

## CITY AND COUNTY OF SWANSEA

### NOTICE OF MEETING

You are invited to attend a Meeting of the

### GENERAL LICENSING COMMITTEE

**At:** Council Chamber, Guildhall

**On:** Friday, 10 April 2015

**Time:** 10.00 am

### AGENDA

Page No.

- |          |   |                |
|----------|---|----------------|
| <b>1</b> | <b>Apologies for Absence.</b>   |                |
| <b>2</b> | <b>Disclosures of Personal and Prejudicial Interest.</b>  | <b>1 - 2</b>   |
| <b>3</b> | <b>Minutes:</b><br>To approve and sign as a correct record the minutes of the General Licensing Committee held on 6 March, 2015.                                      | <b>3 - 8</b>   |
| <b>4</b> | <b>Proposal to Introduce the National Inspection Standards for Inspection of Taxis and Private Hire Vehicles in Swansea.</b>  | <b>9 - 34</b>  |
| <b>5</b> | <b>Exclusion of the Public.</b>   | <b>35 - 38</b> |
| <b>6</b> | <b>Town Police Clauses Act 1847 - Local Government (Miscellaneous Provisions) Act 1976 - Application for a Hackney Carriage and Private Hire Driver Licence - KG.</b> | <b>39 - 42</b> |



**Patrick Arran**  
**Head of Legal, Democratic Services & Procurement**  
**Thursday, 2 April, 2015**

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**Contact: Democratic Services - Tel: (01792) 637292**

## GENERAL LICENSING COMMITTEE (12)

### Councillors

#### Labour Councillors: 8

Ann M Cook	Paul Lloyd
David W Cole	Penny M Matthews
Phil Downing	Hazel M Morris
V Mandy Evans	Byron G Owen

#### Liberal Democrat Councillors: 2

Cheryl L Philpott	T Huw Rees
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#### Independent Councillor: 1

Keith E Marsh	
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#### Conservative Councillor: 1

Anthony C S Colburn	
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#### Others:

Lynda Anthony	Divisional Licensing Officer 4 Copies
Paula Livingstone	Team Leader, Housing and Public Health
Lyndsay Thomas	Legal
Catherine Swain	Group Leader, Transportation
Police	
Public Relations Office	
Fire Service	
Democratic Services	
Archives	

**Total Copies needed – 26**

## Disclosures of Interest

To receive Disclosures of Interest from Councillors and Officers

### Councillors

**Councillors Interests are made** in accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea. You must disclose orally to the meeting the existence and nature of that interest.

**NOTE:** You are requested to identify the Agenda Item / Minute No. / Planning Application No. and Subject Matter to which that interest relates and to enter all declared interests on the sheet provided for that purpose at the meeting.

1. If you have a **Personal Interest** as set out in **Paragraph 10** of the Code, you **MAY STAY, SPEAK AND VOTE** unless it is also a Prejudicial Interest.
2. If you have a Personal Interest which is also a **Prejudicial Interest** as set out in **Paragraph 12** of the Code, then subject to point 3 below, you **MUST WITHDRAW** from the meeting (unless you have obtained a dispensation from the Authority's Standards Committee)
3. Where you have a Prejudicial Interest you may attend the meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, **provided** that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. In such a case, you **must withdraw from the meeting immediately after the period for making representations, answering questions, or giving evidence relating to the business has ended**, and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration (**Paragraph 14** of the Code).
4. Where you have agreement from the Monitoring Officer that the information relating to your Personal Interest is **sensitive information**, as set out in **Paragraph 16** of the Code of Conduct, your obligation to disclose such information is replaced with an obligation to disclose the existence of a personal interest and to confirm that the Monitoring Officer has agreed that the nature of such personal interest is sensitive information.
5. If you are relying on a **grant of a dispensation** by the Standards Committee, you must, before the matter is under consideration:
  - i) Disclose orally both the interest concerned and the existence of the dispensation; and
  - ii) Before or immediately after the close of the meeting give written notification to the Authority containing:

- a) Details of the prejudicial interest;
- b) Details of the business to which the prejudicial interest relates;
- c) Details of, and the date on which, the dispensation was granted; and
- d) Your signature

## **Officers**

### **Financial Interests**

1. If an Officer has a financial interest in any matter which arises for decision at any meeting to which the Officer is reporting or at which the Officer is in attendance involving any member of the Council and /or any third party the Officer shall declare an interest in that matter and take no part in the consideration or determination of the matter and shall withdraw from the meeting while that matter is considered. Any such declaration made in a meeting of a constitutional body shall be recorded in the minutes of that meeting. No Officer shall make a report to a meeting for a decision to be made on any matter in which s/he has a financial interest.
2. A "financial interest" is defined as any interest affecting the financial position of the Officer, either to his/her benefit or to his/her detriment. It also includes an interest on the same basis for any member of the Officers family or a close friend and any company firm or business from which an Officer or a member of his/her family receives any remuneration. There is no financial interest for an Officer where a decision on a report affects all of the Officers of the Council or all of the officers in a Department or Service.

## CITY AND COUNTY OF SWANSEA

### MINUTES OF THE GENERAL LICENSING COMMITTEE

HELD AT COMMITTEE ROOM 1, CIVIC CENTRE, SWANSEA ON  
FRIDAY, 6 MARCH 2015 AT 10.00 AM

**PRESENT:** Councillor P M Matthews (Chair) Presided

<b>Councillor(s)</b>	<b>Councillor(s)</b>	<b>Councillor(s)</b>
A M Cook	P Lloyd	B G Owen
A C S Colburn	K E Marsh	C L Philpott
D W Cole	H M Morris	T H Rees
A M Cook		

119 **APOLOGIES FOR ABSENCE.**

An apology for absence was received from Councillor P Downing.

120 **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTEREST.**

In accordance with the Code of Conduct adopted by the City and County of Swansea, the following interest was declared:

Councillor V M Evans – Personal – minute no. 129 - Equality Act 2010 – Passengers in Wheelchairs – Request for an Exemption Certificate – SG – SG is known to me.

121 **MINUTES:**

**RESOLVED** that the Minutes of the General Licensing Committee held on 6 February, 2015, be approved as a correct record.

122 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 -  
APPLICATION TO LICENCE A RESTRICTED PRIVATE HIRE VEHICLE, FORD  
GALAXY, REGISTRATION MARK NT04 ZXR - MR D JONES.**

The Divisional Licensing Officer, Food & Safety, advised that an application for a restricted private hire vehicle licence for the purposes of airport travel and school transport had been received from Mr D Jones. The vehicle was a blue Ford Galaxy, vehicle registration mark NT04 ZXR and was capable of carrying 6 passengers.

Member's noted the background, relevant considerations (which included the vehicle, purpose, inspections and documents); relevant issues in relation to Restricted Private Hire Vehicles, Department of Transport – Taxi and Private Hire Licensing; Best Practice Guidance March 2010 and legislation relating to the licensing of private hire vehicles.

Members asked questions of the Officer and Mr D Jones who responded accordingly.

**RESOLVED** that the application made by Mr D Jones for a restricted private hire vehicle in respect of the blue Ford Galaxy vehicle registration mark NT04 ZXR be **APPROVED** and renewed on merit.

123 **TOWN POLICE CLAUSES ACT 1847 - APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE VEHICLE LICENCE - LONDON TAXI TX11, REGISTRATION MARK SN53 KFW - MR Q S KANWAR.**

Members' viewed the vehicle.

The Divisional Licensing Officer, Food & Safety, advised that an application for a hackney carriage vehicle licence had been received from Mr Q S Kanwar. The vehicle was a black London Taxi, registration mark SN53 KFW and was capable of carrying 5 passengers.

Members' noted the background, Department of Transport Taxi and Private Hire Licensing: Best Practice Guidance: March 2010; Hackney Carriage Vehicle Policy and the previous proposal to allow the licensing of second hand Hackney Carriage vehicles.

Members asked questions of the Officer and Mr Q S Kanwar who responded accordingly.

**RESOLVED** that the application made by Mr Q S Kanwar for a hackney carriage vehicle licence in respect of the black London Taxi, registration mark SN53 KFW be **REFUSED**.

**Reason for Decision**

The Members were concerned about the appearance, condition and likely further deterioration of the vehicle and were of the view that as a result it was unsuitable for licensing as a hackney carriage vehicle in Swansea. Members were mindful of the fact that one of the reasons for the introduction of the Authority's Hackney Carriage Vehicle Policy was to ensure that vehicles were not already 'tired' before they were licensed, so that they were more likely to be able to withstand the rigors demanded of a hackney carriage. The Members were of the opinion that this vehicle was a 'tired' vehicle and one which did not meet the required standard for licensing for the following reasons

- There was a ripped seat;
- There was raised carpet in the rear;
- There was an unpleasant internal odour;
- Masking tape on the external of the vehicle had simply been painted over;
- The vehicle appeared to be deteriorating rapidly and given its present condition the vehicle was likely to continue to deteriorate despite the assurances of the Applicant.

The Members also had concerns about the low mileage recorded despite the age of the vehicle and its use as a hackney carriage and whether this mileage was genuine.

The Applicant was not able to provide a satisfactory explanation for the same, other than to advise that he had himself queried the mileage with the seller who had assured him that it was as per the MOT.

124 **CONSIDERATION OF THE REMOVAL OF PRIVATE HIRE VEHICLE CONDITION 5 AND REMOVAL AND AMENDMENT OF RESTRICTED PRIVATE HIRE VEHICLE CONDITIONS 3 & 5.**

The Divisional Officer Licensing, Food & Safety presented a report regarding consideration of the removal of private hire vehicle condition 5 and removal and amendment of restricted private hire vehicle conditions 3 & 5.

Members noted the background and proposal.

**RESOLVED** that:

- a. Private hire vehicle condition 5 be replaced with "Vehicles will not be accepted for licensing on the first occasion after 5 years from the date of first registration. Vehicles will be relicensed on merit"; and
- b. Restricted Private hire vehicle condition 3 be replaced with "The Restricted Private Hire Vehicle Licence can only be used for restricted Private Hire Journeys pre-booked with a licensed operator and identified in the licence. These are: School Transport contracts; Airport Travel and Executive Hire.

125 **AMENDMENT OF HACKNEY CARRIAGE VEHICLE, PRIVATE HIRE VEHICLE, AND RESTRICTED PRIVATE HIRE VEHICLE CONDITIONS.**

The Divisional Officer Licensing, Food & Safety presented a report regarding an amendment of Hackney Carriage Vehicle, Private Hire Vehicle and Restricted Private Hire Vehicle Conditions.

Members noted the proposal.

**RESOLVED** the requirement to display a valid road fund licence at the time of inspection from hackney carriage vehicle, private hire vehicle and restricted private hire vehicle conditions be removed.

126 **PROCEDURE FOR CONSIDERATION OF "PART 2" GENERAL LICENSING COMMITTEE REPORTS.**

The Divisional Officer Licensing, Food & Safety, presented the Procedure for Consideration of "part 2" General Licensing Committee reports.

Members noted the background, purpose and new procedure.

**RESOLVED** that the new procedure be adopted.

127 **EXCLUSION OF THE PUBLIC.**

The Committee was requested to exclude the public from the meeting during the consideration of the items of business identified in the recommendations to the report on the grounds that it involved the likely disclosure of exempt information as set out in the exclusion paragraph of 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information)(Variation)(Wales) Order 2007, relevant to the item of business as set out in the report.

The Committee considered the Public Interest Test in deciding to exclude the public from the meeting for the items of business where the Public Interest Test was relevant, as set out in the report.

It was **RESOLVED** that the public be excluded for the following items of business.

**(CLOSED SESSION)**

128 **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 -  
SCHEDULE 4, APPLICATION FOR THE GRANT OF STREET TRADING  
CONSENT - MA.**

The Divisional Officer, Trading Standards, detailed the background information in respect of MA.

Members asked questions of the Officer who responded accordingly.

MA outlined the background details and circumstances of his request and answered Members' questions.

**RESOLVED** that MA's request for Street Trading Consent be **REFUSED**.

**Reason for Decision**

Having taken account of the evidence presented in the report, by officers and from MA himself, the Members were not satisfied, on the basis of the evidence of MA's past conduct, which they accepted, that if he was granted a street trading consent he would comply with the terms and conditions of the same, particularly in relation to the locations of his trading causing obstructions and nuisance.

Members took on board the fact that MA did not accept all of the allegations in the report. However, he did accept a number of allegations including those in paragraphs 5.4.4, 5.4.6 and 5.4.9 which related to trading in a place which caused an obstruction to the foreshore footpath and trading on double yellow lines and hatched areas on the highway close to an area in which children play. Members were particularly concerned about the safety implications of this conduct and that MA did not appear to appreciate the same in his responses to Member questions.

MA also accepted the allegation in paragraph 5.4.3 of the report of trading from a council owned car park, although he alleged that he did not appreciate that he needed permission of the landowner on that particular date due to the pay machines being suspended. Members did not accept that given his significant experience as an ice cream trader that he was not fully aware of the requirement to obtain



permission. The Members accepted the evidence of Trading Standards officers that MA had been informed on numerous occasions of the requirement to have permission from the landowner and to comply with the requirements of the Highway Code.

Members were not satisfied that if granted a consent MA would change his ways in the future, but would continue to trade in breach of the terms and conditions as he has done in relation to his wife's consents, despite the assurances given by him.

129 **EQUALITY ACT 2010 - PASSENGERS IN WHEELCHAIRS - REQUEST FOR AN EXEMPTION CERTIFICATE - SG.**

The Divisional Officer Licensing, Food & Safety, detailed the background information in respect of SG.

SG detailed the background details and circumstances of his request and answered Members' questions.

**RESOLVED** that SG's request for an exemption from carrying wheel chair users in his hackney carriage vehicle be **APPROVED** and such exemption be valid for the period of 6 months.

130 **EQUALITY ACT 2010 - PASSENGERS IN WHEELCHAIRS - REQUEST FOR AN EXEMPTION CERTIFICATE - MDHC.**

The Divisional Officer Licensing, Food & Safety, detailed the background information in respect of MDHC.

MDHC detailed the background information and circumstances of his request and answered Members' questions.

**RESOLVED** that MDHC's request for an exemption from carrying wheel chair users in his hackney carriage vehicle be **APPROVED** and such exemption be valid for the period of 5 years.

131 **TOWN POLICE CLAUSES ACT 1847 - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE - SCB.**

The Divisional Officer Licensing, Food & Safety, detailed the background information in respect of SCB.

Members asked questions of the Officer who responded accordingly.

SCB outlined the background details and circumstances of his request and answered Members' questions.

**RESOLVED** that SCB's request for a hackney carriage and private hire driver's licence be **APPROVED** until 25/11/2015 following which Officers to renew on merit.

The meeting ended at 12.35 pm

**CHAIR**

**REPORT OF THE DIVISIONAL OFFICER**  
**LICENSING, FOOD & SAFETY**  
**TO THE GENERAL LICENSING COMMITTEE**  
**10th APRIL 2015**

**PROPOSAL TO INTRODUCE THE NATIONAL INSPECTION STANDARDS**  
**FOR INSPECTION OF TAXIS AND PRIVATE HIRE VEHICLES IN**  
**SWANSEA**

**1.0 Purpose of Report**

- 1.1 For Members to consider the proposal to introduce the National Inspection Standards for inspection of taxi and private hire vehicles licensed by the City and County of Swansea subject to consultation with the taxi and private hire trade and other interested parties.

**2.0 Background**

- 2.1 A best practice guide has been produced by the Hackney Carriage and Private Hire Inspection Technical Officer Group. The current edition of the guide is attached at Appendix A to the report.
- 2.2 This guide sets out the procedures and criteria for those who carry out inspections of licensed vehicles with a view to securing acceptable and consistent standards, as well as providing a benchmark for local authorities with regard to vehicle inspections and safety.
- 2.3 The guidance is intended to be utilised in conjunction with the MOT Inspection Manual but it makes provision for additional testing requirements which are considered necessary and appropriate for licensed vehicles.
- 2.4 The Technical Officer Group comprises officers throughout England and Wales responsible for the inspection of licensed vehicles as well as some licensing officers/managers. Consideration of the guide is also recommended by the Vehicle and Operator Services Authority (VOSA) when local authorities are setting technical standards for taxi and private hire vehicles.

**3.0 Proposal**

- 3.1 It is proposed that the National Inspection Standards are introduced for inspection of taxi and private hire vehicles licensed by the City and County of Swansea, subject to consultation with the taxi and private hire trades and other interested parties.

**4.0 RECOMMENDATIONS**

4.1 It is recommended that:

- i) A consultation is undertaken with the taxi and private hire trades and other interested parties on the proposal to introduce the National Inspections Standards for inspection of taxi and private hire vehicles licensed by the City and County of Swansea; and
- ii) A further report detailing the outcome of the consultation is presented to Members for consideration and decision regarding the way forward.

**The Licensing Committee's instructions are requested.**

<b>Background Papers:</b>	<b>National Inspection Standards current edition</b>
<b>Contact Officer:</b>	<b>Yvonne Lewis</b>
<b>Extension:</b>	<b>5600</b>
<b>Legal Contact:</b>	<b>Aled Gruffydd</b>



## Best Practice Guide

August 2012

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

Supported by



Delivering safe, efficient, sustainable logistics



FREIGHT TRANSPORT ASSOCIATION

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

August 2012

Editor: **Andy Mair**

Production: **Hilary Kingdon**

Design: **Tracey Garrett**

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

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

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

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

\*Calls may be recorded for training purposes

## Contents

	Page
<b>Foreword</b>	3
<b>Part 1: Introduction</b>	4
1.1 <b>Best practice guide</b>	4
1.2 <b>Application to devolved administrators</b>	4
1.3 <b>Technical safety issues</b>	4
1.4 <b>Scope of the guidance</b>	4
1.5 <b>Specification of vehicle types that may be licensed</b>	4
1.6 <b>Accessibility</b>	5
1.7 <b>Type approval</b>	5
1.8 <b>Vehicle testing</b>	5
2 <b>Novelty vehicles (stretched limousines)</b>	6
3 <b>General information</b>	6
<b>Part 2: Procedures and standards of inspection</b>	8
Section 1 <b>Lamps, reflectors and electrical equipment</b>	8
Section 2 <b>Steering and suspension</b>	9
Section 3 <b>Brakes</b>	10
Section 4 <b>Tyres and road wheels</b>	10
Section 5 <b>Seat belts and supplementary restraint systems</b>	11
Section 6 <b>Body, structure and general items</b>	11
Section 7 <b>Exhaust, fuel and emissions</b>	15
Section 8 <b>Driver's view of the road</b>	14
Section 9 <b>Tricycles and quadricycles</b>	16
Section 10 <b>Additional requirements</b>	16
Section 11 <b>Ancillary equipment</b>	17
Section 12 <b>Novelty vehicles</b>	19
<b>Appendices</b>	
A <b>Trailer inspection form</b>	20
B <b>Definition of motor vehicles</b>	21
C <b>Inspection form</b>	22

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## Foreword

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

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

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

**Nigel R Maden**

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



### Revision record

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

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# Part I: Introduction

## 1.1 Best practice guide

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

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

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

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

## 1.2 Application to devolved administrations

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



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

## 1.3 Technical safety issues

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

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

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

## 1.4 Scope of the guidance

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

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

## 1.5 Specification of vehicle types that may be licensed

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



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

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

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

## 1.6 Accessibility



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

Licensing authorities will be aware that it remains the Department

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

## 1.7 Type approval

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

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

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

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

## Voluntary inspections

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

## 1.8 Vehicle testing

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

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

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

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

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

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

## 2 Novelty vehicles (stretched limousines)

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



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

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

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

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

## 3 General information

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

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

### Statement of undertakings and declaration

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



# Part 2: Procedures and standards of inspection

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

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

## Contents

	Page		Page
Section 1 <b>Lamps, reflectors and electrical equipment</b>	8	Section 8 <b>Driver's view of the road</b>	15
1.9 Electrical wiring and equipment		8.1 Mirrors and view to the rear	
1.9 Additional lamps		8.3 Windscreen – view to the front	
Section 2 <b>Steering and suspension</b>	9	8.5 Window glass or other transparent material	
2.1 Steering control – steering wheel		Section 9 <b>Tricycles and quadricycles</b>	16
2.1 Steering control – steering column		Section 10 <b>Additional requirements</b>	16
2.4 Suspension spring units and linkage		10.1 Transmission	
Section 3 <b>Brakes</b>	10	10.2 Oil and water leaks	
Section 4 <b>Tyres and road wheels</b>	10	10.3 Luggage/load space	
4.1 Tyres – condition		10.4 Trailers and towbars	
Section 5 <b>Seat belts and supplementary restraint systems</b>	11	Section 11 <b>Ancillary equipment</b>	17
Section 6 <b>Body, structure and general items</b>	11	11.1 Wheelchair restraint and access equipment	
6.1 Vehicle body and condition (exterior)		11.2 Fire extinguisher	
6.1 Vehicle body, security and condition (interior)		11.3 First aid kit	
6.1 Bumper bars		Section 12 <b>Novelty vehicles</b>	19
6.2 Doors and seats		12.1 Seating capacity	
Section 7 <b>Exhaust, fuel and emissions</b>	14	12.2 Undue stresses	
7.1 Exhaust system		12.3 Passenger notices	
7.2 Fuel system – pipes and tanks			

## Section 1

### Lamps, reflectors and electrical equipment

#### 1.9 Electrical wiring and equipment

Method of inspection	Reason for rejection
<i>This examination is limited to that part of the electrical system that can be readily seen without dismantling any part of the vehicle.</i>	
a Check all electrical wiring for: <ul style="list-style-type: none"> <li>• condition</li> <li>• security</li> <li>• position</li> <li>• signs of overheating</li> <li>• heavy oil contamination</li> </ul>	a Wiring <ul style="list-style-type: none"> <li>• positioned so that it is chafing or clipped to a fuel line or likely to be damaged by heat so that insulation will become ineffective</li> <li>• with clear evidence of overheating</li> <li>• heavily contaminated with oil</li> </ul>
b Check all switches controlling all obligatory lights	b Switches <ul style="list-style-type: none"> <li>• Insecurity or malfunction of a switch controlling an obligatory light</li> </ul>

## 1.9 Additional lamps

Method of inspection	Reason for rejection
<i>With the ignition switched on check the following.</i>	
<b>Reversing lamps</b> <ul style="list-style-type: none"> <li>a The reversing lamps emit a diffused white light when reverse gear is selected</li> <li>b The lamps extinguish when neutral gear is selected</li> <li>c The lamps are in good working order and are secure</li> <li>d The lamps do not flicker when lightly tapped by hand</li> </ul>	<b>Reversing lamps</b> <ul style="list-style-type: none"> <li>a Fails to operate or does not emit a white diffused light</li> <li>b Fails to extinguish when neutral or forward gear is selected</li> <li>c Are not in good working order or insecure</li> <li>d Flickers when tapped lightly by hand</li> </ul>
<b>Front fog/driving lamps</b> <ul style="list-style-type: none"> <li>e A single front fog lamp emitting a white or yellow diffused light illuminates only when dipped beam is selected</li> <li>f A pair of matched fog lamps both emitting a white or yellow diffused light should illuminate together</li> <li>g A pair of matched, long-range driving lamps, both emitting a white diffused light, should illuminate together</li> </ul>	<b>Front fog/driving lamps</b> <ul style="list-style-type: none"> <li>e Lamp inoperative or operates other than in dipped beam mode</li> <li>f Operate incorrectly</li> <li>g Operate incorrectly</li> </ul>
<b>'For Hire' and roof signs</b> <ul style="list-style-type: none"> <li>a Correct style and type of sign fitted</li> <li>b Ensure the sign is securely fastened to the vehicle</li> <li>c Condition and security of wiring</li> <li>d Functional test of signs for illumination</li> </ul>	<b>'For Hire' and roof signs</b> <ul style="list-style-type: none"> <li>a Incorrect colour or details shown on sign, ie registration number, vehicle number etc</li> <li>b Insecure sign</li> <li>c Wiring is not in good condition or is loose or chuffed</li> <li>d Illumination not consistent across the sign, ie all light bulb(s) LED(s) illuminated when switched on</li> </ul>

## Section 2

### Steering and suspension

#### 2.1 Steering control – steering wheel

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

## 2.1 Steering control – steering column

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

## 2.4 Suspension spring units and linkages

Method of inspection	Reason for rejection
<b>Coil springs</b>	<b>Coil springs</b>
a Welding repairs	a Repaired by welding

## Section 3

### Brakes

No additional inspection requirements

## Section 4

### Tyres and road wheels

#### 4.1 Tyres – condition

Method of inspection	Reason for rejection
On all the tyres, including spare wheel <b>where fitted</b> , examine each tyre meets all the requirements laid down in the 'MOT Inspection Manual – Private Passenger and Light Commercial', ISBN 978-0-9549352-5-2  <i>Note: Where a doughnut tank is fitted in the boot for LPG, the spare wheel if still carried in the boot must be properly secured. Alternatively, a spare wheel cage installed to manufacturer's and British Standards may be fitted to the underside of the vehicle</i>	In accordance with the 'MOT Inspection Manual – Private Passenger and Light Commercial Vehicle Testing', ISBN 978-0-9549352-5-2  <i>Note: Space saver tyres should only be approved with the support of a method statement highlighting driver responsibilities with regard to the maximum permitted speed and that space savers are a temporary 'get-you-home tyre'</i>

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

## Section 5

### Seat belts and supplementary restraint systems

No additional inspection requirements

## Section 6

### Body, structure and general items

#### 6.1 Vehicle body and condition (exterior)

Method of inspection	Reason for rejection
<p>Examine the body thoroughly for security, corrosion, damage, poor repair/paint match or sharp edges that are likely to cause injury</p>	<ul style="list-style-type: none"> <li>a An insecure or missing body panel, trim, step or accessory</li> <li>b Any sharp edge whatsoever which may cause injury</li> <li>c Heavy scuffing, abrasions or deformation to front and rear bumper</li> <li>d More than 8 stone chips visible on a bonnet/grill that has not penetrated to the metal or more than 4 stone chips that have penetrated to the metal</li> <li>e More than 8 stone chips on any panel including door edges, provided the base coat has not been penetrated</li> <li>f More than 4 stone chips on any panel where the base coat has been penetrated to the metal and is untreated</li> <li>g A single dent of more than 80mm, or more than 3 dents of not more than 20mm in any one panel</li> <li>h More than 4 scratches and or abrasions of more than 50mm in length in any one panel provided that the base coat has not been penetrated</li> <li>i Dull, faded paintwork which has lost its gloss finish or paint miss-match to a panel(s) to such an extent that it detracts from the overall appearance of the vehicle</li> </ul>

Method of inspection	Reason for rejection
	<p>j Evidence of poor repairs and or paint finish to a repaired panel(s) including runs and overspray to adjoining panels/trim that detracts from the overall appearance of the vehicle</p> <p>k Obvious signs of rust/corrosion of any size particularly those that are covered by advertising signs</p> <p>l Lack of clearly displayed or omission of 'No Smoking' signs</p>

## 6.1 Vehicle body, security and condition (interior)

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



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

## 6.1 Bumper bars

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

## 6.2 Doors and seats

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

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

## Section 7

### Exhaust, fuel and emissions

#### 7.1 Exhaust system

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

#### 7.2 Fuel system – pipes and tanks

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

## Section 8

### Driver's view of the road

#### 8.1 Mirrors and view to rear

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

#### 8.3 Windscreen – view to the front

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

#### 8.5 Window glass or other transparent material

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

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

## Section 9

### Tricycles and quadricycles

No additional inspection requirements

## Section 10

### Additional requirements

#### 10.1 Transmission

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

#### 10.2 Oil and water leaks

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

### 10.3 Luggage/load space

Method of inspection	Reason for rejection
<p>Physical separation is not so much an issue as is the safety of passengers in the event of an accident. The luggage should therefore be secure and prevented from becoming dislodged in an accident in such a manner as may cause injury. Such security can be by means of a sheet or net, which could be anchored to the floor of the luggage area. Clearly if the luggage compartment is not physically separated from the passenger compartment then care will need to be taken so as not to carry any hazardous items such as fuel cans, detergents or other loose items that could leak if they become damaged</p>	<p>Load restraint system, if required, not present at time of test</p> <p>Load restraint system faulty or unserviceable</p>

### 10.4 Trailers and towbars

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

## Section 11

### Ancillary equipment

#### 11.1 Wheelchair restraint and access equipment

Method of inspection	Reason for rejection
<p><b>Wheelchair restraint</b></p> <p>a Where applicable check condition and operation of wheelchair restraint</p> <p>b A system for the effective anchoring of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces</p>	<p><b>Wheelchair restraint</b></p> <p>a A wheelchair restraint is defective, worn or missing.</p> <p>b Wheelchair anchorage systems and devices do not conform to European Directive 76/115 EEC (as amended)</p>
<p><b>Wheelchair access and equipment</b></p> <p>A vehicle shall be fitted with either of the following forms of wheelchair access equipment:</p>	

Method of inspection	Reason for rejection
<p><i>Ramps</i></p> <p>c Check that appropriate ramps fitted are securely installed in the designated storage area. Examine for damage, deformity, sharp edges etc. and provision of anti-slip covering</p> <p><i>Wheelchair lift</i></p> <p>d A purpose designed wheelchair lift shall conform to the LOLER 98 Regulations. A report, confirming that the lifting equipment is safe to use, shall be presented at the time of the vehicle inspection. Vehicles presented for inspection with a wheel chair lift will require a LOLER certificate that is valid for a period of six months from the date of issue</p> <p><i>Note: Passenger lifting equipment will need to be thoroughly examined by a competent person, in use, at least once every six months</i></p> <p>e Any purpose designed wheelchair access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to safe working load of 250kgs and certified to BS 6109</p> <p>f Wheelchair access equipment shall be fitted either into the rear or side access door of the vehicle. Where it is fitted to a side door this shall be the door situated on the nearside of the vehicle, ie kerbside when stopped in a normal road</p> <p>g The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 48 inches (1,220mm). The measurement shall be taken from the upper centre of the aperture to a point directly below on either the upper face of the fully raised lift platform or the upper face of the ramp fully deployed on level ground</p> <p>h A locking mechanism shall be fitted that holds the access door in the open position whilst in use</p> <p>i All wheelchair tracking must be fit for purpose and structurally sound</p>	<p>c Ramps missing, insecurely stored, damaged/deformed, anti-slip covering in poor condition or missing</p> <p>d Vehicle not presented with a valid or current LOLER certificate</p> <p>e The installed ramp does not have any visible reference to a maximum safe working load or certification to BS 6109</p> <p>f Wheelchair access equipment is fitted to the offside access door of the vehicle</p> <p>g There is not clear headroom in the aperture within the central third of 48 inches (1,220mm)</p> <p>h No evidence of a suitable locking mechanism to hold the door open</p> <p>i Damaged or insecure tracking or detritus deposits within the tracking rails</p>

## 11.2 Fire extinguisher

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

### 11.3 First aid kit

Method of inspection	Reason for rejection
a Check the first aid kit for presence, the expiry date and the seal is intact. There is no requirement to inspect the contents of the first aid kit	a A first aid kit is missing, out of date, in a poor or contaminated condition or the seal has been broken
b The first aid kit must be kept in an accessible position inside the vehicle. The first aid kit may be carried out of view, ie in a fastened glove compartment provided there is a clear sign on the dashboard, stating the location	b The first aid kit is not fitted in an accessible position or its position is not clearly marked

## Section 12

### Novelty vehicles (stretch limousines)

#### 12.1 Seating capacity

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

#### 12.2 Undue stresses

Method of inspection	Reason for rejection
Vehicle inspectors should be aware of undue stresses caused to the steering, brakes and tyres due to the additional weight imposed on the vehicle at the modification process	Tolerances and wear should be as defined in the VOSA MOT Inspection Manual – Private Passenger and Light Commercial Vehicle Testing as follows: <ul style="list-style-type: none"><li>• steering – section 2</li><li>• brakes – section 3</li><li>• tyres – section 4</li></ul>

#### 12.3 Passenger notices

##### Driver declaration

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

##### Passenger notices

- In addition, notices forbidding children to be carried in side facing seats must be displayed in prominent positions, ie on entry to the passenger compartment and on the inside of the vehicle on either side of the passenger compartment. In addition, local licensing authorities may require outward facing signs adjacent to all entrance/exit doors to the passenger compartment
- Further notices should be displayed inside the vehicle, where all passenger can clearly read the notice, advising passengers of the maximum carrying capacity of the vehicle and a warning to passengers that should the capacity be exceeded then the vehicle will not be insured

# Appendices

## Appendix A

### Hackney Carriage and Private Hire – Trailer inspection form

### Hackney Carriage and Private Hire Trailer inspection sheet

Space for  
local authority logo




Plate number of towing vehicle \_\_\_\_\_

Registration number of towing vehicle \_\_\_\_\_

Registered owner of vehicle \_\_\_\_\_

Manufacturer's plate showing chassis number \_\_\_\_\_

Manufacturer's plate showing maximum weight \_\_\_\_\_

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

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

Examined by (name) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

\*Delete as appropriate



---

## Appendix B

### Definition of motor vehicles

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

Appendix C

Hackney Carriage and Private Hire – Inspection sheet (front)

Hackney Carriage and Private Hire  
Inspection form

Space for  
local authority logo



**IMPORTANT: READ NOTES OVERLEAF**

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

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

\*delete as appropriate

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

Signed \_\_\_\_\_ (Tester/Inspector)

Name in capitals \_\_\_\_\_ Date \_\_\_\_\_

**Authentication stamp**

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

## Hackney Carriage and Private Hire – Inspection sheet (back)

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

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

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

Additionally the insurance may not be operative.

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

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## Report of the Head of Legal, Democratic Services & Procurement

**General Licensing Committee – 10 April 2015**

### EXCLUSION OF THE PUBLIC

<b>Purpose:</b>	To consider whether the Public should be excluded from the following items of business.	
<b>Policy Framework:</b>	None.	
<b>Reason for Decision:</b>	To comply with legislation.	
<b>Consultation:</b>	Legal.	
<b>Recommendation(s):</b>	It is recommended that:	
<b>1)</b>	The public be excluded from the meeting during consideration of the following item(s) of business on the grounds that it / they involve(s) the likely disclosure of exempt information as set out in the Paragraphs listed below of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007 subject to the Public Interest Test (where appropriate) being applied.	
	<b>Item No.</b>	<b>Relevant Paragraphs in Schedule 12A</b>
	6	12, 13 & 18
<b>Report Author:</b>	Democratic Services	
<b>Finance Officer:</b>	Not Applicable	
<b>Legal Officer:</b>	Patrick Arran – Head of Legal, Democratic Services and Procurement (Monitoring Officer)	

## 1. Introduction

- 1.1 Section 100A (4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, allows a Principal Council to pass a resolution excluding the public from a meeting during an item of business.
- 1.2 Such a resolution is dependant on whether it is likely, in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present during that item there would be disclosure to them of exempt information, as defined in section 100I of the Local Government Act 1972.

## 2. Exclusion of the Public / Public Interest Test

- 2.1 In order to comply with the above mentioned legislation, **Council / Cabinet / Committee** will be requested to exclude the public from the meeting during consideration of the item(s) of business identified in the recommendation(s) to the report on the grounds that it / they involve(s) the likely disclosure of

exempt information as set out in the Exclusion Paragraphs of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

- 2.2 Information which falls within paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended is exempt information if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 2.3 The specific Exclusion Paragraphs and the Public Interest Tests to be applied are listed in **Appendix A**.
- 2.4 Where paragraph 16 of the Schedule 12A applies there is no public interest test. Councillors are able to consider whether they wish to waive their legal privilege in the information, however, given that this may place the Council in a position of risk, it is not something that should be done as a matter of routine.

### **3. Financial Implications**

- 3.1 There are no financial implications associated with this report.

### **4. Legal Implications**

- 4.1 The legislative provisions are set out in the report.
- 4.2 Councillors must consider with regard to each item of business set out in paragraph 2 of this report the following matters:
  - 4.2.1 Whether in relation to that item of business the information is capable of being exempt information, because it falls into one of the paragraphs set out in Schedule 12A of the Local Government Act 1972 as amended and reproduced in Appendix A to this report.
  - 4.2.2 If the information does fall within one or more of paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended, the public interest test as set out in paragraph 2.2 of this report.
  - 4.2.3 If the information falls within paragraph 16 of Schedule 12A of the Local Government Act 1972 in considering whether to exclude the public members are not required to apply the public interest test but must consider whether they wish to waive their privilege in relation to that item for any reason.

**Background Papers:** None

## Public Interest Test

No.	Relevant Paragraphs in Schedule 12A
<b>12</b>	<b>Information relating to a particular individual.</b>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 12 should apply. His view on the public interest test was that to make this information public would disclose personal data relating to an individual in contravention of the principles of the Data Protection Act. Because of this and since there did not appear to be an overwhelming public interest in requiring the disclosure of personal data he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
<b>13</b>	<b>Information which is likely to reveal the identity of an individual.</b>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 13 should apply. His view on the public interest test was that the individual involved was entitled to privacy and that there was no overriding public interest which required the disclosure of the individual's identity. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
<b>14</b>	<b>Information relating to the financial or business affairs of any particular person (including the authority holding that information).</b>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 14 should apply. His view on the public interest test was that:</p> <ul style="list-style-type: none"> <li>a) Whilst he was mindful of the need to ensure the transparency and accountability of public authority for decisions taken by them in relation to the spending of public money, the right of a third party to the privacy of their financial / business affairs outweighed the need for that information to be made public; or</li> <li>b) Disclosure of the information would give an unfair advantage to tenderers for commercial contracts.</li> </ul> <p>This information is not affected by any other statutory provision which requires the information to be publicly registered.</p> <p>On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
<b>15</b>	<b>Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the</b>

	<b>Crown and employees of, or office holders under, the authority.</b>
	The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 15 should apply. His view on the public interest test was that whilst he is mindful of the need to ensure that transparency and accountability of public authority for decisions taken by them he was satisfied that in this case disclosure of the information would prejudice the discussion in relation to labour relations to the disadvantage of the authority and inhabitants of its area. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.
<b>16</b>	<b>Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</b>
	No public interest test.
<b>17</b>	<b>Information which reveals that the authority proposes:</b> <b>(a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</b> <b>(b) To make an order or direction under any enactment.</b>
	The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 17 should apply. His view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by the public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.
<b>18</b>	<b>Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</b>
	The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 18 should apply. His view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.
<b>18c</b>	The deliberations of a Standards Committee or of a sub committee of a Standards Committee established under the provisions of the Local Government Act 2000 in reaching any finding of a matter referred to it.



# Agenda Item 6

By virtue of paragraph(s) 12, 13, 18 of Schedule 12A  
of the Local Government Act 1972  
as amended by the Local Government (Access to  
Information) (Variation) (Wales) Order 2007.

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