

## Private Hire Proprietors (Vehicle) Licence Conditions

Local Government (Miscellaneous Provisions) Act 1976

### General

1. The Council has the power to attach conditions to a Private Hire Proprietors (vehicle) Licence in accordance with Section 48(2) of the Act. Conditions as approved by the Licensing Committee are as follows:-

**Note: The Council may alter these conditions from time to time by adding, deleting or changing any condition where changes are seen to be either necessary or appropriate or are required by statute. All conditions must be complied with at all times.**

2. If a proprietor is aggrieved by any of the conditions attached to his/her licence s/he may appeal to a Magistrates' Court, within twenty-one days of the issue of a licence. Prior to lodging an appeal a proprietor is advised to seek legal advice.

3. In the conditions set out below the masculine shall include the feminine and singular shall include the plural and vice-versa.

4. The administration and enforcement of the 1976 Act and the standard conditions set out below are carried out by the Council's Culture and Environmental Protection, (Environmental Health & Licensing) and any application form or correspondence should be sent to the Licensing Team, Culture And Environmental Protection, Environmental Health & Licensing, Council Offices, Market Street, Newbury, Berkshire RG14 5LD 5. Under the 1976 Act, licences can be granted for up to one year or such shorter period as the Council may decide.

### The Vehicle

6. A Private Hire vehicle must be suitable in type, size and design and meet the following requirements:-

- a) be a vehicle which can be booked by a person who holds an Operator's Licence issued by the Council;
- b) Vehicles of any age may be presented for initial licensing, other than those wishing to have exemption from displaying the rear mounted licence plate which cannot be over five years old. However, the Council will only consider vehicles which are safe and suitable for the purpose of being used as a Private Hire vehicle. The Council therefore reserves the right to consider the age of the vehicle, along with other factors that may be considered relevant at the time.
- c) Each private hire vehicle presented for licensing must have a valid MOT. A valid MOT must be presented for each renewal of the vehicle licence.
- d) Where a vehicle is up to 6 years old, the MOT is all that is required for renewal.
- e) Vehicles from 6 to 8 years old will require an interim test certificate at the 6 month stage and those over 8 will require the test three times per year. Each test will be required to be to the same standard of a VOSA MOT and certification will be required to be produced. This may not always be a standard MOT certificate as some garages are refusing to supply them, however a statement from the garage certifying that a valid test has been carried out to VOSA MOT standard will be acceptable.
- f) The MOT can be carried out by any garage or person qualified and certified by VOSA.
- g) All vehicles failing the inspection will be refused a licence until such time as defects identified are remedied and the vehicle has been re - inspected and passed as suitable to operate as a private hire vehicle.
- h) The age of imported vehicles will be considered to be from the date of the first registration of the vehicle whether registered in this country or abroad, with the same criteria, (a) and (b) above applying;

- i) Be of sufficient seating capacity to carry not less than four and not more than eight passengers in addition to the driver. (The seating capacity shall be determined in accordance with Regulation 42 of the Road Vehicle (Registration and Licensing) Regulations 1971);
  - j) Normally be a vehicle which is a right-hand drive vehicle;
  - k) Have in force, in relation to the use of the vehicle for the carriage of passengers for hire or reward, a valid policy of insurance which complies with the provisions of Part VI of the Road Traffic Act 1988;
  - l) Be in suitable mechanical condition, safe and comfortable. All vehicles must be submitted for a mechanical test in accordance with (c) above. The cost of all such tests to be met by the applicant/licence holder;
  - m) Be a vehicle which is not an FX4, Metro cab (London Cab) type construction or any vehicle the appearance of which resembles a custom built or modified taxi;
  - n) If an estate car is licensed, it must have a grill or similar device fitted between the luggage compartment and the rear seats. The device must extend the full width and height of the vehicle. An alternative to a fixed device may be a net which can be anchored to fixed rings attached to the body of the vehicle.
7. If a proprietor transfers his/her interest in the vehicle to someone else s/he must give notice of the transfer to the Council in writing, together with the name and address of the new owner.
8. If a Licence is granted, an identification plate and badges will be provided which at all times remains the property of the Council. This must be fixed to the vehicle as stated in the Licence conditions 15 (a)(c). There are exemptions if a vehicle is used for a wedding ceremony or for a funeral.
9. No more passengers than those stated on the plate and in the Licence must be carried at any time.
10. The Act (sec 50)(3) requires any accident involving a vehicle which causes damage materially affecting the safety, performance or appearance of the private hire vehicle or the comfort or convenience of persons carried therein to be reported to the Council as soon as possible and in any case within seventy-two hours, in writing. The Council would normally wish to inspect the vehicle before giving permission for hiring to continue.
11. The Council will take such measures as are necessary to ensure compliance with these and any other relevant conditions.
12. The Council has the power under the Act to revoke or suspend a vehicle licence if the vehicle is unfit for use as a private hire vehicle or for any offence under, or non-compliance with, the 1976 Act, by the proprietor or driver or for any other reasonable cause and in the case of revocation can require the vehicle identification plate to be returned.
13. It is an offence for a proprietor of a private hire vehicle to allow the vehicle to ply for hire or to use hackney carriage ranks or stands.

#### **Maintenance of Vehicle and Safety Equipment**

14. The Proprietor of the vehicle shall; -
- a) provide sufficient means by which any person in the vehicle may communicate with the driver;
  - b) cause the roof or covering to be kept watertight;
  - c) provide adequate windows and the means of opening and closing them;
  - d) cause the seats to be properly cushioned and covered;
  - e) cause the floor to be provided with proper carpet, mat or other suitable covering;
  - f) cause the seats, furniture and fittings generally to be kept in a clean and tidy condition and well maintained;
  - g) ensure that, within reason, the vehicle is kept in a clean and presentable condition.
  - h) if an estate car, ensure that luggage is suitably restrained in the rear of the vehicle (see 2.j) above);
  - i) ensure that no material alteration or change in specification, design and condition or appearance of the vehicle is made without the prior written approval of the Council;
  - j) ensure that the vehicle is promptly presented for inspection and testing by or on behalf of the Council at such times and places as the Council may reasonably require during the licence period.
  - k) provide an efficient and fully serviced fire extinguisher approved by the Council which fully complies with the criteria laid down in Appendix "A" to these licence conditions.
  - l) provide a first aid kit as laid down in Appendix "A" to these licence conditions, such equipment to be carried in a position in the vehicle as to be readily available for use at all times.

m) ensure that the vehicle and all its furniture, fittings and equipment are at all times when the vehicle is in use or available for hire, kept in a safe, clean and tidy condition and all relevant statutory requirements (including those contained in Motor Vehicles (Construction and Use) Regulations) are fully complied with.

n) ensure that the vehicle is fitted with suitable restraints for passengers in accordance with current legislative requirements.

### Licence Identification Plate

15. The Proprietor shall ensure that all licensed vehicles comply with the following:-

a) All private hire vehicles regardless of type of use are to display a window badge/sign, issued by the Council, at the nearside part of the front windscreen and at the bottom offside part of the rear windscreen. The badge will show details of the vehicle and the licence number (these will be pre-printed by the Council). The white face of the badge showing the hologram is to be clearly visible from the outside of the vehicle and the yellow face is to be clearly visible from the inside of the vehicle. These badges/signs must be displayed on the vehicle at all times whilst the vehicle holds a valid licence. It shall be an offence to remove, cover or deface these badges/signs at any time without written permission from the Council. This would normally only be given when the vehicle is used in connection with a wedding or funeral.

b) All private hire vehicles will be issued with a licence plate of a design to be determined by the Council.

c) All vehicles other than those which qualify for an exemption from displaying the licence plate, issued by the Council must, at all times, whilst the vehicle is licensed for private hire, have affixed to the rear of the vehicle the licence plate. Brackets are available for this purpose and are designed to fit almost all types of vehicle. Where the brackets will not fit a vehicle the Council will agree with the proprietor an alternative location for the plate on the rear external surface of the vehicle. It shall be an offence to remove, cover or deface the plate without written permission from the Council. This would normally only be given when the vehicle is used in connection with a wedding or funeral.

d) Only the following types of vehicle will be given an exemption from displaying the rear mounted licence plate.

**Note:** the plate must be carried in the boot of the vehicle at all times whilst the vehicle is licensed for private hire.

e) those vehicles which are used for at least 95% of the time engaged in contract work and fit into the class of vehicle shown below.

**Note:** The Council would normally wish to see records of the previous three months work before considering giving any exemption.

f) those vehicles sold as and described in manufacturers literature as executive class vehicles.

**Note:** These would normally be saloons and be under 5 years old from first registration. Older vehicles which are already licensed may be considered but approval for the exemption will be given at the Council's discretion based upon officer's opinion of the condition of the vehicle at inspection.

A list of vehicles which will be considered, although not exhaustive, follows;

Audi A8 Saloon

Audi A6 Saloon

Audi A6 Avant

BMW 5 series Saloon

Cadillac CTS Saloon

Chrysler 300C Saloon

Chrysler 300 C Touring

Citroen C6 Saloon

Honda Legend Saloon

Jaguar XF Saloon

Jaguar S-type Saloon

Lexus GS Saloon

Mercedes Benz E-class Saloon

Mercedes Benz CLS Saloon

Peugeot 607 Saloon

#### **16. Vehicle Signage**

- a) The Proprietor shall ensure that his/her vehicle does not display any roof signs whether illuminated or not.
- b) Private hire vehicles must not include the word "taxi" or "cab" in any signage or advertising material whether used in the singular or the plural or in conjunction with another word or forming part of a word making up the business name of the licence holder.
- c) The Proprietor shall ensure that his/her vehicle does not display any advertising or promotional material unless the said material has been approved by the Council in writing.
- d) Only signage which advertises the private hire company or a sponsor/s shall be permitted and such signage shall be no smaller in size than 15 inches by 6 inches and no greater than 22 inches by 9 inches. A full size copy of the sign must be provided with the application prior to consent being considered.
- e) Advertising of a sexual nature, promoting smoking product/s, alcohol or offensive material shall not be permitted.

#### **17. Radio Microphone/Car Phones**

The Proprietor shall ensure that any radio microphone/car phone installed in his/her vehicle shall be fitted in such a position that its use does not impair the driver's control of the vehicle when it is in motion. Where bookings are taken by mobile phone a suitable, legal, hands free kit must be used.

#### **18. Change of Address**

The Proprietor of a vehicle shall notify the Council in writing of any change of his/her address during the licence period, seven days prior to such change taking place.

#### **19. Convictions**

The Proprietor of a vehicle shall disclose to the Council in writing within seven days, details of any convictions imposed on him/her (or if the proprietor is a Company or Partnership on any of the Directors or Partners) during the period of the licence.

#### **20. Taximeters**

- a) The Proprietor must ensure that all vehicles operated by him/her which are fitted with a taximeter have meters which have been sealed by an authorised agent of the Council.
- b) The Proprietor shall ensure that the driver of any vehicle fitted with a sealed taximeter, charges a fare or charge calculated from the point in the district from which the hirer commences his journey and shall not charge a fare or charge which exceeds that displayed on the taximeter at the completion of the journey, except for any additional charges as agreed at the time of booking.
- c) The Proprietor shall notify the Council immediately if for any reason the seal on the taximeter is broken.
- d) The Proprietor shall ensure that a vehicle fitted with a taximeter shall not operate unless the meter is in working condition and has been checked and sealed by an authorised agent of the Council.

#### **21. Causing or Permitting**

The Proprietor shall not cause, permit or allow any person employed by him to commit an offence, or to not comply with the 1976 Act, or contravene any of the above conditions.

#### **22. Statutory Requirements**

The Proprietor shall ensure that his/her vehicle is operated in accordance with all statutory requirements, including those relating to road fund licence and insurance.

#### **Appendix A**

## FIRE EXTINGUISHERS

Fire extinguishers must contain either dry-powder or aqueous film forming foam (AFFF). It must comply with 'BS.5423' "British Standard Specification for Portable Fire Extinguishers," have a minimum test rating of 8A or 21B (this should be marked on the side of the extinguisher) and be of a suitable size (minimum sizes of 1kg for dry powder and 0.9kg for AFFF would be satisfactory).

The fire extinguisher must be kept secure in the vehicle (for example, in a quick release bracket) and must be positioned so that it is readily available for use. However, it is necessary to ensure that its position does not interfere with the proper driving of the vehicle, and does not encourage mischievous use of the extinguisher.

## FIRST AID KIT

The following list of items as recommended by St. John's Ambulance, are required in a first aid kit: -

ITEM	NUMBER REQUIRED
No. 16 Dressing	2
No.2 Ambulance Dressing	3
No.3 Ambulance Dressing	2
Airstrip Handy (Pack of 12)	2
Antiseptic Wipes	10
Crepe Bandage 7.5cm by 4.5m	2
Triangular Bandage - Calico	2
First Aid Scissors	1
Large Safety Pins	6
Small Safety Pins	6
First Aid Kit Carried Sticker	1
First Aid Guidance Leaflet	1
Adhesive Dressing Strip 6.3cm x1m	1
Disposal Vinyl Gloves (pair)	1

Any person aggrieved by any conditions attached to their licence may appeal to a Magistrates Court within 21 days of a licence being issued.