



**South  
Derbyshire  
District Council**

**PRIVATE HIRE VEHICLE LICENCE CONDITIONS**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (“the Act”)**

The following conditions are made by South Derbyshire District Council (“the Council”) in pursuance of the powers conferred by Part II of the Act to ensure efficient and effective regulation of private hire vehicle use and to ensure that proper vehicular and driver standards are maintained in the interests of public safety.

**1 GENERAL**

- 1.1 The licence holder shall ensure that they comply in all respects with the requirements of any Act and Regulations affecting the operation of private hire vehicles and motor vehicles, these conditions and any Code of Practice implemented by the Council.

**2 APPEARANCE OF THE VEHICLE**

- 2.1 Vehicles shall be right hand drive, be able to carry no more than 8 passengers, have a minimum of 4 doors and shall not have an engine capacity of less than 1250cc.
- 2.2 The exterior of all licensed vehicles shall be maintained in a clean, safe and proper manner at all times. In particular, the exterior of the vehicle shall:
- (i) be free of dents;
  - (ii) be free of visible rust;
  - (iii) be free of any scratches over 10cm in length;
  - (iv) be free of unrepaired accident damage;
  - (v) have uniform paintwork equivalent to that applied by the manufacturer;
  - (vi) not be missing any exterior trim;
  - (vii) have all 4 hub caps (if part of the original specification) present, matching and scuff free; and
  - (viii) be maintained in an acceptable state of cleanliness.
- 2.3 The interior of all licensed vehicles shall be maintained in a clean, safe and proper manner at all times. In particular, the interior of the vehicle shall:
- (i) be free of stains to the upholstery, including carpets and door trim;
  - (ii) be free of splits and tears to the passenger seats;
  - (iii) be maintained in an acceptable state of cleanliness;
  - (iv) have no edges or damaged items likely to cause injury to a passenger;
  - (v) be free from damp and odour that may cause passenger discomfort; and
  - (vi) provide seats functioning in accordance with the manufacturers’ specification.

- 2.4 All licensed vehicles must be tested at the Council's depot every 6 months. Any vehicle not passing this depot check will be suspended until such time as a pass certificate is provided to the Licensing Department and the relevant fee paid.

### **3 MAINTENANCE OF THE VEHICLE**

- 3.1 The licence holder shall:

- ensure that the vehicle is in a roadworthy condition, thoroughly cleansed, all equipment fittings and fixtures are present and serviceable and complies with the conditions attached to the licence relating to the vehicle before the commencement of any journey;
- record details of checks and inspections in the record book;
- repair any reported defect before the commencement of any journey.

### **4 ALTERATION OF VEHICLE**

- 4.1 No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without written approval of the Council prior to any changes to be made.
- 4.2 If the vehicle is already licensed, the licence will be suspended while the changes to the vehicle are being made. The licence plate must be returned to the Council.
- 4.3 Once any changes have been made, the licence holder must provide the Council with a Confirmation of Compliance notification from the Driver and Vehicle Standards Agency (DVSA).

### **5 SEAT BELTS**

- 5.1 All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with the relevant British Standard, except where legislation specifically provides an exemption.
- 5.2 In relation to the carriage of all passengers, including children, the requirements of all relevant legislation must be complied with.

### **6 PASSENGER CAPACITY**

- 6.1 The licence holder shall not convey or permit to be conveyed in the licensed 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.
- 6.2 The number of passengers must not exceed the number of restraints available in the vehicle.

### **7 FIRE EXTINGUISHERS**

- 7.1 The vehicle shall contain a fire extinguisher which shall meet the requirements of the relevant legislation and be in the licensed vehicle at all times.
- 7.2 The fire extinguisher shall be indelibly marked with the licensed vehicle's plate number.

- 7.3 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.

## **8 FIRST AID KIT**

- 8.1 All licensed vehicles must carry a first aid kit suitable for treating minor injuries that complies with the advice of the Health and Safety Executive as a minimum. There is no requirement for a driver to administer first aid treatment. However, the first aid kit should be made available to passengers or any person(s) where appropriate.
- 8.2 The first aid kit should be stored in such a position so as to be readily available to the driver at all times.
- 8.3 The first aid kit should be indelibly marked with the licensed vehicle's plate number and replenished as necessary to conform with any product expiry date.

## **9 LUGGAGE**

- 9.1 Adequate clean storage for passenger luggage must be available. Luggage carried must be suitably secured in place without obstructing any emergency exits.
- 9.2 No luggage may be carried on the roof of the licensed vehicle unless carried in an approved enclosed securely fitted device or secured to factory fitted roof rails with adequate protection for such luggage from adverse weather.
- 9.3 If the licensed vehicle is an estate, hatchback or multi-passenger type vehicle then whilst carrying luggage a grill or securely fitted net or manufacturers fitted parcel shelf must be fitted to prevent luggage entering the rear passenger compartments.

## **10 INSURANCE AND MOT**

- 10.1 The licence holder must provide the Council with a continuous current insurance for the period of the licence. The insurance certificate must comply with the requirements of any relevant legislation. The insurance certificate must cover the licensed vehicle for use as a private hire vehicle and must insure all drivers of the vehicle for that purpose. Failure to provide an updated insurance certificate before the expiry of the current documents will result in the licence being suspended until such a time as a new insurance certificate has been received.
- 10.2 If a licensed driver is added to the insurance policy during the term of the licence, an updated insurance certificate must be sent to the Council as soon as possible.
- 10.3 The licence holder must ensure that there is a current certificate of MOT in place for the period of the licence. Failure to provide proof of an updated MOT certificate before the expiry of the current document will result in the licence being suspended until such a time as proof of anew MOT certificate has been received.

## **11 LICENCE PLATES**

- 11.1 At all times, the licensed vehicle must display the licence plate provided by the Council unless an exemption has been granted in writing by the Council. The plate should be securely fixed in an external prominent position on or above the rear bumper of the vehicle. The internal plate must be displayed clearly in the front windscreen and in the rear passenger windows.

- 11.2 The licence plate remains the property of the Council and must be returned within 7 days upon termination of the licence which may be due to suspension, surrender, revocation or expiry.
- 11.3 If an exemption has been granted by the Council from displaying the licence plate as required in condition 11.1 above, the exemption letter issued by the Council and the licence plate must be carried in the vehicle at all times.

## **12 SIGNAGE AND ADVERTISING**

- 12.1 No licensed vehicle will be permitted to have a roof sign or any other kind of fixing on the roof.
- 12.2 All licensed vehicles must display signs stating the name of the private hire operator, their telephone number, and the statement, "Advanced Bookings Only" on both external sides of the vehicle. The sign should be legible for members of the public to read easily. The signs must be displayed on the licensed vehicle at all times during the period of the licence.
- 12.3 Where a licensed vehicle is used by more than one operator, the licence holder must ensure that the correct identifying signs are attached to the vehicle when fulfilling any booking.
- 12.4 For any signage in addition to that detailed at condition 12.2, approval must be obtained from the Council in writing prior to any signage being added to the licensed vehicle.
- 12.5 No signage shall include the word "TAXI", "CAB" or the words "FOR HIRE" or combinations of the above, or any other words that are likely to cause a person to believe that the vehicle is a hackney carriage and available for instant hire.
- 12.6 No signage must be placed in or on any of the windows of the licensed vehicle so as to avoid the driver's view from being obscured.

## **13 COMMUNICATIONS DEVICES**

- 13.1 Any radio equipment fitted to the vehicle shall be kept in a safe condition, comply with statutory requirements and not interfere with any radio or telecommunication equipment.
- 13.2 The use of a Citizen Band (CB) transmitter or receiver is prohibited.
- 13.3 The use of radio scanning devices is prohibited and such devices must not be fitted or carried in the vehicle.
- 13.4 Drivers relying on mobile phones, PDA or similar communication devices as their communication device shall ensure that they are connected to a bluetooth device to enable hands free operation. Nothing in this section overrides the law regarding the use of mobile phones, PDA or similar communication devices whilst driving on a public highway.

## **14 TAXIMETERS**

- 14.1 It is not compulsory to have a taximeter installed in a licensed vehicle. Where a taximeter is fitted, the licence holder must provide the Council with:

- (i) a calibration certificate;
- (ii) details of the fare that the meter is set to.

- 14.2 A tariff card must be displayed in the vehicle showing the current fares payable.
- 14.3 The Council will require a new calibration certificate and new fare details each time a licence holder changes the private hire operator that they work for or the fare table changes.
- 14.4 The taximeter must be maintained in sound mechanical condition at all times, be securely fixed in the licensed vehicle, be clearly visible to passengers at all times and be fitted with seals so that it is not practicable for any person to tamper with except by breaking, damaging or permanently displacing the seals or other appliances.
- 14.5 Where a taximeter is not used, the cost of the journey must be agreed with the passenger(s) prior to undertaking the journey. At the conclusion of the journey, the fare charged should not exceed the amount previously agreed.

## **15 TRAILERS**

- 15.1 Trailers may only be used with the prior written approval of the Council and subject to the following requirements:
- (i) The driver's DVLA driving licence must cover the categories that allow the towing of trailers, currently 'BE' for cars and 'D1E' for a minibus, as amended by any subsequent legislation;
  - (ii) The trailer must at all times comply with all requirements of road traffic legislation, in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986;
  - (iii) The trailer must be presented for inspection at the Council depot every 6 months, with the licensed vehicle it is to be used with, the cost of which is to be paid by the licence holder;
  - (iv) The vehicle insurance must include the towing of a trailer;
  - (v) A suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use;
  - (vi) A suitable tow-bar, with working electrics must be fitted to the vehicle;
  - (vii) It must not be left unattended anywhere on the highway;
  - (viii) The trailer must only be used on pre-booked journeys when excess luggage is to be carried and not for general use;
  - (ix) The trailer may only be used on the licensed vehicle that it was presented with at the Council Depot;
  - (x) No advertising shall be permitted anywhere on the trailer;
  - (xi) A spare wheel is carried at all times;
  - (xii) The trailer must be plated by the manufacturer stating the maximum load permitted
  - (xiii) The speed restrictions applicable to trailers must be observed at all times;
  - (xiv) Trailers must display an identical licence plate to the licensed vehicle at all times when attached to the licensed vehicle. The Council may charge an administrative fee for the duplicate plate.

## **16 WHEELCHAIR ACCESSIBLE VEHICLES**

- 16.1 Any wheelchair accessible vehicle must comply with the following requirements:

- (i) Access to and exit from the wheelchair position must not be obstructed in any manner at any time except by wheelchair loading apparatus;
- (ii) Wheelchair internal anchorage must be of the manufacturer's design and construction and secured in such a position as not to obstruct any emergency exit;
- (iii) A suitable restraint must be available for the occupant of a wheelchair;
- (iv) Access ramps or lifts to the vehicle must be securely fixed prior to use, and be able to support the wheelchair, occupant and helper;
- (v) Ramps and lifts must be securely stored in the vehicle before it may move off;
- (vi) The licence holder and all drivers must be suitably trained on how to use the equipment, and how to handle a person in a wheelchair;

16.2 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must be tested every 6 months in accordance with the requirements of the relevant legislation. Any such equipment must be maintained in good working order and be available for use at all times. The certificate must be provided to the Council.

16.3 All wheelchair accessible vehicles are placed on the Council's designated list under section 167 of the Equality Act 2010. The driver of the licensed vehicle must comply with the duties and responsibilities placed on them as a driver of a wheelchair accessible vehicle unless the driver has been exempted in writing from them by the Council. The notice of exemption must be displayed in the licensed vehicle at all times.

## **17 LIQUID PETROLEUM GAS (LPG)**

17.1 Any licence holder wishing to convert their licensed vehicle to run on LPG must notify the Council prior to any conversion taking place. Once the conversion has taken place, the licence holder must provide the Council with a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with LPG Association Code of Practice. This certification is required to ensure that the vehicle is considered safe by an approved inspector.

17.2 If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel), an amount of space shall remain free for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.

## **18 TINTED WINDOWS**

18.1 For licences granted after 1<sup>st</sup> July 2019, the minimum light transmission permitted for the windscreen is 75% and all other windows in the licensed vehicle shall be 70%.

18.2 No film or tints should be added to the windows of the licensed vehicle in addition to the manufacturer's original specification.

## **19 CHANGE OF DETAILS**

19.1 The licence holder shall notify the Council in writing of any change of his name, address, telephone number or email address during the period of the licence within 7 days of such change. Upon receiving notification, relevant documentation and fees, an amended licence shall be issued by the Council.

- 19.2 The licence holder should notify the Council in writing of any change of operator within 7 days of such a change.

## **20 INSPECTION**

- 20.1 All private hire vehicles must be available for inspection at all times when requested by an Authorised Officer or a Police Officer.
- 20.2 All vehicle documentation must be produced within twenty four hours, or such other time as specified, when requested by an Authorised Officer or a Police Officer.

## **21 UNAUTHORISED USE**

- 21.1 The licence holder shall not allow the vehicle to be driven by any person who does not hold an appropriate current private hire driver's licence issued by the Council.
- 21.2 A copy of the vehicle licence shall be lodged and will be held on record by the private hire operator until such time as the driver ceases to work for the operator. Upon such time the licence will be returned to the driver.

## **22 ACCIDENT AND DAMAGE TO THE VEHICLE**

- 22.1 All accidents, collisions and damage involving the licensed vehicle, however minor, must be reported to the Council in writing as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof, regardless of whether any party was injured.

## **23 CARRIAGE OF ANIMALS**

- 23.1 The licence holder shall not permit any animal belonging to or under the care of the licence holder to ride in the vehicle when using the vehicle for private hire, without the consent of the hirer.
- 23.2 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.
- 23.3 The licence holder shall not refuse any request to carry an assistance or guide dog, accompanying a person with a disability, unless the licence holder has been exempted in writing from this requirement by the Council. An assistance or guide dog must be carried free of charge in the vehicle. The notice of exemption must be displayed in the licensed vehicle at all times.

## **24 LOSS OF LICENCE**

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

## **25 TRANSFER OF LICENCE**

- 25.1 The licence holder shall notify the Council in writing of any transfer relating to the ownership of a vehicle within 14 days of the transfer taking place. Upon notification, relevant documentation and receipt of the current transfer fee, the Council will issue an amended licence to the new proprietor.

## **26 CONVICTIONS AND DLVA DRIVING LICENCE**

### **26.1**

The licence holder shall immediately, and in event not later than 48 hours, disclose to the Council in writing if they are arrested, receive a summons or a postal requisition notice during the term of their licence. The licence holder's representative may fulfil this requirement if the licence holder is detained.

26.2 The licence holder shall, within 48 hours, notify the Council in writing of any charge or conviction of any sexual offence, of any offence involving dishonesty or violence and any motoring offence. The licence holder shall, within 7 days, notify the Council in writing of any other caution or conviction received during the term of their licence.

~~The licence holder shall immediately, and in event not later than 72 hours, disclose to the Council in writing if they are arrested during the period of the licence. The licence holder's representative may fulfil this requirement if the licence holder is detained.~~

~~26.2 The licence holder shall, within 7 days, notify the Council in writing of any caution or conviction (including motoring offences) received during the period of their licence.~~

26.3 Fixed Penalty Notices (FPN) shall be reported to the Council in writing upon acceptance from the Authorised Officer, as opposed to when the driving licence has been updated.

26.4 The licence holder shall notify the Council of any suspension or revocation of their DVLA driving licence within ~~48~~ 72 hours. The licence holder shall make his or her DVLA/EU driving licence available for inspection by a Council or a Police Officer upon request.

## **27 DUAL PLATING**

27.1 A licensed vehicle must not be licensed with another Council or subsequently be licensed with any other Council during the period of the licence.

## **28 HIRE VEHICLES**

28.1 The Council must be notified in writing as soon as the nominated licensed driver is no longer using the hire vehicle. On receipt of this notice, the private hire vehicle licence will be suspended until notification is received of any new driver. The licence plate must be returned to the Council within 7 days of the date of the suspension notice. The vehicle should not be used for private hire purposes until the licence holder has received written confirmation that the suspension has been lifted and that the proposed driver is a licensed driver with this Authority.

28.2 Before any hire vehicle is licensed with any other Licensing Authority, the licence must be surrendered and the plate returned to the Council.

## **29 MISCELLANEOUS**

29.1 The proprietor of a private hire vehicle shall not knowingly cause or permit the vehicle to be used for any illegal or immoral purpose.

29.2 Nothing in these conditions shall be interpreted as overriding the provisions of:

- (i) the Town Police Clauses Act 1847, as amended;

- (ii) the Local Government (Miscellaneous Provisions) Act 1976, as amended;
- (iii) the Transport Act 1986, as amended.

### **30 HEALTH ACT 2006**

30.1 It is the responsibility of the driver, the vehicle proprietor, and the operator to ensure no smoking signage, as prescribed by the Health Act 2006, is displayed in the private hire vehicles at all times.

30.2 No smoking by any person is permitted in the licensed vehicle at any time during the period of the licence.

### **31 VARIATION OF CONDITIONS**

31.1 The Council reserves the right to vary, delete or waive any of these conditions.

#### **DOCUMENT HISTORY**

<b>Issue No</b>	<b>Issue Date</b>	<b>Approved by</b>
1	January 2009	Council
2	April 2012	Council
3	November 2014	Council
4	July 2019	Council
<b>5</b>	<b>January 2021</b>	<b>Council</b>