

PRIVATE HIRE LICENSING REQUIREMENTS AND CONDITIONS

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CONTENTS

	Page No.
Introduction	3
Summary of the Legal Requirements of the Local Government (Miscellaneous Provisions) Act 1976	4
Conditions of Private Hire Operator's Licence	6
Conditions of Private Hire Vehicle Licence	8
Conditions of Private Hire Driver's Licence	10
Licensing Procedures in respect of vehicles and drivers.	12

INTRODUCTION

This booklet is issued to give guidance on the legislation controlling the operation of private hire vehicles in the district, and includes details of the licensing conditions introduced by the Council to regulate these activities.

The Local Government (Miscellaneous Provisions) Act 1976, brought into operation controls in respect of private hire vehicles and enabled district councils to introduce by resolution in their areas a comprehensive system of licensing controls over these vehicles.

Such a resolution was passed by Runnymede Borough to take effect from 1st April 1978 and it is through the powers adopted under this legislation that the Council imposes conditions in respect of the various types of licences granted. These conditions are set out in full in this booklet, together with a summary of the main provisions of the Act.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

A summary of the main requirements of Part II of the above Act in respect of the control, operation and licensing of private hire vehicles.

1. Private Hire Licences

Before a vehicle can be used for the purposes of private hire, the following licences must have been obtained from the Council and be currently in force:-

- (a) an operator's licence - sections 55 and 56
- (b) a vehicle licence - section 48
- (c) a driver's licence - section 51

2. Submission of Information - Section 57

The Council can require an applicant for a licence to submit information as may be considered reasonably necessary to enable an application to be determined.

3. Vehicle Requirements - Section 48

Before a licence will be granted for a vehicle the council must be satisfied that:-

- (a) it is of suitable type, size and design (see LICENSING PROCEDURES)
- (b) it is not of such design and appearance as to be mistaken for a hackney carriage
- (c) it is in a safe, comfortable and suitable mechanical condition
- (d) it is adequately insured.

4. Vehicle Plate - Sections 48

The licence plate issued by the Council must, when the vehicle is in use, be displayed in accordance with the licensing conditions.

5. Transfer of Vehicle - Section 49

The proprietor of a private hire vehicle must notify the Council within 14 days if he transfers his vehicle and licence to another party.

6. Inspection of Vehicle and Documents - Section 50

The proprietor of a private hire vehicle must:-

- (a) present the vehicle for inspection and testing when required to do so by the Council.
- (b) state where the vehicle is garaged when not in use.
- (c) notify the Council within 72 hours of the occurrence of any accident to the vehicle which materially affects its safety, performance or appearance or the comfort or convenience of the persons carried therein.
- (d) when required by an authorised officer of the Council produce the vehicle licence and Certificate of Insurance for inspection.

7. Driver's Badge and Licence - Sections 53 and 54

A driver must at all times when driving a vehicle for private hire purposes wear the badge issued by the Council in such a position and manner as to be plainly and distinctly visible and when required by an authorised officer or police constable produce his licence for inspection.

8. Operators of Private Hire Vehicles - Section 56

An Operator must keep records of all private hire bookings and vehicles operated by him in accordance with the conditions of his licence, and when required by an authorised officer or constable be prepared to produce these and his licence for inspection.

9. Appeals - Section 77

Proprietors, Drivers and Operators of private hire vehicles have the right of appeal to a Magistrates' Court if they are aggrieved by the Council's refusal to grant a licence or by any conditions specified therein. Appeals must be made within 21 days of receipt of the relevant notification.

10. Return of Vehicle Plate - Section 58

The vehicle licence plate must be returned to the Council when a licence expires, is suspended or revoked.

11. Suspension, Revocation or Refusal to Renew Licences - Sections 60, 61 and 62

The Council have the power to refuse to renew a licence or to suspend or revoke it if:-

- (a) in the case of a vehicle they are not satisfied as to its fitness;
- (b) in the case of a driver, they have been convicted of an offence involving dishonesty, indecency or violence, or they have been convicted of an offence under the provisions of this part of the Act.
- (c) in the case of an operator, they have been convicted of an offence under this part of the Act, or they has behaved in a matter which renders them unfit to hold a licence.

12. Prohibition on the use of Hackney Carriage Stands - Section 64

It is an offence for a private hire vehicle to wait on any hackney carriage stand.

13. Prolongation of Journeys - Section 69

It is an offence for a driver of a private hire vehicle to unnecessarily prolong a journey in distance or time.

14. Taximeters for Private Hire Vehicles - Section 71

Private hire vehicles are not required to be fitted with any form of taximeter but if such an appliance is fitted, it must then be tested and approved by the Council and it become an offence for any person to tamper with the meter or its seals.

15. Obstruction - Section 73

It is an offence to obstruct any authorised officer of the Council or police constable in the performance of their duties under this part of the Act.

16. Penalties - Section 76

Persons found guilty of any offence under the provisions of this part of the Act may be liable, on conviction, to a fine not exceeding Level 3 on the Standard Scale of the Criminal Justices Act 1982 which at the time of printing was set at £1000.

17. Definition of a Private Hire Vehicle - Section 80

For the purposes of the Act, a private hire vehicle is defined as a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle, which is provided with the services of a driver for the purposes of carrying passengers.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 PART II

PRIVATE HIRE OPERATOR'S LICENCE

CONDITIONS OF LICENCE

These conditions are additional to the requirements of Part II of the Local Government (Miscellaneous Provisions) Act 1976 in respect of the conduct of operators of private hire vehicles, and all operators will be expected to be familiar with these conditions as well as the relevant provisions of the Act.

1. Definitions

In these conditions unless the subject or context otherwise requires:-

"the Council" means the Council of the Borough of Runnymede.

"Operator" means the holder of a Private Hire Vehicle Operator's Licence granted by the Council.

"Vehicle" means a private hire vehicle licensed by the Council.

"Driver" means a person holding and acting in accordance with a private hire driver's licence issued by the Council.

2. Prohibition on the Transfer of Licence

The Operator shall not assign or in any way part with the benefit of this licence.

3. Hiring Records

The Operator shall keep a record of particulars of every hiring, invited or accepted by them, and shall enter therein before any hiring is commenced the following details:-

- (a) the date and time of the hiring.
- (b) the date and time of the journey.
- (c) the place at which the hire commences and the destination.
- (d) the name of the hirer.
- (e) the name and licence number of the driver.
- (f) the licence number of the vehicle.
- (g) whether the request for the hiring was made by the hirer or another operator.
- (h) keep records of hirings for a period of no more than 7 years.

4. Vehicle Records

The Operator shall keep a record of any private hire vehicle operated by them showing the following details:-

- (a) make and model of the vehicle.
- (b) registration number of the vehicle.
- (c) private hire vehicle licence number.
- (d) the age of the vehicle.
- (e) the name of the licensing authority.
- (f) the date of expiry of the vehicle or driver's licence.
- (g) the name and address of the proprietor of every vehicle operated by him.
- (h) the date upon which the vehicle commenced to be operated by them.

5. Notification of Change of Address

In the event of the operator changing their address they shall within fourteen days give notice, in writing, thereof to the Council's Director of Technical Services.

6. Prohibition on the use of the terms "Cab" or "Taxi"

An operator shall not include in the name of his business or in advertising material, letter headings or other stationery, the words "Cab", "Taxi Cab" or "Taxi" whether in the singular or plural, or whether they form part of another word or not.

7. Vehicle Insurance

The operator shall ensure that all vehicles operated by them are satisfactorily insured to operate on private hire work.

8. Quality of Service

The Operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.

9. Compliance with Licence Conditions

The Operator shall ensure that the licence conditions in respect of any vehicles used by them and drivers employed or contracted to them are complied with at all times.

10. Disclosure of Convictions

The Operator shall within seven days disclose to the Council in writing details of any conviction imposed on them (or if the operator is a company or partnership, on any other directors or partners) during the period of the licence.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, PART II

PRIVATE HIRE VEHICLE LICENCE

CONDITIONS OF LICENCE

These conditions are additional to the requirements of Part II of the Local Government (Miscellaneous Provisions) Act 1976, controlling the operation of vehicles for the purpose of private hire and all proprietors will be expected to be familiar with these conditions as well as the relevant provisions of the Act.

1. Definitions

In these conditions unless the subject or context otherwise requires:-

"Proprietor" means the holder of a Private Hire Vehicle Licence.

"Council" means the Council of the Borough of Runnymede.

"Driver" means a person holding and acting in accordance with a private hire driver's licence issued by the Council.

"Licence" means a Private Hire Vehicle Licence issued by the Council.

"Vehicle" means a private hire vehicle licensed by the Council.

"Licence Plate" means the plate issued by the Council for the purposes of identifying the vehicle as a private hire vehicle duly licensed by the Council.

2. Vehicle Requirements

Every proprietor of a vehicle shall ensure that:-

- (a) the vehicle is fitted with an external driving mirror.
- (b) the vehicle is provided with satisfactory interior lighting.
- (c) a spare wheel is carried together with suitable tools to fit same when required or alternative device where fitted as standard by the manufacturer
- (d) a suitable and efficient fire extinguisher of a type approved by the Council (e.g. either dry powder or vapourising liquid types of not less than 2 lb/0.9 kg capacity) is provided in such a position in the vehicle as to be readily visible for immediate use in an emergency and is maintained in a satisfactory working order.
- (e) a suitably stocked first aid box is provided and kept in a position as to be readily available for use.
- (f) the seats of the vehicle are properly cushioned or covered and fitted with 3 point lap and diagonal safety belts.
- (g) the floor is provided with a proper carpet, mat or other suitable covering.
- (h) the vehicle, together with all its fittings and equipment, is kept in an efficient, safe, watertight, clean and tidy condition and all relevant statutory requirements are fully complied with, including in particular those contained in Motor Vehicles (Construction and Use) Regulations.
- (i) If a taxi meter is fitted it must be calendar controlled with Runnymede Borough Council tariff and sealed.

3. The Licence Plate

The proprietor shall at all times when the vehicle is being used as a Private Hire vehicle cause the licence plate, issued by the Council, to be displayed on the vehicle. The licence plate shall be fixed in an upright position and displayed outside and on the rear of the vehicle either immediately above or below the bumper in such position that the vehicle's registration number is not obscured and with the details of the licence plate clearly visible. The proprietor or driver shall not wilfully or negligently cause or suffer the licence plate attached to the vehicle, in pursuance of this condition, to be concealed from public view nor shall the proprietor allow the licence plate to be so defaced that any figure or material particular is illegible.

The licence plate shall remain the property of the Council and where a licence lapses or is suspended or revoked, shall be returned immediately to the Council. Any deposit which may

from time to time be determined by the Council shall be refunded upon the plate being returned in a satisfactory condition. A deposit will be forfeit where formal procedures have to be adopted by the Council to secure the recovery of the plate.

4. Window Disc

The Window Disc must be displayed on the front windscreen at all times as directed by the Licensing Officer. Where an exemption to display a plate has been issued an additional rear window disc must be displayed.

5. Advertising, signs, etc

Save for the requirements of Condition 3, no signs, marks, notices or advertisements whatsoever shall be displayed on or from the vehicle whether in connection with its use for private hire or otherwise, except for the name and telephone number of the proprietor or the name under which they carry on their business, which may be displayed on the side of the vehicle in lettering of not more than 3 inches in height, and such lettering shall not be illuminated or include the words "cab", "taxi-cab" or "taxi".

6. Display of Licence Details inside the Vehicle

The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position as to be visible at all times to persons conveyed therein the licence number with the number of passengers prescribed in the licence.

7. Alterations to the Vehicle

No material alteration 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.

8. Change of Proprietor's Address

In the event of a proprietor of a vehicle changing their address they shall, within fourteen days of the change taking place, give notice in writing to the Council's Director of Technical Services of their new address.

9. Change of Vehicle

Where a proprietor wishes to transfer their licence to another vehicle, they must first notify the Council's Director of Technical Services and arrange for that vehicle to be mechanically inspected by the Council at such time and place as may be required by the said officer.

10. Disclosure of Convictions

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

11. Compliance with Licence Conditions

The proprietor must ensure that all persons involved in the driving or operation of the vehicle for private hire purposes are fully aware of these licence conditions and the proprietor must also ensure that the conditions are fully observed and carried out.

12. Insurance (June 1999)

- (a) The minimum period of insurance cover shall be not less than 30 days.
- (b) Evidence of renewal of insurance cover shall be submitted, by the proprietor, to the Director of Technical Services, within 7 days of the expiry of the previous certificate of insurance.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

PRIVATE HIRE DRIVER'S LICENCE

CONDITIONS OF LICENCE

These conditions are additional to the requirements of the Local Government (Miscellaneous Provisions) Act 1976 with which the licence holder must also be fully conversant.

1. Definitions

In these conditions unless the subject or context otherwise require:-

"The Council" means the Council of the Borough of Runnymede.

"Driver" means a person holding and acting in accordance with a private hire driver's licence issued by the Council.

"Vehicle" means a private hire vehicle licensed by the Council.

2. Conduct of Driver

The driver shall:-

- (a) afford all reasonable assistance with passengers' luggage.
- (b) at all times be clean and respectable in their dress and person and behave in a civil and orderly manner.
- (c) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by them.
- (d) not without the express consent of the hirer smoke or eat in the vehicle.
- (e) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
- (f) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which they are driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.

3. Passengers

- (a) The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- (b) The driver shall not allow there to be conveyed in the front of a private hire vehicle:-
 - (i) any child below the age of ten years, or,
 - (ii) more than one person above that age.
- (c) The driver shall not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle.

4. Lost Property

- (a) The driver shall immediately after the termination of any hiring of a private hire vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there.
- (b) If any property accidentally left in a private hire vehicle by any person who may have been conveyed therein is found or handed to the driver they shall, within 48 hours, take all such property to the local police station and leave it in the custody of the officer in charge.

5. Written Receipts

The driver shall if requested by the hirer of a private hire vehicle provide them with a written receipt for the fare paid.

6. Animals (general)

The driver shall not convey in a private hire vehicle any animal belonging to or in the custody of themselves, the proprietor or operator of the vehicle, and any animal belonging to or in the custody of any passenger which in the driver's discretion may be conveyed in the vehicle shall only be conveyed in the rear of the vehicle.

Assistance Dogs

Except where medical grounds exist justifying its omission: "Private Hire Drivers must carry a Guide, Hearing or Assistance Dog belonging to a passenger free of charge."

7. Prompt Attendance

The driver of a private hire vehicle shall, if they are aware that the vehicle has been hired to be in attendance at an appointed time and place, or has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at the appointed time and place, unless delayed or prevented by some sufficient cause.

8. Copy of Conditions

The driver shall at all times when driving a private hire vehicle carry with them a copy of these conditions and shall make it available for inspection by the hirer or any other passenger on request.

9. Notification of Change of Address

The driver shall notify the Council in writing of any change of their address during the period of the licence within fourteen days of such change taking place.

10. Disclosure of Convictions

The driver shall within seven days disclose to the Council in writing details of any convictions imposed on them during the period of the licence.

11. Driver's Badge

The badge issued to the driver by the Council when granting this licence remains the property of the Council, and must be returned the Council forthwith upon the expiry (without immediate renewal), revocation or suspension of this licence. Any deposit for the driver's badge which may from time to time be determined by the Council shall be refunded upon the badge being returned in a satisfactory condition.

LICENSING PROCEDURES

Requirements in respect of Private Hire Vehicles

An application for a vehicle licence will not be considered if the vehicle concerned does not satisfy the definition of a private hire vehicle, as set out in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976, (i.e. a car constructed or adapted to seat fewer than nine passengers), or fails to meet the following requirements:-

- (a) the vehicle must be of a four door saloon or estate car type but does not include a convertible or soft top vehicle.
- (b) if fitted with a sun roof, it must not exceed 50% of the roof area.
- (c) must have an engine capacity of a minimum of 1300 cc.
- (d) must have a minimum seat width of 41 cm per passenger.
- (e) passengers must have clear access and egress from every seat for which the vehicle is licensed.
- (f)

	<i>New Licence & Replacement Vehicle</i>	<i>Renewal of currently licensed vehicle</i>
From 1 April 2008	Up to 4 years old	Up to 7 years old or until 8 th anniversary of registration.
	<i>Wheelchair Accessible Vehicles</i>	<i>Renewal of currently licensed vehicle</i>
From 1 April 2008	Up to 4 years old	Up to 9 years old or until 10 th anniversary of registration

- (g) MOT certificate obtained 6 monthly at any VOSA approved garage not more than 5 days prior to licence or licence renewal.
- (h) the vehicle must not be fitted with or carry signs or advertisements illuminated or otherwise save for the name and telephone number of the firm, which may be displayed on the side of the vehicle in lettering of not more than 3 inches in height, and such lettering shall not be illuminated or include the words "cab", "taxi-cab" or "taxi".
- (i) the vehicle must not be an Austin FX4 or be of similar appearance.

Before a private hire vehicle licence will be granted, the vehicle must have fitted in a readily accessible position, a dry powder type fire extinguisher of not less than 2 lb/0.9 kg capacity, or other suitable type approved by the Council, and when a licence is granted the licence plate issued by the Council must be fitted and displayed on the vehicle in accordance with the licensing conditions.

Requirements in Respect of Drivers

1. To be considered for a licence to drive a private hire vehicle, the applicant must satisfy the Council that they are a fit and proper person and have been the holder for at least two years of a licence granted Part III of the Road Traffic Act 1972 authorising them to drive a motor car and have reached the age of 21 years.
2. The applicant should be aware that the licensing authority is empowered in law to check with the Criminal Records Bureau (CRB) for the existence and content of any criminal record held in the name of an applicant. Information received from the CRB will be kept in strict confidence while the licensing process takes its course and will be retained for no longer than is necessary (Section 47, Road Traffic Act 1991).
3. The applicant must supply consent for a DVLA subject enquiry to be carried out.
4. The applicant must supply the names and addresses of two persons with whom the Council may communicate for the purpose of obtaining references. One of persons concerned must be the applicant's last employer whilst the other should have known the applicant for at least three years.
5. The applicant must produce their birth certificate or current passport for examination, together with four recent passport sized photographs taken without sunglasses.

6. The applicant must also produce a certificate signed by his/her registered medical practitioner to the effect that the applicant is physically fit to be the driver of a private hire vehicle. Such certificates are required to be produced every five years up to the age of 60 years and thereafter every twelve months.
7. Applicants must provide evidence of having passed a Driving Standards Agency test of competency to drive a Hackney Carriage/Private Hire vehicle.
8. The applicant must be able to demonstrate that they possesses a good working knowledge of the district and Regulations for the type of licence for which the application is made.
9. Where a person has been disqualified because of a conviction for a serious offence, it is the Council's policy not to consider an application for a period of 5 years from the date on which the period of disqualification expired.
10. The applicant is required to declare any foreign convictions. If the applicant has lived abroad during the previous 5 years prior to making the application, they are required to facilitate obtaining evidence from a foreign Embassy if necessary.
11. Where a person has been convicted of a serious criminal offence, it is the Council's policy not to consider a licence application for a suitable period from the date of conviction.