

## **Private Hire Vehicle, Operator and Driver Licensing**

### **INFORMATION TO BE PROVIDED AND PROVISIONS TO BE SATISFIED BEFORE A LICENCE IS ISSUED**

#### **1. PRIVATE HIRE VEHICLE LICENCE**

- 1.1 The application form must be completed to the Council's satisfaction and accompanied by the appropriate fee.
- 1.2 Insurance cover (to be the minimum of £250,000) in accordance with Part VI of the Road Traffic Act 1988 must be effected in respect of the vehicle and evidence thereof produced to the Council with the application form. Such insurance cover must extend to include use of the vehicle for purposes of private hire.
- 1.3 A Department of Transport certificate, if appropriate, as to the condition of the vehicle shall be produced.
- 1.4 The vehicle registration document must be produced in support of each application for a licence or renewal of licence.
- 1.5 The application form shall be accompanied by a completed and satisfactory Vehicle Inspection Report in a form approved by the Council and relating to safety, comfort and mechanical condition of the vehicle, which form shall be completed by a person entitled to issue a Department of Transport test certificate.
- 1.6 That subject to paragraph 7 below, on initial licensing with East Devon District Council as Private Hire, a vehicle shall not be more than 4 years old from the date of first registration as shown on the registration document. Licences for vehicles beyond 8 years of age shall be renewed subject to a satisfactory Vehicle Inspection Report being obtained every 6 months.
- 1.7 That applications for initial licensing of older Specialist Classic Cars, of a type approved by the Chief Executive in consultation with the Chairman or Vice-Chairman of the District Council's Committee or Sub-Committee responsible for the licensing of Private Hire vehicles at the time, may be granted for private hire purposes only.
- 1.8 The minimum engine capacity of vehicles is to be 1300 cc.
- 1.9 Cars must have a minimum of four doors.

- 1.10 The application for renewal of a vehicle licence shall be made not later than 7 days before expiry of the current licence, except where the vehicle is awaiting repair or test arising from mechanical breakdown or accident before the said period of 7 days and is not being used, whereupon application for renewal shall be made not later than 28 days after expiry of the current licence. In every other case applications shall be treated as for the initial grant of a licence.
- 1.11 Subject to the provisions of Section 70 of the Local Government (Miscellaneous Provisions) Act 1976, the fee for the grant of a licence shall be as determined by the Council.

## **2. VEHICLE LICENCE CONDITIONS**

- 2.1 The proprietor of a private hire vehicle shall:
- (a) provide sufficient means by which any person in the carriage may communicate with the driver;
  - (b) cause the roof or covering to be kept water-tight;
  - (c) provide any necessary windows and a means of opening and closing not less than one window by passengers on each side;
  - (d) cause the seats to be properly cushioned or covered;
  - (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
  - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - (g) provide means of securing luggage if the vehicle is so constructed as to carry luggage;
  - (h) provide and maintain in the vehicle, at all times when in use or available for hire, a suitable and efficient fire extinguisher and a suitable first-aid kit containing appropriate first-aid dressings and appliances. Such equipment shall be carried in such a position as to be readily visible, clearly marked and available for immediate use in an emergency.
- 2.2 Insurance cover in accordance with Part VI of the Road Traffic Act 1988 and a Department of Transport certificate, if appropriate, as to the condition of the vehicle must be maintained in respect of the vehicle and evidence thereof produced to an authorised officer of the Council on demand. An authorised officer of the Council may carry out a check of the vehicle at any time.
- 2.3 The plate supplied by the Council identifying it as a private hire vehicle and indicating the licence number and passenger seating capacity of the vehicle shall be affixed on the outside of the vehicle, on, immediately above or below the rear bumper and shall be kept clean and clearly visible at all times.
- 2.4 Advertising is allowed on the outside front doors of the vehicles, below the level of the bottom of the windows, but such measurements may not exceed 70 cm x 35 cm in size. Only one advertisement shall be displayed on each door.
- 2.5 Notification of transfer of ownership shall be given to the Council in writing within fourteen days of transfer.
- 2.6 The licence is not transferable to any other vehicle and relates exclusively to the vehicle in respect of which it is issued.

- 2.7 All accidents materially affecting safety, performance or appearance of a vehicle or comfort and convenience of passengers, shall be notified in writing to the Council by the proprietor within seventy-two hours.
- 2.8 The licence may be revoked or suspended if the Licence holder fails to produce a vehicle for inspection when required to do so by the Council in accordance with the Local Government (Miscellaneous Provisions) Act 1976 or fails to supply within the time specified, information of the address at which the vehicle is kept.
- 2.9 The Licensee shall notify the Council in writing of any change of address within seven days.
- 2.10 Each private hire vehicle shall be licensed for a period of up to 12 months ending on 31 May each year, unless the licence is suspended or revoked.
- 2.11 The vehicle shall only be driven by a appropriately licensed and insured driver (this includes for social, domestic and pleasure purposes).
- 2.12 The proprietor shall within seven days disclose to the Council in writing details of any convictions imposed on him (and if the proprietor is a company or partnership, or any of the directors, the secretary or partners) during the period of the licence.
- 2.13 No radio communication system fitted or carried in the vehicle shall be used by any person whether directly or indirectly for the purpose of making any contract for carriage in that or any other vehicle.
- 2.14 There shall be no signs on the roof.
- 2.15 **EXCEPT** in the case of vehicles currently licensed as a hackney carriage by East Devon District Council within the district of East Devon or some part thereof, no use shall be made of the words "Taxi", "Cab", "Kab" or any phonetically or visually similar words or names on the car or on any advertisements attached thereto. The names of all private hire firms must be agreed by the Council before a licence is issued.
- 2.16 No use shall be made of "For Hire" signs, nor illuminated or self-adhesive letters to that effect in or on the vehicle.
- 2.17 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 words "Private Hire Vehicle", the number of the licence and passenger seating capacity prescribed in the licence.
- 2.18 The vehicle shall not be of such design and appearance as to lead persons to believe it to be a hackney carriage.
- 2.19 Vehicles to be licensed for the first time from 1 March 2004 by East Devon District Council as private hire vehicles must be right hand drive.

### **3. PRIVATE HIRE – TRAILERS**

Private Hire vehicles licensed by the East Devon District Council are permitted to tow trailers providing the following conditions are complied with at all times:-

- 3.1 The licensed towing vehicle's insurance must cover the towing of a trailer.
- 3.2 Trailers must not be left unattended anywhere on the highway.
- 3.3 The speed restrictions applicable to trailers must be observed at all times.

- 3.4 A spare wheel for the trailer and adequate tools to change a wheel must be carried at all times by a licensed vehicle whilst towing a trailer.
- 3.5 The towbar must meet with the type approval regulations in respect of all towbars fitted to cars after August 1998.
- 3.6 The towing of a trailer by a licensed vehicle shall only permit conveyance of luggage and belongings owned by a passenger whilst the vehicle is hired by a passenger within the vehicle.
- 3.7 Drivers of vehicles towing trailers must ensure that they have the correct driving licence group to permit them to tow the relevant trailer.
- 3.8 Only those trailers that comply with the following conditions will be permitted to be towed by a private hire vehicle licensed by the East Devon District Council.
  - (a) Trailers must have been manufactured by a recognised manufacturer and have not been structurally altered since manufacture.
  - (b)
    - (i) A District Council Licensing Officer must initially approve all trailers in regard to size and type of construction.
    - (ii) When initial approval is granted and then annually when the towing vehicle undergoes its council test, an authorised Department of Transport Tester/Inspector must inspect the trailer at a garage located within East Devon. The tester/inspector must certify that the trailer meets the equivalent standards that would normally be required to pass a Ministry of Transport (MOT) test. The garage's authentication stamp must be applied to the certificate supplied by the inspector.
    - (iii) When the tester/inspector has certified the trailer, that trailer, together with the licensed vehicle to be used to tow the trailer, will be presented for inspection by a District Council Licensing Officer.
  - (c) A trailer may be used by more than one licensed towing vehicle but each licensed vehicle used to tow the trailer must be separately approved and the additional licence fee paid for each towing vehicle.
  - (d) An additional licence plate will be issued by the District Council for each licensed private hire vehicle licensed to tow trailers and the relevant plate must be affixed to the rear of the trailer near the number plate whenever an approved trailer is towed by the licensed vehicle.
  - (e) Unbraked trailers shall be less than 750 KGs gross weight.
  - (f) Trailers over 750 KGs gross weight shall be braked acting on at least two road wheels.
  - (g) The towing vehicle must have a kerb weight of at least twice the gross weight of the trailer.
  - (h) A suitable lid or other approved means of enclosure shall be fitted to secure the contents within the trailer when in use and to keep it watertight.
  - (i) The maximum permissible length of the trailer shall be 7 metres including the drawbar and coupling.

- (j) The width of the trailer shall not be greater than the towing vehicle subject to no trailer being wider than 2.3 metres.
- (k) The maximum length for braked twin axle trailers is 5.54 metres.
- (l) The trailer must at all times comply with all Road Traffic legislation requirements in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.
- (m) The trailer's body must be constructed of either glass-reinforced plywood/fibreglass or fully galvanised steel.
- (n) The trailer's full frame must be made of galvanised steel with a straight drawbar.
- (o) The trailer shall not display any form of sign or advertisement not required or approved by the District Council or Road Traffic legislation.

#### **4. PRIVATE HIRE OPERATORS LICENCE**

##### REQUIREMENTS TO BE SATISFIED BEFORE A LICENCE IS ISSUED

- 4.1 The Council will need to be satisfied that an applicant for an operator's licence is a fit and proper person to hold such a licence.
- 4.2 The application form must be completed to the Council's satisfaction and accompanied by the appropriate licence fee.
- 4.3 Convictions recorded after the completion of the form must be reported in writing to the Council within seven days; failure to do so may render the licence, if granted, liable to suspension.
- 4.4 Subject to the provisions of Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 the fee for the grant of a licence shall be as determined by the Council.

#### **5. PRIVATE HIRE OPERATORS LICENCE - CONDITIONS**

- 5.1 A licence will be granted for the period stated therein, subject to suspension or revocation.
- 5.2 The operator to keep current records **in the form of a hard backed book with consecutively pre-numbered pages** containing information as follows, and preserve these for 12 months, which shall be made available on request to an authorised officer of the Council or to any police constable for inspection.

**(a) as to bookings:**

- (particulars are to be entered before commencement of each journey)
- (i) date and time of booking
- (ii) name and address of person for whom booking is made
- (iii) pick-up point
- (iv) destination
- (v) the registration number of the vehicle allocated for the booking.

**(b) as to vehicles:**

- (i) registration number and make of vehicle
- (ii) seating capacity of each vehicle, excluding driver
- (iii) the insurance company insuring each vehicle and the policy number
- (iv) the name(s) and address(es) of the proprietor(s) of the vehicle
- (v) address at which each vehicle is normally kept when not in use

The records shall be produced on demand to an authorised officer of the Council or any police constable.

- 5.3 Any change of address of the operator or change of address at which the vehicle is kept shall be notified to the Council in writing within fourteen days.
- 5.4 The operator shall within fourteen days, disclose to the Council in writing details of any convictions imposed on him (and if the operator is a company or partnership, on any of the directors, the secretary or partners) during the period of the licence.
- 5.5 Any changes in secretary, directorship or partnership shall be notified to the Council in writing within seven days. The Council shall have the right to review the licence.
- 5.6 The Licensee shall not operate any vehicle as a private hire vehicle if:
  - (a) a current private hire vehicle licence is not in force, or
  - (b) the driver does not have a current private hire driver's licence granted by the Council.
- 5.7 The operator shall arrange for the punctual attendance of the vehicle at the appointed time and place, subject to it being delayed or prevented by some sufficient cause.

**6. PRIVATE HIRE DRIVER'S LICENCE**

**REQUIREMENTS TO BE SATISFIED BEFORE A DRIVER'S LICENCE IS ISSUED**

- 6.1 The application form must be completed to the Council's satisfaction and accompanied by the appropriate fee.
- 6.2 A Criminal Records Bureau Disclosure Application form must be completed to the Council's and the CRB's satisfaction and forwarded to the District Council with the current CRB fee for carrying out the disclosure together with all the necessary supporting documents.
- 6.3 Convictions recorded after the completion of the form must be reported in writing to the Council within seven days; failure to do so may render the licence, if granted, liable to suspension or revocation.
- 6.4 The Council will need to be satisfied that the applicant is a fit and proper person to hold a private hire driver's licence. The issue of a licence is dependent on a satisfactory report being received from the CRB.
- 6.5 The applicant must hold or have held for at least twelve months prior to application, a licence granted under part III of the Road Traffic Acts 1972 and 1988 (not being a provisional licence) authorising them to drive a motor car.
- 6.6 EDDC has adopted a policy in relation to the relevance of convictions when applying for a Private Hire Drivers Licence. Please seek advice from the Licensing office should there be any doubt about the relevance of convictions before applying for a licence.

- 6.7 After the 1 May 2007, new applicants for a Hackney Carriage or Private Hire driver's licence who have not held a such a licence with the District Council in the 12 months previous to the application or who have had their licence revoked be required to have passed the Driving Standards Agency taxi assessment test prior to issue of a licence or be able to produce a pass certificate which has been issued by the Driving Standards Agency not earlier than 12 months before the application date.
- 6.8 From 1 May 2006, any existing licensed Hackney Carriage or Private Hire driver whose licence shows 6 or more penalty points issued in one year or 9 or more penalty points issued in a 3-year period be required to take a Driving Standards Agency taxi driver assessment within 3 months of being notified in writing of the requirement by the Licensing Manager, and to produce a pass certificate to the Licensing Manager within 14 days of taking the assessment. Failure to produce a satisfactory assessment within the time period will immediately trigger referral to the Licensing and Enforcement Committee or a Sub Committee of that Committee.
- 6.9 Applicants must be conversant with the appropriate laws concerning private hire vehicles.
- 6.10 All applicants for the grant or renewal of a private hire driver's licence will be required to produce a certificate signed by a registered Medical Practitioner that the applicant is physically fit to be the driver of such vehicle, to Group 2 Standards. The certificate to be renewed every three years until the applicant reaches the age of 65 years when it will be required annually. Blank copies of the certificate (medical report) are available from the Licensing Office.
- 6.11 Subject to the provisions of Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 the fee for the grant of a licence shall be as determined by the Council.

## **7. PRIVATE HIRE DRIVER'S LICENCE - CONDITIONS**

- 7.1 The driver of a vehicle shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 7.2 A driver who has agreed or has been hired to be in attendance with a vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.
- 7.3 The driver when hired to drive shall not, without reasonable cause unnecessarily prolong, in distance or time, the journey for which the vehicle has been hired.
- 7.4 (a) The driver shall not convey or permit to be conveyed in a licensed vehicle a greater number of persons than that prescribed in the licence for that vehicle.
- (b) The driver shall not, without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person in that vehicle.
- 7.5 The driver's badge issued by the Council (following a deposit of £15) shall be worn in such a manner as to be plainly and distinctly visible. The driver shall upon expiry (without immediate renewal), revocation or suspension of the licence forthwith return to the Council the badge failing which the deposit shall not be refundable by the Council.

- 7.6 The driver of a vehicle shall, when requested:
- (a) convey a reasonable quantity of luggage
  - (b) afford reasonable assistance in loading and unloading luggage
  - (c) afford reasonable assistance in removing such luggage to or from the entrance to any house, station or place at which he may pick up or set down such person
- 7.7 No driver shall drive a private hire vehicle unless that vehicle and the operator thereof are licensed to operate within the area under the control of the Council.
- 7.8 The driver shall not ply for hire.
- 7.9 After completion of each hiring, drivers will return with the vehicles to their base of operations unless previously booked for hiring.
- 7.10 The driver shall keep **in his vehicle in the form of a hard back book with consecutively pre-numbered pages** a current record which shall contain:
- (i) name and address of person for whom the booking is made
  - (ii) pick-up point
  - (iii) time of pick-up
  - (iv) destination
  - (v) time of arrival at destination

The record shall be produced on demand to an authorised officer of the Council, or any police constable.

- 7.11 The driver shall notify the Council in writing of any change of address within seven days.
- 7.12 No radio communication system fitted or carried in the vehicle shall be used by any person whether directly or indirectly for the purpose of making any contract for carriage in that or any other vehicle.