

# CYNGOR SIR POWYS COUNTY COUNCIL

## HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

### Introduction

***In the conditions set out below, the Licensing Authority is Powys County Council.***

***The Licensing Review Panel comprises 3 elected members of the Council's Licensing Committee and has the authority to determine matters concerning individual licences or applications for licence.***

***These conditions apply the Council's policy concerning all motor vehicles licensed in Powys as hackney carriages or private hire vehicles.***

***The purpose of the Council's policy is to promote the safety of the public by ensuring that licensed vehicles are properly insured; suitable in type, size and design; in good mechanical condition; safe; comfortable and easily recognisable by the public as hackney carriages or private hire vehicles.***

***A proprietor or operator is responsible for a vehicle being licensed and insured, and must ensure that it complies with these conditions.***

### MOTOR VEHICLE LICENCE CONDITIONS

#### 1. General

1.1 A private hire or hackney carriage vehicle licence will remain in force for up to 1 year (unless suspended, revoked or cancelled).

1.2 The applicant shall pay the appropriate application fees as determined by the Council's Licensing Committee.

1.3 The loss or theft of the vehicle licence, plate or window sticker must be reported to the Licensing Officer immediately.

1.4 A licensed hackney carriage will be entitled to operate from any of the appointed hackney carriage ranks in Powys.

1.5 The licence holder shall notify the Council in writing of any change to his or her name or address during the period of the licence within 7 days of the change.

1.6 Once a vehicle licence has been granted, it cannot be transferred to another vehicle, as there is no legal mechanism for this. However, a licence

can be transferred between proprietors. A separate transfer application form is available for this.

## **2. Mechanical Condition**

2.1 The vehicle and all its fittings shall be kept in a safe, reliable, tidy and clean condition. All relevant statutory requirements (particularly those contained in The Road Vehicles(Construction and Use) Regulations 1986 and associated amendments)\* shall be complied with in full. The vehicle shall be kept in good repair and its interior and windows kept clean and maintained fit for public service.

***\*Copies of The Road Vehicles (Construction and Use) Regulations 1986 (as amended) can be purchased from The Stationery Office Ltd, PO Box 29, St Crispins House, Duke Street, NORWICH NR3 1GN; telephone: 0870 600 5522; fax: 0870 600 5533; e-mail: [esupport@theso.co.uk](mailto:esupport@theso.co.uk); website: <http://www.the-stationery-office.co.uk/> A consolidated version of these regulations can also be found in Sweet and Maxwell's Encyclopaedia of Road Traffic Law and Practice (Construction and Use) which may be available in larger reference libraries.***

2.2 A vehicle must be submitted to the Licensing Officer for inspection before the grant or renewal of a licence. Additional inspections during the period of the licence may be required at the discretion of the Licensing Officer.

2.3 In the case of vehicles more than 1 year old and less than 8 years from the date of first registration, an MOT certificate issued by a vehicle testing station no more than 28 days prior to the date of application, must be submitted with an application.

2.4 In the case of vehicles more than eight years old from the date of first registration, an MOT certificate issued by a vehicle testing station, no more than 28 days prior to the date of application, must be submitted with an application. A further MOT certificate must be submitted to the Licensing Officer not more than 6 months from the date of issue of the previous certificate. Failure to provide a valid MOT certificate may result in a vehicle being prohibited from use (see paragraph 2.8 below).

2.5 Where a licensed vehicle has been involved in an accident, the Licensing Authority may require an MOT certificate following the repair of the vehicle, and prior to it being brought back into use.

2.6 A valid vehicle registration document and valid certificate of insurance, specifically covering private hire or hackney carriage use complete with schedule, appropriate to the vehicle's intended use, must accompany an application for a private hire or hackney carriage vehicle licence. All of these documents must identify clearly the vehicle to be licensed. If the operator has a fleet insurance policy, a copy is to be submitted at the time of application.

2.7 Vehicles must comply with the requirements of the Road Traffic Acts, together with any Orders and Regulations made under the Act.

2.8 Where a vehicle has been certified fit for use, but later reveals a defect which, in the opinion of an authorised officer of the Licensing Authority, renders it unsuitable for public service, notice will be served on the proprietor, prohibiting the use of the vehicle as a hackney carriage, or for private hire, until the defect has been remedied to the satisfaction of the Licensing Authority. This approach may be taken also where the proprietor of a vehicle fails to provide an MOT certificate in accordance with paragraph 2.5 above, or where a manufacturer has recalled a vehicle for modification.

2.9 Any damage to a hackney carriage or private hire vehicle, materially affecting the safety, performance or appearance of the vehicle shall be reported to an authorised officer of the Licensing Authority by the next working day. The Licensing Authority may prohibit the use of the vehicle in accordance with the terms of condition 2.8.

2.10 Any alteration in the design or construction of a vehicle, or its equipment, subsequent to the issue of an MOT certificate, must be notified to the Licensing Authority immediately.

### **3. Safety and Design**

3.1 On application for the grant or renewal of a vehicle licence, or at the discretion of a Licensing Officer, following an accident, a vehicle must be presented to an authorised officer of the Licensing Authority, for examination at a time and location specified by the officer.

3.2 Vehicles must conform to the specifications and restrictions set out below, namely:

(a) Be fitted with a right hand drive and have at least three points of access and egress, fitted with a mechanism to enable each door to be opened internally and externally.

(b) Be so constructed that the doors open sufficiently wide as to allow easy access to, and egress from, the vehicle.

(c) Internally and externally must be maintained in a safe and clean condition at all times to a standard commensurate with passengers reasonable expectations.

(d) Tinted windows will only be permitted in accordance with the manufacturers or specialist coachbuilder's specification and must comply with the Road Vehicles (Construction & Use) Regulations 1986.

(e) No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.

(f) A seat belt in good condition shall be available to each passenger.

(g) An installation certificate from a LPGA Approved UK Vehicle Conversion Company, must be provided in the case of vehicles converted to run on LPG.

3.4 The maximum number of passengers carried by a hackney carriage or private hire vehicle will be at the discretion of the Licensing Authority, but will not exceed eight. In determining the number, regard will be given to the numbers of occupants, as stated on the V5, the manufacturer's specifications, current legislation, relevant guidance and best practice.

3.5 Wheelchair accessible vehicles (WAVs) must meet European Community Whole Vehicle Type Approval (EWVTA) either:

- By way of a Type Approval Certificate issued to the vehicle approved to standard type M1
- By way of a Confirmation of Compliance notification issued after the vehicle has been subject to a Voluntary Individual Vehicle Approval (IVA) test by VOSA and found to meet M1 standard
- By way of a NSSTA (National Small Series Type Approval) approval to M1 standard

Further details on type approval can be found at [www.gov.uk/vehicle-approval/voluntary-approval](http://www.gov.uk/vehicle-approval/voluntary-approval)

Existing licensed wheelchair accessible vehicles will have a further year to comply with the above i.e. the above condition will apply to vehicles licensed before 1<sup>st</sup> October 2017 that are renewed after 1<sup>st</sup> October 2018.

Any WAV fitted with a mechanical lift must produce a current satisfactory LOLER (Lifting Operations and Lifting Equipment Regulations 1998) certificate at the time of licensing.

3.6 Vehicles presented with 8 passenger seats that are capable of carrying wheelchair passengers in addition, are considered to be Public Service Vehicles and cannot be licensed as Private Hire or Hackney Carriage.

***Before purchasing a vehicle intended for use as a hackney carriage or for private hire, proprietors or operators may wish to contact the Licensing Authority in order to determine in advance the maximum carrying capacity of the vehicle.***

3.7 A vehicle licensed as a hackney carriage or for private hire, shall at all times, carry a standard first aid kit, equipped to the satisfaction of the Licensing Authority, and marked with the plate number of the vehicle.

3.8 A vehicle licensed as a hackney carriage shall, on acceptance of a booking from a disabled person accompanied by a guide, hearing or prescribed assistance dog, carry the dog without additional charge. Similarly, an operator of a licensed private hire vehicle shall accept bookings from, or on

behalf of a disabled person, accompanied by a guide, hearing or assistance dog, and shall instruct the vehicle driver to carry the dog without extra charge.

***Drivers are able to seek exemptions from these duties only on medical grounds, such as severe asthma, aggravated by contact with dogs or due to other allergies or acute phobias to dogs.***

3.9 Any driver of a vehicle licensed either as a Hackney Carriage or Private Hire, which is included on the Local Authorities designated list shall :-

- (i) Transport wheelchair users in their wheelchairs
- (ii) Provide passengers in wheelchairs with appropriate assistance
- (iii) Charge wheelchair users the same as non-wheelchair users

Further information can be found at  
[www.legislation.gov.uk/ukpga/2010/15/contents](http://www.legislation.gov.uk/ukpga/2010/15/contents)

***Any driver who suffers from a disability or condition which would make it difficult for them to provide physical assistance can apply for an exemption.***

***In both cases, drivers will have to make an application to the Licensing Authority for an exemption, supported by evidence from an appropriate health care professional.***

3.10 In accordance with the Smoke-Free Premises (Wales) Regulations 2007, smoking inside a vehicle used for public transport is not permitted by a driver or passengers, and is an offence under the regulations. Hackney Carriage and Private Hire Vehicles therefore shall be smoke-free at all times and display the legally required signage to this effect.

3.11 For the purposes of these guidelines the term "CCTV system" will include any electronic recording device attached to the inside of vehicle having the technical capability of capturing and retaining visual images and audio recording from inside or external to the vehicle.

3.12 CCTV is not mandatory, however where installed:

- (a) The holder of the licence must notify the Licensing authority in writing within 7 days of installing a CCTV system in the vehicle:
- (b) In-vehicle CCTV systems should be fitted safely and securely so as not to pose a risk to the driver, passengers or other road users:
- (c) Equipment must not obscure or interfere with the operation of any of the vehicles standard and or mandatory equipment:
- (d) In-vehicle CCTV systems must not be used to record conversations between members of the public
- (e) The proprietor of the vehicle will ensure that appropriate signage is displayed within the vehicle:

- (f) Follow the guidelines as laid out with the Information Commissioners Office, which can be found at <https://ico.org.uk/for-the-public/cctv/>

#### 4. Identification and Signage

4.1 A hackney carriage or private hire vehicle shall display a plate of a colour and design approved by the Licensing Authority. The plate will show the vehicle licence number and the number of passengers a vehicle is licensed to carry. The vehicle plate shall be fixed to the rear bodywork of the vehicle in a position approved by the Licensing Officer.

4.2 The Council has resolved not to issue any exemption certificates to display a private hire plate

Proposed revised condition to replace 4.2 above

Ensuring that private hire vehicles are clearly identifiable is an important public safety safeguard and in general no exemptions to display the plate will be issued except where the Council is reasonably satisfied that an applicant has a justifiable business case for not displaying a private hire plate. Any exemptions would be in exceptional cases only and not be issued to vehicles undertaking regular private hire work (including school contracts).

4.3 No other fittings or signs except those provided for in conditions 4.4 to 4.9 below shall be attached to, or carried on the inside or outside of the vehicle unless approved in writing by the Licensing Authority. A hackney carriage or private hire vehicle plate carries the details of the vehicle to which it is attached. Therefore a plate is not transferable to another vehicle. It remains the property of the Council and must be returned immediately the vehicle ceases to be licensed.

4.4 A hackney carriage or private hire vehicle shall display on the nearside of the windscreen an adhesive label, provided by the Licensing Authority, bearing the vehicle registration number, the hackney carriage or private hire vehicle number, the licence expiry date and the number of passengers the vehicle is licensed to carry.

4.5 Hackney carriages must be distinguished by the display of a roof sign including the word 'TAXI', 'TACSI' or 'CAB' capable of being illuminated. In exceptional circumstances, on agreement with the licensing authority an illuminated window sign will be permitted. The sign shall be of a design and size approved by the Licensing Officer, and may include also a trade name and telephone number(s). The word 'TAXI(S)', 'TACSI' or 'CAB(S)' must be visually predominant.

4.6 For private hire vehicles a roof sign bearing a trade name not including any one of the words set out in condition 4.5 is permissible.

*Issue 8 Approved for consultation 24/08/17*

4.7 A purpose built metropolitan cab (for example, FX4 and TX1), or any vehicle designed solely for use as a hackney carriage, will not be accepted for licensing as a private hire vehicle.

4.8 Two Advertisements (other than those relating to the operating company), not larger than 600mm<sup>2</sup> (2 sq ft) in area, or up to a total of six advertisements where they do not exceed 300mm<sup>2</sup> (1 sq ft), may be displayed on licensed hackney carriage or private hire vehicles. The Licensing Authority must approve the position, design and content of any advertisement, prior to it being displayed on a vehicle. Any such advertisement must be in good taste and considered unlikely to cause offence. A private hire vehicle shall not carry any sign or advertisement connected with a hackney carriage business.

## **5. Meters and Fares**

5.1 The proprietor of a hackney carriage shall ensure the vehicle is fitted with a taximeter approved by the Council, and that meter shall be maintained in a sound mechanical condition at all times. A Private Hire Operator shall ensure that no private hire vehicle is fitted with a taximeter.

5.2 The taximeter shall be set at no more than the current maximum tariff agreed by the Council and shall be sealed to prevent unauthorised adjustment of that meter. An approved calibration certificate signed by the meter installer will be provided to verify the tariff at which the meter has been set. The proprietor shall ensure the "For Hire" sign or other illuminated sign is extinguished when the fare commences, and the taximeter brought into operation.

5.3 The proprietor shall ensure that a copy of the current maximum fare table supplied by the Council is on display inside the hackney carriage at all times and that the table is clearly visible to passengers when the vehicle is for hire. In addition where the meter has been set at a different (lower) tariff than this table of fares must also be on display and clearly visible to passengers.

## **6. Insurance and other Certificates**

6.1 A proprietor or operator providing a hackney carriage or a private hire vehicle must ensure that any driver holds a valid joint hackney carriage and private hire vehicle driver's licence and badge, issued by the Licensing Authority.

***Note: It is an offence to drive a licensed vehicle without first holding a joint hackney carriage and private hire driver licence, in addition it is an offence for the proprietor of the vehicle if he employs an unlicensed driver to drive a licensed vehicle***

6.2 A valid vehicle registration document, MOT certificate and insurance certificate must be produced on request by an authorised officer of the Licensing Authority, at any time during the licensing period.

## 7. Record Keeping

7.1 In order to enable the Licensing Authority in making a decision in relation to the Council's Intended Use Policy for Hackney Carriages all hackney carriage proprietors will be required to keep a legible record, written or electronic, of all journeys carried out by the vehicle. The following particulars of every journey undertaken shall be recorded

- a) The time and date of pick up
- b) The point of pick-up;
- c) The destination;
- d) Where the journey was pre-booked the name and contact details of the hirer

Where the vehicle is regularly used for a contract e.g. schools, it will sufficient to record the details of the contract i.e. pick-up point / destination / days of week for which contact is effective / date contact commenced / date contact terminated rather than each journey relating to that contract. Records in hard copy must be produced on request by an authorised officer of the licensing authority within 14 days

## 8. Trailers

**Note: It is the responsibility of the driver to ensure that they hold the appropriate category on their DVLA driver licence in order to tow a trailer, they may be required to pass a car and trailer driving test see [www.gov.uk/towing-with-car](http://www.gov.uk/towing-with-car) for more information**

8.1 All trailers must comply with all regulations relating to the construction and use of trailers.

8.2 The trailer shall be fully covered for protection against wind and rain penetration and secured for the protection of the luggage carried.

8.3 Trailers shall be equipped with either, • A spare wheel in good condition and the tools to change wheel, or • An emergency puncture repair kit.

8.4 Where fitted, spare wheels shall meet the legal tread depth limit and the tools to change a wheel shall be maintained in good working order.

8.5 Emergency repair kits shall be maintained in a good condition and shall not have passed the expiry date.

8.6 Trailers shall not be used when plying for hire.

## 9. Roof Boxes

A roof box may be fitted, providing:



- i) It must comply with Road Traffic (construction and use) Regulations, and be appropriate for the type of vehicle used.
- ii) The roof box must be of enclosed container construction (not an open roof rack with loose cover).
- iii) The roof box must only be used for the purpose of extra luggage, such as golf clubs, large suitcases etc., and not for the carriage of goods or livestock.
- iv) The hirer must be with the vehicle at the time the roof box is in use.
- v) No part of the roof box or fitments to remain on vehicle when not being used for carrying extra luggage.
- vi) No advertising, wording or numbers to be allowed on the roof box.

## **Supplementary Notes (These do not form part of the conditions)**

### **Enforcement of Conditions**

***An operator or proprietor of a vehicle found to be in breach of these conditions may be required to attend the Council's Licensing Review Panel. The Panel may revoke, suspend, or refuse to renew the vehicle licence.***

***An operator or proprietor found to be knowingly committing an offence that poses a significant risk to public safety, or who wilfully obstructs an authorised officer, may be prosecuted without reference to the Licensing Review Panel.***

***An authorised officer of the Licensing Authority may suspend a vehicle licence in cases where the vehicle poses an imminent risk to the safety of the public. In these circumstances, the Licensing Authority shall advise the proprietor/operator of the reason for the suspension, in writing, within twenty-four hours. The matter will be reported to the next available Licensing Review Panel. The Panel may revoke, or refuse to renew the vehicle licence, or extend the period of suspension.***

***Any person aggrieved by the refusal of the Licensing Authority to grant a vehicle licence, or by the revocation of a licence, or by any of the conditions set out above, may appeal to a magistrates' court.***

### **Additional Information**

#### **Contacts**

*If you are unsure about any of the conditions or accompanying notes set out above please contact the appropriate Licensing Section.*

Council Offices	Council Offices	Council Offices
Neuadd Brycheiniog	Y Gwalia	Neuadd Maldwyn
Cambrian Way	Ithon Road	Severn Road

Brecon	Llandrindod Wells	Welshpool
Powys	Powys	Powys
LD3 7HR	LD1 6AA	SY21 7AS
<b>Contact: 0845 602 7037 and ask to speak to an Officer</b>		

## **Contents of First Aid Kit**

**Each vehicle must carry a first aid kit sufficient to comply with the Health & Safety (First Aid) Regulations 1981. In addition to providing for employees, the following minimum contents should be included :**

Antiseptic wipes (non-alcohol) x 10  
Triangular bandages x 2 (may be of the disposable type)  
Individually wrapped adhesive dressings (plasters) x 20  
Medium dressing (12 x 12cms) x 1  
Large dressing (18 x 18cms) x 1  
Disposable gloves (large size x 2 pairs & medium size x 2 pairs)  
Advice leaflet x 1

## **Seat Belts and Child Seats**

The attention of drivers is drawn to the provisions of the Child & Baby Car Seat Safety Regulations (2006), which came into effect on the 18<sup>th</sup> September 2006. There are exemptions within the regulations in relation to licensed Hackney Carriages & Private Hire vehicles. The Department of Transport feels that it is impracticable to expect the right child seat or booster to be available in a taxi unless the parents have brought one with them. Therefore the Regulations state that :-

- Under 3's may travel unrestrained but in the rear only;
- Those 3 years and above must use an adult belt in the rear seat only;
- Any child up to 135cms in a front seat of any vehicle must use the correct child seat or booster
- The driver of a licensed vehicle is responsible for seat belt wearing by Children under 14 years (except in taxis with fixed partitions)

Passengers over the age of 14 years in the front seats of all vehicles, and in the rear seats of cars and small minibuses, an adult seat belt must be worn if available. This is the passenger's own responsibility.

Hackney Carriage drivers are exempt by virtue of Regulation 5(h) of the Motor Vehicles (Wearing of Seat Belts) Regulations 1982, providing they are seeking hire, answering a call for hire or carrying a passenger for hire, and the vehicle is carrying a plate showing it is a licensed Hackney Carriage. A similar exemption applies to a Private Hire Vehicle provided it is being used to carry a passenger for hire.

