

Appendix L

Private Hire Vehicle Conditions

SECTION 48 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

1 VEHICLE TYPE AND DESIGN

- a. 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 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).
- b. All glazing shall comply with Construction and Use regulation 32 with regards to the level of tint. A minimum light transmission value of 70% shall be maintained in all windows except a windscreen, which shall have a minimum light transmission value of 75%. Tinted films applied to the vehicle windows are not permitted.
- c. A licence will not be granted to a vehicle if it has sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, has been disposed of under an insurance salvage agreement (categories A, B, C and D).
- d. A Private Hire Vehicle cannot be white in colour or resemble a Hackney Carriage (taxi) in any way.

2 LIQUEFIED PETROLEUM GAS (LPG)

Vehicles with Dual Fuel or 'after market' Liquid Petroleum Gas (LPG) systems must be tested and certified by a recognised Liquid Petroleum Gas Association accredited installer. This certification must be produced at the time of application. For vehicles that have a LPG system fitted during the currency of a licence, the proprietor must inform the Licensing Office in writing and produce the certification within 7 days.

3 GENERAL CONDITION, CLEANLINESS AND APPEARANCE OF VEHICLE

- a. Every vehicle shall be maintained in a safe and clean condition at all times and is subject to such examinations as are required by the Council.

- b. Seats should be still fully 'sprung', free of stains, tears, cigarette burns or repair, and not threadbare. Floor coverings should not be unduly worn and present no trip hazards. Household carpeting or similar is unacceptable. Upholstery (headlining and side panel coverings) should be free of ingrained grime, fractures and maintained in the manufacturers original style.
- c. Luggage and storage areas must be kept as free space for passengers luggage.
- d. If at any time the vehicle is involved in an accident, however minor, the driver must inform the Council of this fact as soon as possible and in any event within 72 hours (by telephone or email). An accident report form will then need to be completed and submitted to the Council within five working days of the accident occurring (except in exceptional circumstances when the report must be made as soon as possible).

The vehicle must be presented for inspection at the council's authorised testing station as soon as possible after the accident has taken place – the appointment will be arranged by the council who will notify the vehicle proprietor of the date and time. Failure to present the vehicle for the appointment may result in the vehicle's licence being suspended until such time as the vehicle is presented for examination.

If the vehicle is so damaged that it cannot be driven, then the vehicle proprietor must inform the council of this fact – the council will then advise the proprietor of the action to be taken. In such cases the proprietor is advised to take photographic evidence of the vehicle's condition that clearly illustrates the reasons why the vehicle cannot be driven / presented for examination.

All repairs must be carried out without undue delay and may require the vehicle to be inspected by the Councils examiners. Bodywork should be maintained to a good condition, paintwork should be sound and well maintained and free of corrosion, inferior re-spray work and 'cover up' temporary repairs.

- e. The proprietor/driver employed to drive the vehicle shall ensure that the licensed vehicle has a daily safety check. As a minimum this must be a visual check on all lights, oil, water, tyres, mirrors and seat belts. A written record must be made of each safety check, details of faults recorded and remedial action taken. The record must be signed by the person undertaking the safety checks and kept in the vehicle for a minimum of 30 days and then for a further six months by the proprietor.

On being so required by a Police Officer or Authorised Officer or Vehicle Examiner the driver shall produce, to that officer, the recorded daily checks kept in the vehicle and the proprietor, on

request by that officer, shall produce those recorded checks in his possession and/or those kept in the vehicle.

4 IDENTIFICATION PLATE, SIGNS, NOTICES ETC.

The following must be in place at all times:

- (a) A licence plate permanently affixed to the rear of the vehicle
- (b) A licence plate permanently affixed to the front of the vehicle
- (c) A sign / notice affixed to each front door of the vehicle
- (d) A sign / notice affixed to each rear passenger door of the vehicle
- (e) A notice fixed to the interior glazed surface of the quarter light of both rear doors so that the contents of the notice are visible from the outside of the vehicle.
- (f) A notice fixed to the interior glazed surface of the front windscreen so that the contents of the notice are visible from the outside of the vehicle.
- (g) A notice, clearly visible from the passenger seats / compartment, identifying the current driver of the vehicle.
- (h) The private hire vehicle licence number must be printed in white block letters (to a specification prescribed by the council) on the vehicle's boot.
- (i) The private hire vehicle licence number must be printed in white block letters (to a specification prescribed by the council) on the bonnet of the vehicle.

The sign / plates and notices referred to above must be issued or approved for use by Rotherham MBC.

The signs / plates and notices must be affixed to the vehicle in accordance with the requirements set out by the council.

No other signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicles except as may be required by any statutory provision (including by-laws) or required or permitted by these conditions, provided however, that this condition shall not apply to any indication on a taximeter fitted to the vehicle.

In certain circumstances, the council will permit a deviation from these conditions – however a request for such a deviation will need to be made in writing to the council and will be determined by the Licensing Board.

5 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 of a make and type suitable for use on a motor vehicle and approved by the Council, i.e. 2.0kgs dry powder or 2.0 litre AFFF (Aqueous Film Forming Foam). All fire extinguishers must be fitted with a gauge. Such fire extinguisher shall be fitted in a bracket in such a position in the vehicle as to be readily available for immediate use in an emergency.

The extinguisher must be checked every 12 months by a competent person to check that it is still in working order.

- c. The registration number of the vehicle shall be permanently and legibly marked on the extinguisher.
- d. There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and comprehensive first aid kit of a type suitable for use and approved by the Council. Such kit shall be kept in such a position so as to be readily available for immediate use in an emergency.
- e. The registration number of the vehicle shall be permanently and legibly marked on the first aid kit.
- f. **If a Driver Safety Shield** is fitted the following applies:-

- i It will be of a make, type and design previously approved by Authorised Officers of the Council;
- ii Will not be changed in any way from its original design and be free of damage;
- iii Will remain clear and translucent; free of scratches, clouding or stickers which would impede the drivers or passengers visibility;
- iv Will not impede entry and egress or present a trip hazard to passengers using the vehicle; and

- v Installation and maintenance must be in accordance with manufacturer's specifications and recommendations.
- g. If a Security Camera is fitted the following applies:-
- i It will be of a make, type and design previously approved by Authorised Officers of the Council;
 - ii Will not be changed in any way from its original design, be free of damage and maintained in working condition;
 - iii The vehicle will carry appropriate signs, approved by Authorised Officers, informing the public that camera surveillance is active in the vehicle.
 - iv The recording system and memory card (or other image memory recording system) will be securely stored within the vehicle and away from public access.
 - v Installation and maintenance must be in accordance with manufacturer's specifications and recommendations.
 - vi The images contained in the recording device may only be downloaded by an Authorised Officer of the Council or Police Officer.
- h. All audio equipment must be factory fitted to manufacturers standards. No additional audio equipment e.g. Boom Boxes in boots/additional speakers are allowed in the vehicle.

6 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 the 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.

7 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 manufacturer's specification and approved for use by the Council.

8 VEHICLES WITH THIRD ROW OF SEATS

- a. All passengers must have access to at least two side doors, one of which must be on the nearside of the vehicle.
- b. In cases where there is no door adjacent to a row of seats, no passenger must have to pass through a gap of less than 300mm at the narrowest point in order to exit the vehicle via the rear side doors.
- c. The middle row of seats must have more than one seat capable of fully tilting and which meet the necessary exit dimension of 300mm at both of the exit points.
- d. All vehicles with a row of passenger seats without adjacent side doors must provide 'means of operation signs' and low level lighting that illuminates when the side lights

9 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.

10 COMMUNICATION EQUIPMENT

- a. Radio communication equipment licensed by the Department for Business, Innovation and Skills (BIS) 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 for Business, Innovation and Skills 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.
- b. Equipment fitted for the use of the driver to receive information on bookings must be fitted securely in the vehicle and in a manner which does not obstruct the view of the driver through the windscreen. Any wires used for connection of the equipment should not be left in a dangerous manner.

11 DRIVERS

- a. Any person who drives the vehicle for any purpose whatsoever, must hold a 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 drivers 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 especially those with a disability. In respect of disabled passengers a driver shall not fail or refuse to carry out a booking by or on behalf of a disabled person accompanied by an 'assistance dog' unless the driver has a Medical Exemption granted by the Licensing Authority and is displaying their Exemption Certificate in the approved manner or in the vehicle.
- c. The proprietor shall ensure that any driver of a wheelchair accessible vehicle holds a Driving Standards Agency (DSA) Wheelchair Assessment Certificate (or equivalent).

- d. The proprietor shall keep a written record showing the following particulars in respect of every driver (for private hire purposes) of the private hire vehicle detailed in this licence:-
- i the name and address and date of birth of the driver of the vehicle;
 - ii the number and date of expiry of every licence issued in respect of the driver under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and in force during such time as the driver is driving the vehicle.
 - iii the date on which the driver commenced driving the vehicle;
 - iv the date on which the driver ceased driving the vehicle.
- e. The proprietor shall keep the records prescribed in (d) above for a period of two years from the date on which the driver first commenced driving the vehicle. These records shall be made available upon request to any Police Officer and/or Authorised Officer of the Council.

12 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. Public Liability Insurance (minimum cover £2m) is also required in respect of those vehicles licensed to carry passengers in wheelchairs.
- b. The licence holder, if not the policy holder in respect of the insurance effected for the vehicle, shall notify the Council if 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.

13 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.

14 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 (viz 1 month) he/she should transfer his 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.

15 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.

16 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 to be operated.

17 REQUIREMENTS TO UNDERTAKE ADDITIONAL TESTS

A licensed vehicle which attracts a vehicle suspension notice (VOR) for serious defects may be required at the discretion of an Authorised Officer of Rotherham Metropolitan District Council, to undertake a further test to demonstrate that the vehicle is roadworthy before the suspension will be lifted. The cost of such a test is to be borne by the proprietor.

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 **Health and Safety of Passengers (Duty of Care)**

Most people will be aware that employers have a duty of care to their employees, but the Health and Safety at Work Act 1974, goes further, Part 1, Section 3 (2) states "it shall be the duty of every self employed person to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that he and other persons (not being his employees) who may be affected thereby are not exposed to risks to their health and safety". Operators, drivers and proprietors are advised that a failure to safeguard passengers could have serious implications for the licence holder, and the licence.

- iv **Cautionary Advice**

You are strongly advised not to purchase a vehicle or any equipment or fittings, without first reading the Council's policy and preconditions to the grant of a licence and also these conditions. If in doubt about any aspect you should make an appointment with the Vehicle Examiner at the councils appointed testing centre. Licensing administration staff are not qualified to make technical assessments and are under instruction not to offer such advice. If a vehicle does not meet the conditions it is unlikely that a licence will be granted.