

SOUTH DERBYSHIRE DISTRICT COUNCIL

PRIVATE HIRE VEHICLE LICENCE CONDITIONS

PART D

PRIVATE HIRE VEHICLE LICENCES ARE ISSUED SUBJECT TO THE FOLLOWING CONDITIONS. YOU ARE ADVISED TO STUDY THESE CAREFULLY AS NON-COMPLIANCE WITH ANY CONDITION MAY RESULT IN A FINE AND/OR THE LICENCE BEING SUSPENDED OR REVOKED.

1. General Requirements & Maintenance of Vehicle

The vehicle and all its fittings and equipment shall at all times when in use or available for hire be kept in an efficient, safe, tidy and clean condition and be capable of satisfying the Council's authorised examiners at any time during the period of its licence in accordance with the Supplementary Testing Manual, a copy of which can be obtained from the Council.

(a) The vehicle shall have a minimum of 4 doors to facilitate easy access and egress to and from the vehicle.

(b) Every proprietor of the vehicle shall keep records of servicing frequency for the vehicle including dates and mileage and shall make these records available for inspection by an officer of the Council

(c) On submission of a private hire vehicle application, the following documents should be produced to the Council;

- **Vehicle licence application form**
- **DVLA V5 Vehicle Registration form**
- **Insurance for vehicle**
- **MOT Certificate (if applicable)**
- **Meter Calibration Certificate (if applicable)**
- **Fees**

2. Age Restriction of Vehicles

(a) A Vehicle licence will not be renewed when a vehicle, has reached the age of 8 years (taken from the date of first registration in the Vehicle Registration Document.

(b) If vehicles are transferred between operators or drivers then the 8 year rule will be imposed. Temporary transfer due to accident damage to a private hire vehicle will be allowed provided the authority is informed in writing and the vehicle is transferred back as soon as repairs are completed.

(c) **Following a request in writing a special dispensation of the 8 year rule will be allowed for vehicles adapted for wheelchair accessibility, proved to be in good condition. This will be reviewed each successive year after the vehicle is 8 years old, however, an MOT test will be required every 6 months. The dispensation will also apply to 'other' vintage vehicles of exceptional condition.**

3. Alteration of Vehicle

(a) No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the written approval of the Council.

(b) Seats may be removed from the vehicles temporarily to facilitate comfort of passengers but no seats may be added to the vehicle in excess of the licensed number.

4. 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 and until such damage is repaired to the satisfaction of the authorised Officer or the Council's authorised examiners, the vehicle shall not be used for private hire purposes. **If the vehicle is considered not to meet these requirements, a deferred or immediate suspension may be applied.**

5. Inspection and Testing

The proprietor shall:-

(a) present the vehicle and any meter affixed to it for inspection and testing by or on behalf of the Council within such period and at such place within the District as the Council requires on up to two separate occasions during any period of 12 months; and

(b) take all reasonable steps to ensure that the vehicle is presented for test on the date and time arranged with the Council's authorised examiners. Failure to present the vehicle will result in a charge against the proprietor unless written notice of cancellation has been received by the Council giving 24 hours clear notice of the cancellation.

6. Identification Plates

(a) The plate identifying the vehicle as a licensed Private Hire Vehicle shall be securely affixed to the exterior rear of the vehicle, **adjacent to the rear registration plate**. Special licence plate holders are available from the Council if drivers do not wish to screw or bolt their licence plates directly to the body work of the vehicle

(b) Vehicles **(including limousines and vintage vehicles)** which are used solely for **business** contract work **(excluding school contracts)**, may upon written request have this requirement amended in order that the plates may be securely affixed in the boot compartment. Suitable alternative signage as directed by the Licensing section will be affixed in the vehicle as an alternative.

Requests for an exempt vehicle should be applied for in writing per application. An exemption letter will be issued by the Licensing Section of the Council with the vehicle's registration listed. This letter should be kept securely in the vehicle and produced on request to an Authorised Officer or Police Officer.

If a vehicle exemption is refused by the Licensing section, an appeal may be sought and the case may be brought before the Licensing and Appeals Sub Committee for determination.

- (c) Licence plates must be returned to the Council forthwith upon termination of the licence, which may be due to suspension, surrender, revocation, or normal expiry.

7. Vehicle Insurance & MOT

The driver/proprietor of the vehicle must provide the Council with a continuous current insurance for the period of the licence, and it must comply with the requirements of the Road Traffic legislation. The insurance must cover the vehicle for use as a Private Hire Vehicle and must insure all drivers of the vehicle for that purpose. Failure to comply will result in the Private Hire Vehicle Licence being suspended. Private Hire Vehicles must be insured for Private Hire Drivers only. Any persons without a Private Hire Driver's Licence are not authorised to drive a Private Hire Vehicle in any circumstances.

MOT

The proprietor of the vehicle shall ensure that there is a current certificate of MOT provided to the Council for the period of the licence. Failure to comply will result in the Private Hire Vehicle Licence being suspended.

8. Inspection by Authorised Officer

- (a) The proprietor of the vehicle shall at all reasonable times permit an authorised Officer or Police Officer to inspect the vehicle or any meter affixed to it for the purpose of ascertaining its fitness.

(b) Should the Authorised Officer or police **officer** not be satisfied as to the fitness of the vehicle or its meter, the proprietor shall make the vehicle available for further inspection and testing at such reasonable time and place as is specified by notice in writing given by the Council or Police Officer.

(c) If the Authorised Officer or Police Officer is not satisfied with the condition of the vehicle in regard to its safety or roadworthiness the proprietor shall forthwith at the request of the Authorised Officer or Police Officer surrender the licence certificate and licence plate to the officer. The licence will only be released once the vehicle has been inspected and tested in accordance with condition 5 above.

(d) The proprietor shall comply with any notice given by the Council or Police Officer suspending the vehicle licence until such time as s/he is satisfied as to its fitness or the fitness of any meter affixed to it.

(e) The Driver of a Vehicle shall at the request of an authorised officer of the Council or Police Officer produce for examination the following documents:-

- The Driver's current DVLA driving licence
- **Current** Vehicle Registration Documents
- **Current** Vehicle Insurance Documents
- **Current** MOT certificate for the Vehicle
- **Current** Private Hire Driver's Badge
- **Current** Private Hire Vehicle Licence
- **Current private hire vehicle meter calibration certificate**

These documents shall be produced forthwith or at SDDC offices within **5 working days** or Local Police Station if requested by a Police Officer. **Failure to comply may result in immediate suspension of the vehicle.**

9. Signs / Notices / Advertisements

The driver/proprietor **must** display signs identifying the private hire firm, the services offered and its telephone, fax numbers, web site etc

(a) on the side and/or rear panels of the vehicle in letters not larger than 150mm or 6" in height;

(b) on the front and rear windscreens with a maximum depth of 75mm or 3", a width not exceeding that of the windscreen and with the bottom edge abutting the lower edge of the windscreen in the case of rear windscreens and lower or upper edge in the case of front windscreens.

(c) Where a driver operates for more than one licensed Private Hire Operator, the driver must display the appropriate signage on his/her vehicle, identifying the private hire operator/ firm concerned fulfilling each booking.

(d) No such sign shall include the words "TAXI" or "CAB" whether in the singular or plural or the words "FOR HIRE" or any other word or words of similar meaning or appearance likely to cause a person to believe the vehicle is a hackney carriage or is presently available to carry any passengers wishing to hire it.

(e) No other externally, **roof or otherwise**, visible sign, notice, advertisement, plate, mark, number, letter, figure, **illumination**, symbol or emblem shall be displayed on, in or from the vehicle **which may suggest that the vehicle is a hackney carriage taxi**, except as may be required by legislation.

Commercial Advertising on Vehicles

- (a) Advertisements will be allowed with prior approval of the Council. It will be allowed only affixed to the rear doors of the vehicle and not exceed 600mm x 450mm (24 inches x 18 inches approx).
- (b) The Local Authority reserve the right to reject **any signs, notices** or advertisements which is considered to be likely to cause offence, or political in nature.

10. Meter

Should a vehicle be fitted with a meter it shall:-

- (a) be maintained in a sound mechanical condition at all times;
- (b) be securely affixed to the vehicle in such a position that all letters and figures on the face of it are at all times clearly visible to any passenger and for this purpose the letters and figures shall be capable of being suitably illuminated.
- (c) have the word "FARE" printed on the face of it so as to clearly apply to the fare recorded thereon;
- (d) when in operation, record on the face of it in figures clearly legible and free from ambiguity, the appropriate fare;
- (e) when the vehicle is not on hire, show no fare by the proprietor keeping the key or other device locked and the machinery inactive; and
- (f) be affixed to the vehicle with seals or other appliances so that it is not practicable for any person to tamper with except by breaking, damaging or permanently displacing the seals or other appliances.
- (g) be submitted by the proprietor to an authorised supplier/fitter for annual inspection at his/her cost and s/he shall provide the Licensing Authority with a copy of the testing certificate confirming that the meter is in good order and fit for the purpose (including details of any recalibration or adjustment which may have been carried out) and confirm that the tamper proof seals are intact.

11. Radio / Telephone Equipment

Any radio equipment fitted to the vehicle shall:-

- (a) be kept in a safe condition and proper working order;
- (b) comply with the requirements issued by the Home Office or other Government Department, the Post Office or British Telecom; and
- (c) not interfere with any radio or telecommunication equipment.

- (d) Any mobile telephone must be fitted on a hands free basis and comply with Current Road Traffic Act Legislation. Vehicles should not be in motion even on hands free systems if messages are being taken down in writing.

12. Passengers

(a) Every Private Hire vehicle shall have fitted on all forward and rearward facing seats, a suitable seat belt or other restraining device being either a 3-point belt or lap belt.

(b) No greater number of passengers than that specified in the licence shall be carried in the vehicle.

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

(d) Only one passenger shall be conveyed in the front passenger seat of the vehicle unless the vehicle is adapted to carry more.

13. Children

New Regulations came into force in September 2006 the following is an extract from guidance issued by the Department of Transport.

It is impracticable to expect the right child seat or booster to be available in a **vehicle for hire**, unless parents have brought one with them. Therefore, there is an exception so that if child seats or boosters are not available in a **vehicle for hire**:

- under 3s must travel unrestrained in the rear only;
- those 3 years and above must use an adult belt in the rear seat only.
- Remember that a child up to 135 cms in a front seat of any vehicle must use the correct child seat or booster.

	Front seat	Rear seat	Who is responsible ?
Driver	Seat belt MUST be worn if available.		Driver
Child up to 3 years	Correct child restraint MUST be used.	Correct child restraint MUST be used If one is not available in a private hire vehicle, then the child may travel unrestrained in the rear	Driver
Child from 3rd birthday up to EITHER 1.35m	Correct child restraint	Where seat belts fitted, correct child restraint MUST be used	Driver

in height, OR 12 years old	MUST be used	MUST use adult belt if the correct child restraint is not available in three scenarios: - in a in a licensed private hire vehicle or private hire vehicle ; - for a short distance for reason of unexpected necessity; - two occupied child restraints prevent fitment of a third. In addition, a child 3 and over may travel unrestrained in the rear seat of a vehicle if seat belts are not available	
Child over 1.35 metres, or 12 to 13 years	Seat belt MUST be worn if available	Seat belt MUST be worn if available	Driver
Adult passengers (ie 14 years and over)	Seat belt MUST be worn if available	Seat belt MUST be worn if available	Passenger

14. Animals / Guide Dogs

(a) No animal belonging to the proprietor or driver of the vehicle shall be conveyed in the vehicle without the consent of the hirer.

(b) Any animal belonging to a passenger must be conveyed in the rear seating area of the vehicle and shall, when necessary, be contained so as not to present a nuisance or hazard to the occupants of the vehicle.

(c) Private Hire vehicles **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. Operators have the responsibility to ensure that their drivers / employees are aware of such condition when they are first employed.

15. Luggage

(a) The Private Hire Vehicle must have sufficient space for luggage commensurate with the number of passengers it is authorised to carry.

(b) No luggage may be carried on the roof unless carried in an approved enclosed securely fitted device or secured to factory fitted roof rails with adequate protection for such luggage from inclement weather.

(c) If the vehicle is an estate car then whilst carrying luggage a grill or securely fitted net or manufacturers fitted parcel shelf must be fitted to prevent luggage coming into contact with passengers in the event of an accident.

16. Change of Address

The proprietor shall: -

(a) notify the Council in writing of any change of his address within 7 days of such change;

(b) notify the Council in writing within 7 days of any change of the address from which he carried on the business in connection with the vehicle if different from his home address;

(c) within 7 days of a change of either of the addresses referred to in (1) or (2) above, return the licence to the Council for endorsement.

17. Convictions

The proprietor shall within 14 days disclose to the Council in writing details of any convictions imposed on him/her (or if the proprietor is a company, on the company or directors of the company or if a partnership of any of the partners) during the period of the licence.

18. Loss of Licence

The proprietor shall report the loss of the licence to the Council in writing as soon as the loss becomes known. A replacement licence may be issued upon payment of a fee.

19. Return of Licence

The proprietor shall immediately return the licence and vehicle plate to the Council in the event of the Suspension or Revocation of the licence.

20. Payment of Licence Fee

A licence in respect of which the fee has been paid by cheque shall be of no effect in the event of the cheque being subsequently dishonoured. **If the Private Hire vehicle licence has been processed in the meantime, the vehicle will be suspended until such time as payment is honoured.**

21. Renewal and Intermediate Vehicle Inspection

All vehicles on the renewal and after 6 months of their annual licence will be required to undertake a full vehicle inspection at the designated garage appointed by the Council.

A courtesy reminder letter will be sent to the proprietor of the vehicle or private hire operator for the 6 month check. It is the driver/proprietor's duty to present the vehicle. Failure to comply may result in suspension of the vehicle licence.

22. Licence Renewal

A proprietor of the vehicle must apply to the Licensing Section of the Council in writing on the appropriate application form at least 21 days before the expiry of the current licence if s/he requires the licence to be renewed for a further period. **A courtesy reminder letter will be forwarded to the proprietor/operator, however, it is the responsibility of the licensee to provide the application before expiry of the licence.** Failure to renew the licence by the renewal date will result in suspension of the licence until renewal is completed. If the renewal is not completed within 1 calendar month of the renewal date the licence will be revoked completely.

23. Conditions of Licence

(a) The proprietor of the vehicle shall at all times when the vehicle is being used for private hire purposes carry in the vehicle a copy of these conditions for inspection by fare paying passengers.

(b) This licence shall remain the property of the Council and shall be renewed annually.

24. TRAILERS / MINIBUSES / PEOPLE CARRIERS - See special conditions.

25. Liquid Petroleum Gas Vehicles

A Private Hire Proprietor converting their licensed vehicle to run on Liquid Petroleum Gas (LPG) must notify the Council of such change and comply with the following conditions - these conditions will also apply to proprietors purchasing new or used vehicle that runs on LPG.

- a) That the installation of a LPG tank be fitted by an LPGA approved installer, as recommended by the Liquid Petroleum Gas Association.
- b) That the proprietor produces a certificate of compliance by an approved LPGA Installer.
- c) That the LPG tank fitted must be a multi-valve tank and be fitted with a sealed tank box made from aluminium and vented to the atmosphere.
- d) That the vehicle displays on the front and rear screens a roundel sticker stating that the vehicle has been fitted with an LPG tank for the purpose of the emergency services in the event of an accident.
- e) That if a doughnut tank is fitted in the spare wheel well of the boot, the spare wheel must be securely fixed in a position not obstructing the entire luggage space.
- f) That the proprietor of the vehicle must notify the DVLA Swansea of the change in fuel from petrol to LPG or vice versa.
- g) The vehicle be serviced by a person competent in LPG powered vehicles.

26. Wheel Chair Accessible Vehicles

All new Applications for Private Hire Vehicles which are adapted for wheelchair accessibility will receive a 50% reduction on their Private Hire Vehicle Licence Fee for the first **three years**. This is provided that all drivers of the vehicle who are transporting passengers using wheelchairs have received the appropriate training and passed appropriate tests for example by the Driving Standards Agency. **A certificate of training for all private hire drivers of the vehicle will be required to qualify for this reduction.**

Special dispensation of the 8 year rule will be allowed for wheelchair accessible vehicles, proved to be in good condition. This will be reviewed each successive year after the vehicle is 8 years old, however, an MOT test will be required every 6 months.

The dispensation will also apply to 'other' vintage vehicles of exceptional Condition.