

## APPENDIX 5

### DRAFT

#### Private Hire Vehicle Conditions

#### CONDITIONS ATTACHED TO A PRIVATE HIRE VEHICLE LICENCE

#### SECTION 48 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Each application for a private hire vehicle licence will be considered on its merit. The following are Rossendale Councils standard conditions that are normally attached to the grant of a private hire vehicle licence. However additional conditions or amendment to the standard conditions may be made as deemed appropriate in respect of each application granted.

Failure to comply with any condition attached to the grant of the licence may lead to a review of the private hire vehicle licence which could result in revocation or suspension of the licence

#### 1 VEHICLE TYPE AND DESIGN

1.1 No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made 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.

1.2 All vehicle windows shall be transparent or if tinted, the front windscreen, front passenger window and driver's window must let at least 75% of light through and all other windows must let at least 70% of light through to the satisfaction of the Authorised Officer. The Council will not licence a vehicle to which a laminating film has been applied. **(TO BE CONFIRMED)**

Or

Tinted windows will be allowed so long as they are manufacturers' specification, not after market and are not self-adhesive films.

1.3 The colour of the vehicle must not be altered to white during the period that the vehicle is licensed.

#### 2 LIQUEFIED PETROLEUM GAS (LPG)

2.1 Vehicles must not be fitted with Dual Fuel or 'after market' Liquid Petroleum Gas (LPG) systems unless they have been tested and certified by a recognised Liquid Petroleum Gas Association accredited installer. This certification must be produced at the time of application.

#### 3 GENERAL CONDITION, CLEANLINESS AND APPEARANCE OF VEHICLE

3.1 Every vehicle must be maintained in a safe and clean condition at all times and is subject to such examinations as are required by the Council. The standard of maintenance and cleanliness required is that which would constitute a pass of both the MOT and Rossendale vehicle test

3.2 Luggage and storage areas must be kept as free space for passengers' luggage.

3.3 The proprietor is responsible for ensuring 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.

3.4 On being required by a Police Officer or Authorised Officer, the proprietor shall arrange for the recorded daily checks kept in the vehicle to be provided as requested.

3.5 All new grants for private hire vehicle licences (this does not apply to vehicles licensed before 20 February 2017 and which maintain continual renewal applications) will need to be any colour other than white.

#### **4 IDENTIFICATION PLATE, SIGNS, NOTICES ETC.**

4.1 The vehicle roof must not be equipped with any roof signs/ of any description

4.2 No lights (other than those in place at the time of manufacture), plates, signs, or other fittings shall be displayed in or on the vehicle except those approved by the Council (please see 8.4)

4.3 The vehicle shall display on the front nearside and front offside door the Rossendale Borough Council issued Private Hire vehicle door sign

4.4 Council approved private hire operator door signs shall be displayed on the rear offside and nearside doors. The private hire operator door signs must be the operator door signs from the operator allocating pre booked work to the driver/vehicle and shall be no greater than A3 size

4.5 A Rossendale private hire vehicle plate shall be securely fixed to the rear and front of the outside of the vehicle. The plate shall be fixed in such a manner that it does not interfere or obscure any or part of the vehicle registration plate

4.6 Once the vehicle has been fitted with CCTV, Council approved signage shall be displayed in the vehicle in accordance with instructions issued by the Council at the time of issue

4.7 The vehicle proprietor/operator must ensure that transparent pricing information is clearly available to customers via an appropriate channel dependent on the method of booking. This could be either electronic or via a tariff card. If a tariff card is used, this shall be displayed in the vehicle in a manner that customers can see/read the tariff. The tariff card will be in respect of the private hire operator with whom the booking has been made.

4.9 No smoking sign(s) to be displayed in the passenger area of the vehicle in such a location that it can be seen by passengers

4.10 No other signs, notices, advertisements, plates, marks or similar shall be displayed on in or from the vehicle except as may be required by any statutory provision or required by these conditions, this will not apply to any indication displayed on a taxi meter fitted to the vehicle

4.11 No sign or notice which consists of or includes the word taxi or cab can be displayed on or in a private hire vehicle

## **5. EQUIPMENT AND FITTINGS**

5.1. The vehicle and all its fittings and equipment must, 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.

### ***First Aid Kits***

*5.2 There must 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 that meets the requirements of British Standard BS8599-2 (medium sized kit)..*

### ***Fire Extinguisher***

*The proprietor of the vehicle must provide and maintain to the satisfaction of an authorised officer a full working fire extinguisher (AFFF) manufactured to the appropriate British Standard which shall be fixed by means of the manufacturers designed retaining bracket and carried in such a position as to be easily available for use. The extinguisher shall be clearly marked with the appropriate British standard Institute specification number and with the name and address of the manufacturer or vendor thereon, together with an unexpired tested until, or use before date.*

*The relevant private hire vehicle plate number must be clearly and indelibly marked on the casing of the fire extinguisher*

5.3 If a Driver Safety Shield is fitted (either before the licence has been granted or during the lifetime of the licence) the following applies:

- i It will be of a make, type and design previously approved by Authorised Officers of the Council (for fittings during the licence);
- ii it must not be changed in any way from its original design and must remain free of damage;
- iii it must remain clear and translucent; free of scratches, clouding or stickers which would impede the drivers or passengers visibility;
- iv it must not impede entry and egress or present a trip hazard to passengers using the vehicle; and
- v the Installation and continued subsequent maintenance must be in accordance with manufacturer's specifications and recommendations.

5.4 .All private hire vehicles issued with a new/ renewal licence will be required to have CCTV fitted that meets or exceeds the Councils specification for CCTV. The system must operate in accordance with the councils CCTV policy forming part of the Policy for licensing Hackney Carriage Drivers and Vehicles Private Hire Operators, Drivers and Vehicles, dated March 2017

The CCTV system must be operational at all times that the vehicle is being used as a licensed vehicle. (i.e. for the carriage of fare paying passengers). The system does not need to be operational during other times (for example when being used for domestic purposes).

Video recording must be active at all times. Audio recording must be active whenever an unaccompanied child (i.e. under 18) or vulnerable adult is being carried in the vehicle. In addition, audio recording must be activated by the driver at any time where the driver and customer are involved in a dispute or the driver feels threatened by the behaviour of a passenger. In addition, the following provisions apply to the taxi camera system: –

- i It must be of a make, type and design previously approved by the Council;
- ii it must not be changed in any way from its original design, be free of damage and maintained in working condition;
- iii The vehicle must display appropriate signs, approved by the Council, informing the public that camera surveillance is active in the vehicle.
- iv The recording system and memory card (or other image memory recording system) must 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 can only be downloaded by an Authorised Officer of the Council or Police Officer.

5.5 No additional audio equipment e.g. Boom Boxes in boots / additional speakers are allowed to be fitted in and connected to the vehicle.

5.6 All private hire vehicles issued with a new or renewal licence will not be permitted to retro fit an alternative engine into the licensed private hire vehicle unless the engine is of the same or higher Euro standard.

## **6 METERS, FARES AND FARECARDS**

6.1 Any meter fitted to the vehicle must be installed in accordance with the

Manufacturer's instructions tested and verified by the Council.

The tariffs with which the meter has been calibrated must be displayed in the vehicle in such a position as to be visible to passengers. Such a 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.

6.2 A notice must be displayed within the vehicle in such a position as to be visible to passengers stating that if the meter is not used, the fare should be agreed between the passenger(s) and driver before commencement of the journey. Any fare agreed in this way must be the fare that is charged at the end of the journey, unless the customer agrees to it being varied.

6.3 If a fare has not been agreed between the driver (or operator) and the customer then the fare charged must be that which is shown on the meter (if fitted). A statement to this effect must be made on the notice referred to in b. above.

## **7. SEATS AND PASSENGERS**

7.1 The proprietor must not allow a greater number of passengers to be carried in the vehicle than the number specified in the licence.

7.2 Where the seating in the licensed vehicle can be rearranged, the proprietor must 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 must not be altered without further approval except for the temporary accommodation of a wheelchair in vehicles approved for such purpose.

7.3 Seats can be mounted on tracking fastened to the floor of the vehicle using seat fixings approved to the satisfaction of the Council. These seats can then 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 in accordance with the manufacturer's specification and approved for use by the Council.

## **8 TRAILERS**

*The following conditions apply to licensed vehicles being permitted to tow a trailer.*

*8.1 The trailer must only be used on pre-booked journeys when excess luggage is to be carried and not for general use.*

*8.2 The trailer may be used with any licensed vehicle where the trailer, vehicle and their towing fittings have been inspected and approved by a council approved testing station*

*8.3 The trailer must comply with all aspects of current legislation and must be of a type recommended by the vehicle manufacturer as being suitable for the intended towing vehicle.*

*8.4 The trailer must be in good condition.*

*8.5 The vehicle must be suitable for towing the intended trailer.*

*8.6 The trailer must be purpose built and manufactured for the purpose of which it was intended.*

*8.7 The trailer must be plated by the manufacturer specifying the maximum load to be carried.*

*8.8 The trailer must be a braked trailer.*

*8.9 The trailer must comply with current lighting regulations.*

*8.10 No advertising will be permitted on any part of the trailer*

*8.11 The trailer must be fitted with securely fastening covers, which can be hardtop or canvas tarpaulin type.*

*8.12 When the trailer is used with the licensed vehicle, the licence plate issued by the council specifically for that trailer shall be clearly displayed on the trailer.*

*8.13 Trailers must not be towed by vehicle where the rear doors provide a second exit from the vehicle.*

*8.14 The tow bar used must be of a type approved by the manufacturer of the vehicle and be fitted by an approved agent.*

*8.15 The vehicle must be insured to tow the trailer, of which proof of cover must be produced.*

### **Advertising**

*Limited advertising on private hire vehicles is allowed. Any advertising should not obscure the council required "Private Hire Advanced Bookings Only" sticker on the front doors of the vehicle, or requirements to display the operators name on the rear doors. Consideration to be given to allow adverts on bonnets, front and rear wings and boot areas with a specified maximum size.*

*Advertising will not be permitted in relation to:*

- Alcohol in any form*
- escort agencies, massage parlours or services, licensed sex establishments or similar businesses*
- products containing tobacco or e cigarettes*
- political parties and associated pressure groups.*

*All advertisements must not contain language or pictures that are offensive, lewd, promote violence or be explicitly suggestive.*

*The proprietor shall not allow the display of any roof sign or illuminated sign to be displayed in, on or from the private hire vehicle.*

*The suitability of any sticker, livery or signage carried on vehicles must be approved by officers from the council's licensing section.*

## **8 VEHICLES WITH THIRD ROW OF SEATS**

8.1 All passengers must have access to at least two side doors, one of which must be on the nearside of the vehicle.

8.2 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.

8.3 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.

8.4 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 of the vehicle are activated.

## **9 WHEELCHAIR PASSENGERS**

9.1 Passengers travelling in wheelchairs must face either forward or rearward to the direction of travel. Rearward facing wheelchairs must be appropriately secured against a bulkhead. Passengers travelling in wheelchairs must be restrained by a suitable method.

9.2 A full static harness or a lap and diagonal inertia-reel belt must be available for each passenger travelling in a wheelchair. 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 must be fully adjustable for the safety and comfort of the passenger travelling in the wheelchair and capable of quick release in an emergency situation.

9.3 If a tail lift is fitted a current Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) certificate must be produced, issued by an authorised tester.

The tail lift must not prevent the rear door(s) from being opened and it must be easily moved if the vehicle power supply fails.

## **10. COMMUNICATION EQUIPMENT**

10.1 Radio communication equipment licensed by the appropriate Government department may be fitted for use in connection with the Private Hire Operator's base station. Where fitted it must be in a manner approved by the Council. . The use of scanner equipment is prohibited.

10.2 Equipment fitted in the licensed vehicles 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 must not be left in a dangerous manner.

## **11. INSURANCE AND INSURANCE COVER**

11.1 Private Hire Insurance which complies with Part VI of the Road Traffic Act 1988 must 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.

11.2 The licence holder, if not the policy holder in respect of the insurance affected for the vehicle, must 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 affected by the policyholder is nevertheless fully effective for private hire purposes.

## **12. CONVICTIONS**

The proprietor of a private hire vehicle must notify the Council in writing within 14 days and provide full details of any conviction, binding over, caution, warning, reprimand or arrest for any matter (whether or not charged) 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 the licence.

## **13. CHANGE OF ADDRESS**

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

## **14. CHANGE OF OPERATOR**

The licence holder must notify the Council in writing within 7 days of any change of operator through whom the vehicle is to be operated. This does not limit the ability of a licensed vehicle to be used to accept bookings from more than one licensed operator.

## **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 pursuant to Section 76 may 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 one of the councils appointed testing centres. 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.