

PROPOSED
PRIVATE HIRE VEHICLE PROPRIETORS
EXPLANATORY GUIDANCE NOTES AND LICENCE CONDITIONS

A. Explanatory Guidance Notes

1. The licensing provisions relating to a Private Hire Proprietors Licence are contained in Part II of the Local Government (Miscellaneous Provisions) Act 1976 ('the 1976 Act') and every applicant should be aware and become familiar with the provisions. Every applicant is advised to seek his/her own legal advice on the statutory requirements of the 1976 Act.
2. A private hire vehicle proprietor is an owner or part-owner of a vehicle, or where a vehicle is subject to a hiring agreement or hire purchase agreement, the person in possession of the vehicle under the agreement and requires a Private Hire Vehicle licence from West Berkshire District Council ('the Council') for each vehicle used for private hire.
3. Licences can be obtained by making an application to the Council. Each applicant must submit an application in respect of every vehicle for which a licence is required;
 - a) a completed application form.,
 - b) a valid insurance policy under Part VI of the Road Traffic Act 1988 in respect of the vehicle;
 - c) the Vehicle Registration document;
 - d) a valid DoT Test Certificate and a Mechanical Fitness Certificate, or Certificate of Compliance issued by the Council's depot, for the vehicle;
 - e) the appropriate Licence fee.
4. Under the 1976 Act, licences can be granted for up to one year and it is the council's policy to licence private hire vehicles for a period of one year or such shorter period as the Council may decide.
5. A private hire vehicle must be suitable in type, size and design and meet the following requirements:
 - a) be a vehicle covered by an Operator's Licence issued by the Council;
 - b) vehicles of any age may be presented for initial licensing, or re-licensing. 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 it may consider relevant at the time;
 - c) Licensed vehicles will be tested at regular intervals, at the following frequency;

Vehicles up to 6 years old	once a year
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| Vehicles from 6 to 8 years old | twice a year |
| Vehicles over 8 years | three times a year |
- d) The age of imported vehicles will be considered to be from the date of first registration of the vehicle whether registered in this country or abroad, with the same criteria, a) and b) above, applying;
 - e) 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);
 - f) normally be a vehicle which is a right-hand drive vehicle;
 - g) 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;
 - h) be in a suitable mechanical condition, safe and comfortable. All vehicles must be submitted for a mechanical test in accordance with c) above. The cost of such tests to be met by the applicant/licence holder;
 - i) be a vehicle which is not an FX4, Metrocab (London Cab) type construction or any vehicle whose appearance resembles a custom built or modified taxi;
 - j) 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;
 - k) be a vehicle which shall only display such advertising or promotion material as has been approved by the Council in writing, provided that such advertising or promotional material shall not include the word "taxi" or "cab" 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 operator.
6. If a proprietor transfers his/her interest in the vehicle to someone else he/she must give notice of the transfer to the council in writing, together with the name and address of the transferee.
 7. If a licence is granted an identification plate 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. There are exemptions if a vehicle is used for a wedding ceremony or for a hire contract for a period of not less than twenty-four hours. No more passengers than those stated on the plate and in the licence must be carried at any time.
 8. Vehicles which are used for contract work for at least 95% of the time can be exempted from displaying a plate. The Operator's records for these vehicles must prove that the required amount of contract work is being carried out. Such vehicles must display a front and rear windscreen badge, provided by the council. These badges will show the details of the vehicle as they appear on the plate. The licence plate will be provided and must be carried in the boot of the vehicle at all times.

Vehicles given this exemption will normally be limousines, executive type cars, such as top range Mercedes, BMW's etc. The Council reserve the right to determine exemption on a case by case basis.

8. The 1976 Act requires any accident involving a vehicle which causes material damage, 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.
9. The Council has the power to attach conditions to a private hire vehicle proprietors licence. The standard conditions approved at present are set out below. The Council may attach additional conditions in appropriate circumstances. Applicants are requested to study the conditions and ensure that they comply with them at all times.
10. If a proprietor is aggrieved by any of the conditions attached to his/her licence he/she 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.
11. The Council has the power under the 1976 Act to prosecute any proprietor who fails to comply with the conditions attached to his/her licence.
12. In these guidance notes and in the conditions set out below the masculine shall include the feminine and singular shall include the plural and vice-versa.
13. The Council has the power under the 1976 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.
14. It is an offence for a proprietor and certain other persons to permit any vehicle to ply for hire without having obtained a hackney carriage vehicle licence for the vehicle. It is also an offence to permit a vehicle other than a hackney carriage to use hackney carriage ranks or stands.
15. The administration and enforcement of the 1976 Act and the standard conditions set out below are carried out by the Council's Public Protection Service (Licensing) and any application form or correspondence should be sent to the Licensing Team, Public Protection Service, West Berkshire District Council, Council Offices, Faraday Road, Newbury, Berkshire. RG14 2AF.

B. STANDARD LICENCE CONDITIONS

1. Maintenance of Vehicle and Safety Equipment:-

- (1) 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 5. j) above);
- i) ensure that no material alteration or change in the 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 and behalf of the Council at such times and places as the Council may reasonably require during the licence period.

(2) The Proprietor of the vehicle shall:-

- a) 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. The fire extinguisher shall be carried in the boot of the vehicle or in such other position as to be readily available for use at all times;
- b) provide a first aid kit as laid down in Appendix "A" to these licence conditions, such equipment to be carried in a position on the vehicle as to be readily available for use at all times;
- c) 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; and
- d) ensure that the vehicle is fitted with suitable restraints for passengers in accordance with current legislative requirements.

2. Identification Plate:

- (1) The identification plate issued by the Council bearing the number of the licence granted in respect of the vehicle shall be clearly visible from the rear of the vehicle, (unless an exemption has been granted by the Council) and shall at all times be securely fixed in a position on the rear exterior face of the vehicle.
- (2) The identification plate shall at no time be wilfully or negligently concealed from public view.

- (3) The vehicle shall not carry a greater number of persons exclusive of the driver than the number of persons specified in the licence.

3. Interior Making..

- (1) The Proprietor shall cause to be clearly marked and maintained inside the vehicle, in such a position to be visible at all times to persons conveyed in the vehicle, the number of his licence and the number of passengers the vehicle is licensed to carry under the licence.
- (2) The Proprietor shall also cause to be available and maintained inside the vehicle a table or scale of charges or fares at all times.

4. Advertising:

- (1) The Proprietor shall ensure that his/her vehicle does not display any roof signs whether illuminated or not.
- (2) The Proprietor shall not use any advertising or promotion material, which includes the words "taxi" or "cab" whether used in the singular or plural or in conjunction with another word or forming part of a word making up any business name of the operator.
- (3) The Proprietor shall ensure that his/her vehicle does not display any advertising or promotion material unless the said material has been approved by the Council in writing, subject to the following exceptions:-
 - a) a sign displayed on or from a private hire vehicle which indicates membership of the AA, RAC or other similar motoring organisation
 - b) a sign which requests passengers "not to smoke".
 - c) a first aid kit carried sticker.

5. 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.

6. 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.

7. Vehicle Damage:

The Proprietor shall immediately notify the Council of any damage to the vehicle whatsoever, as soon as he/she becomes aware of such damage.

8. 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.

9. Taximeters:

- (1) 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 officer or agent of the Council.
- (2) 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 specified in the scale of fares approved by the Council.
- (3) The Proprietor shall notify the Council immediately if for any reason the seal on the taximeter is broken.
- (4) 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 officer or agent of the Council.

10. Causing or Permitting:

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

11. Statutory Requirements:

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

1. FIRE EXTINGUISHERS

The fire extinguisher 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 2 1 B (this should be marked on the side of the extinguisher) and be of a suitable size (minimum sizes of 1 kg 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.

2. FIRST AID KIT

The following list of items as recommended by St. John 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 (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 x 1m	1
Disposal Vinyl Gloves (pair)	1