



Private Hire Licensing Conditions

(Operator and Vehicles)

Private Hire Licensing Conditions

Conwy County Borough Council have a statutory duty to administer and enforce legislation relating to the licensing of:

- Hackney carriage vehicles
- Hackney carriage drivers
- Private hire vehicles
- Private hire drivers
- Private hire operators

The relevant legislation is the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.

Conditions adopted by:
Conwy County Borough Council on 09/03/2009
Amended 23/01/2012

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Definitions:

“The Act” means the Local Government (Miscellaneous Provisions) Act 1976.

“Authorised officer” has the same meaning as in section 80 of the Act.

“The Council” means the council of the County Borough.

“The proprietor” has the same meaning as in section 80 of the Act.

“The Operator” means a person holding a licence to operate private hire vehicles issued pursuant to section 55 of the Act.

“The taximeter” has the same meaning as in section 80 of Act.

“Private hire vehicle” has the same meaning as in section 80 of the Act.

“Hackney Carriage” has the same meaning as in the Town Police Clauses Act 1847.

Private Hire Vehicle Operators

The operator must comply with all provision of the Act currently in force which relate to the operations of private hire vehicles.

RECORDS

- 1.1 The records required to be kept by the Operator under section 56(2) of the Act shall be:
- i If kept manually, in a suitable book, the pages of which are numbered consecutively; or
 - ii If computerised, a daily printout or a separate electronic backup must be kept.
- 1.2 The Operator shall enter or cause to be entered, before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him, regardless of whether the Operator provided the private hire vehicle,
- a) The date and time of the booking.
 - b) The name of the hirer (person, company or organisation).
 - c) How the booking was made (phone, personal caller, text, e-mail).
 - d) The time and the point of pick up.
 - e) The destination.
 - f) The licence plate number of the vehicle allocated the bookings.
 - g) The licence number and name of driver allocated the booking.
 - h) Remarks, including details of any sub-contract if appropriate.
- 1.3 All records must be kept by the Operator for not less

- than 6 months.
- 1.4 The operator shall keep copies of all private hire vehicle licences which have been issued by the Council, which operate under the Operator's licence.
- 1.5 The Operator must retain a copy of the licence to drive private hire vehicles for each driver employed, and retain the same until the driver ceases to be employed at which time the copy must be returned to the driver.
- 1.6 All records must be made available for inspection if requested by an authorised officer or police officer.

CONVICTIONS

- 1.7 The Operator shall within 7 days, disclose to the Council, in writing, details of any conviction imposed on him (or if the operator is a company or partnership, on any of the directors or partners) during the period of this licence.

CHANGE OF ADDRESS

- 1.8 The Operator shall, within 7 days, notify the Council in writing of any change of personal address.
- 1.9 The Operator shall notify the Council, in writing, of any planned changes to the location of the operating centre at least 21 days prior to any change taking place.

PLANNING AND OTHER CONSENT

- 1.10 An Operator's licence will not be granted until such time as:
- 1) Any requisite planning consent, permissions or the like has been obtained from the Council and evidence of such submitted to the Head of Regulatory Services.
 - 2) Any requisite licence in respect of radio equipment has been granted by the Radio Communications Agency.

- 3) Disclosure of criminal records has been deemed satisfactory.

SERVICE

- 1.11 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 vehicles shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.

OPERATING PREMISES

- 1.12 The Operator shall keep clean, adequately ventilated and lit any premises which the operator provides and to which the public have access, whether for the purposes of booking or waiting. The operator must ensure that any waiting area has adequate seating facilities.
- 1.13 The Operator must ensure that the use of citizens band or similar open channel radio equipment for operational communication with or between drivers of vehicles operated by him is prohibited.

COMPLAINTS

- 1.14 The Operator shall immediately upon receipt notify the Council in writing of any complaints made direct to him concerning a contract for hire or purported contract for hire relating to or arising from his business and of the action, if any which the Operator has taken or proposes to take in respect thereof, or in the case of complaints made direct to the Council respond thereto with similar notification within 7 days of receiving notice of the complaint.

FARES

- 1.15 The operator shall ensure that a copy of the current

scale of fares charged by themselves shall be displayed in every licensed vehicle operated by him, in a position so as to be clearly legible to passengers in the vehicle.

- 1.16 The operator shall ensure that the scale of fares in 1.15 above is lodged with the Council as soon as the scale of fares becomes effective.

Private Hire Vehicles

The proprietor shall at all times comply with the provisions of Part II of Act and the conditions herein after provided.

VEHICLE INSPECTION

- 2.1 Subject to (a) to (m) below, the Council will consider any Society of Motor Manufacturers and Traders (S.M.M.T.) designated 4 and 5 door lower medium estate, or upper medium/large salon or estate car, MPV, SUV, minibus and the like, of suitable mechanical and bodily condition, irrespective of colour for private hire licensing. It will not permit the use of purpose designed London Cabs, other purpose built propriety taxi vehicles or any vehicle which may lead the public to assume the vehicle is a hackney carriage.
- a. Vehicles must be fitted with at least 4 doors and 4 wheels unless specifically exempt by the Council (rear door is included as one door).
 - b. Vehicles must be right hand drive unless specifically exempt by the Council.
 - c. Vehicles must have adequate space for luggage to be kept in a clean, safe and water tight manner.
 - d. Vehicles must not be fitted with roof racks.
 - e. Vehicles must not be fitted with roof signs or any sign that may give the appearance that

they may be a hackney carriage (taxi).

- f. Vehicles must be capable of carrying at least 4 and not more than 8 passengers, in addition to the driver.
- g. All vehicles must be under five years old from the date of first registration, and on subsequent licence be in exceptionally good mechanical and bodily, interior and exterior condition.
- h. The suitability of vehicles to be licensed as private hire vehicles will be determined by the Head of Regulatory Services. On a case by case basis, large MPV's will be licensed without modification for the number of seats indicated on the V5. However, small MPV's shall only be licensed to carry a maximum of four passengers
- i. Vehicles must not be "Q" registered.
- j. Applications for vehicles which have been adapted since first manufacture, or imported from overseas, must be accompanied by a certificate of use from the Vehicle Certification Agency as to fitness for passenger carrying.
- k. No licensed vehicle may tow any trailer unless a valid insurance certificate or cover note is available to cover its use for hire and reward. The vehicle licence number must be clearly displayed on the rear of the trailer; any trailer must comply with all relevant condition.
- l. All passenger seats must face forward or rearward to the direction of travel, (no passenger may sit sideways to direction of travel unless specifically exempt by an authorised officer of the council).
- m. The use of a camera (CCTV) to record the inside of any licensed vehicle must be

approved by the council and operate in such a manner that any information gathered is held in accordance with relevant legislation. A sign approved by the council must be displayed in the vehicle to inform passengers that a system is in use.

- 2.2 The vehicle and all its fittings and equipment shall at all times, when a vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements shall be complied with.
- 2.3 No material alteration or change in 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.
- 2.4 The licence plate and door signs identifying the vehicle as a private hire vehicle, shall be displayed on the vehicle at all times when the vehicle is licensed as a private hire vehicle (except on such occasion as contained in Section 75 of the Act).
- 2.5 The exterior licence plate shall be shall be securely fixed to the outside of the vehicle at the rear, at or above bumper height and as near horizontally as possible, but fixed nevertheless in such a manner as to be easily removable by an authorised officer of the Council or a police officer.
- 2.6 One door sign shall be adhered to the top of each front door panel of the vehicle.
- 2.7 The company name the words private hire and one telephone number, which must be used by the Operator of the vehicle may be placed, at the licensees expense, on the boot and each rear side of the vehicle below the window height provided that:
 - i) The first name is that used by the operator and lodged with the Council.
 - ii) The Council will not allow pictures, icons, graphics, emblems or the like which may infer that the vehicle is a hackney carriage (taxi).

- 2.8 Vehicles must not display, anywhere on or in the vehicle the word “taxi” “cab” or “for hire” or any other word(s) which may, in the Council’s opinion lead the public to believe the vehicle is a hackney carriage.
- 2.9 The licence plate and door signs must not be affixed to any other vehicle other than that stipulated on the current licence. This equipment remains the property of the Council and must be surrendered immediately upon expiry, suspension or revocation of the licence.
- 2.10 Every licensed vehicle shall be furnished, fitted and maintained so as to provide adequately for the comfort and safety of passengers and, without prejudice to the generality of the foregoing, provide the following:
- i) Sufficient means of communication between passengers in the vehicle and the driver, if the vehicle has a separate passenger compartment.
 - ii) A water tight roof covering.
 - iii) Serviceable means of opening and closing at least one window on each side of the passengers compartment/seating.
 - iv) Properly cushioned, clean seating for the number of passengers stated in the vehicle licence.
 - v) Properly carpeted or covered flooring.
 - vi) An adequate, (0.8 – 1.5kg) dry powder fire extinguisher, certified or tested, must be secured out of sight with suitable clear notice displayed within the vehicle to indicate where it may be found in the event of an emergency.
 - viii) A first aid kit is to be secured out of sight with a suitable clear notice displayed inside the vehicle to indicate where it may be found in the event of an emergency (private hire (and hackney) drivers are under no obligation to administer first aid treatment), there is no standard list of items to put into a first aid

box, this is dependent on what you assess the need is, however as a guide and where there is no special risk a minimum stock of first aid items would be:

A guidance leaflet on first aid.

One pair of disposable gloves.

20 individually wrapped sterile adhesive dressing (assorted sizes)

Two sterile eye pads

Four individually wrapped triangular bandages (preferably sterile)

Six safety pins.

Six medium sized (12cm x 12 cm) un-medicated dressings.

Two large (18cm x 18cm) un-medicated dressings

No tablets or medicines should be contained within the First Aid Box.

EACH ITEM MUST BE REPLACED IMMEDIATELY AFTER USE.

All items must be stored in an approved box and maintained in good condition at all times.

2.11 All vehicles must be fitted and maintained with such passenger safety belts and other features required by any other Act or Regulation as may be in forced from time to time.

2.12 No notices of any kind, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provisions, including by laws or conditions. It should be noted that advertisements may be displayed on a licensed vehicle, but it must comply with the relevant conditions and may only be displayed when authorisation has been gained from the Council.

2.13 2.12 above shall not apply to:

a) Any indication on a taximeter visible only from the interior of the vehicle, or

b) The display by the driver of a hand-held card which is displayed in, on or from the vehicle whilst it is

stationary, provided that such card;

- i) Contains no words or numbers other than the names of the licensed operator of the vehicle or the name under which he carries on his business and, in either case, the name of a passenger or passengers to be carried in the vehicle, and
- ii) If the licensed operator charges for journeys in accordance with a scale of fares (as in PHVO conditions), a copy of such scale shall be displayed in the vehicle for the information of passengers in a form previously submitted and approved by the Council.

2.14 Neither the Operator, proprietor nor the driver of a private hire vehicle shall use or cause or suffer to be used in any vehicle any radio equipment for operational communication between Operator and Driver, or between Drivers of other private hire vehicles, which shall not be fully licensed closed channel equipment.

2.15 Citizens Band Radio, radio frequency scanning equipment or other similar open channel radio equipment is prohibited for operational communication. However, this does not prohibit the personal use of citizens band radio equipment provided it is not used when carrying passengers and does not cause annoyance to other licensed users of similar radio equipment.

2.16 The licence holder shall notify the Council, in writing, of any change of personal address during the period of the licence, within 7 days of such change taking place.

2.17 The licence holder shall within 7 days disclose to the Council in writing details of any conviction (criminal/motoring) recorded against the driver during the period of the licence.

2.18 All vehicles will be required to undergo a 6 monthly compliance and emissions test at a Council nominated testing station (to include the testing if required of any mechanical, pneumatic and hydraulic lifts or ramps and any other equipment required to access the vehicle).

2.19 Upon expiry of a current 6 monthly compliance test all vehicles older than 5 years from the date of first registration will be inspected, at the time of any subsequent compliance test, by the Council's Authorised Testing Station to ensure that they are in exceptional internal and

external condition

- 2.20 The licensee shall report to the Licensing Officer in writing as soon as reasonably practicable and in any such event within 72 hours of the occurrence thereof, any accident to the vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers carried therein.
- 2.21 The private hire vehicle licence shall be suspended if, upon reporting of 2.20 above, the council is of the opinion that the vehicle breaches any condition required by the licence or requires retesting. The proprietor shall have the vehicle tested at a nominated testing station and submit the compliance certificate for examination prior to the licence being reinstated.
- 2.22 The Council may demand the immediate return of licence plates.
- 2.23 If the private hire vehicle is fitted with a taxi meter, such taxi meter shall conform to and be used only compliance with the following:
- a) No sign or flag whether illuminated or not, shall be displayed on the taxi meter or else were, visible from the outside of the vehicle, which contains the words "for hire" or any other working or suggestion that the vehicle is a hackney carriage available for immediate hire
 - b) The taxi meter shall be fitted with a switch or other device that activates the meter to the appropriate tariff setting the causes the word "HIRED" or "FARE" to appear on the face of the taxi meter.
 - c) Such switch on other device shall be capable of being locked in such a position that he machinery of the taxi meter is not in action and no fare is recorded on the face of the taxi meter
 - d) When the machinery of the taxi meter is in action there shall be recorded on the face of the taxi meter in figures clearly legible and free from ambiguity a fare not exceeding the rate which the operator of the vehicle has notified to the Council

- e) The taxi meter shall be so constructed as to be capable of registering alternative tariffs, if the Operator has notified an increased tariff for late night or other bookings
 - f) The word “fare” shall be printed on the face of the taxi meter in plain letters so as clearly applies to the fare recorded thereon
 - g) The taxi meter shall be so placed that all letters and figures on the face thereof may at all times be plainly visible to any person being conveyed in the vehicle and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring
 - h) The taxi meter and all the fittings thereof shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances
- 2.24 The private hire vehicle licence remains licensed to the person(s) specified on the licence. The licence cannot be sub-let or hired out to any other person(s) without being properly transferred by the Council.
- 2.25 The licensee shall ensure that renewed motor insurance cover and certificate of compliance are submitted to the Licensing Officer, in original form, either prior to, or on their expiry.
- 2.26 Failure to provide such documentation will result in the immediate suspension of licence(s).
- 2.27 Licensees and drivers of private hire vehicles must not refuse, without reasonable excuse to carry an Assistance Dog, Guide Dog or Hearing Dog accompanying the hirer or any other passenger. Dogs must be transported on the vehicle floor. Reasonable excuse is deemed to be any medical reason, connected with the licensed driver, which would be aggravated by the presence of a dog.
- 2.28 Additional Conditions for the licensing of specific vehicle types (limousines, fire appliance, specialist vehicles). In vehicles of 8 or less passengers regard must be made to road vehicle construction

and use regulation 46 and 47 SI 1986 /1078 and the Road Traffic Act 1988;

- a) The vehicle must pass a single vehicle approval inspection of its design and construction at a VOSA testing station. The approval or compliance certificate must be presented with a registration certificate (V5c) to the licensing department.
- b) No person involved in the operation of the vehicle may wear a uniform that may lead the passengers or members of the public to believe that they are a member of any emergency services.
- c) The driver must hold the appropriate driving licence to drive the vehicle.
- d) All lighting, sirens, signage and other ancillary equipment must not give the impression that the vehicle is an emergency services vehicle.
- e) No person under the age of 15 years may sit on a sideways facing seat.
- f) All tyres must conform to vehicle manufactures recommendations.
- g) All vehicles must pass a specific compliance test carried out by the council testing station.
- h) The sale and consumption of alcoholic drinks within the vehicle must conform to relevant legislation.
- i) All entertainment within the vehicle must conform to relevant legislation and receive written consent from the Council.
- j) Physical assistance must be provided by the operator to ensure the safety of passengers when entering or leaving the vehicle.
- k) Any restriction to the access to certain groups of passengers must be clearly advertised on the

promotional literature and stated at the time of the booking.

- l) Further special conditions may also be applied when required.