

**CONDITIONS ATTACHED TO PRIVATE HIRE VEHICLE LICENCES
PURSUANT TO SECTION 48 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - PART II**

1. VEHICLE TYPE AND DESIGN

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made subsequent to the inspection of the vehicle by the Council without the approval of the Council at any time while the licence is in force and at all times the vehicle shall comply with the specifications of the Council for a licensed private hire vehicle. (Vehicles which have been modified in any way from the manufacturer's standard of construction may not be considered suitable for licensing purposes depending upon the nature of the modification). LPG or similar alternative fuel conversions must fully comply with the requirements of Bulletin 52 (or any revision thereof).

2. SIGNS AND MARKINGS

- (a) No person shall use or permit the use of the vehicle as a private hire vehicle unless
- (i) the private hire vehicle disc (as supplied by the Council) is displayed inside the front windscreen (nearside) to enable customers to readily identify the vehicle as a bona-fide private hire vehicle from inside or outside of the vehicle; and
 - (ii) the licence plate is securely fixed and displayed outside and on the rear of the vehicle with the particulars thereon facing outwards so that the licence plate is clearly visible by daylight from the road at the rear of the vehicle. This plate remains the property of the Council and the proprietor may incur financial loss (by forfeiture of the plate deposit or payment of a further plate deposit if necessary) if damage or loss howsoever caused occurs to the plate whilst in his/her possession.
- (b) The Private Hire Plate and disc must be returned on expiry of the licence and at any other time when required by notice in writing.
- (c) The proprietor shall not display or suffer or permit to be displayed on or above the roof of the vehicle any sign which consists of or includes the word "taxi" or "cab" whether in the singular or plural or "hire" or any word of similar meaning or appearance to any of those words whether alone or as part of another word. No **other** sign or notice shall be displayed on the vehicle except in accordance with the contents of Bulletin No. 31 or any revision thereof. (Any 'Company' name so displayed shall accord with that shown on the relevant Operator's licence. If this incorporates the words '**private hire**' such words **may** be displayed on a sign authorised under Bulletin 31 but only when used in association with the telephone number of the Operator).

3. MARKING OF CARRYING CAPACITY (Vehicles licensed for 5 or more passengers)

Markings of passenger carrying capacity may be clearly marked with letters not less than 25mm or more than 65mm in height in a position on the vehicle in accordance with Bulletin 31 giving a maximum number of passengers. Example: " 8 seats".

Where a vehicle is approved and licensed for the carriage of wheelchair bound passengers the carrying capacity may be shown as a combination of the two. Example: "8 seats or 6 + 1 wheelchair".

The combined total of conventional seats (whether occupied or not) and wheelchair bound passengers must not exceed the number of passengers stated on the vehicle licence and plate.

4. EQUIPMENT AND FITTINGS

- (a) The 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 must be fully complied with.
- (b) There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable efficient fire extinguisher and a comprehensive first aid kit. The equipment should be carried in such a position in the vehicle as to be readily available for immediate use in an emergency.
- (c) Any CCTV Camera System installed must fully comply with the Code of Practice adopted by Wakefield MDC.

5. FARES AND FARECARDS

- (a) The proprietor will ensure that throughout the period of the licence, a notice is visibly displayed for the benefit of passengers to the effect that in the absence of a published fare scale, the fare should be agreed between passenger(s) and driver before commencement of the journey but, without prejudice to 2 above, the Council will permit the display of a fare scale providing it is of a similar size to the Council's notice regarding fares and gives an accurate reflection of the charge, including any specific additions (i.e. Bank Holiday and after midnight loadings) the customer may be expected to pay.
- (b) Where a meter is fitted to the licensed vehicle it shall have been tested and sealed by the Council and a Table of Fares applicable to the meter, in substitution for the fares card referred to above, shall be displayed in the vehicle in such a position as to be visible to passengers such table must show full particulars of all tariffs calibrated on the meter including a statement that the Council has no control over the table of fares.

6. SEATS AND PASSENGERS

- (a) The proprietor shall not cause or suffer or permit to be carried a greater number of passengers than the number specified in the licence.
- (b) Where the seating in the licensed vehicle can be rearranged, the proprietor will ensure that no more seats than are stated on the licence, including wheelchair(s), are fitted in the vehicle whether occupied or not. Once the vehicle has been tested and approved by the Council the seating layout shall not be altered without further approval except for the temporary accommodation of a wheelchair in vehicles approved for such purpose.
- (c) Seats may be mounted on tracking fastened to the floor of the vehicle using Unwin Safety Systems seat fixings or similar approved make to the satisfaction of the Council. These seats may be removed or reinstalled as necessary to allow space for one or more wheelchairs. Any tracking system utilised must be correctly aligned and spaced to allow easy removal of the seat. Fastenings for the tracking must be to manufacturers specification and approved for use by the Council.

7. WHEELCHAIR PASSENGERS

- (a) Wheelchair bound passengers must face either forward or rearward to the direction of travel. Rearward facing wheelchairs must be secured against a suitable bulkhead. Occupied wheelchairs must be restrained by an approved method.
- (b) A full static harness or a lap and diagonal inertia-reel belt must be available for each wheelchair passenger. Whichever type of restraint is used it must engage into the same floor tracking as the wheelchair restraints or other system as approved by the Council. Such equipment shall be fully adjustable for the safety and comfort of the wheelchair passenger and capable of quick release in an emergency situation.

continued overleaf

8. COMMUNICATION EQUIPMENT

Radio communication equipment licensed by the Department of Trade and Industry may be fitted for use in connection with the Private Hire Operator's base station. Where fitted it shall be in a manner approved by the Council. No Citizen Band Radio or similar non-commercial radio capable of both sending and receiving messages not being apparatus licensed by the Department of Trade and Industry shall be installed in the licensed vehicle. The fitting of mobile/portable/cell phones in private hire vehicles is prohibited but such a phone may be carried by the driver for **emergency use only** (use of a phone for or in connection with a booking of a private hire vehicle will render the driver liable to prosecution). The use of scanner equipment is prohibited.

9. DRIVERS

- (a) Any person who drives the vehicle for any purpose whatsoever must hold a valid private hire drivers licence. Each proprietor shall, before a driver commences to drive the vehicle, satisfy him/herself that the driver holds a valid private hire driver's licence. In order to comply with this requirement a proprietor must examine each driver's licence - any infringement could result in suspension or revocation of licences. The driver of the vehicle, if not named on the licence, will be regarded as an employee of the named proprietor(s).
- (b) Proprietors shall ensure that all driver(s) of the private hire vehicle are fully acquainted with the need to provide all reasonable assistance to passengers with a disability. In respect of blind passengers or those with a hearing difficulty extremely good cause should be apparent before refusing to carry a guide dog or hearing dog accompanying any such passenger.

10. INSURANCE AND INSURANCE COVER

- (a) Private Hire insurance which complies with Part VI of the Road Traffic Act 1988 shall be in force at all times for the duration of the licence.
- (b) Only original documents will be accepted as proof of insurance cover.
- (c) The licence holder, if not the policyholder in respect of the insurance effected for the vehicle, shall notify the Council of the situation including any change of policyholder(s). The Council will require production of satisfactory documentation from the insurance company/broker confirming that although the vehicle is owned by the proprietor the insurance effected by the policyholder is nevertheless fully effective for private hire purposes.

11. ACCIDENTS

The proprietor must inform the Licensing Office **in writing** within 72 hours of any accident involving the licensed vehicle howsoever caused.

12. CONVICTIONS

Every proprietor of a private hire vehicle shall within 7 days disclose to the Council **in writing** details of any conviction, binding over, caution, warning or reprimand imposed on him/her (or, if the proprietor be a company or partnership, on any of the directors, partners, or secretary) during the period of this licence.

13. TRANSFER OF LICENCE AND CONTROL OF VEHICLE

- (a) The licence holder must ensure that he has control of the vehicle at all times and should such person absent him/herself from the District and not be contemplating returning within a short period of time (viz 1 month) he/she should transfer his/her interest in the vehicle to another person still resident in the District or close proximity thereto; failure to do so could result in revocation of the licence.
- (b) The proprietor shall not assign or in any way part with the benefit of the licence without notifying the Council and effecting a formal transfer **within 14 days**. The proprietor shall return the plate and the licence to the Council immediately if the vehicle is sold or otherwise disposed of without such transfer having first been effected.

14. CHANGE OF ADDRESS

The proprietor shall notify the Council **in writing** of any change of address within 7 days of such change, whether permanent or temporary.

15. CHANGE OF OPERATOR

The licence holder shall notify the Council **in writing** within 7 days of any change of operator through whom the vehicle is/is to be operated.

NOTES

- i. These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- ii. Any person who commits an offence against any of the provisions of the Act shall pursuant to Section 76 be liable on summary conviction to a fine not exceeding Level 3 on the standard scale. The licence holder(s) should ensure compliance at all times as the proprietor(s) stated on the vehicle licence will be the person(s) against whom the Council will ordinarily proceed for any offence or misdemeanour.
- iii. Part II of the Act does not apply to a vehicle used only for carrying passengers for hire or reward under an exclusive contract for the hire of the vehicle for a period of not less than 7 days and for no other purpose. Other exemptions also apply (see Section 75 of the Act).
- iv. The use of the licensed private hire vehicle to fulfil any private hire booking requires the driver to hold a currently valid private hire driver's licence even if no fare is charged for the journey or irrespective of when, how and to whom any fare is payable.
- v. Any failure on the part of the proprietor to make appropriate enquiries as to the licensing status of drivers using the vehicle for any purpose could be construed as reasonable cause to suspend or revoke the vehicle licence.
- vi. **ANY INFRINGEMENT OF THE LICENSING CONDITIONS COULD LEAD TO SUSPENSION OR REVOCATION OF THE LICENCE.**
- vii. **ANY REQUEST FOR ADVICE FROM THE COUNCIL IN RELATION TO LICENSING LEGISLATION SHOULD BE IN WRITING TO WHICH A WRITTEN RESPONSE WILL BE GIVEN SO AS TO AVOID ANY FUTURE DISPUTE AS TO THE ADVICE GIVEN. THIS DOES NOT PRECLUDE YOU FROM OBTAINING YOUR OWN INDEPENDENT LEGAL ADVICE.**
- viii. **ANY PERSON AGGRIEVED BY ANY CONDITION SPECIFIED IN THE LICENCE MAY APPEAL TO A MAGISTRATES' COURT WITHIN 21 DAYS OF ISSUE.**