) a renewal application has been submitted in respect of the licence, prior to the expiry of the current licence;
 - and
 - (ii) the vehicle must undergo an authorised vehicle examination and a new vehicle inspection exemption certificate must be issued to the vehicle before the expiry of the current vehicle inspection exemption certificate.
37. The proprietor shall not cause or permit the vehicle to stand on a road in a manner which suggests that it is a hackney carriage and shall in no circumstances cause or permit the vehicle to wait on a hackney carriage stand.
38. The proprietor shall not by calling out or otherwise invite any person to hire such vehicle and shall not make use of the services of any other person for such purpose.
39. Without prejudice to condition 41 below, a school transport vehicle shall not display a sign or notice:
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 - (ii) which consists of the words "for hire" or the form of wording of which is in any way such as to suggest that the vehicle on which it is displayed is presently available for hire or would be so available if not already hired.
40. Nothing shall be done to the vehicle which will alter its design or appearance so as to lead any person to believe that the vehicle is a hackney carriage.
41. A school transport vehicle shall not carry or display any roof signs or advertisements of any nature on the exterior of the vehicle apart from the following, which are required:
 - (i) the school transport vehicle licence plate issued to the vehicle;
 - (ii) the school transport sign, to a type and standard normally applicable to PCV operators, prescribed in the Road Vehicles Lighting Regulations 1989 and

amended in Statutory Instrument 1519 The Vehicles Lighting (Amendment) Regulation 1994, in such position as required by the Council, but only while the vehicle is actively involved in transporting pupils and at no other time.

42. Vehicles should not be fitted with heavy tinted glass, so that the driver, and front and/or rear passenger(s) cannot be clearly seen from outside of the vehicle.
43.
 - (i) The proprietor shall not carry or permit to be carried in such vehicle any greater number of persons than the vehicle is licensed to carry and in any case no more persons than the number of seats and seat belts fitted.
 - (ii) The vehicle shall not be fitted with a greater number of seats than the maximum number of passengers that is shown on the vehicle licence.
44. The proprietor **shall** at all times when the vehicle is engaged in use under the terms of a STS contract:
 - (i) display the school transport vehicle licence plate issued by the council on the rear bumper or boot of the vehicle, to be fitted to a fixed permanent mounting plate in accordance with the reasonable instructions of an authorised officer;
 - (ii) not remove or cause or permit the removal of the school transport vehicle licence plate unless under the instructions of an authorised officer;
 - (iii) not wilfully or negligently cause or suffer the school transport vehicle licence plate allocated to the vehicle by the Council to be concealed from public view or to be so defaced that any figure or material particular is illegible.
 - (iv) display the internal licence plate issued by the council on or around the dashboard of the vehicle so it is clearly visible to passengers.
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 - (i) vehicle make, registration number, school transport vehicle licence number;
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 - (i) the vehicle is maintained in a clean, comfortable, safe, watertight and mechanically sound condition and is in all other respects suitable for the purpose for which it is intended;
 - (ii) the vehicle is provided with both a first aid kit and a suitable BCF dry powder fire extinguisher of 1kg or greater capacity. The extinguisher shall be fitted to the vehicle readily available for use by the driver. The school transport vehicle licence number shall be painted on the extinguisher.
47. At all times during the currency of the licence the proprietor shall keep in force in relation to that vehicle a policy of insurance complying with the requirements of part VI of the Road Traffic Act 1988.

48. At all times during the currency of the licence the proprietor shall keep in force in relation to that vehicle a current and valid vehicle excise licence.
49. All vehicles used for the provision of a STS contract shall be well-maintained. Vehicles should be kept clean, free from litter and graffiti.
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 - (b) the driver of the vehicle at the time of the accident or incident
 - (c) the insurance for the vehicle.

to any person reasonably requesting the information within 72 hours of the accident.
- (ii) You must report the accident or incident to STS as soon as possible and in any case within 72 hours.
51. The proprietor shall notify the council in writing within 14 days of the following:
 - (i) any change of address from that shown on the school transport vehicle licence;
 - (ii) any change in the engine capacity, registration mark or internal features of the vehicle;
 - (iii) any conviction in any court involving the proprietor and/or the vehicle giving details of the date, offence, name of Court and penalty imposed.
52. The proprietor shall keep written records of any maintenance checks of the vehicle and these shall be available for inspection by authorised officers of the Council.
53. The proprietor shall report the loss or theft of a school transport vehicle licence plate or card to the Police and the Council as soon as the loss becomes known, and in the event of ceasing to use the vehicle for school transport purposes shall return the school transport vehicle licence plate and card to the council within **seven days**.
54. In the event of a licence plate being stolen, lost, damaged or destroyed, the full cost of replacement shall be payable by the proprietor.
55. If the vehicle is operated by a school transport vehicle operator, the proprietor of the vehicle shall, before commencing employment, deposit the school transport vehicle licence and a copy of the certificate of insurance for the vehicle with the school transport vehicle operator for retention by him/her until such time as the vehicle ceases to be operated by him/her.
56. The proprietor of the vehicle shall within **14 days** inform the council in writing if the vehicle ceases to work for the operator with whom his/her licence is deposited.
57. Where a proprietor surrenders his school transport vehicle licence and plate to the council a refund will be made equivalent to one twelfth of the licence fee for each unexpired month subject to a maximum of one half of the licence fee.

Appeal Procedure

Any person aggrieved by any condition specified in this licence may appeal to a Magistrates' Court.

The procedure shall be by way of complaint, and the Magistrates' Court Act 1980 (or any re-enactment thereof) shall apply to the proceedings.

The time within which any such appeal may be brought shall be twenty one days from the date on which notice of the requirement, or other decision was served upon the person desiring to appeal, and for this purpose the making of the complaint shall be deemed to be the bringing of the appeal.



