

APPENDIX B: DRAFT Local Government (Miscellaneous Provisions) Act 1976 Standard Conditions applying to Private Hire Vehicle Licences

The following conditions will be attached, pursuant to section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”), to all Private Hire Vehicle Licences issued by Three Rivers Council, unless a specific exemption has been granted by the authority. The attachment of these conditions does not affect the Council’s entitlement to attach any other condition to a licence in response to a specific issue arising from a particular application.

1. Introduction

- 1.1. In these conditions: “the Council” means Three Rivers Council; “the Operator” means the holder(s) of the Private Hire Operator’s Licence issued by the Council and “vehicle” means any licensed private hire vehicle (and hackney carriages, if bookings are also invited and accepted for fulfilment by these vehicles) operated by the Operator.
- 1.2. Terms defined under section 80 of the 1976 Act shall bear the meanings set out therein.
- 1.3. A vehicle licence is granted in respect of the person and vehicle whose details appear on the licence. If at any time during the licence period, the licence holder does not wish to continue with the licence, it must be surrendered to the Council. Only then are they not bound by these Conditions attached to the Licence. There would be no full or part refund of the Licence fee in such circumstances. The licence and plates must be returned.

- 1.4. The licence holder shall ensure that any driver (of their vehicle) complies with the Council's Conditions. The licence holder should make themselves familiar with statutory requirements relating to Private Hire Vehicle Licensing
- 1.5. When a vehicle is licensed for private hire purposes it can only be used as a private hire vehicle and must be driven only by the holder of a current Three Rivers District Council Private Hire Licence, clearly displayed on his/her person when driving such vehicle. No other person is permitted to drive the licensed vehicle at any time.
- 1.6. The licensed driver shall not park / position his / her licensed vehicle in such a manner as to cause obstruction on a public highway.

2. Dual Plating

- 2.1. A vehicle will not be granted a licence if it is licensed in another district. This is due to the problems of meeting the variance in conditions applied in different districts and the enforcement of those conditions in cases of non-compliance (i.e. signs, meters, mechanical conditions, suspensions and revocations).
 - a) Any vehicle that is licensed with another Local Authority as a Private Hire Vehicle will not be granted a licence by Three Rivers District Council. Evidence of the surrender of any applicable licence will be required prior to the issue of a licence.
 - b) Vehicles found to be licensed with another Local Authority, whilst licensed by Three Rivers District Council will have their vehicle licence automatically suspended or revoked.

3. Identification Plates

- 3.1. The identification plates shall remain the property of the Council.
- 3.2. The licence holder / driver of the Private Hire Vehicle shall ensure the large external identification plate shall at all times be securely affixed to the rear of the Private Hire Vehicle, regardless of whether or not the vehicle is being used for Private Hire purposes, unless a notice has been issued by the Council exempting the display of the licence plate on the private hire vehicle. The vehicle licence plate shall not be displayed in the rear window.

- 3.3. The licence holder / driver of the Private Hire Vehicle shall ensure the small internal identification plate shall at all times be affixed to the inside of the nearside front windscreen of the vehicle, in such condition that the information contained on the plate is clearly visible to public view at all times.
- 3.4. The Private Hire Vehicle licence plates should not be damaged and must be kept clean at all times. The licence holder / driver of the Private Hire Vehicle shall ensure the identification plates are not concealed in any manner so that the information contained on the plate is clearly visible to public view at all times.
- 3.5. A licensed vehicle exempted by the Council from displaying the external licensed plate must still display inside the vehicle the small internal licence plate issued by the Council. This must be affixed to the inside of the nearside front windscreen bearing the licence details, at all times visible to the public. A written Notice of Exemption will also be provided by the Council, which must be kept in the vehicle for inspection at all times.
- 3.6. The loss of, damage to or illegibility of a plate shall be reported to the Council as soon as the loss, damage, or illegibility becomes known and a duplicate shall be issued at the expense of the Licence Holder. The vehicle shall not be used for hire until the plate has been replaced.

4. Vehicle suitability and maintenance

- 4.1. The vehicle must:-
 - a) Not be a 'London' type taxi;
 - b) Be a saloon or hatchback type of vehicle and must have at least four doors capable of being opened outwards; or
 - c) Be any other suitable vehicle capable of carrying no more than eight passengers with a minimum of two doors to the passenger compartment;
 - d) Be right-hand drive;
 - e) Be registered with the DVLA;
 - f) Of a standard manufacturers colour.
- 4.2. Vehicles that have been categorised as 'write offs' by any insurance company at any level will not be considered for licensing. (Categories A, B, C and D)

- 4.3. All newly licensed private hire vehicles must, as a minimum, be categorised as M1 and meet Euro 5 standards for emissions.
- 4.4. The vehicle must be at all times kept in a suitable mechanical condition, free of rust and dents, safe, clean and comfortable, and be capable of satisfying the Council's inspection at any time during the continuance of the vehicle licence in respect of the vehicle.
- 4.5. The vehicle must be fitted with either all radial or cross-ply tyres, and the spare wheel and tyre must be of the same size as those fitted to the vehicle, except for a vehicle with a manufacturer's "Space Saving" wheel. Vehicles with a 'Space Saving' wheel are to comply with the manufacturer's specifications as to use. When so used, the vehicle must **not** be used for plying for hire, or private hire. Any change in the type or size of the tyres fitted to the vehicle must be reported to the Licensing Officer at once.
- 4.6. In line with research carried out by The Royal Society for the Prevention of Accidents the tyre depth of each tyre should not be less than 3mm in depth.
- 4.7. A licenced vehicle must have either two wing mirrors or two door mirrors fitted one on each side of the vehicle to afford the driver adequate vision to the rear. Extra mirrors may be fitted, if desired, but these must not interfere with the clear vision of the driver in the wing or door mirrors.
- 4.8. The licence holder shall not allow the mechanical and structural specification of the Private Hire Vehicle to be varied without the written consent of the Council.
- 4.9. The licence holder of the vehicle shall:
 - a) Provide sufficient means by which any person in the Private Hire Vehicle may communicate with the driver during the course of hiring.
 - b) Cause the interior of the vehicle to be kept wind and water tight and free of unpleasant odours.
 - c) Provide any necessary windows and means of opening and closing same with not less than one window on each side of the passenger compartment.
 - d) Ensure that an adequate heating and ventilation system shall be provided for the driver and the passengers alike.

- e) Cause the seats in the passenger compartment to be properly cushioned and covered
- f) Cause the floor in the passenger compartment to be provided with a proper carpet, mat or other suitable covering
- g) Cause fittings and furniture of the Private Hire Vehicle to be kept in a clean condition and well maintained and in every way fit and safe for public use
- h) Provide facilities for the conveyance of luggage safely and protected from inclement weather
- i) Provide at least two doors for use of persons conveyed in such Private Hire Vehicle and a separate means of ingress and egress for the driver.
- j) Ensure that the boot must be kept clear for use by the passengers except for storage of a spare wheel and jack and any other essential tools and / or spare parts. There must be adequate means for securing a reasonable amount of luggage;
- k) Ensure there is a spare wheel and tools for changing, unless the vehicle is fitted with run flat tyres and a compressor.

4.10. The licence holder shall ensure that any radio equipment fitted to a Private Hire Vehicle is at all times kept in a safe and sound condition and maintained in proper working order.

4.11. The licence holder shall ensure mobile phones are not allowed to be used, installed, fitted to or carried in any private hire vehicle **for the purpose of inviting or accepting bookings for that vehicle.**

5. Roadworthiness inspection and compliance test

5.1. The vehicle must attend the Council's authorised testing station and undergo a roadworthiness inspection ('MOT test'), and a compliance test against the relevant specifications set by the Council. The vehicle must satisfactorily complete both elements of the test before it may be considered for licensing.

5.2. At the time of application the MOT and compliance certificate must be less than 30 days old.

6. Fire extinguisher, first aid kit and Emergency Bulb Kit

- 6.1. The licence holder shall provide and maintain to the satisfaction of the Authorised Officer of the Council an efficient fire extinguisher which shall be securely fixed to the vehicle and within easy reach of the driver at all times. The extinguisher shall conform to British Standard (BS) EN3 and be a minimum of 1kg dry powder type. Each driver of a vehicle must familiarise themselves with the use of the fire extinguisher contained in the vehicle. The driver must ensure that the contents of the extinguisher remain in date at all times. Where there is an expiry date on the extinguisher (instead of a colour gauge), the date is clearly visible and not tampered with.
- 6.2. The licence holder shall provide and maintain a standard / medium motorist's first aid kit to be available to the driver or passengers if requested. The first aid kit shall as a minimum be of a medium size conforming to BS 8599-2.
- 6.3. The licence holder shall provide and maintain a suitable replacement bulb kit as to conform to the vehicle manufacturers specifications.

7. Taximeter

- 7.1. Where a Taximeter is fitted licensed vehicles may not operate unless the meter is in working condition and the position of the meter inside the vehicle has been approved by an Authorised Officer.
- 7.2. If a Taximeter is fitted to a licenced vehicle the vehicle the vehicle / taximeter should have a certificate of tariff and certificate of calibration. This must be produced to the licensing officer.
- 7.3. If a taximeter is fitted then the tariff card shall be displayed in the vehicle so it is visible to the customer.

8. Advertisements

- 8.1. The licence holder shall not display or suffer or permit to be displayed on or from a Private Hire Vehicle, any sign or notice which consists of or includes the word "Taxi" or "Cab," whether in the singular or plural or "For Hire," or any word or words

of similar meaning or appearances to any of those words, whether alone or as part of another word.

- 8.2. The licence holder shall ensure that the vehicle displays a door sign approved by the Council on each side of the vehicle bearing the name and contact details of the Operator.
- 8.3. The licence holder shall ensure that the Private Hire Vehicles not display any roof sign. This is due to the fact that a Private Hire Vehicle must not be of a design or appearance of a Hackney Carriage.

9. Audio, video or surveillance systems

- 9.1. No audio, video or recording systems shall be installed or operated in the vehicle without prior written notification being supplied to the Council.
- 9.2. Where CCTV is installed in a licensed vehicle, the Proprietor will ensure:
 - a) That the appropriate person responsible for the camera is registered as the Data Controller under the Data Protection Act 1998 and is responsible for ensuring compliance with that Act and associated legislation;
 - b) The use of the camera and the footage complies with the relevant guidance of the Information Commissioners Office (ICO);
 - c) The footage must remain “tamperproof” and be accessible only to a responsible third party (i.e. Council or Police) rather than the driver, proprietor, operator or members of the public;
 - d) Vehicles must display relevant signage informing members of the public that CCTV is in operation and that they are being filmed;
 - e) Access provisions and agreements must be in place in order for the footage to be used by the relevant bodies and agencies.
 - f) CCTV is not installed in a licensed vehicle, or where it is already installed, not altered or replaced, until it has been approved by the Council in writing.
- 9.3. In order to protect passenger confidentiality, in addition to the above, drivers must neither retain nor publish any image, sound or information of passenger(s) captured on a hand held recording device, or any other form of recording device, except where this is to the Police or an Authorised Officer.

9.4. All Communications Devices must be securely fitted within the vehicle and appropriately located as to not interfere with operation of the vehicle.

10. Wheelchair Accessible Vehicles

10.1. Where a vehicle is wheelchair accessible:

- a) All lifts / ramps must be maintained and in fully working order as to comply with the Lifting Operations and Lifting Equipment Regulations 1998.
- b) All equipment used to strap / ties to a wheelchair in place should be fully maintained and in full working order.
- c) All tie / strap locations shall be kept clear of any obstruction.

11. Smoking

11.1. It is against the law for anyone (driver or passenger) to smoke in a Hackney or Private Hire Vehicle. It is the drivers responsibility to make sure that this law is complied with at all times (whether working or not).

11.2. The licence must ensure that their vehicle displays "No Smoking" signs.

12. Drivers

12.1. The proprietor shall not cause, or procure or permit, any person who is not the holder of a current Private Hire driver licence issued by the Council to drive the Private Hire Vehicle.

13. Receipts

13.1. The driver of the Private Hire Vehicle must ensure that facilities are available to allow the issue of a receipt for any fare paid.

14. Accidents and damage to Vehicle

14.1. Any accident in a Private Hire Vehicle whether damaged is caused or not, shall be reported to the Council by the driver in accordance with Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976 (as soon as practicable and in any case within 72 hours). Where damage to the Private Hire Vehicle materially affects the safety, performance or appearance of the vehicle, until such damage is

repaired to the satisfaction of the Licensing Officer the vehicle shall not be used for hire.

14.2. Should a private hire vehicle be written off by the insurance company the licence holder shall notify the council immediately and return the vehicle licence plates.

15. Vehicle Inspections

15.1. The licensed vehicle may be subject to further inspections after the grant of a licence and the driver shall permit an Authorised Officer of the Council or constable to inspect the vehicle at all reasonable times.

15.2. Should the vehicle be found to be not being properly maintained or any part or fitting is not in good working order, a Notice will be served on the owner of the licensed vehicle setting out the defects. The vehicle licence may be suspended until such time the defect(s) has / have been remedied and the vehicle has successfully passed re-inspection. An MOT and compliance test may also be required at the owner's expense.

16. Production of documentation

16.1. On request, a Private Hire Vehicle licence holder shall produce to an authorised officer of the Council or Police Constable the following document;

- a) Current Certificate of Compliance
- b) Current Insurance document for Private Hire/Hire and Reward covering the appropriate period
- c) Vehicle Registration document or any other evidence of proprietorship of the vehicle.
- d) The Private Hire Vehicle must have appropriate insurance at all times, and the licence holder must produce evidence of such if requested by the licensing authority. The licence holder shall produce for the council within seven days of any change of insurer a copy of the relevant insurance cover note or certificate.

17. Notifications

17.1. Change of Name or identity of the licence holder –

The driver shall notify the Licensing Team in writing of any change of name / identity during the period of the licence. This notification should be made as soon as possible and in any event within 7 working days of the change. Proof of change of name / identity will require proof of name change i.e. marriage certificate or deed poll.

17.2. Change of licence holders home address –

The driver shall notify the Licensing Team in writing of any change of address during the period of the licence. This notification should be made as soon as possible and in any event within 7 working days of moving.

17.3. Notification of Conviction(s), caution(s) and disqualification –

The Operator shall notify the Council in writing within five working days of receiving a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case).

17.4. Notification of Arrest –

Licence holders must inform the Council in writing, or by email within 3 working days of their arrest for any matter (whether subsequently charged or not). To fail to do so, will raise serious questions for the Council as to the honesty of the licence holder and will be taken into account as part of any subsequent renewal applications.

18. Surrender of licence

18.1. If the licence holder cease to use the vehicle for the purpose for which it was licensed they shall surrender the licence and return the plates, which remain the property of the Council. There would be no full or part refund of the Licence fee in such circumstances.

19. Expiry of Licence

19.1. The licence holder shall upon expiry, revocation or suspension of his/her licence return to the Council the licence forthwith and associated plates issued by the Council.

20. Conditions

20.1. The Council reserves the right to vary, delete or waive any of the forgoing conditions

21. Appeals

21.1. Where a licence has been revoked or suspended, or where a new application has been refused, an appeal against the Council's decision may be made to the Magistrates Court within 21 days.