

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LICENSING COMMITTEE – 25 NOVEMBER 2009

Title of report	REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCE CONDITIONS
Contacts	<p>Portfolio Holder - Councillor Alison Smith 01530 835668 alison.smith@nwleicestershire.gov.uk</p> <p>Commercial Services Manager 01530 454610 lee.mansfield@nwleicestershire.gov.uk</p> <p>Licensing Enforcement Officer 01530 454528 Andy.cooper@nwleicestershire.gov.uk</p>
Purpose of report	For Members to consider the approval of amendments to the licence conditions relating to hackney carriage and private hire vehicle licence conditions.
Strategic aims	Strong and Safer Communities Prosperous Communities
<p>Implications:</p> <p>Financial/Staff</p> <p>Link to relevant CAT</p> <p>Risk Management</p> <p>Equalities Impact Assessment</p> <p>Human Rights</p>	<p>All staffing costs associated with the preparation, consultation, adoption and enforcement of the Hackney Carriage and Private Hire Vehicle Licence Conditions can be met by the existing level of staff.</p> <p>Safer CAT</p> <p>The Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guidance has been fully considered in drafting the proposed licence conditions.</p> <p>All proposed conditions relate to the promotion of public, driver or passenger safety.</p> <p>Equality Impact Assessment has already been undertaken.</p> <p>Any interference with property rights protected by Article 8 and Protocol 1 Article 1 of the Human Rights Act must be legitimate, necessary and proportionate.</p>

Transformational Government	This relates to the new ways in which council's are being asked to deliver their services.
Comments of Head of Paid Service	The report is satisfactory
Comments of Section 151 Officer	The report is satisfactory
Comments of Monitoring Officer	The report is satisfactory
Consultees	All current private hire and hackney carriage licence holders (341 letters sent), Leicestershire County Council, Leicestershire Constabulary, NWLDC Staff Disability Focus Group and onward transmission to other disability groups, Chamber of Commerce, Snibston Discovery Park, Conkers Discovery Centre, Age Concern - All Leicestershire offices, Arriva, Transport 2000, All District Councillors, Keith Fairbrother – NWLDC Head of Street Management & Emily Todd – NWLDC Town Centre Officer.
Background papers	Taxi and Private Hire Vehicle Licensing Best Practice Guide available from www.dft.gov.uk Local Government (Miscellaneous Provisions) Act 1976 available from www.opsi.gov.uk Road Traffic Act 1988 available from www.opsi.gov.uk Disability Discrimination Act 2005 available from www.opsi.gov.uk
Recommendations	<p>(A) TO APPROVE THE AMENDMENTS TO THE HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS</p> <p>(B) TO APPROVE THE AMENDMENTS TO THE PRIVATE HIRE VEHICLE LICENCE CONDITIONS</p> <p>(C) AUTHORISATION TO MAKE MINOR AMENDMENTS TO THE VEHICLE CONDITIONS BE DELEGATED TO THE COMMERCIAL SERVICES MANAGER</p>

1 LEGISLATION

- 1.1 The Local Government (Miscellaneous Provisions) Act 1976 (LG(MP)A) gives the local authority the following discretionary powers in relation to hackney carriage licences:
- Section 47(1) states, a district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 (Town Police Clauses Act 1847) such conditions as the district council may consider reasonable necessary.
 - Section 47(2) states, without prejudice to the generality of the foregoing subsection, a district council may require any hackney carriage licensed by them

under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.

- Section 47(3) Any person aggrieved by any conditions attached to such a licence may appeal to a magistrates' court.

1.2 Under Section 48(2) of LG(MP)A 1976 a district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.

2. BACKGROUND

2.1 The current conditions attached to hackney carriage and private hire vehicles were approved by Executive Committee on 1st August 2001.

2.2 In reviewing the current vehicle conditions account has been taken of the current edition of the Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guide issued in October 2006. However, the issue of a new guidance is imminent and the content of which has been considered.

2.3 A copy of the current conditions are attached at appendix 1a (Hackney Carriage) and 1b (Private Hire).

3.0 SUMMARY OF AMENDMENTS

3.1 The draft vehicle conditions are located at appendix 2a (Hackney Carriage) and 2b (Private Hire).

3.2 Each document has been printed in such a way to highlight where amendments have been made to the original conditions, the addition of new conditions and changes requested by consultees. These graphical tracking of the changes will be removed once the final document has been approved.

3.3 The following is a list of the significant changes for vehicle owners:

- Advertisements displayed on vehicles – HCVs will only be allowed to display third party advertisements.
- Display of signs and notices by PHVs – PHVs will be allowed to display certain obligatory notices.
- Tinted windows – A requirement to comply with the Construction & Use Regulations 1986 in relation to tinting of vehicles windows.
- Motor insurance certificates – A requirement to carry at all times a current motor insurance certificate.
- Presentation of vehicle for inspection – Failure to present a vehicle for inspection is an offence under the 1976 Act and will normally lead to the immediate suspension/revocation of a vehicle licence.

4.0 CONSULTEES COMMENTS

4.1 The following is a list of all the bodies and organisations involved in the consultation process:

- All current private hire and hackney carriage licence holders (341 letters sent)
- Leicestershire County Council
- Leicestershire Constabulary
- NWLDC Staff Disability Focus Group and onward transmission to other disability groups in the District
- Chamber of Commerce
- Snibston Discovery Park
- Conkers Discovery Centre
- Age Concern - All Leicestershire offices
- Arriva
- Transport 2000
- All District Councillors
- Keith Fairbrother – NWLDC Head of Street Management
- Emily Todd – NWLDC Town Centre Officer

Details were also posted on the Council's web site.

4.2 The consultation process began on 7th August 2009 and ended on 30th October 2009. Within that period there have 5 comments made and they are listed below:

- An anonymous driver made the following comments:
 - Disagreed with the condition at 7(b) (Fire Extinguisher) that the fire extinguisher should be sited in the glove box as he felt that it could be easily set off or used as a weapon. He suggested that it should be secured safely in the boot but a sign within the passenger compartment should indicate its location in case of an emergency
 - Disagreed with the condition at 7(c) (Fire Extinguisher) in hackney carriage conditions requiring the fire extinguisher be clearly marked with the plate number of the vehicle.
 - Disagreed with the condition at 7(c) (First Aid Kit) in hackney carriage conditions requiring the first aid kit be clearly marked with the plate number of the vehicle.

- Another anonymous driver made the following comments:
 - He asked if the changes could be highlighted in the new condition document
 - At condition 1(b) in hackney carriage conditions but presumably private hire vehicle conditions as well that 'hackney carriage vehicles must not be over 6 years old (as opposed to 8 years old).
 - Disagreed with the condition at 7(c) (Fire Extinguisher) in hackney carriage condition that the fire extinguisher should be sited in the glove box but gave no reason why or an alternative location.
 - Disagreed with the condition at 7(c) (Fire Extinguisher) in hackney carriage conditions requiring the fire extinguisher be clearly marked with the plate number of the vehicle.
 - Disagreed with the condition at 7(c) (First Aid Kit) in hackney carriage conditions requiring the first aid kit be clearly marked with the plate number of the vehicle.
 - With regards to condition 7(c)(i) in hackney carriage conditions (First Aid Kit) – 'Drivers could be liable if they render first aid.' - the comment – 'Ask NVQ first aider about this'.

- Yet another anonymous driver made the following comments:
 - At condition 1(b) in hackney carriage conditions but presumably private hire vehicle conditions as well that 'hackney carriage vehicles must not be over 6 years old (as opposed to 8 years old).
 - Disagreed with the condition at 7(c) (Fire Extinguisher) in hackney carriage condition that the fire extinguisher should be sited in the glove box but gave no reason why or an alternative location.
 - Disagreed with the condition at 7(c) (Fire Extinguisher) in hackney carriage conditions requiring the fire extinguisher be clearly marked with the plate number of the vehicle.
 - Disagreed with the condition at 7(c) (First Aid Kit) in hackney carriage conditions requiring the first aid kit be clearly marked with the plate number of the vehicle.
- Mr Khawaja allegedly speaking on behalf of 'most of the hackney drivers in Ashby' believes that taxi meters should be left as optional for hackney carriages.
- Keith Fairbrother Head of North West Leicestershire District Council's Street Management Service wrote to say that he had no comments to make on the draft conditions.

5.0 OUTCOME OF CONSULTEES COMMENTS

- 5.1 As a result of the representations received four amendments have been made to the original draft conditions. They are:
- Private Hire Vehicle Conditions – Paragraph 7(b) - The fire extinguisher shall be secured to the vehicle and be within reach of the driver. If the extinguisher is not so secured it must be located inside of the vehicle's boot compartment. A label shall be affixed inside the vehicle indicating that a fire extinguisher is contained within.
 - Hackney Carriage Conditions – Paragraph 7(b) - The fire extinguisher shall be secured to the vehicle and be within reach of the driver. If the extinguisher is not so secured it must be located inside of the vehicle's boot compartment. A label shall be affixed inside the vehicle indicating that a fire extinguisher is contained within.
 - Hackney Carriage Conditions – Paragraph 12(b) - The decision to install a taximeter shall be left to the discretion of the Hackney Carriage proprietor.
 - The reference to 'Drivers could be liable if they render first aid' in Paragraph 7 (First Aid) has been deleted.

6.0 IMPLEMENTATION DATES

- 6.1 The new set of conditions will be introduced on 1st December 2009. For all new and amended conditions there will be a transitional period from 1st December 2009 to 31st January 2010. All vehicles must be fully compliant with the new conditions on 1st February 2010.

HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS OF LICENCE

Section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976 states that "A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary".

1. VEHICLE AGE, DESIGN, COLOUR, SEATING AND APPEARANCE

- (a) All hackney carriage vehicles must meet the standards as laid down by the Council with regard to standard of appearance. Vehicles shall have 4 doors and shall not have an engine capacity of less than 1250cc. Vehicles with any unrepaired accident, panels of a different colour to the rest of the vehicle, missing trims, dirty or damaged upholstery or generally shabby appearance will not be licensed.
- (b) Hackney carriage vehicles must not be over 8 years old on the date of first application, with the following exceptions:
 - (i) Purpose-built London-style cabs (eg Austin FX4, TX1).
 - (ii) Other vehicles which are in an exceptionally well maintained condition, subject to their being inspected with regard to mechanical fitness and appearance at 6 monthly intervals.
- (c) The age of the vehicle is to be taken from the vehicle registration document. Where the age of a "Q" registered vehicle is not identifiable the age will be calculated as 3 years old at the date of "Q" registration in line with the policy of the DVLA and taken from the registration document.
- (d) With respect to seating, this should be padded. Slatted wooden seats are considered inadequate. Where seats are continuous, 1 foot 4 inches (approximately 41 centimetres) measured horizontally along the front of each seat, should be allowed for each passenger. Any vehicle which is constructed or adapted to seat more than 8 passengers cannot be licensed as a hackney carriage vehicle.
- (e) The vehicle must not be left hand drive.
- (f) The vehicle must not be a convertible.

2. MAINTENANCE OF VEHICLE

The hackney carriage vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements shall be fully complied with.

3. ALTERATION OF VEHICLES

- (a) No material alteration or change in the specification, design, condition or appearance of the hackney carriage vehicle shall be made without the approval of the Council at any time while the licence is in force.
- (b) Any liquid petroleum gas (LPG) vehicle conversion must be carried out by an approved LPG installer. Details of approved UK vehicle conversion companies can be obtained from the LP Gas Association.

4. SAFETY EQUIPMENT

Fire extinguisher.

- (a) The proprietor of the vehicle shall provide a suitable and efficient fire extinguisher in the vehicle at all times when it is in use or available for hire.
- (b) Fire extinguishers should be readily visible and available for immediate use in an emergency. If it is not possible to locate the extinguisher in a conspicuous position within the vehicle, it may be stored in the boot provided that a notice stating the location of the extinguisher is clearly displayed.
- (c) The extinguisher must be maintained in good working order, the operating instructions must be legible and the driver of the vehicle must be familiar with its use.

THE COUNCIL'S HEALTH AND SAFETY OFFICER RECOMMENDS A DRY POWDER FIRE EXTINGUISHER.

First aid kit

- (d) The proprietor of the vehicle shall provide a suitable first aid kit (see suggested list of contents below) in the vehicle at all times when it is in use or available for hire.
- (e) The first aid kit should be readily visible and available for immediate use in an emergency. If the design of the vehicle is such that a first aid kit cannot be carried in a position where it is easily visible, a sign shall be displayed on the vehicle dashboard indicating the position of the kit.

PLEASE NOTE:

(i) DRIVERS COULD BE LIABLE IF THEY RENDER FIRST AID.

(ii) THE COUNCIL'S HEALTH AND SAFETY OFFICER RECOMMENDS THAT A HACKNEY CARRIAGE VEHICLE'S FIRST AID KIT CONTAINS THE FOLLOWING ITEMS WHICH ARE REQUIRED BY THE HEALTH AND SAFETY (FIRST AID) REGULATIONS 1981 FOR TRAVEL FIRST AID KITS.

1 first aid guidance leaflet
6 adhesive plasters
2 triangular bandages
1 large wound dressing 18 x 18 centimetres
2 individually wrapped wipes
1 pair of disposable gloves
6 safety pins

PLEASE NOTE: IN ADDITION TO THE ABOVE 2 ITEMS OF SAFETY EQUIPMENT, THE PROPRIETOR OF THE VEHICLE IS ASKED TO CONSIDER CARRYING THE FOLLOWING ITEMS IN CASE OF EMERGENCIES.

A TORCH AND SPARE BATTERIES
WARNING TRIANGLE
ICE SCRAPER/ DE-ICER
EMERGENCY CARD WITH NAME, DATE OF BIRTH, BLOOD GROUP, ALLERGIES AND EMERGENCY CONTACT NUMBER
SHRIEK ALARM TO DISORIENTATE ANY AGGRESSOR
DETAILED MAPS OF AREAS IN WHICH THE VEHICLE IS TRAVELLING
EXTRA PETROL IN A SAFETY APPROVED CAN
PUNCTURE AEROSOL

5. IDENTIFICATION PLATES

The identification plate showing the number of the licence and the number of passengers for which the vehicle is licensed and required to be exhibited under Section 52 of the Town Police Clauses Act 1847 shall be securely fixed to the rear of the vehicle in a conspicuous position and in such a manner as to be easily removable by an authorised officer of the Council or a constable.

The proprietor or driver of the hackney carriage vehicle shall report the loss of the identification plate to the Council Offices as soon as the loss becomes known. A replacement plate shall be issued upon payment of the appropriate fee. On no account must a hackney carriage vehicle be used for hackney carriage purposes without displaying a hackney carriage identification plate (Section 52 of the Town Police Clauses Act 1847).

PLEASE NOTE: THE IDENTIFICATION PLATE REMAINS THE PROPERTY OF THE COUNCIL.

6. CONVICTIONS

The proprietor shall within 7 days disclose to the Council in writing details of any conviction (motoring or otherwise) imposed on him (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the hackney carriage vehicle licence.

7. ROOF SIGNS

The proprietor shall comply with the following requirements on any vehicle used as a hackney carriage (with the exception of purpose built vehicles).

- (a) An illuminated sign of a type already approved must be fitted to or above the hackney carriage with the words "FOR HIRE" in block letters showing to the front and the words "CAB NO..." showing to the rear. At each end of the sign shall be the words "...SEATS" (see illustration).
- (b) That where a meter is fitted to the vehicle, the roof sign must be electronically connected so that its working is in conjunction with such meter, ie when the meter is not in use the sign is illuminated and when the meter is in use, the sign is not illuminated.
- (c) That where a meter is not fitted, the roof sign must only be illuminated when the vehicle is plying for hire.

8. WINDSCREEN DISC

The proprietor of the vehicle shall cause the disc issued by the District Council, and which gives details of the hackney carriage vehicle licence, to be affixed facing outwards on the nearside of the front windscreen in such a position that it shall be clearly visible at all times.

PLEASE NOTE: THE DISC REMAINS THE PROPERTY OF THE COUNCIL

9. TRAILER

The proprietor shall comply with the following requirements in order for a hackney carriage to tow a trailer for the carriage of passengers' luggage.

- (a) The luggage trailer must be inspected and approved by the Council's authorised examiners.
- (b) The luggage trailer must meet the Construction and Use Regulations and where required the driver must hold the appropriate towing licence as issued by the DVLA.

- (c) No licensed vehicle may tow any trailer unless evidence of valid insurance to cover such use has been produced.
- (d) The contents of such trailer must be secured and covered in a proper manner.

10. ADVERTISEMENTS

Advertisements shall be allowed on hackney carriages and private hire vehicles without prior inspection, provided that:

- (a) They comply with the British Codes of Advertising and Sales Promotion.
- (b) The licence holder shall remove or amend any advertisement if the Advertising Standards Authority requests that this be done.
- (c) No advertisement shall be of a party political nature or advertise cigarettes or tobacco products.
- (d) Any advertisement must be below window level, except in the front and rear windscreens.
- (e) The following conditions shall apply to any advertisement in the front or rear windscreen
 - (i) Any advertisement in the front windscreen shall not obscure the swept area of the windscreen.
 - (ii) Any advertisement displayed on the rear windscreen must not obscure the driver's rear view vision. The advertisement must be visible from the outside but invisible from the inside (Licensing Committee 10 November 2004).
 - (iii) No more than one advertisement shall be permitted in the front windscreen and no more than one advertisement shall be permitted in the rear windscreen.

11. CHANGE OF ADDRESS

The proprietor of the hackney carriage vehicle shall notify the District Council in writing of any change of his address during the period of the licence within 7 days of such change. (Section 44 of the Town Police Clauses Act 1847). A revised licence will be issued at no cost.

12. DAMAGE TO VEHICLE

Any damage to the vehicle affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers carried therein shall be reported to the Council as soon as is reasonably practical and in any event within 72 hours of the occurrence (Section 50(3) of the 1976 Act).

13. CHILD SAFETY

When any child is travelling in the vehicle the child lock on the doors if fitted should be used.

14. SIGNS AND NOTICES

Hackney carriage vehicles which can accommodate between 5 and 8 passengers should have suitable signage displayed in the vehicle directing passengers to and giving instruction in the operation and use of exit points ie. slide door to open/push door to open.

15. MINIBUSES

All mini-buses licensed by the Council as hackney carriage vehicles must comply with the MOT seat belt standards which have applied to seat belts on mini-buses, buses and coaches (including those used for the transport of children) since 1 August 1998 (Environment Committee 11 November 1998).

16. RADIO EQUIPMENT

- (a) Any radio equipment fitted to the vehicle shall be kept in a safe condition and comply with statutory requirements.
- (b) Radio scanners are not permitted.

17. PASSENGER SAFETY

- (a) A proprietor or driver a hackney carriage vehicle shall not convey or permit to be conveyed in the hackney carriage vehicle a greater number of persons (regardless of the age or size of the passengers) than the number of persons prescribed in the licence for the vehicle and specified on the vehicle identification plate affixed to the rear of the vehicle.
- (b) The number of passengers must not exceed the number of restraints available in the vehicle.

PLEASE NOTE:

(i) IT IS THE DRIVER'S RESPONSIBILITY TO ENSURE THAT A PASSENGER IS USING THE CORRECT RESTRAINT.

(ii) IT WOULD SEEM TO BE GOOD BUSINESS PRACTICE FOR COMPANIES TO PROVIDE AT LEAST ONE APPROVED CHILD RESTRAINT WHICH COULD BE MADE AVAILABLE FOR USE BY CHILDREN TRAVELLING IN A VEHICLE. IT IS SUGGESTED THAT AN OPERATOR SHOULD IDENTIFY THE AGE OF ANY CHILD PASSENGER IN A PARTY WHEN A BOOKING IS TAKEN TO ENABLE THE PROPRIETOR OR DRIVER OF THE VEHICLE TO FIT THE APPROPRIATE CHILD RESTRAINT.

(iii) IT IS ACCEPTABLE TO FIT A CUSTOMER'S OWN CHILD RESTRAINT PROVIDED THAT THE RESTRAINT IS OF AN APPROVED DESIGN (IE BS KITE MARK) AND IN A SERVICEABLE CONDITION.

18. ANIMALS

- (a) No animal belonging to the hackney carriage vehicle proprietor or the driver of the vehicle shall be conveyed in the vehicle.
- (b) Any animal belonging to or in the custody of a passenger, which in the driver's or proprietor's discretion may be conveyed in the hackney carriage vehicle must be conveyed in the rear of the vehicle and shall be contained so as not to present a nuisance or hazard to any occupants of the vehicle.
- (c) A proprietor or driver of a hackney carriage vehicle must carry a guide dog or assistance dog belonging to a passenger free of charge unless the driver has a proven medical condition that would preclude such action.

19. LUGGAGE

- (a) The proprietor of a vehicle shall provide the proper means for securing luggage if the vehicle is so constructed as to carry luggage. If the luggage is to be carried externally then the means for the carriage and securing of the luggage must provide adequate protection from inclement weather.

- (b) Any roof rack fitted to a vehicle must be the correct design and fitting for the type of vehicle and should be loaded in accordance with the manufacturer's instructions.

PLEASE NOTE:

(i) WHENEVER POSSIBLE, STORE LUGGAGE IN THE BOOT, WITH THE HEAVIER ITEMS AT THE BOTTOM.

(ii) NEVER STORE LUGGAGE ABOVE THE HEIGHT OF THE REAR SEAT OR ON THE PARCEL SHELF.

20. LOSS OF LICENCE

A replacement hackney carriage vehicle licence may be issued upon payment of a fee.

21. RETURN OF IDENTIFICATION PLATE

On receipt of notice, the proprietor of a hackney carriage vehicle shall return the vehicle identification plate to the Council Offices in the event of the expiry (without immediate renewal), suspension or revocation of the licence (Section 58(2) of the 1976 Act).

22. TRANSFER OF VEHICLE

The proprietor of a hackney carriage vehicle must notify the Council in writing of any transfer in the ownership of a hackney carriage vehicle (Section 49 of the 1976 Act).

23. PERMITTING OR EMPLOYING ANY OTHER PERSON TO DRIVE

Before a proprietor of a hackney carriage vehicle permits or employs a hackney carriage driver to drive the vehicle he shall ensure that the vehicle is adequately insured for that driver.

If you are aggrieved by any of the conditions attached to this licence you may appeal to a magistrates' court within 21 days of the service of the licence on you (Section 47(3) of the 1976 Act).

NOTES:

- (a) FAILURE TO COMPLY WITH ANY OF THE CONDITIONS ATTACHED TO THIS LICENCE MAY RESULT IN PROSECUTION AND THE SUSPENSION OR REVOCATION OF THE HACKNEY CARRIAGE VEHICLE LICENCE.

- (b) IN ADDITION TO THE HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS, THE PROPRIETOR OF A HACKNEY CARRIAGE VEHICLE MUST HAVE REGARD TO ALL STATUTORY PROVISIONS WHICH RELATE TO HACKNEY CARRIAGE VEHICLES.

(i) This hackney carriage vehicle licence is not transferable to another vehicle.

(ii) No person must act as a driver of a licensed hackney carriage vehicle unless he holds a hackney carriage driver's licence issued by the District Council.

(iii) Application for renewal of this licence should be made to the Head of Environmental Health on the prescribed form which is available from the Council Offices, Coalville. All licence holders will be sent a reminder and the necessary forms for renewal in advance of the expiry of the licence. Please note, however, that the responsibility for renewal rests with the licence holder. Reminder letters are sent purely as a courtesy.

PRIVATE HIRE VEHICLE LICENCE

CONDITIONS OF LICENCE

Section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976 states that "A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this sub-section, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates."

1. VEHICLE AGE, DESIGN, COLOUR, SEATING AND APPEARANCE

- (a) All private hire vehicles must meet the standards as laid down by the Council with regard to standard of appearance. Vehicles shall have 4 doors and shall not have an engine capacity of less than 1250cc. Vehicles with any unrepaired accident damage, panels of a different colour to the rest of the vehicle, missing trims, dirty or damaged upholstery or generally shabby appearance will not be licensed.
- (b) Private hire vehicles must not be over 8 years old on the date of first application, with the exception of vehicles in an exceptionally well-maintained condition, subject to inspection at 6 monthly intervals.
- (c) The age of the vehicle is to be taken from the vehicle registration document. Where the age of a "Q" registered vehicle is not identifiable the age will be calculated as 3 years old at the date of "Q" registration in line with the policy of the DVLA and taken from the registration document.
- (d) With respect to seating, this should be padded. Slatted wooden seats are considered inadequate. Where seats are continuous, 1 foot 4 inches (approximately 41 centimetres) measured horizontally along the front of each seat, should be allowed for each passenger. Any vehicle which is constructed or adapted to seat more than 8 passengers cannot be licensed as a private hire vehicle.
- (e) The vehicle must not be left hand drive.
- (f) The vehicle must not be a convertible.

2. MAINTENANCE OF VEHICLE

The private hire vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements shall be fully complied with.

3. ALTERATION OF VEHICLES

- (a) No material alteration or change in the specification, design, condition or appearance of the private hire vehicle shall be made without the written approval of the Council at any time while the licence is in force.
- (b) Any liquid petroleum gas (LPG) vehicle conversion must be carried out by an approved LPG installer. Details of approved UK vehicle conversion companies can be obtained from the LP Gas Association.

4. IDENTIFICATION PLATE

The identification plate identifying the vehicle as a private hire vehicle and required to be exhibited on the vehicle pursuant to Section 48(6) of the Local Government (Miscellaneous Provisions) act 1976 shall be securely fixed to the rear of the vehicle in a conspicuous position and in such a manner as to be easily removable by an authorised officer of the Council or a constable.

The proprietor or driver of the private hire vehicle shall report the loss of the identification plate to the Council Offices as soon as the loss becomes known. A replacement plate shall be issued upon payment of the appropriate fee.

PLEASE NOTE: THE IDENTIFICATION PLATE REMAINS THE PROPERTY OF THE COUNCIL.

5. SAFETY EQUIPMENT

Fire extinguisher

- (a) The proprietor of the vehicle shall provide a suitable and efficient fire extinguisher in the vehicle at all times when it is in use or available for hire.
- (b) Fire extinguishers should be readily visible and available for immediate use in an emergency. If it is not possible to locate the extinguisher in a conspicuous position within the vehicle, it may be stored in the boot provided that a notice stating the location of the extinguisher is clearly displayed.
- (c) The extinguisher must be maintained in good working order, the operating instructions must be legible and the driver of the vehicle must be familiar with its use.

THE COUNCIL'S HEALTH AND SAFETY OFFICER RECOMMENDS A DRY POWDER FIRE EXTINGUISHER.

First aid kit

- (a) The proprietor of the vehicle shall provide a suitable first aid kit (see suggested list of contents below) in the vehicle at all times when it is in use or available for hire
- (b) The first aid kit should be readily visible and available for immediate use in an emergency. If the design of the vehicle is such that a first aid kit cannot be carried in a position where it is easily visible, a sign shall be displayed on the vehicle dashboard indicating the position of the kit.

PLEASE NOTE: DRIVERS COULD BE LIABLE IF THEY RENDER FIRST AID.

THE COUNCIL'S HEALTH AND SAFETY OFFICER RECOMMENDS THAT A PRIVATE HIRE VEHICLE'S FIRST AID KIT CONTAINS THE FOLLOWING ITEMS WHICH ARE REQUIRED BY THE HEALTH AND SAFETY (FIRST AID) REGULATIONS 1981 FOR TRAVEL FIRST AID KITS.

first aid guidance leaflet
1 large wound dressing 18 x 18 centimetres
6 adhesive plasters
2 triangular bandages
6 safety pins
2 individually wrapped wipes
1 pair of disposable gloves

PLEASE NOTE: IN ADDITION TO THE ABOVE 2 ITEMS OF SAFETY EQUIPMENT, IT IS RECOMMENDED THAT EACH VEHICLE SHOULD CONSIDER CARRYING THE FOLLOWING ITEMS IN CASE OF EMERGENCIES.

A TORCH AND SPARE BATTERIES
WARNING TRIANGLE
ICE SCRAPER/ DE-ICER
EMERGENCY CARD WITH NAME, DATE OF BIRTH, BLOOD GROUP, ALLERGIES
AND EMERGENCY CONTACT NUMBER
SHRIEK ALARM TO DISORIENTATE ANY AGGRESSOR
DETAILED MAPS OF AREAS IN WHICH THE VEHICLE IS TRAVELLING
EXTRA PETROL IN A SAFETY APPROVED CAN
PUNCTURE AEROSOL

6. CHANGE OF ADDRESS

The proprietor of the vehicle shall notify the Council in writing of any change of his address during the period of the licence within 7 days of such change. A revised licence will be issued at no cost.

7. CONVICTIONS

The proprietor of the vehicle shall within 7 days disclose to the Council in writing details of any conviction (motoring or otherwise) imposed on him (or if the proprietor is a company or partnership, on any of the directors or partners) during the period of the private hire vehicle licence.

8. DEPOSIT OF DRIVERS' LICENCES

If the proprietor of the vehicle permits or employs a private hire driver to drive the vehicle, he shall, before that person commences to drive the vehicle, cause the driver to deposit his private hire driver's licence with the proprietor for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of the proprietor.

9. ROOF SIGNS

- (a) No signs shall be displayed on or above the roof of the vehicle.
- (b) Private hire vehicles are permitted to display any other means of identification (other than on or above the roof) providing that this does not include the word 'taxi' or 'cab' whether in the singular or plural or the words 'for hire' or any other word of similar meaning or appearance likely to cause a person to believe the vehicle is a hackney carriage.

10. WINDSCREEN DISC

The proprietor of the vehicle shall cause the disc issued by the Council, and which gives details of the licence, to be affixed on the nearside of the front windscreen in such a position that it shall be clearly visible at all times.

PLEASE NOTE: THE DISC REMAINS THE PROPERTY OF THE COUNCIL

11. TRAILER

The proprietor of the vehicle shall comply with the following requirements in order for the vehicle to tow a trailer for the carriage of passengers' luggage.

- (a) The luggage trailer must be inspected and approved by the Council's authorised examiners.
- (b) The luggage trailer must meet the Construction and Use Regulations and where required the driver must hold the appropriate towing licence as issued by the DVLA.

- (c) No licensed vehicle may tow any trailer unless evidence of valid insurance to cover such use has been produced.
- (d) The identification plate, giving the private hire vehicle licence number, must be clearly displayed on the rear of the trailer used in addition to the plate on the rear of the private hire vehicle.
- (e) The contents of the trailer must be secured and covered in a proper manner.

12. ADVERTISEMENTS

Advertisements shall be allowed on private hire vehicles without prior inspection, provided that:

- (a) They comply with the British Codes of Advertising and Sales Promotion.
- (b) The licence holder shall remove or amend any advertisement if the Advertising Standards Authority requests that this be done.
- (c) No advertisements shall be of a party political nature or advertise cigarettes or tobacco products.
- (d) Any advertisements must be below window level, except in the front and rear windscreens.
- (e) The following conditions shall apply to any advertisement in the front or rear windscreen:
 - (i) Any advertisement in the front windscreen shall not obscure the swept area of the windscreen.
 - (ii) Any advertisement displayed on the rear windscreen must not obscure the driver's rear view vision. The advertisement must be visible from the outside but invisible from the inside (Licensing Committee 10 November 2004).
 - (iii) No more than one advertisement shall be permitted in the front windscreen and no more than one advertisement shall be permitted in the rear windscreen (Executive Board 24 October 2000).

13. DAMAGE TO VEHICLE

Any damage to the vehicle affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers carried therein shall be reported to the Council as soon as is reasonably practical and in any event within 72 hours of the occurrence (Section 50(3) of the 1976 Act).

14. CHILD SAFETY

When any child is travelling in the vehicle the child lock on the doors (if fitted) should be used.

15. SIGNS AND NOTICES

Private hire vehicles which can accommodate between 5 and 8 passengers should have suitable signage displayed in the vehicle directing passengers to and giving instruction in the operation and use of exit points, ie slide door to open/push door to open.

16. MINI-BUSES

All mini-buses licensed by the Council as private hire vehicles must comply with the MOT seat belt standards which have applied to seat belts on mini-buses, buses and coaches (including those used for the transport of children) since 1 August 1998 (Environment Committee 11 November 1998).

17. RADIO EQUIPMENT

- (a) Any radio equipment fitted to the vehicle shall be kept in a safe condition and comply with statutory requirements.
- (b) Radio scanners are not permitted.

18. PASSENGER SAFETY

- (a) A proprietor or driver of a private hire vehicle shall not convey or permit to be conveyed in the private hire vehicle a greater number of persons (regardless of the age or size of the passengers) than the number of persons prescribed in the licence for the vehicle and specified on the vehicle identification plate affixed to the rear of the vehicle.
- (b) The number of passengers must not exceed the number of restraints available in the vehicle.

PLEASE NOTE: IT IS THE DRIVER'S RESPONSIBILITY TO ENSURE THAT A PASSENGER IS USING THE CORRECT RESTRAINT.

It would seem to be good business practice for companies to provide at least one approved child restraint which could be made available for use by children travelling in a vehicle. It is suggested that an operator should identify the age of any child passenger in a party when a booking is taken to enable the proprietor or driver of the vehicle to fit the appropriate child restraint.

It is acceptable to fit a customer's own child restraint provided that the restraint is of an approved design (ie BS Kite Mark) and in a serviceable condition.

19. ANIMALS

- (a) No animal belonging to the private hire vehicle proprietor or private hire operator or the driver of the vehicle shall be conveyed in the vehicle.
- (b) Any animal belonging to or in the custody of a passenger, which in the driver's or proprietor's discretion may be conveyed in the private hire vehicle must be conveyed in the rear of the vehicle and shall be contained so as not to present a nuisance or hazard to any occupants of the vehicle.
- (c) A proprietor or driver of a vehicle must carry a guide dog or assistance dog belonging to a passenger free of charge unless the driver has a proven medical condition that would preclude such action.

20. LUGGAGE

- (a) The proprietor of a vehicle shall provide the proper means for securing luggage if the vehicle is so constructed as to carry luggage. If the luggage is to be carried externally then the means for the carriage and securing of the luggage must provide adequate protection from inclement weather.
- (b) Any roof racks fitted to a vehicle must be the correct design and fitting for the type of vehicle and should be loaded in accordance with the manufacturer's instructions.

PLEASE NOTE:

(i) WHENEVER POSSIBLE, STORE LUGGAGE IN THE BOOT, WITH THE HEAVIER ITEMS AT THE BOTTOM.

(ii) NEVER STORE LUGGAGE ABOVE THE HEIGHT OF THE REAR SEAT OR ON THE PARCEL SHELF.

21. CHANGE OF ADDRESS

The proprietor or driver of a vehicle shall notify the Council of any change of his address during the period of the licence within 7 days of such change.

22. LOSS OF LICENCE

A replacement private hire vehicle licence may be issued upon payment of a fee.

23. RETURN OF IDENTIFICATION PLATE

On receipt of notice, the proprietor of a private hire vehicle shall return the vehicle identification plate to the Council Offices in the event of the expiry (without immediate renewal), suspension or revocation of the licence (Section 58(2) of the 1976 Act).

24. TRANSFER OF VEHICLE

The proprietor of a licensed private hire vehicle must notify the Council in writing of any transfer in the ownership of a vehicle (Section 49 of the 1976 Act).

25. PERMITTING OR EMPLOYING ANY OTHER PERSON TO DRIVE

Before a proprietor of a private hire vehicle permits or employs a private hire driver to drive the vehicle he shall ensure that the vehicle is adequately insured for that driver.

If you are aggrieved by any of the conditions specified in this licence you may appeal to a Magistrates Court within 21 days of the service of the licence on you (Section 48(7) of the 1976 Act).

NOTES:

(a) FAILURE TO COMPLY WITH ANY OF THE CONDITIONS SPECIFIED IN THIS LICENCE MAY RESULT IN PROSECUTION AND THE SUSPENSION OR REVOCATION OF THE PRIVATE HIRE VEHICLE LICENCE.

(b) IN ADDITION TO THE PRIVATE HIRE VEHICLE LICENCE CONDITIONS, THE PROPRIETOR OF A PRIVATE HIRE VEHICLE MUST HAVE REGARD TO ALL STATUTORY PROVISIONS WHICH RELATE TO PRIVATE HIRE VEHICLES.

(c) This private hire vehicle licence is not transferable to another vehicle.

(i) No person can drive a private hire car unless he holds a private hire driver's licence issued by the District Council.

(ii) A vehicle which stands or plies for hire in a street or at a railway station or railway premises requires a hackney carriage licence.

THIS LICENCE IS NOT SUFFICIENT

(iii) Application for renewal of this licence should be made to the Head of Environmental Health on the prescribed form which is available from the Council Offices, Coalville. All licence holders will be sent a reminder and the necessary forms for renewal in advance of the expiry of the licence. Please note, however, that the responsibility for renewal rests with the licence holder. Reminder letters are sent purely as a courtesy.

HCPH39



HACKNEY CARRIAGE VEHICLE LICENCE **CONDITIONS**

Conditions attached to:

Licence No:
Expiry Date:

NOTE TO READERS: Paragraphs identified by a single underline indicate changes from the current conditions.

Paragraphs identified by a double underline indicate further changes made as a result of representations

HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS OF LICENCE

Section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976, (LGMPA 1976) states that "A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary".

1. VEHICLE AGE, DESIGN, TYPE, COLOUR, SEATING AND APPEARANCE

- (a) All hackney carriage vehicles must meet the standards as laid down by the Council with regard to standard of appearance. Vehicles shall have a minimum of 4 doors and shall not have an engine capacity of less than 1250cc. Vehicles with any unrepaired accident, panels of a different colour to the rest of the vehicle, missing trims, dirty or damaged upholstery or generally shabby appearance will not be licensed.
- (b) Hackney carriage vehicles must not be over 8 years old on the date of first application, with the following exceptions:
 - (i) Purpose-built London-style cabs (eg Austin FX4, TX1).
 - (ii) Other vehicles which are in an exceptionally well maintained condition, subject to their being inspected with regard to mechanical fitness and appearance at 6 monthly intervals.
- (c) The age of the vehicle is to be taken from the vehicle registration document. Where the age of a "Q" registered vehicle is not identifiable the age will be calculated as 3 years old at the date of "Q" registration in line with the policy of the DVLA and taken from the registration document.
- (d) With respect to seating, this should be padded. Slatted wooden seats are considered inadequate. Where seats are continuous, 1 foot 4 inches (approximately 41 centimetres) measured horizontally along the front of each seat, should be allowed for each passenger. Any vehicle which is constructed or adapted to seat more than 8 passengers cannot be licensed as a hackney carriage vehicle.
- (e) The vehicle must not be left hand drive.
- (f) The vehicle must not be a convertible.
- (g) The vehicle must have EU Type Approval.
- (f) If (g) cannot be satisfied then a Department for Transport Certificate of Single Vehicle Approval must be produced.

2. MAINTENANCE OF VEHICLE

The hackney carriage vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements shall be fully complied with.

NOTE TO READERS: Paragraphs identified by a single underline indicate changes from the current conditions.

Paragraphs identified by a double underline indicate further changes made as a result of representations

3. ALTERATION OF VEHICLES

- (a) No material alteration or change in the specification, design, condition or appearance of the hackney carriage vehicle shall be made without the approval of the Council at any time while the licence is in force.
- (b) Any liquid petroleum gas (LPG) vehicle conversion must be carried out by an approved LPG installer. An LPG conversion certificate shall be supplied to the council. Details of approved UK vehicle conversion companies can be obtained from the LP Gas Association.

4. IDENTIFICATION PLATES

The identification plate showing the number of the licence and the number of passengers for which the vehicle is licensed and required to be exhibited under Section 52 of the Town Police Clauses Act 1847 (TPCA 1847) shall be securely fixed to the rear of the vehicle in a conspicuous position and in such a manner as to be easily removable by an authorised officer of the Council or a constable.

The proprietor or driver of the hackney carriage vehicle shall report the loss of the identification plate to the Council Offices as soon as the loss becomes known. A replacement plate shall be issued upon payment of the appropriate fee. On no account must a hackney carriage vehicle be used for hackney carriage purposes without displaying a hackney carriage identification plate (Section 52 TPCA 1847).

PLEASE NOTE: THE IDENTIFICATION PLATE REMAINS THE PROPERTY OF THE COUNCIL.

5. SECURITY

Where CCTV is installed in hackney carriage vehicles, the Council's CCTV Code of Practice in relation to licensed vehicles shall be followed. A copy can be obtained on request from the Council's Licensing Department.

6. SAFETY EQUIPMENT

Fire extinguisher.

- (a) The vehicle shall contain a fire extinguisher which shall meet the requirements of the European standard EN3, and be inside the vehicle when it is in use or available for hire.
- (b) Fire extinguisher shall be secured to the vehicle and be within reach of the driver. If the extinguisher is not so secured it must be located inside of the vehicle's boot compartment. A label shall be affixed inside of the vehicle indicating that a fire extinguisher is contained within.
- (c) The fire extinguisher shall be indelibly marked with the vehicle's hackney carriage plate number.
- (d) The fire extinguisher must be maintained in good working order, the operating instructions must be legible and the driver of the vehicle must be familiar with its use.

NOTE TO READERS: Paragraphs identified by a single underline indicate changes from the current conditions.

Paragraphs identified by a double underline indicate further changes made as a result of representations

First aid kit

- (a) The proprietor of the vehicle shall provide a suitable first aid kit (see suggested list of contents below) in the vehicle at all times when it is in use or available for hire.
- (b) The first aid kit should be readily visible and available for immediate use in an emergency. If the design of the vehicle is such that a first aid kit cannot be carried in a position where it is easily visible, a sign shall be displayed on the vehicle dashboard indicating the position of the kit.
- (c) The first aid kit shall be indelibly marked with the vehicle's hackney carriage plate number.

PLEASE NOTE:

THE COUNCIL'S HEALTH AND SAFETY OFFICER RECOMMENDS THAT A HACKNEY CARRIAGE VEHICLE'S FIRST AID KIT CONTAINS THE FOLLOWING ITEMS WHICH ARE REQUIRED BY THE HEALTH AND SAFETY (FIRST AID) REGULATIONS 1981 FOR TRAVEL FIRST AID KITS.

1 first aid guidance leaflet
6 adhesive plasters
2 triangular bandages
1 large wound dressing 18 x 18 centimetres
2 individually wrapped wipes
1 pair of disposable gloves
6 safety pins

PLEASE NOTE: IN ADDITION TO THE ABOVE , THE PROPRIETOR OF THE VEHICLE IS ASKED TO CONSIDER CARRYING THE FOLLOWING ITEMS IN CASE OF EMERGENCIES.

A TORCH AND SPARE BATTERIES
WARNING TRIANGLE
SHRIEK ALARM TO DISORIENTATE ANY AGGRESSOR
DETAILED MAPS OF AREAS IN WHICH THE VEHICLE IS TRAVELLING

7. CONVICTIONS, CAUTIONS, AND FIXED PENALTY NOTICES

The proprietor shall within 7 days disclose to the Council in writing details of any interview, arrest, conviction or caution by the Police in respect of any offence AND any fixed penalty notice (motoring or otherwise) imposed on him (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the hackney carriage vehicle licence.

8. MOTOR INSURANCE CERTIFICATE

The proprietor must at all times ensure that the vehicle is adequately insured for use as a hackney carriage and a copy of the insurance certificate must be available for inspection inside the vehicle whilst it is licensed as a hackney carriage.

9. PRESENTATION OF VEHICLE FOR INSPECTION

The proprietor, on reasonable notice, must present the vehicle for inspection at any time and at any place required by the Council, provided that such requirements for inspection shall not exceed more than 3 occasions per year (Section 50 LGMPA 1976). Failure to present a vehicle for inspection is an offence under the 1976 Act and will normally lead to the immediate suspension/revocation of a vehicle licence.

NOTE TO READERS: Paragraphs identified by a single underline indicate changes from the current conditions.

Paragraphs identified by a double underline indicate further changes made as a result of representations

The requirement to present for inspection is in addition to the powers of an authorised Licensing officer or Police Constable to test and inspect a private hire vehicle as to its fitness at any reasonable time. (Section 68 LGMPA 1976)

10. ROOF SIGNS

The proprietor shall comply with the following requirements on any vehicle used as a hackney carriage (with the exception of purpose built vehicles).

- (a) An illuminated sign of a type already approved must be fitted to or above the hackney carriage with the words "FOR HIRE" in block letters showing to the front and the words "CAB NO..." showing to the rear. At each end of the sign shall be the words "...SEATS".
- (b) The roof sign must be illuminated whilst plying for hire. Once hiring has commenced the roof sign must not be illuminated until the journey has ended.
- (c) Where a taximeter is fitted the roof sign must be electronically connected so that its working is in conjunction with such meter, ie when the meter is not in use the sign is illuminated and when the meter is in use, the sign is not illuminated.

11. HACKNEY CARRIAGE TAXI METERS

- (a) The decision to install a taximeter shall be left to the discretion of the hackney carriage proprietor.
- (b) All hackney carriage vehicle taximeters shall be operated in accordance with the Council's Hackney Carriage Byelaws.

12. WINDSCREEN DISC

The proprietor of the vehicle shall cause the disc issued by the Council, and which gives details of the hackney carriage vehicle licence, to be affixed facing outwards on the nearside of the front windscreen in such a position that it shall be clearly visible at all times.

PLEASE NOTE: THE DISC REMAINS THE PROPERTY OF THE COUNCIL

13. USE OF TRAILERS

The proprietor shall comply with the following requirements in order for a hackney carriage to tow a trailer for the carriage of passengers' luggage.

- (a) The luggage trailer must be inspected and approved by the Council's authorised examiners.
- (b) The luggage trailer must meet the Construction and Use Regulations and where required the driver must hold the appropriate towing licence as issued by the DVLA.
- (c) No licensed vehicle may tow any trailer unless evidence of valid insurance to cover such use has been produced.
- (d) The identification plate, giving the hackney carriage vehicle licence number, must be clearly displayed on the rear of the trailer used in addition to the plate on the rear of the hackney carriage vehicle.

NOTE TO READERS: Paragraphs identified by a single underline indicate changes from the current conditions.

Paragraphs identified by a double underline indicate further changes made as a result of representations

- (e) A spare wheel and tyre of the correct size shall be carried at all times when the trailer is in use.
- (f) The contents of such trailer must be secured and covered in a proper manner.

14. TINTED WINDOWS

The vehicle shall comply with the Construction and Use Regulations 1986 (as amended) with respect to the fitting of tinted, opaque, darkened or privacy glass windows.

15. ADVERTISEMENTS

Advertisements shall be allowed on hackney carriage vehicles without prior inspection, provided that:

- (a) They comply with the British Codes of Advertising and Sales Promotion.
- (b) The licence holder shall remove or amend any advertisement if the Advertising Standards Authority requests that this be done.
- (c) No advertisement shall be of a party political nature or advertise cigarettes or tobacco products.
- (d) Any advertisement must be below window level.
- (e) No advertisements are permitted on any glass areas of the vehicle.

16. CHANGE OF ADDRESS

The proprietor of the hackney carriage vehicle shall notify the Council in writing of any change of his address during the period of the licence within 7 days of such change. (Section 44 TPCA 1847) Upon receiving notification and relevant fees, an amended paper licence shall be issued by the Council.

17. DAMAGE TO VEHICLE

Any damage to the vehicle affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers carried therein shall be reported in writing to the Council as soon as is reasonably practical and in any event within 72 hours of the occurrence (Section 50(3) LGMPA 1976).

18. CHILD SAFETY

When any child is travelling in the vehicle the child lock on the doors if fitted should be used.

19. SIGNS AND NOTICES

- (a) Hackney carriage vehicles which can accommodate between 5 and 8 passengers should have suitable signage displayed in the vehicle directing passengers to and giving instruction in the operation and use of exit points i.e. slide door to open/push door to open.
- (b) A notice must be prominently displayed inside of all hackney carriage vehicles and be visible to passengers in the rear of vehicles, stating the vehicle licence number and contact details of the Council's Licensing Section. A template public notice can be obtained by the Council's Licensing Section.

NOTE TO READERS: Paragraphs identified by a single underline indicate changes from the current conditions.

Paragraphs identified by a double underline indicate further changes made as a result of representations

20. MINIBUSES

All mini-buses licensed by the Council as hackney carriage vehicles must comply with the MOT seat belt standards which apply to seat belts on mini-buses, buses and coaches (including those used for the transport of children).

21. RADIO EQUIPMENT

- (a) Any radio equipment fitted to the vehicle shall be kept in a safe condition and comply with statutory requirements.
- (b) Radio scanners are not permitted.

22. PASSENGER SAFETY

- (a) A proprietor or driver a hackney carriage vehicle shall not convey or permit to be conveyed in the hackney carriage vehicle a greater number of persons (regardless of the age or size of the passengers) than the number of persons prescribed in the licence for the vehicle and specified on the vehicle identification plate affixed to the rear of the vehicle.
- (b) The number of passengers must not exceed the number of restraints available in the vehicle.

PLEASE NOTE: IT IS THE DRIVER'S RESPONSIBILITY TO ENSURE THAT A PASSENGER IS USING THE CORRECT RESTRAINT.

It is acceptable to fit a customer's own child restraint provided that the restraint is of an approved design (i.e. BS Kite Mark) and in a serviceable condition.

23. ANIMALS

- (a) No animal belonging to the hackney carriage vehicle proprietor or the driver of the vehicle shall be conveyed in the vehicle.
- (b) Any animal belonging to or in the custody of a passenger, which in the driver's or proprietor's discretion may be conveyed in the hackney carriage vehicle must be conveyed in the rear of the vehicle and shall be contained so as not to present a nuisance or hazard to any occupants of the vehicle.
- (c) A proprietor or driver of a hackney carriage vehicle must carry a guide dog or assistance dog belonging to a passenger free of charge unless the driver has a proven medical condition that would preclude such action.

24. LUGGAGE

- (a) The proprietor of a vehicle shall provide the proper means for securing luggage if the vehicle is so constructed as to carry luggage. If the luggage is to be carried externally then the means for the carriage and securing of the luggage must provide adequate protection from inclement weather.
- (b) Any roof rack fitted to a vehicle must be the correct design and fitting for the type of vehicle and should be loaded in accordance with the manufacturer's instructions.
- (c) All vehicles shall be loaded with luggage in accordance with the vehicle manufacturer's weight and load specification.

NOTE TO READERS: Paragraphs identified by a single underline indicate changes from the current conditions.

Paragraphs identified by a double underline indicate further changes made as a result of representations

- (d) Luggage shall not be carried or stored above the height of the rear seat or on the parcel shelf.

25. LOSS OF LICENCE

A replacement hackney carriage vehicle licence may be issued upon payment of the relevant fee.

26. RETURN OF IDENTIFICATION PLATE

On receipt of notice, the proprietor of a hackney carriage vehicle shall return the vehicle identification plate to the Council Offices in the event of the expiry (without immediate renewal), suspension or revocation of the licence (Section 58(2) LGMPA 1976).

27. TRANSFER OF VEHICLE

The proprietor of a hackney carriage vehicle must notify the Council in writing of any transfer in the ownership of a hackney carriage vehicle (Section 49 LGMPA 1976). Upon receiving written notification of transfer and relevant fee, an amended paper licence shall be issued by the Council.

28. PERMITTING OR EMPLOYING ANY OTHER PERSON TO DRIVE

Before a proprietor of a hackney carriage vehicle permits or employs a hackney carriage driver to drive the vehicle he shall ensure that the vehicle is adequately insured for that driver.

If you are aggrieved by any of the conditions attached to this licence you may appeal to a Magistrates' Court within 21 days of the service of the licence on you (Section 47(3) LGMPA 1976)

NOTES:

- (a) FAILURE TO COMPLY WITH ANY OF THE CONDITIONS ATTACHED TO THIS LICENCE MAY RESULT IN PROSECUTION AND THE SUSPENSION OR REVOCATION OF THE HACKNEY CARRIAGE VEHICLE LICENCE.**
- (b) IN ADDITION TO THE HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS, THE PROPRIETOR OF A HACKNEY CARRIAGE VEHICLE MUST HAVE REGARD TO ALL STATUTORY PROVISIONS WHICH RELATE TO HACKNEY CARRIAGE VEHICLES.**
- (c) This hackney carriage vehicle licence is not transferable to another vehicle.**
- (d) No person must act as a driver of a licensed hackney carriage vehicle unless he holds a hackney carriage driver's licence issued by the District Council.**
- (e) Application for renewal of this licence should be made to the Head of Environmental Health on the prescribed form which is available from the Council Offices, Coalville. All licence holders will be sent a reminder and the necessary forms for renewal in advance of the expiry of the licence. Please note, however, that the responsibility for renewal rests with the licence holder. Reminder letters are sent purely as a courtesy.**

NOTE TO READERS: Paragraphs identified by a single underline indicate changes from the current conditions.

Paragraphs identified by a double underline indicate further changes made as a result of representations



PRIVATE HIRE VEHICLE LICENCE **CONDITIONS**

Conditions attached to:

Licence No:
Expiry Date:

**PRIVATE HIRE VEHICLE
CONDITIONS OF LICENCE**

NOTE TO READERS: Paragraphs identified by a single underline indicate changes from the current conditions.

Paragraphs identified by a double underline indicate further changes made as a result of representations

CONDITIONS OF LICENCE

Section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976 (LGMPA 1976) states that "A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this sub-section, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates."

1. VEHICLE AGE, DESIGN, TYPE, COLOUR, SEATING AND APPEARANCE

- (a) All private hire vehicles must meet the standards as laid down by the Council with regard to standard of appearance. Vehicles shall have a minimum of 4 doors and shall not have an engine capacity of less than 1250cc. Vehicles with any unrepaired accident damage, panels of a different colour to the rest of the vehicle, missing trims, dirty or damaged upholstery or generally shabby appearance will not be licensed.
- (b) Private hire vehicles must not be over 8 years old on the date of first application, with the exception of vehicles in an exceptionally well-maintained condition, subject to inspection at 6 monthly intervals.
- (c) The age of the vehicle is to be taken from the vehicle registration document. Where the age of a "Q" registered vehicle is not identifiable the age will be calculated as 3 years old at the date of "Q" registration in line with the policy of the DVLA and taken from the registration document.
- (d) With respect to seating, this should be padded. Slatted wooden seats are considered inadequate. Where seats are continuous, 1 foot 4 inches (approximately 41 centimetres) measured horizontally along the front of each seat, should be allowed for each passenger. Any vehicle which is constructed or adapted to seat more than 8 passengers cannot be licensed as a private hire vehicle.
- (e) The vehicle must not be left hand drive.
- (f) The vehicle must not be a convertible.
- (g) The vehicle must have EU Type Approval.
- (h) If (g) cannot be satisfied then a Department for Transport Certificate of Single Vehicle Approval must be produced.

2. MAINTENANCE OF VEHICLE

The private hire vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements shall be fully complied with.

3. ALTERATION OF VEHICLES

- (a) No material alteration or change in the specification, design, condition or appearance of the private hire vehicle shall be made without the written approval of the Council at any time while the licence is in force.
- (b) Any liquid petroleum gas (LPG) vehicle conversion must be carried out by an approved LPG installer. An LPG conversion certificate shall be supplied to the Council. Details of approved UK vehicle conversion companies can be obtained from the LP Gas Association.

NOTE TO READERS: Paragraphs identified by a single underline indicate changes from the current conditions.

Paragraphs identified by a double underline indicate further changes made as a result of representations

4. IDENTIFICATION PLATE

The identification plate identifying the vehicle as a private hire vehicle and required to be exhibited on the vehicle pursuant to Section 48(6) LGMPA 1976 shall be securely fixed to the rear of the vehicle in a conspicuous position and in such a manner as to be easily removable by an authorised officer of the Council or a constable.

The proprietor or driver of the private hire vehicle shall report the loss of the identification plate to the Council Offices as soon as the loss becomes known. A replacement plate shall be issued upon payment of the appropriate fee.

PLEASE NOTE: THE IDENTIFICATION PLATE REMAINS THE PROPERTY OF THE COUNCIL.

5. SECURITY

Where CCTV is installed in private hire vehicles, the Council's CCTV Code of Practice in relation to licensed vehicles shall be followed. A copy can be obtained on request from the Council's Licensing Department.

6. SAFETY EQUIPMENT

Fire extinguisher

- (a) The vehicle shall contain a fire extinguisher which shall meet the requirements of the European standard EN3, and be in the vehicle at all times when it is in use or available for hire.
- (b) The fire extinguishers shall be secured to the vehicle and be within reach of the driver. If the extinguisher is not so secured it must be located inside of the vehicle's boot compartment. A label shall be affixed inside the vehicle indicating that a fire extinguisher is contained within.
- (c) The fire extinguisher shall be indelibly marked with the private hire vehicle's plate number.
- (d) The fire extinguisher must be maintained in good working order, the operating instructions must be legible and the driver of the vehicle must be familiar with its use.

First aid kit

- (a) The proprietor of the vehicle shall provide a suitable first aid kit (see suggested list of contents below) in the vehicle at all times when it is in use or available for hire.
- (b) The first aid kit should be readily visible and available for immediate use in an emergency. If the design of the vehicle is such that a first aid kit cannot be carried in a position where it is easily visible, a sign shall be displayed on the vehicle dashboard indicating the position of the kit.
- (c) The first aid kit shall be indelibly marked with the private hire vehicle's plate number.

THE COUNCIL'S HEALTH AND SAFETY OFFICER RECOMMENDS THAT A PRIVATE HIRE VEHICLE'S FIRST AID KIT CONTAINS THE FOLLOWING ITEMS WHICH ARE REQUIRED BY THE HEALTH AND SAFETY (FIRST AID) REGULATIONS 1981 FOR TRAVEL FIRST AID KITS.

NOTE TO READERS: Paragraphs identified by a single underline indicate changes from the current conditions.

Paragraphs identified by a double underline indicate further changes made as a result of representations

first aid guidance leaflet
1 large wound dressing 18 x 18 centimetres
6 adhesive plasters
2 triangular bandages
6 safety pins
2 individually wrapped wipes
1 pair of disposable gloves

PLEASE NOTE: IN ADDITION TO THE ABOVE 2 ITEMS OF SAFETY EQUIPMENT, IT IS RECOMMENDED THAT EACH VEHICLE SHOULD CONSIDER CARRYING THE FOLLOWING ITEMS IN CASE OF EMERGENCIES.

A TORCH AND SPARE BATTERIES
WARNING TRIANGLE
SHRIEK ALARM TO DISORIENTATE ANY AGGRESSOR
DETAILED MAPS OF AREAS IN WHICH THE VEHICLE IS TRAVELLING

7. CHANGE OF ADDRESS

The proprietor of the vehicle shall notify the Council in writing of any change of his address during the period of the licence within 7 days of such change. Upon receiving notification and relevant fees, an amended paper licence shall be issued by the Council's Licensing Section.

8. CONVICTIONS, CAUTIONS, AND FIXED PENALTY NOTICES

The proprietor of the vehicle shall within 7 days disclose to the Council in writing details of any interview, arrest conviction, or caution by the Police in respect of any matter AND any fixed penalty notice (motoring or otherwise) imposed on him (or if the proprietor is a company or partnership, on any of the directors or partners) during the period of the private hire vehicle licence.

9. MOTOR INSURANCE CERTIFICATE

The proprietor must at all times ensure that the vehicle is adequately insured for use as a private hire vehicle and a copy of the insurance certificate must be available for inspection inside the vehicle whilst it is licensed as a private hire vehicle.

10. PRESENTATION OF VEHICLE FOR INSPECTION

The proprietor, on reasonable notice, must present the vehicle for inspection at any time and at any place required by the Council, provided that such requirements for inspection shall not exceed more than 3 occasions per year (Section 50 LGMPA 1976). Failure to present a vehicle for inspection is an offence under the 1976 Act and will normally lead to the immediate suspension/revocation of a vehicle licence.

The requirement to present for inspection is in addition to the powers of an authorised Licensing officer or Police Constable to test and inspect a private hire vehicle as to its fitness at any reasonable time. (Section 68 LGMPA 1976)

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11. DEPOSIT OF DRIVERS' LICENCES

If the proprietor of the vehicle permits or employs a private hire driver to drive the vehicle, he shall, before that person commences to drive the vehicle, cause the driver to deposit his private hire driver's licence with the proprietor for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of the proprietor.

12. SIGNS AND NOTICES

- (a) Private hire vehicles must display signage on the exterior of vehicle which contains company identification, contact numbers and the words **advanced booking only**.
- (b) Applications for exemption from displaying external signage as listed above will be considered for corporate business. Section 75(3) LGMPA 1976
- (c) No signs shall be displayed on or above the roof of the private hire vehicle.
- (d) Private hire vehicles are not permitted to display signage which includes the words 'taxi' or 'cab' whether in the singular or plural or the words 'for hire' or any other word of similar meaning or appearance likely to cause a person to believe the vehicle is a hackney carriage.
- (e) Private hire vehicles which can accommodate between 5 and 8 passengers should have suitable signage displayed inside the vehicle directing passengers to and giving instruction in the operation and use of exit points, i.e. slide door to open/push door to open.
- (f) A notice must be prominently displayed inside all private hire vehicles and be visible to passengers in the rear of vehicles stating the private hire operator, contact number, vehicle licence number, and contact details of the Council's Licensing section. A template public notice can be obtained by the Councils Licensing Section.

13. ADVERTISEMENTS

No third party advertising is permitted on private hire vehicles.

14. WINDSCREEN DISC

The proprietor of the vehicle shall cause the disc issued by the Council, and which gives details of the licence, to be affixed on the nearside of the front windscreen in such a position that it shall be clearly visible at all times.

PLEASE NOTE: THE DISC REMAINS THE PROPERTY OF THE COUNCIL

15. USE OF TRAILERS

The proprietor of the vehicle shall comply with the following requirements in order for the vehicle to tow a trailer for the carriage of passengers' luggage.

- (a) The luggage trailer must be inspected and approved by the Council's authorised examiners.

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- (b) The luggage trailer must meet the Construction and Use Regulations and where required the driver must hold the appropriate towing licence as issued by the DVLA.
- (c) No licensed vehicle may tow any trailer unless evidence of valid insurance to cover such use has been produced.
- (d) The identification plate, giving the private hire vehicle licence number, must be clearly displayed on the rear of the trailer used in addition to the plate on the rear of the private hire vehicle.
- (e) A spare wheel and tyre of the correct size shall be carried at all times when the trailer is in use.
- (f) The contents of the trailer must be secured and covered in a proper manner.

16. TINTED WINDOWS

The vehicle shall comply with the Construction and Use Regulations 1986 (as amended) with respect to the fitting of tinted, opaque, darkened or privacy glass windows.

17. DAMAGE TO VEHICLE

Any damage to the vehicle affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers carried therein shall be reported in writing to the Council as soon as is reasonably practical and in any event within 72 hours of the occurrence (Section 50(3) of the 1976 Act).

18. CHILD SAFETY

When any child is travelling in the vehicle the child lock on the doors (if fitted) should be used.

19. MINI-BUSES

All mini-buses licensed by the Council as private hire vehicles must comply with the MOT seat belt standards which apply to seat belts on mini-buses, buses and coaches (including those used for the transport of children).

20. RADIO EQUIPMENT

- (a) Any radio equipment fitted to the vehicle shall be kept in a safe condition and comply with statutory requirements.
- (b) Radio scanners are not permitted.

21. PASSENGER SAFETY

- (a) A proprietor or driver of a private hire vehicle shall not convey or permit to be conveyed in the private hire vehicle a greater number of persons (regardless of the age or size of the passengers) than the number of persons prescribed in the licence for the vehicle and specified on the vehicle identification plate affixed to the rear of the vehicle.

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- (b) The number of passengers must not exceed the number of restraints available in the vehicle.

PLEASE NOTE: IT IS THE DRIVER'S RESPONSIBILITY TO ENSURE THAT A PASSENGER IS USING THE CORRECT RESTRAINT.

It is acceptable to fit a customer's own child restraint provided that the restraint is of an approved design (i.e. BS Kite Mark) and is in a serviceable condition.

22. ANIMALS

- (a) No animal belonging to the private hire vehicle proprietor or private hire operator or the driver of the vehicle shall be conveyed in the vehicle.
- (b) Any animal belonging to or in the custody of a passenger, which in the driver's or proprietor's discretion may be conveyed in the private hire vehicle must be conveyed in the rear of the vehicle and shall be contained so as not to present a nuisance or hazard to any occupants of the vehicle.
- (c) A proprietor or driver of a vehicle **must** carry a guide dog or assistance dog belonging to a passenger free of charge unless the driver has a proven medical condition that would preclude such action.

23. LUGGAGE

- (a) The proprietor of a vehicle shall provide the proper means for securing luggage if the vehicle is so constructed as to carry luggage. If the luggage is to be carried externally then the means for the carriage and securing of the luggage must provide adequate protection from inclement weather.
- (b) Any roof racks fitted to a vehicle must be the correct design and fitting for the type of vehicle and should be loaded in accordance with the manufacturer's instructions.
- (c) All vehicles shall be loaded with luggage in accordance with the vehicle manufacturer's weight and load specification.
- (d) Luggage shall not be carried or stored above the height of the rear seat or on the parcel shelf.

24. LOSS OF LICENCE

A replacement private hire vehicle licence may be issued upon payment of the relevant fee. A request should be made to the Council's Licensing Section.

25. RETURN OF IDENTIFICATION PLATE

The proprietor of a private hire vehicle shall on receipt of a notice, return the vehicle identification plate to the Council Offices in the event of the expiry (without immediate renewal), suspension or revocation of the licence (Section 58(2) LGMPA 1976).

26. TRANSFER OF VEHICLE

The proprietor of a licensed private hire vehicle must notify the Council's Licensing Section in writing of any transfer in the ownership of a vehicle within 14 days of the transfer taking

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place. (Section 49 LGMPA 1976). Upon receiving the written notification of transfer and relevant fee, an amended paper licence shall be issued by the Council.

27. PERMITTING OR EMPLOYING ANY OTHER PERSON TO DRIVE

Before a proprietor of a private hire vehicle permits or employs a private hire driver to drive the vehicle he shall ensure that the vehicle is adequately insured for that driver.

If you are aggrieved by any of the conditions specified in this licence you may appeal to a Magistrates Court within 21 days of the service of the licence on you (Section 48(7) LGMPA 1976)

NOTES:

- (a) FAILURE TO COMPLY WITH ANY OF THE CONDITIONS SPECIFIED IN THIS LICENCE MAY RESULT IN THE SUSPENSION OR REVOCATION OF THE PRIVATE HIRE VEHICLE LICENCE.**
- (b) ANY BREACH OF A SPECIFIC PROVISION OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 MAY RESULT IN PROSECUTION**
- (c) IN ADDITION TO THE PRIVATE HIRE VEHICLE LICENCE CONDITIONS, THE PROPRIETOR OF A PRIVATE HIRE VEHICLE MUST HAVE REGARD TO ALL STATUTORY PROVISIONS WHICH RELATE TO PRIVATE HIRE VEHICLES.**
- (d) This private hire vehicle licence is not transferable to another vehicle.**
- (e) No person can drive a private hire car unless he holds a private hire driver's licence issued by the District Council.**
- (f) A vehicle which stands or plies for hire in a street or at a railway station or railway premises requires a hackney carriage licence.**

THIS LICENCE IS NOT SUFFICIENT

- (g) Application for renewal of this licence should be made to the Head of Environmental Health on the prescribed form which is available from the Council Offices, Coalville. All licence holders will be sent a reminder and the necessary forms for renewal in advance of the expiry of the licence. Please note, however, that the responsibility for renewal rests with the licence holder. Reminder letters are sent purely as a courtesy.**

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