

## READING BOROUGH COUNCIL

### REPORT BY DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES

<b>TO:</b>	LICENSING APPLICATIONS SUB-COMMITTEE 3		
<b>DATE:</b>	9 JANUARY 2018	<b>AGENDA ITEM:</b>	5
<b>TITLE:</b>	REVISION OF PRIVATE HIRE AND PRIVATE HIRE (SCHOOL TRANSPORT) DRIVER AND VEHICLE CONDITIONS AND VEHICLE SPECIFICATIONS.		
<b>LEAD COUNCILLOR:</b>	COUNCILLOR SARAH HACKER	<b>PORTFOLIO:</b>	CULTURE SPORT AND CONSUMER SERVICES
<b>SERVICE:</b>	PLANNING DEVELOPMENT & REGULATORY SERVICES	<b>WARDS:</b>	BOROUGHWIDE
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#### 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 1<sup>st</sup> 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

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  - 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.
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- 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.
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  - 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.



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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.
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  - (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.
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  - (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.
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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.
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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.





