

Subject: Review Decision-Hackney Carriage Vehicle Licence Condition 5.10 and Private Hire Vehicle Condition 4.10
Status: For Publication

Report to: Licensing Committee
Date: 2nd December 2008

Report of: Executive Director of Business

Portfolio

Holder: Finance and Resources

Key Decision: No

Forward Plan General Exception Special Urgency

1. PURPOSE OF REPORT

- 1.1 To request elected members of the Licensing Committee review a decision of the Licensing (Taxi/Private Hire) Sub-Committee
- 1.2 To request elected members of the Licensing Committee clarify Hackney Carriage Vehicle Licence Condition 5.10 and Private Hire Vehicle Condition 4.10

2. CORPORATE PRIORITIES

- 2.1 The matters discussed in this report impact directly on the following corporate priorities and associated corporate objective/s.
- Delivering Quality Services to Customers (Customers, Improvement)
 - Well Managed Council (Improvement, Community Network)

3. RISK ASSESSMENT IMPLICATIONS

- 3.1 There are no specific risk issues for members to consider arising from this report.

4. BACKGROUND AND OPTIONS

- 4.1 At a meeting of the Licensing (Taxi/Private Hire) Sub-Committee on 18th August 1999 it was resolved:

- i) that with effect from 1st September 1999, in respect of vehicles licensed to carry in excess of four passengers, it be a condition of the vehicle licence that all rows of seats have direct access to a minimum of one door; all doors to be capable of being opened from inside and outside the vehicle
 - ii) that in respect of those vehicles currently licensed by the Council which would not satisfy the criteria outlined in resolution (i) above, authority be given to issue licences for a period of three years from the date the vehicle was first licensed
 - iii) that the Chief Executive Officer write to advise all existing licence holders of these changes and that he similarly advise the testing garages
 - iv) that the Chief Executive Officer seek information on the practices of a sample of licensing authorities in the matter
- 4.2 The minutes of the Licensing (Taxi/Private Hire) Sub-Committee on 18th August 1999 are at Appendix A
- 4.3 Hackney Carriage Vehicle Licence Condition 5.10 and Private Hire Vehicle Condition 4.10 state:
- in the case of a vehicle licensed to carry in excess of 4 passengers, all rows of seats shall have direct access to a minimum of one door. All doors shall be capable of being opened from inside and outside the vehicle;
- 4.4 The Hackney Carriage and Private Hire Vehicle Licence Conditions are at Appendix B
- 4.5 The Licensing Unit reports that the above determination at 4.1 of this report was never implemented
- 4.6 The Licensing Unit further reports that the original report accompanying the determination at 4.1 of this report is not available
- 4.7 The Licensing Unit further reports that as of 13/11/08, there are 37 vehicles licensed by Rossendale Borough Council that will require inspection following the determination of the Licensing Committee
- 4.8 Local Government (Miscellaneous Provisions) Act 1976 S. 47, licensing of hackney carriages
- 1) 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
 - 2) 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

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

4.9 Local Government (Miscellaneous Provisions) Act 1976 S. 48, licensing of private hire vehicles

- 1) Subject to the provisions of this Part of the Act, a District Council may on receipt of the application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a private hire vehicle, grant in respect thereof a vehicle licence:

Provided that a District Council shall not grant such a licence unless they are satisfied –

(a) that the vehicle is –

- i. suitable in type, size and design for use as a private hire vehicle;
 - ii. not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
 - iii. in a suitable mechanical condition;
 - iv. safe; and
 - v. comfortable
- 2) 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
 - 7) Any person aggrieved by the refusal of a District Council to grant a vehicle licence under this section or by any conditions specified in such a licence, may appeal to a magistrates' court

COMMENTS FROM STATUTORY OFFICERS:

5. SECTION 151 OFFICER

- 5.1 There are no material financial implications

6. MONITORING OFFICER

- 6.1 The Council must make a decision based on all relevant information and following consideration of all relevant Council policies

7. HEAD OF PEOPLE AND ORGANISATIONAL DEVELOPMENT (ON BEHALF OF THE HEAD OF PAID SERVICE)

- 7.1 There are no specific human resources implications

8. CONCLUSION

8.1 To consider the report and to make the appropriate determinations

9. RECOMMENDATION(S)

9.1 That the Licensing Committee, determine to clarify the decision of the Licensing (Taxi/Private Hire) Sub-Committee determined on 18th August 1999

9.2 That the Licensing Committee determines a new implementation date

9.3 That the Licensing Committee determine a course of action for those vehicles currently licensed that do not fall within the vehicle conditions

9.4 The Licensing Unit offers the following options when determining a course of action as at 9.3 of this report. However other options are welcomed by members of the Licensing Committee when determining a course of action.

Option One: (Recommended) Grandfather Rights to all vehicles currently licensed

Option Two: Recall affected vehicles and amend the Licence for the carriage of 4 passengers

Option Three: Recall affected vehicles and revoke the Licence

Option Four: Remove Hackney Carriage Vehicle Licence Condition 5.10 and Private Hire Vehicle Condition 4.10

10. CONSULTATION CARRIED OUT

10.1 The Taxi Enforcement Officer contacted the following neighboring Authorities:

- Blackburn with Darwen Borough Council
- Oldham Metropolitan Borough Council
- Bury Metropolitan Borough Council
- Burnley Borough Council
- Bolton Council
- Pendle Borough Council
- Rochdale Metropolitan Borough Council

10.2 Bolton Metropolitan Borough Council, Burnley Borough Council and Blackburn with Darwen Borough Council currently Licence vehicles for more than 4 passengers irrespective of whether or not all rows of seats have direct access to a minimum of one door, and with no regard as to whether or not the doors are capable of being opened from inside and outside the vehicle.

10.3 Oldham Metropolitan Borough Council, Bury Metropolitan Borough Council, Pendle Borough Council and Rochdale Metropolitan Borough Council – in the interest of public safety - **do not** Licence vehicles for more than 4 passengers

unless they are satisfied that all rows of seats have direct access to a minimum of one door, and that all doors are capable of being opened from inside and outside the vehicle.

11. EQUALITY IMPACT ASSESSMENT

Is an Equality Impact Assessment required Yes
 Is an Equality Impact Assessment attached No

12. BIODIVERSITY IMPACT ASSESSMENT

Is a Biodiversity Impact Assessment required No
 Is a Biodiversity Impact Assessment attached No

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Appendices	
Document	Appendix Number
Minutes of the Licensing (Taxi/Private Hire) Sub-Committee on 18 th August 1999	<i>A</i>
Hackney Carriage and Private Hire Vehicle Licence Conditions	<i>B</i>

LICENSING (TAXI/PRIVATE HIRE) SUB-COMMITTEE

held 18th August, 1999
at 4.30 p.m.

PRESENT: Councillor Fishwick (in the Chair)
Councillors Beavan (for Smith), Driver, Stuart and Wilkinson

APOLOGIES: Councillor Smith

SECTION 'B' - FUNCTIONS DELEGATED

Minutes

1. Resolved that the Minutes of the last meeting of the Sub-Committee held 16th June, 1999 be approved as a correct record.

Hackney Carriage Stands

2. The Chief Executive Officer reported that at the meeting of the Sub-Committee, held 14th April, 1999, he had been instructed to investigate the possibility of establishing Hackney Carriage Stands at the following locations.

- a) John Street Car Park, Haslingden
- b) Blackburn Road/Ratcliffe Fold, Haslingden
- c) Bus Stop/Turning Circle, off Burnley Road East, Waterfoot
- d) Waterfoot Car Park
- e) Unnamed road, off Cowpe Road, Waterfoot, adjacent to the coal yard, running parallel to Bacup Road.

Immediately prior to the meeting, Councillors had met on site to view the above mentioned proposals.

John Street Car Park, Haslingden

- 2(a) The Chief Executive Officer reported that the proposal was to establish a Hackney Carriage Stand in the car park at John Street, Haslingden, adjacent to the Co-Op Store. This proposed Hackney Carriage stand would be operational during off peak hours from 9.00 pm to 3.00 am, seven days per week, for eight vehicles.

The Police and Lancashire County Council had no objections to the proposal, but the Borough Engineer and Planning Officer expressed some concern at how a Hackney Carriage Stand could be marked out in a car park, in accordance with the markings prescribed by the Traffic Signs Regulations and General Directions.

Resolved that no further action be taken with regard to the establishment of a Hackney Carriage Stand at John Street Car Park, Haslingden.

Blackburn Road/Ratcliffe Fold, Haslingden

2(b) The Chief Executive Officer reported that the proposal was to establish a Hackney Carriage Stand for 8 vehicles on Ratcliffe Fold with vehicles exiting on to the roundabout junction with Blackburn Road and John Street, from 9.00 pm to 3.00 am, seven days per week.

The Police had no objections to this proposal, but the Borough Engineer and Planning Officer and the Lancashire County Council were objecting on the grounds that Ratcliffe Fold could easily become congested with parked vehicles, adding that there were no turning facilities, and that they did not view it desirable for traffic flows to be increased at this location.

Resolved that no further action be taken with regard to the establishment of a Hackney Carriage Stand at Blackburn Road/Ratcliffe Fold, Haslingden.

Bus Stop/Turning Circle - Off Burnley Road East, Waterfoot

2(c) The Chief Executive Officer reported that the proposal would be to establish a Hackney Carriage Stand for 10 vehicles, from the departure of the last bus until 3.00 am, seven days per week, at the bus stop/turning circle off Burnley Road East, Waterfoot.

The Chief Executive Officer reported that both the Police and the County Council had no objections to the proposals, provided that there was no clash with bus operations. Rossendale Transport had been consulted about this proposal, and they had no objections, so long as the Hackney Carriage Stand did not become operational until after the departure of the last bus.

The Borough Engineer and Planning Officer had expressed some reservations about the proposal insofar as the area was not a public highway and there may be issues relating to third party liability. The Borough Engineer and Planning Officer also referred to potential problems with regard to directional signs to the Hackney Carriage Stand.

The Chief Executive Officer reminded Members that adjacent to the turning circle was a sheltered housing scheme, accommodating, in the main, elderly residents. This scheme was separated from the turning circle by a brick wall. There was the possibility of disturbance and nuisance to residents to consider.

Resolved that in accordance with the Sub-Committee's consultation policy, the Chief Executive Officer consult residents in the vicinity of the proposed rank, and the Borough Housing and Environmental Health Officer on the proposal, and the responses to the consultation be reported to the next meeting.

Waterfoot Car Park

2(d) The Chief Executive Officer reported that he had consulted with the Police, Lancashire County Council and the Borough Engineer and Planning Officer about the introduction of two way operations at the entrance to Waterfoot Car Park, off Bacup Road. At present, vehicles exited the car park via the rear of Waterfoot Neighbourhood office and Millar Barn Lane. The Police, Lancashire County Council and the Borough Engineer and Planning Officer were all opposed to the introduction of two way operations at Waterfoot Car Park on the grounds of road safety.

Resolved that no further action be taken with regard to the establishment of a Hackney Carriage Stand at Waterfoot Car Park.

Unnamed Road, off Cowpe Road, Waterfoot

2(e) The Chief Executive Officer reported that the proposal was to establish a Hackney Carriage stand for 10 vehicles from 9.00 pm to 3.00 am on the unnamed street off Cowpe Road, Waterfoot, adjacent to the coal yard and running parallel to Bacup Road.

The Police and Lancashire County Council had no objections to the proposals. The Borough Engineer and Planning Officer though, expressed some reservations about this stand, stating that the street was unadopted, in a poor condition without footways, that the road junction with Cowpe Road was poor and the street was not well lit.

Resolved that no further action be taken with regard to the establishment of a Hackney Carriage Stand at the unnamed street, off Cowpe Road, Waterfoot.

People Carriers

3. The Chief Executive Officer reported that at the last meeting of the Sub-Committee, held 16th June, 1999, Members had given consideration to a report relating to the seating layout of certain vehicles which the Council had licensed to carry in excess of 4 passengers. It had been suggested that Members may wish to consider adopting guidelines whereby those vehicles which were considered unsuitable, would not be licensed and that to cover instances where there was some doubt, applicants be invited to submit details of the vehicle and seating layout in advance, before the vehicle is purchased, and that the Chief Executive Officer be delegated authority to determine applications in those cases of doubt. The Sub-Committee resolved to defer consideration of the report.

The Chief Executive Officer suggested that there should be access to two doors for every passenger; such doors to be capable of being opened from the inside or the outside of the vehicle and that passengers have unrestricted access to both doors without the need to climb over seats or luggage within the vehicle.

The Chief Executive Officer reported that he had been approached by the proprietor of a Peugeot 806 vehicle, presently licensed as a Private Hire Vehicle. The vehicle was inspected and was fitted with forward facing seat belts; the middle bank of seats had access via a door on either the nearside or the offside of the vehicle and the rear seats similarly had access via the same nearside or offside door, after the middle seats had been tilted forwards. There was also access/egress from the rear of the vehicle, but the door could only be opened from the outside.

The Chief Executive Officer added that if the Sub-Committee wished to proceed in tightening the licensing regime in respect of vehicles with more than four passenger seats, he recommended that there continue to be a need to arrive at a specification clearly understandable, but there would also need to be an element of discretion to be exercised, in respect of those vehicles which may not precisely fit the specification.

Resolved i) that with effect from 1st September 1999, in respect of vehicles licensed to carry in excess of four passengers, it be a condition of the vehicle licence that all rows of seats have direct access to a minimum of one door; all doors to be capable of being opened from inside and outside the vehicle

ii) that in respect of those vehicles currently licensed by the Council which would not satisfy the criteria outlined in resolution (i) above, authority be given to issue licences for a period of three years from the date the vehicle was first licensed

iii) that the Chief Executive Officer write to advise all existing licence holders of these changes and that he similarly advise the testing garages

iv) that the Chief Executive Officer seek information on the practices of a sample of licensing authorities in the matter

Age Limit

4. Further to the last meeting of the Sub-Committee, held 16th June, 1999, the Chief Executive Officer reported that all licensed vehicles - private hire and hackney carriage - were subject to two tests per year, and that no age limit on vehicles was presently in force.

The Chief Executive Officer reported that of the 160 vehicles presently licensed, 122 were in excess of five years old.

A Member referred to the site visits made to proposed Hackney Carriage Stands, prior to the meeting, when Members were approached by representatives of trade. It was suggested that representatives of the Trade be invited to attend a meeting with Members of the Sub-Committee, to discuss matters relating to the Borough's Taxi and Private Hire Operations.

Resolved i) that the Borough's Licensed Taxi and Private Hire Trade (Private Hire Operators and Representatives of Rossendale Taxi Association) be invited to attend a meeting with Members of the Sub-Committee, to discuss matters pertaining to the Borough's Taxi and Private Hire Operations, and that prior to the meeting they be requested to put forward their own items for the agenda and

ii) that the question of an age limit for vehicles be placed on the agenda for the meeting referred to in (i) above.

Driver Improvement Scheme

5. The Chief Executive Officer reported that he had been approached by Lancashire Constabulary who advised that one of the key objectives of the local policing plans, was the reduction of road collisions.

The Constabulary in partnership with the Road Safety Department of Lancashire County Council provided a Driver Improvement Course - an intensive 1½ day period of instruction with lectures and practical defensive driving lessons at a cost of £120.00 per person.

Details of the scheme were copied to the Members. The Police were suggesting that the scheme be used as part of the application process for applicants for private hire and hackney carriage drivers licenses. The Police view was that if more local drivers were to participate in the scheme, there would in the longer term be fewer road collisions in East Lancashire. They suggested that in cases where an applicant has driving convictions, it may be made a condition of the application that they attend the course to improve their driving. Alternatively, it may be that all new applicants be required to attend the course. Payment of the costs, would be paid by the applicant.

Resolved that the matter be raised at the meeting with the trade referred to in minute no. 4 above.

THE MEETING CLOSED AT 6.30 P.M.

HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS

INTRODUCTION

The following conditions are attached to a hackney carriage vehicle licence. Breach of any of these conditions may lead to suspension or revocation of the licence. A hackney carriage remains a hackney carriage even when being used for private hire purposes.

1. SIGNS, NOTICES ETC.

- 1.1 The vehicle must not be equipped with roof fittings including advertisements, other than a roof sign in accordance with condition 1.2 below, or a wireless aerial which if fitted must be fitted in such a manner to satisfy the Council, and
- 1.2 Must be fitted with a roof sign bearing the words, "Taxi" or "Hackney Carriage" or "For Hire" which may display the company name and telephone number.
- 1.3 There shall be no lights, plates, signs or other fitting (other than the licence plate referred to in condition 5.14) displayed on, in or from the vehicle, except those approved by the Council or displayed to comply with requirements under the current lighting and licensing regulations approved by the Secretary of State.
- 1.4 The vehicle shall display on the front nearside and the front offside door, the Coat of Arms of the Borough of Rossendale, incorporating the words "Borough of Rossendale" and "Licensed Hackney Carriage" in the design and form to be supplied by the Council.
- 1.5 The vehicle shall display on each rear passenger door window, a vehicle identification disc in the design and form to be supplied by the Council.
- 1.6 No markings of any nature, other than standard manufacturer's markings, are permitted, except upon the written authorisation of the Licensing Manager and in accordance with the criteria set out below:

Permitted Markings: Only the company/organisation name and one contact telephone number may be displayed.

Permitted Location and size of markings: Rear passenger doors (total area for markings may not exceed 20.5cm by 32cm in size) on each door. The rear boot lid.

Permitted Typeface and colour: Any typeface is permitted provided that the total area of each marking does not exceed the limits above. Markings must be in one consistent colour which is in contrast to the main colour of the vehicle. Applications for this purpose must be made in writing to the Licensing Manager and accompanied by a sample of the proposed markings. Submissions must be in colour and full details of the signage must be provided to demonstrate how it complies with the Council's requirements. No additional markings will be permitted.

2. RADIO MICROPHONE

- 2.1 Any radio microphone installed in the vehicle shall be fitted in such a position that its use by the driver would not impair his control of the vehicle when it is in motion.

3. USE OF TAXIMETER

- 3.1 The vehicle shall be provided with a taximeter which must be so constructed, securely fitted and maintained as to comply with the following requirements:
- 3.1.1 the taximeter shall be fitted with a key, flag or other device, the turning of which will bring the machinery of the taximeter into action and cancel and "FOR HIRE" sign and the roof sign.
 - 3.1.2 when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare in accordance with the statement of fares set by the Council.
 - 3.1.3 the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring
 - 3.1.4 the taximeter and all the fittings thereof shall be so affixed to the carriage with appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the appliances.

4. STATEMENT OF FARES

- 4.1 The vehicle shall contain the statement of fares issued by the Council, to be fitted and maintained in such a position so as to be clearly visible at all times to the hirer.

5. MAINTENANCE OF VEHICLE

The vehicle shall:

- 5.1 be of such design to enable any person in the carriage to communicate with the driver;
- 5.2 be fitted with a roof or covering which can be kept watertight;
- 5.3 contain windows and a means of opening and closing not less than one window on each side;
- 5.4 contain seats which must be properly cushioned or covered, all seats must be forward facing unless expressly authorised by an authorised officer of the Council;
- 5.5 subject to current statutory legislation, have one seat belt for every licensed passenger: in the case of minibuses, all passenger seats must similarly have one seatbelt;
- 5.6 be provided with a proper carpet, mat or other suitable covering for the floor;
- 5.7 contain fittings and furniture kept in a clean condition, safe and well-maintained and in every way fit for public service;

- 5.8 be fitted in such a way to enable luggage to be secured if the vehicle is so constructed to carry luggage;
- 5.9 in the case of a vehicle licensed to carry 4 passengers, it should contain at least three doors for the use of persons conveyed in the vehicle (one of which may be an emergency exit) and a separate door for the driver;
- 5.10 in the case of a vehicle licensed to carry in excess of 4 passengers, all rows of seats shall have direct access to a minimum of one door. All doors shall be capable of being opened from inside and outside the vehicle;
- 5.11 be a right hand drive vehicle;
- 5.12 be equipped at all times with an appropriate spare wheel and a suitable jack and wheel brace.
- 5.13 The proprietor of the licensed vehicle shall:
- a) keep the licensed vehicle in a mechanical condition suitable for its use as a hackney carriage vehicle.
 - b) keep the exterior of the licensed vehicle including the windows clean and in good condition.
 - c) all panels on the vehicle shall be painted in the manufacturers colour and must not have panels with unmatched colours or in primer.
- 5.14 Plates provided by the Council identifying the vehicle as a Hackney Carriage vehicle shall be affixed to the exterior of the vehicle at the front and rear of the vehicle and displayed at all times throughout the period that the vehicle is licensed as a hackney carriage. The plate shall be capable of being easily removed by a Constable or duly authorised officer of the Council, should the licence be revoked or suspended.
- 5.15 Upon expiry of the licence, the proprietor shall return to the Council the identification plates supplied by the Council.
- 5.16 Before the expiry of the sixth month after the issue of the licence, but after the expiry of the fifth month after the issue of the licence, the vehicle shall undertake an MOT inspection and when submitted for inspection, it shall be in a complete and thoroughly good condition and the engine, body, wheels, furniture and fittings must be in good repair and order. All brakes, lights, steering apparatus, tyres, furniture and fittings must be in good condition.
- 5.17 An application for an annual vehicle licence must be accompanied by a MOT test certificate that has been issued by a Council approved MOT testing station within a calendar month of the date of application and a certificate of Motor Insurance covering the vehicle's use for public hire.

6. SAFETY EQUIPMENT

- 6.1 There shall be provided and maintained in the vehicle at all times when it is in use or available for hire, a fire extinguisher and a first aid kit containing appropriate first aid dressings and appliances, such equipment to be carried in such a position in the vehicle as to be readily available for immediate use in an emergency.
- 6.2 All windows shall be transparent and be of standard manufacturer's specification and to the satisfaction of the authorised officer.

7. TERM OF LICENCE

- 7.1 Hackney carriage licences shall be granted for a period of 12 months. Applications for renewal should be submitted 14 days before the expiry date of the licence.

8. ACCIDENTS TO VEHICLE

- 8.1 The proprietor of a hackney carriage shall report to the Council as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof, any accident to such hackney carriage causing damage materially affecting the safety, performance or appearance of the hackney carriage or the comfort or convenience of persons carried therein. Compliance with this condition does not exempt the proprietor from his statutory liability to report accidents to the police.
- 8.2 The proprietor of a hackney carriage licensed by the Council shall, within such period as the Council may by notice reasonably require, state in writing, the address of every place where such hackney carriage is kept when not in use, and shall if the Council so require, afford to them such facilities as may be reasonably necessary to enable them to cause such hackney carriage to be inspected or tested there.

9. TRANSFER OF OWNERSHIP

- 9.1 The proprietor shall notify the Council in writing of any changes in vehicle ownership within 7 days of such change taking place.

10. CHANGE OF ADDRESS

- 10.1 The proprietor shall notify the Council in writing of any change of his address during the period of the licence within 7 days of such change taking place.

11. INSURANCE

- 11.1 The proprietor shall keep in force a policy of insurance and security for the vehicle covering its use as a hackney carriage.
- 11.2 The proprietor of any hackney carriage licensed by the Council shall at the request of any authorised officer of the Council produce for inspection the vehicle licence for such hackney carriage and the certificate of the policy of insurance or security required by Section 143 sub section 2 Road Traffic Act 1988.

12. ALTERATION OF VEHICLE

- 12.1 No material alterations or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

13. CONVICTIONS

- 13.1 The proprietor shall within 7 days disclose to the Council in writing, details of any personal conviction imposed on him/her (or, if the proprietor is a company or partnership, or any of the directors or partners) during the period of the licence.

14. ALTERATION OF CONDITIONS

- 14.1 The Council may, by notice in writing to the proprietor of the vehicle alter any of the conditions attached to the vehicle licence.

PRIVATE HIRE VEHICLE LICENCE CONDITIONS

INTRODUCTION

The following conditions are attached to a private hire vehicle licence. Breach of any of these conditions may lead to suspension or revocation of the licence.

1. SIGNS, NOTICES ETC.

- 1.1 The vehicle must not be equipped with roof fittings other than a wireless aerial which if fitted must be fitted in such a manner as to satisfy the Council.
- 1.2 There shall be no lights, plates, signs or other fittings (other than the licence plate referred to in condition 9) displayed on/in or from the vehicle, except those approved by the Council or displayed to comply with requirements under the current lighting and licensing regulations approved by the appropriate Secretary of State.
- 1.3 A door sign to be provided by the Council shall be affixed to the front offside door and the front nearside door of the vehicle immediately below the window to indicate that the vehicle is a private hire vehicle and that insurance for the vehicle is invalid unless the vehicle is pre-booked.
- 1.4 The vehicle shall display on each rear passenger door window, a vehicle identification disc in the design and form to be supplied by the Council.
- 1.5 No markings of any nature, other than standard manufacturers markings, are permitted, except upon the written authorisation of the Licensing Manager and in accordance with the criteria set out below:

Permitted markings: Only the company/organisation name and one contact telephone number may be displayed.

Permitted location and size of markings: Rear passenger doors (total area for markings may not exceed 20.5cm by 32cm in size) on each door. The rear boot lid.

Permitted typeface and colour: Any typeface is permitted provided that the total area of each marking does not exceed the limits above. Markings must be in one consistent colour which is in contrast to the main colour of the vehicle. Applications for this purpose must be made in writing to the Licensing Manager and accompanied by a sample of the proposed markings. Submissions must be in colour and full details of the signage must be provided to demonstrate how it complies with the Council's requirements. No additional markings will be permitted.

2. RADIO MICROPHONE

- 2.1 Any radio microphone installed in the vehicle shall be fitted in such a position that its use by the driver would not impair his control of the vehicle when it is in motion.

3. USE OF TAXIMETER

- 3.1 If the vehicle is fitted with a taximeter, that taximeter must be so constructed, securely fitted and maintained as to comply with the following requirements:
- 3.1.1 the taximeter shall be fitted with a key, flag or other device, the turning of which will bring the machinery of the taximeter into action;
 - 3.1.2 such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - 3.1.3 when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand and take for the hire of the vehicle distance;
 - 3.1.4 the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the vehicle and for that purpose, the letters and figures shall be capable of being suitably illuminated during any period of hiring;
 - 3.1.5 the taximeter and all the fittings thereof shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.
- 3.2 All bookings must be agreed with the hirer before commencement of the journey.

4. MAINTENANCE OF VEHICLE

The vehicle shall:

- 4.1 be of such design to enable any person in the carriage to communicate with the driver;
- 4.2 be fitted with a roof or covering which can be kept watertight;
- 4.3 contain windows and a means of opening and closing not less than one window on each side;
- 4.4 contain seats which must be properly cushioned or covered, all seats must be forward facing unless expressly authorised by an authorised officer of the Council;
- 4.5 have one seat belt for every licensed passenger: in the case of minibuses, subject to current legislation all minibuses must be fitted with forward facing seats, all passenger seats must similarly have one seatbelt;
- 4.6 be provided with a proper carpet, mat or other suitable covering for the floor;
- 4.7 contain fittings and furniture kept in a clean condition, safe and well-maintained and in every way fit for public service;

- 4.8 be fitted in such a way to enable luggage to be secured if the vehicle is so constructed to carry luggage;
- 4.9 in the case of a vehicle licensed to carry 4 passengers, it should contain at least three doors for the use of persons conveyed in the vehicle (one of which may be an emergency exit) and a separate door for the driver;
- 4.10 in the case of a vehicle licensed to carry in excess of 4 passengers, all rows of seats shall have direct access to a minimum of one door. All doors shall be capable of being opened from inside and outside the vehicle;
- 4.11 be a right hand drive vehicle.
- 4.12 The proprietor of the licensed vehicle shall:
- a) keep the licensed vehicle in a mechanical condition suitable for its use as a private hire vehicle.
 - b) keep the exterior of the licensed vehicle including the windows clean and in good condition.
 - c) all panels on the vehicle shall be painted in the manufacturers colour and must not have panels with unmatched colours or in primer.
- 4.13 have plates provided by the Council identifying the vehicle as a private hire vehicle affixed externally to the front and rear of the vehicle in such a manner that all details thereon are clearly visible and displayed at all times throughout the period that the vehicle is licensed as a private hire vehicle.
- 4.14 All windows shall be transparent and be of standard manufacturer's specification and to the satisfaction of the authorised officer.
- 4.15 The plates shall be capable of being removed by a constable or a duly authorised officer of the Council should the licence be revoked or suspended, the proprietor shall return the licence plates to the authority. On renewal of the licence plate the proprietor shall return the expired plate to the Council whereupon a new licence plate will be issued.
- 4.16 Before the expiry of the sixth month after the issue of the licence, but after the expiry of the fifth month after the issue of the licence, the vehicle shall undertake an MOT inspection and when submitted for inspection, it shall be in a complete and thoroughly good condition and the engine, body, wheels, furniture and fittings must be in good repair and order. All brakes, lights, steering apparatus, tyres, furniture and fittings must be in good condition.
- 4.17 An application for an annual vehicle licence must be accompanied by a MOT test certificate that has been issued by a Council approved MOT testing station within a calendar month of the date of application and a certificate of Motor Insurance covering the vehicle's use for public hire.

5. SAFETY EQUIPMENT

- 5.1 There shall be provided and maintained in the vehicle at all times when it is in use or available for hire, a fire extinguisher and a first aid kit containing appropriate first aid dressings and appliances, such equipment to be carried in such a position in the vehicle as to be readily available for immediate use in an emergency.

6. TERM OF LICENCE

- 6.1 Private hire vehicle licences shall be granted for a period of 12 months. Applications for renewal should be submitted 14 days before the expiry date of the licence.

7. ACCIDENTS TO VEHICLE

- 7.1 The proprietor of a hackney carriage shall report to the Council as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof, any accident to such hackney carriage causing damage materially affecting the safety, performance or appearance of the hackney carriage or the comfort or convenience of persons carried therein. Compliance with this condition does not exempt the proprietor from his statutory liability to report accidents to the police.

8. NOTIFICATION OF ADDRESS

- 8.1 The proprietor of a private hire vehicle licensed by the Council shall, within such period as the Council may by notice reasonably require, state in writing the address of every place where such private hire vehicle is kept when not in use, and shall, if the Council so requires, afford to them such facilities as may be reasonably necessary to enable them to cause such private hire vehicle to be inspected or tested there.

9. CHANGE OF ADDRESS

- 9.1 The proprietor shall notify the Council in writing of any change of his address during the period of the licence within 7 days of such change taking place.

10. INSURANCE

- 10.1 The proprietor of any private hire vehicle licensed by the Council shall at the request of any authorised officer of the Council produce for inspection the vehicle licence for such private hire vehicle and the certificate of policy of insurance or security required by Section 143 Road Traffic Act 1988.

11. ALTERATION OF VEHICLE

- 11.1 No material alterations or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

12. CONVICTIONS

- 12.1 The proprietor shall within 7 days disclose to the Council in writing, details of any personal conviction imposed on him/her (or, if the proprietor is a company or partnership, or any of the directors or partners) during the period of the licence.

13. ALTERATION OF CONDITIONS

- 13.1 The Council may, by notice in writing to the proprietor of the vehicle alter any of the conditions attached to the vehicle licence.