



Craven District Council
1 Belle Vue Square
Broughton Road
Skipton
BD23 1FJ

Telephone: 01756 706343
Email:licensing@cravenc.gov.uk

Application for Hackney Carriage/Private Vehicle Licence or transfer of licence to a New Vehicle

Please submit:

1. **This form completed in full (in block capitals);**
2. **Relevant fee;**
3. **V5 Vehicle Registration Document** – if not available as you have recently purchased the vehicle then a receipt from the garage/person you have bought the vehicle from which includes the full details of the vehicle including Registration Number, Make and Model of Vehicle and exact date of first registration of the vehicle;
4. **Certificate of Insurance/Cover Note which includes use for Public Hire or Private Hire.** This must be valid on the date that any licence comes into force.
5. **MOT certificate.** Your last issued MOT.

Craven District Council requires the requested information in order to process your application for a licence. It has a duty to protect and safeguard the public and therefore may share the information you have provided on this form with other service areas within the Council, Government Departments, law enforcement agencies and partners for these purposes.

This authority is required to protect the public funds it administers. It may share information provided to it with other bodies responsible for; auditing, or administering public funds, or where undertaking a public function, in order to prevent and detect fraud. For more details, see <http://www.cravenc.gov.uk/nfi>

Privacy Notice – Craven District Council Licensing applications

Details of the information that we collect from you, what we do with it, and who it might be shared with.

What information do we collect from you?

When you apply for a licence to conduct a business or trade within the District, we will collect your name, contact details including home, email addresses and telephone number and other details depending upon the nature of the licence applied for. The details requested may include your date of birth, your national insurance number, details of your professional qualifications and membership of professional associations, and whether you have received any criminal convictions. Depending on the nature of the licence applied for, we may ask you to provide certain documentary evidence. In order to process your application, we will also collect details of your method of payment, usually by payment card.

Why do we collect this information?

Your name and the other particulars are requested so as to confirm your identity and decide whether a licence can be issued. Your payment details are required so as to ensure that a payment for the relevant licence is made.

Who might we share this information with?

The Council will not share any of the information that it holds about you with any third party, unless you have given your written consent, or if otherwise this is permitted by law. The law may require the Council to publish certain information, either in a register which is available for public inspection, and with DEFRA as part of the Clean Air Zones or in response to a request made under the Freedom of Information Act, for example in the case of taxi licences some limited information such as licensee names and associated badge or licence numbers, together with the status and expiry dates of those licences may be made publicly available, in accordance with the Town and Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976, as applicable.

What do we do with your information?

The information that you have provided will be held by the Council and will only be accessed by authorised Council employees. We will only use the information that you have provided for the purpose of your application for the relevant licence, and will not use it for any other Council purpose, unless we have your consent, or this is provided by law. Payments made by card are administered by the Council in accordance with the Payment Card Industry Data Security Standard.

How long do we keep hold of your information?

The Council will keep hold of your information permanently. Records of payments are retained for seven years in accordance with the relevant finance legislation.

How can I access the information you hold about me?

By making a Subject Access Request and going onto the Council's website at <https://www.cravenc.gov.uk/data-and-transparency/data-protection-act/> or writing to the Data Protection Officer, Craven District Council, First Floor, Belle Vue Square, Broughton Road, Skipton, BD23 1FJ. You also have the right to complain to the Information Commissioner's Office as it can investigate compliance with data protection law: www.ico.org.uk

Important Information

Changes to Vehicle Age Limits and Testing Regime

With effect from 1 June 2018 a new 'Taxi Policy' and associated changes to conditions came into force.

In relation to vehicles the changes will affect the age of vehicles and how many times a year vehicles will be required to undergo an MOT and Vehicle Inspection.

All applications (whether new/renewal/vehicle change) received for licensing after 1 June 2018 will be required to undergo an MOT and vehicle inspection in the first instance.

All renewal applications submitted after that will then have the Vehicle Inspection only and be licensed for the relevant period (6 or 12 months).

Vehicles less than 3 years old – Will be **tested once a year** and a licence and plate issued for one year.

The test will include an MOT and the items required to be tested as part of the licensed vehicle inspection process.

Cost: Hackney Carriage £243.21*

Private Hire £210.94*

Vehicles over 3 years old – Will be **tested twice** a year with a licence and plate issued for a period of six months.

The first test will include an MOT and the items required to be tested as part of the licensed vehicle inspection process.

The second test will be the licensed vehicle inspection process only.

Cost: Hackney Carriage £125.00* x 2 Total: £250.00* for year

Private Hire £108.00* x 2 Total: £211.00* for year

*** A testing fee will be payable to the approved testing station. £75 for Enhanced Taxi Test and MOT and £75 for Enhanced Taxi Test only.**

ANY RETEST FEES ARE THE RESPONSIBILITY OF THE LICENCE HOLDER AND PAYABLE DIRECTLY TO MIDGLEY MOTOR CARS

A vehicle cannot be licenced as a Hackney Carriage or Private Hire Vehicle for the first time if it is over 7 years old.

Once a vehicle is 12 years old, it can no longer be renewed as a Licensed Hackney Carriage or Private Hire Vehicle.

The age of the vehicle will be determined from the date of first registration as stated on the vehicle registration document.

Please note that Taxi Cameras are mandatory for all licenced vehicles from 1st January 2022.

Fire Extinguishers

All vehicles are required to be equipped with a foam fire extinguisher that conforms to the specification as stated in the Council's conditions. Such extinguisher shall be fixed in an easily accessible place.

Tyres

The Council requires that all licensed vehicles to adhere to the following provisions with regard to tyres:

- Tyre treads are designed to efficiently and effectively remove water from the road surface and provide maximum grip. All tyres fitted to the vehicle must have at least 2.0mm tread depth throughout a continuous band in the centre 3/4 of the tread and around the circumference of the tyre.
- Tyres fitted to a motor vehicle or trailer must be fit for purpose and be free from any defects which might damage the road or endanger any person. Fit for purpose means that a tyre must:
 - Be compatible with the types of tyres fitted to the other wheels;
 - Not have any lump, bulge or tear caused by separation or partial failure of the structure;
 - Not have a cut or tear in excess of 25mm or 10% of the sectional width of the tyre, whichever is the greater, and which is deep enough to reach the ply or cord;
 - Not have any part of the ply or cord exposed.
- Tyres must be correctly inflated to the vehicle/tyre manufacturer's recommended pressure.
- All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle) and have been fitted by a reputable vehicle maintenance company/contractor. Vehicle proprietors are required to retain invoices/receipts to show that they any tyre that is purchased meets this requirement.
- The fitting of part worn tyres to licensed vehicles is not permitted.
- Any tyre fitted to a licensed vehicle shall not be more than 5 years old from the date of manufacture.
- 'Space saving' spare wheels must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the wheel must be replaced before another journey commences.

Policy in relation to the specification of Hackney Carriages Local Government (Miscellaneous Provisions) Act – Section 47

1. The vehicle must comply with all relevant statutory requirements contained in the Road Vehicles (Construction and Use) Regulations 1986.
2. The vehicle must meet the criteria set out in the Council's Vehicle Age and Emissions Policy.
3. The vehicle must have no material alteration or change in the specification, design, condition or appearance from time of manufacture of that vehicle (without written approval of the Council).
4. Vehicles which have been classified as Category C or D (prior to 1 October 2017) or Category N (after 1 October 2017) will only be considered when a detailed report by a suitably qualified mechanic has been provided.
5. Vehicles which have been classified as Category A or B (or S after 1 October 2017) will not be considered suitable to be licensed.

6. All glazing must at all times comply with Road Vehicles (Construction and Use) Regulations 1986 regulation 32 with regards to the level of tint. A minimum light transmission value of 70% shall be maintained in all windows except a windscreen, which shall have a minimum light transmission value of 75%. Tinted films applied to the vehicle windows are not permitted.
7. If the vehicle was originally constructed to seat more than 8 passengers (excluding the driver) it must not have been converted, modified or altered in any way which permanently allows it to carry eight or less passengers (excluding the driver) (unless notified to H.M. Customs and Excise immediately on completion of the conversion, modification or alteration).
8. The vehicle must have 4 road wheels and a minimum of 4 doors, 2 to each side of the vehicle. A full size spare tyre must be carried in the vehicle or the vehicle must meet the approved manufacturer's method of dealing with punctured tyres. In relation to number of doors in the case of vehicles to be licensed for less than 4 passengers this will be determined on its own merits.
9. The vehicle must have sufficient seating capacity to carry a minimum of 4 and not more than 8 passengers. Except where application is made for a vehicle wishing to carry less than 4 passengers in which case its suitability to be licensed will be checked on its own merits.
10. In the case of MPVs where there is a rearmost row of seats and seats capable of being the rearmost seats e.g. fold away seats – these must be forward facing
11. The seating capacity will be determined by the Council based upon the manufacturer's specification as stated on the vehicle registration document, the orientation of the seating and the dimensions of the seating.
12. Each 400 millimetres of seat base will constitute a seat, (unless it is impossible for a person to sit there, e.g. due to no leg room.) All measurements are taken across the front of the seat cushion.
13. The seating must be capable of being configured to achieve 600 millimetres minimum leg room available to any passenger. The measurement will be taken from the base of the seat to the rear of the seat in front. Where there is no seat in front the measurement will be taken from the base of the seat to the nearest obstruction in front.
14. All seats within the vehicle, front and rear, must be fitted with working seatbelts.
15. The vehicle must, if using LPG as a fuel, either wholly or as an alternative means of propulsion, be appropriately and safely converted in line with regulations that are in force / applicable at the time of inspection. Where a doughnut tank is fitted in the boot for LPG the spare wheel if still carried in the boot must be properly secured. Alternately a spare wheel cage installed to manufacturers and British Standards may be fitted to the underside of the vehicle.
16. No advertisement is to be displayed on the vehicle without the written approval of the council.
17. The vehicle must have provided and maintained at all times safety equipment that will be, from time to time, specified by the Licensing Authority and detailed in the Private Hire Vehicle and Hackney Carriage examination and testing requirements.
18. The Licensing Authority may, from time to time, make alterations to this specification to reflect changes in road vehicles regulations, manufacturing, and government guidance or conditions. Such changes will be notified as appropriate to proprietors.
19. In addition to the foregoing the proprietor / licensee is required to comply with statutory requirements and attention is drawn in particular to the provisions of the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976.
20. The vehicle must not have sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, have been disposed of under an insurance salvage agreement (categories A and B and C before 1 October 2017) S after 1 October 2017.

Additional Requirements for Wheelchair Accessible Vehicles

21. Wheelchair Facilities

- (1) Suitable anchorages must be provided for the wheelchair and chair bound disabled person. These anchorages must be either chassis or floor linked and be capable of withstanding stresses to a dynamic deceleration test of 15g peak at 20 m.p.h. Restraints for wheelchair and occupant must be independent of each other. Anchorages must also be provided for the safe stowage of a wheelchair when not in use, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints must be so designed that they do not cause any danger to other passengers.
- (2) The door and doorway must be so constructed as to permit an unrestricted opening across the doorway of at least 75 cm. The minimum angle of the door when opened must be 90 degrees.
- (3) The clear height of the doorway must be not less than 120 cm.
- (4) Grab handles must be placed at door entrances to assist the elderly and disabled.
- (5) The top of the tread for any entrance must be at floor level of the passenger compartment and must not exceed 38 cm above ground level when the vehicle is unladen. The outer edge of the floor at each entrance must be fitted with non-slip treads.
- (6) The vertical distance between the highest part of the floor and the roof in the passenger compartment must be not less than 1.3 meters.
- (7) Where seats are placed facing each other, there must be a minimum space of 42.5 cm between any part of the front of a seat and any part of any other seat which faces it, provided adequate foot room is maintained at floor level. Where all seats are placed facing to the front of the vehicle, there must be a clear space of at least 66 cm in front of every part of each seat squab.
- (8) A ramp or ramps for the loading of a wheelchair and occupant must be available at all times for use at the nearside rear passenger door. An adequate locating device must be fitted to ensure that the ramp/ramps do not slip or tilt when in use. Provision must be made for the ramps to be stowed safely when not in use.

22. Passenger Capacity

- (1) The occasional seats must be at least 40 cm in width and the minimum distance from the back of the upholstery to the front edge of the seat must be 35.5 cm.
- (2) The occasional seats must be so arranged as to rise automatically when not in use. They must be symmetrically placed and at least 4 cm apart. When not in use, front seats must not obstruct doorways.
- (3) The rear seat dimensions must be adequate to carry two or three adult passengers comfortably in vehicles licensed to carry four or five passengers respectively.

Policy in relation to the specification of Private Hire Vehicles Local Government (Miscellaneous Provisions) Act – Section 48

1. The vehicle must comply with all relevant statutory requirements contained in the Road Vehicles (Construction and Use) Regulations 1986.
2. The vehicle must meet the criteria set out in the Council's Vehicle Age and Emissions Policy.
3. The vehicle must have no material alteration or change in the specification, design, condition or appearance from time of manufacture of that vehicle (without written approval of the Council).
4. Vehicles which have been classified as Category C or D (prior to 1 October 2017) or Category N (after 1 October 2017) will only be considered when a detailed report by a suitably qualified mechanic has been provided.

5. Vehicles which have been classified as Category A or B (or S after 1 October 2017) will not be considered suitable to be licensed.
6. All glazing must at all times comply with Road Vehicles (Construction and Use) Regulations 1986 regulation 32 with regards to the level of tint. A minimum light transmission value of 70% shall be maintained in all windows except a windscreen, which shall have a minimum light transmission value of 75%. Tinted films applied to the vehicle windows are not permitted.
7. If the vehicle was originally constructed to seat more than 8 passengers (excluding the driver) it must not have been converted, modified or altered in any way which permanently allows it to carry eight or less passengers (excluding the driver) (unless notified to H.M. Customs and Excise immediately on completion of the conversion, modification or alteration).
8. The vehicle must have 4 road wheels and a minimum of 4 doors, 2 to each side of the vehicle. A full size spare tyre must be carried in the vehicle or the vehicle must meet the approved manufacturer's method of dealing with punctured tyres. In relation to number of doors in the case of vehicles to be licensed for less than 4 passengers this will be determined on its own merits.
9. The vehicle must be right hand drive. However, in certain circumstances a left hand drive may be considered suitable for licensing – this will be at the discretion of the council (and will include some limousines for example).
10. The vehicle must have sufficient seating capacity to carry a minimum of 4 and not more than 8 passengers. Except where application is made for a vehicle wishing to carry less than 4 passengers in which case its suitability to be licensed will be checked on its own merits.
11. In the case of MPVs where there is a rearmost row of seats and seats capable of being the rearmost seats e.g. fold away seats – these must be forward facing
12. The seating capacity will be determined by the Council based upon the manufacturer's specification as stated on the vehicle registration document, the orientation of the seating and the dimensions of the seating.
13. Each 400 millimetres of seat base will constitute a seat, (unless it is impossible for a person to sit there, e.g. due to no leg room.) All measurements are taken across the front of the seat cushion.
14. The seating must be capable of being configured to achieve 600 millimetres minimum leg room available to any passenger. The measurement will be taken from the base of the seat to the rear of the seat in front. Where there is no seat in front the measurement will be taken from the base of the seat to the nearest obstruction in front.
15. All seats within the vehicle, front and rear, must be fitted with working seatbelts.
16. The vehicle must, if using LPG as a fuel, either wholly or as an alternative means of propulsion, be appropriately and safely converted in line with regulations that are in force / applicable at the time of inspection. Where a doughnut tank is fitted in the boot for LPG the spare wheel if still carried in the boot must be properly secured. Alternately a spare wheel cage installed to manufacturers and British Standards may be fitted to the underside of the vehicle.
17. The vehicle must not have displayed on or from the vehicle any sign or notice, mark, or illumination which consists of or includes the word 'taxi' or 'cab' or leads a person to believe the vehicle is a hackney carriage.
18. The vehicle must not have any other feature which may suggest to a person seeking to hire a vehicle that the vehicle is a hackney carriage.
19. The vehicle must be in the colour it was originally manufactured, and no advertisement be displayed on the vehicle (without the written approval of the council in accordance with Appendix P).

20. The vehicle must have provided and maintained at all times safety equipment that will be, from time to time, specified by the Licensing Authority and detailed in the Private Hire Vehicle and Hackney Carriage examination and testing requirements (see Appendix N).
21. The Licensing Authority may, from time to time, make alterations to this specification to reflect changes in road vehicles regulations, manufacturing, and government guidance or conditions. Such changes will be notified as appropriate to proprietors.
22. In addition to the foregoing the proprietor / licensee is required to comply with statutory requirements and attention is drawn in particular to the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
23. The vehicle must not have sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, have been disposed of under an insurance salvage agreement (categories A and B and C before 1 October 2017) S after 1 October 2017.

Testing Information

Once you have submitted your application, documentation and fees you can then book your inspection with the Garage. They will ask for your receipt details before booking an appointment.

The vehicle tests will take place at Midgley Motor Cars, Airedale Business Centre, Keighley Road, Skipton, BD23 2TZ – telephone 01756 797652.

Please note that only original certificates of insurance and cover notes will be accepted. Faxes and photocopies are not acceptable. An email with the documentation attached direct from the Insurance Company or Broker will be accepted. Insurance must be valid on the date your licence comes into force and thereafter.

The following methods of payment are available to you:

Debit Card, Credit Card or Cheque at Council Offices, 1 Belle Vue Square, Skipton, BD23 1FJ. Payment can be made in person or by phone on 01756 700600. Please quote your licence number when making payment. Cheques should be made payable to Craven District Council. Please contact Reception for a payment card to use at a Pay Point if you wish to pay by cash.

In the case that you are not intending to renew a licence, your vehicle licence plate must be returned to the Licensing Office immediately after the expiry date. Failure to do so is an offence for which you are liable to prosecution and the Police will be informed that the vehicle is no longer licensed by this Authority. If you have any queries please ring the Licensing Team on 01756 706251.

All plates are required to be returned to the Licensing Office upon expiry or when a new car replaces an existing vehicle.

A licence and plate will only be issued upon the receipt of a satisfactory pass slip issued by Midgley's along with the MOT Certificate and any outstanding documentation.

Applicants are warned against knowingly or recklessly making any false statement or omitting any material information for the purpose of obtaining a licence. The current maximum fine on conviction is £1,000.

Type of Vehicle: Hackney Carriage Private Hire
 (Tick box)

Type of application: New Vehicle Replacement Vehicle Renewal
 (Tick box) (New car – keeping same plate number)

Existing Plate Number: **Expiry Date**
 (leave blank for a new vehicle) (leave blank for a new vehicle)

Applicant Details

Full Name (1st Proprietor).....
Date of Birth.....
Home Address.....
 **Post Code**.....
Home Telephone No...... **Mobile Telephone No.**.....
Email Address (used to notify you when your new licence is ready).....

Name (2nd Proprietor)..... **Date of Birth**.....
Home Address.....
 **Post Code**.....
Home Telephone No...... **Mobile Telephone No.**.....
Email Address

If there are more than two proprietors then please attach additional sheets. ALL applicants are required to sign the form.

Driver Details

Please list below all licensed drivers of the vehicle:
 (Including the applicant if applicable, if the vehicle is wheelchair accessible all drivers must hold a DSA Wheelchair Assessment Certificate)

Full Name	Badge Number	Expiry Date
.....
.....

Is it intended that the vehicle will be wheelchair accessible?Yes No

(tick box - if the vehicle has been adapted in any way then documentary evidence of the adaptation being made correctly will be required to be produced at the time of application and produced at the testing station)

If the vehicle is WHEELCHAIR ACCESSIBLE then it will be included on a Designated List of such vehicles – see notes at the end of the form

Type of meter installed

CCTV Who fitted your CCTV/Safety Cameras?

(tick box)

Safe Systems MCD
 AC Security Other

If **Other** please state name and contact details of installer:

.....

Has the vehicle ever been classified as a 'write off'?

(tick box)

Yes No

If **YES**, please indicate the category:

Category A Category B

See note 1

Category C Category D Category S Category N

See note 2

Note 1 – Category A or B

Vehicles which have been classified as Category A or B will not be considered suitable to be licensed.

Note 2 – Category C, D, S or N

Vehicles which have been classified as Category C or D (prior to 1 October 2017) or Category S or N (after 1 October 2017) will only be considered when a detailed report by a suitably qualified mechanic has been provided.

Address where this vehicle is ordinarily kept if different from above:

(If this is the same as the applicants address please state - same as above)

.....

Vehicle Details

(Must match the VC5)

Registration Number..... **Make**

Model **Engine Capacity**.....

Colour **Exact Date of First Registration**

Fuel Type **Number of Passenger Seats (excluding driver)**

Trading Name (Hackney Carriage Vehicle only)

Trading Name.....

Private Hire Operator (Private Hire Vehicle only)

Trading Name

Declaration (all proprietors must sign)

First Applicant – All correspondence will be sent to this person

I hereby declare that to the best of my knowledge and belief, the particulars and information stated in this application are true. I hereby authorise the Licensing Team of the Council to verify the information given on this form by reference to any public authority, including the Police, DVSA, and other Local Authorities (this list is not exhaustive). I consent to the Police supplying the Licensing Team of the Council with any information, including that stored on a computer, in respect of the details given on this application form.

I consent to the Police and any other organisation deemed appropriate supplying the Licensing Unit of the Council with any information, including that stored on a computer, in respect of the details given on this application form. I consent to the District Council of Craven (the Council) using and processing my personal, sensitive data for the purposes of determining this application and any subsequent review of my licence.

For further information about this please contact the Council's Information Governance Manager – dataprotectionofficer@cravenc.gov.uk

In the case of a hackney carriage vehicle licence application, I hereby declare that the licensed vehicle will be plying for hire to a material extent within the controlled District of Craven.

Should my application be refused or my licence subsequently revoked and if I appeal against either of those decisions, I understand that my personal, sensitive data may be disclosed by the Council in Court.

Signed (1st Proprietor).....**Date**.....

Second Applicant

I hereby declare that to the best of my knowledge and belief, the particulars and information stated in this application are true. I hereby authorise the Licensing Team of the Council to verify the information given on this form by reference to any public authority, including the Police, DVSA, and other Local Authorities (this list is not exhaustive). I consent to the Police supplying the Licensing Team of the Council with any information, including that stored on a computer, in respect of the details given on this application form.

I consent to the Police and any other organisation deemed appropriate supplying the Licensing Unit of the Council with any information, including that stored on a computer, in respect of the details given on this application form. I consent to the District Council of Craven (the Council) using and processing my personal, sensitive data for the purposes of determining this application and any subsequent review of my licence.

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In the case of a hackney carriage vehicle licence application, I hereby declare that the licensed vehicle will be plying for hire to a material extent within the controlled District of Craven.

Should my application be refused or my licence subsequently revoked and if I appeal against either of those decisions, I understand that my personal, sensitive data may be disclosed by the Council in Court.

Signed (2nd Proprietor).....**Date**.....

Please attach additional sheets if there are more than two proprietors

List of Designated Vehicles – Equality Act 2010

Vehicles that can be designated

The Government want to ensure that passengers in wheelchairs are better informed about the accessibility of the taxi and PHV fleet in their area, confident of receiving the assistance they need to travel safely, and not charged more than a non-wheelchair user for the same journey.

The Act states that a vehicle can be included on a licensing authority's list of designated vehicles if it conforms to such accessibility requirements as the licensing authority thinks fit. However, it also goes on to explain that vehicles placed on the designated list should be able to carry passengers in their wheelchairs should they prefer.

This means that to be placed on a licensing authority's list a vehicle must be capable of carrying some – but not necessarily all – types of occupied wheelchairs. The Government therefore recommends that a vehicle should only be included in the authority's list if it would be possible for the user of a "reference wheelchair"¹ to enter, leave and travel in the passenger compartment in safety and reasonable comfort whilst seated in their wheelchair.

Taking this approach allows the provisions of section 165 of the Act apply to a wider range of vehicles and more drivers than if LAs only included on the list vehicles capable of taking a larger type of wheelchair.

The Government recognises that this approach will mean that some types of wheelchair, particularly some powered wheelchairs, may be unable to access some of the vehicles included in the LA's list. The Act recognises this possibility, and section 165(9) provides a defence for the driver if it would not have been possible for the wheelchair to be carried safely in the vehicle.

Preparing and publishing lists of designated vehicles

The Licensing Authority want to ensure that passengers in wheelchairs have the information they need to make informed travel choices, and also that drivers and vehicle owners are clear about the duties and responsibilities placed on them.

Before drivers can be subject to the duties under section 165 of the Act, the LA must first publish their list of designated vehicles, and clearly mark it as 'designated for the purposes of section 165 of the Act'.

We are required to ensure that our designated list is made easily available to passengers, and that vehicle owners and drivers are made aware. The list will set out the details of the make and model of the vehicle, together with specifying whether the vehicle is a taxi or private hire vehicle and stating the name of operator. Where possible it would also be helpful if we can include information about the size and weight of wheelchair that can be accommodated, and whether wheelchairs that are larger than a "reference wheelchair" can be accommodated.

We recognise that some passengers in wheelchairs may prefer to transfer from their wheelchair into the vehicle and stow their wheelchair in the boot. Although the legal requirement for drivers to provide assistance does not extend to the drivers of vehicles that cannot accommodate a passenger seated in their wheelchair, we want to ensure that these passengers are provided with as much information as possible about the accessibility of the taxi and PHV fleet in their area.

We will also be publishing a list of vehicles that are accessible to passengers in wheelchairs who are able to transfer from their wheelchair into a seat within the vehicle. It should be made clear however that this list of vehicles has not been published for the purposes of section 165 of the Act and drivers of those vehicles are therefore not subject to the legal duties to provide assistance. We are however amending the Code of Conduct for Hackney Carriage Drivers and Conditions for Private Hire Drivers to include this responsibility.

Appeals

Section 172 of the Act enables vehicle owners to appeal against the decision of a LA to include their vehicles on the designated list. That appeal should be made to the Magistrate's Court, or in Scotland the sheriff, and must be made within 28 days of the vehicle in question being included on the LA's published list.