

## BLABY DISTRICT COUNCIL

### HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE LICENCE

#### APPLICATION CRITERIA AND CONDITIONS OF LICENCE

##### **1 Application Requirements**

Applications will only be acceptable if they include the following:

- a. Application form provided for the purpose by the Council, completed in its entirety and signed by the applicant.
- b. Fee – as indicated on application form.
- c. Original vehicle registration document/comprehensive Bill of Sale.
- d. Original certificate of appropriate insurance for the vehicle.
- e. Certificate of satisfactory testing from an appointed Vehicle Testing Station.

All applications should be received at least four weeks before the licence is required. Licence applications will not be determined until all five of the above conditions are satisfied. It is the responsibility of the applicant to ensure that applications are received four weeks before any licence is granted/renewed otherwise applications may not be dealt with by any renewal date or preferred date for issue.

##### **2 Fee**

All applications must be accompanied by the appropriate fee. The Council will accept payment by Cash, Cheque, Debit Card and Credit Card (please note, a charge is made for Credit Card transactions). Should a cheque be returned unpaid, the licence will be revoked and future applications will only be accepted with the fee being paid in cash. No refund will be given if the licence is refused or surrendered early.

##### **3 Provision of Misleading Information in Application**

If the applicant is found to have deliberately provided misleading or inaccurate material information to the Council in support of the vehicle licence application, any licence issued shall be revoked forthwith.

##### **4 Licence Plate**

The first plate for each vehicle licence and yearly renewal is free of charge. Any subsequent plate provided for the vehicle within one year of issue will be charged at such fee notified by the Council to each applicant. Plates may be supplied with an expiry date less than one year at the discretion of the Council. The applicant will be advised of the reasons for this and will be liable to pay for any new plates for the remainder of the year. The licence plate remains the property of the Council and must be returned before any renewal plate can be issued.

**5. Testing of Vehicle**

With the exception of vehicles with less than 500 miles recorded on the milometer (excluding vehicles with adjusted or replacement milometer), a licence shall not be granted in respect of any vehicle unless such vehicle has been satisfactorily tested within the preceding four weeks by a Vehicle Testing Station appointed by the Council. Following the first such test, the vehicle must be tested as and when required by the Council. A vehicle which fails such test cannot be used for the purpose specified.

**6. Type of Vehicle**

No vehicle shall be licensed as a hackney carriage/private hire vehicle unless it is suitable in type and design for the purpose. A private hire vehicle must be a saloon/hatchback car with at least four doors or other vehicle of suitable type and design constructed or properly adapted to carry fewer than nine passengers. Any vehicle with a road fund licence described on that licence as anything other than a private vehicle cannot be licensed as a hackney carriage/private hire vehicle. The seating capacity of a private hire vehicle shall be calculated in accordance with the provisions of Regulation 42 of the Road Vehicles (Registration and Licensing) Regulations 1971 and the Council's decision in this respect shall be binding. Nothing shall be done to a private hire vehicle which will lead any person to believe it is a hackney carriage.

**7. Age of Vehicle**

The vehicle must conform to any age limit imposed by the District Council. The Council's policy is that hackney carriage/private hire licences will only be granted to vehicles which, on the date of application, are not more than five years old for saloon cars and eight years old for purpose built vehicles. However, vehicles which are in undeniably practically faultless condition will be considered subject to their being inspected with regard to fitness and appearance at least every four months.

**8. Examination of Vehicle**

No vehicle shall be licensed unless it is clean and tidy, its carpets are clean and damage free, and its seats clean and undamaged.

**9. Boot**

Unless exceptional circumstances exist, a licence shall not be granted in respect of a vehicle which does not have a separate luggage compartment, or in the case of an estate car, a luggage compartment which is separated by a luggage guard.

**10. Fire Extinguisher**

A licence shall not be granted in respect of any vehicle unless it has in place a fire extinguisher which:

- a. is marked with the vehicle's registration number; and
- b. which has a nominal liquid capacity of 1.5 kg or two such fire extinguishers having an aggregate of such capacity; and
- c. complies in all respects with the specification issued by the British Standards Institution in respect of portable fire extinguishers.

**11. First Aid Kit**

A licence shall not be granted in respect of any vehicle unless it contains a first aid kit marked with the vehicle's registration number.

**12. Reserved (Amended 19.4.02)**

**13. Term**

The term of this licence shall be one year or such lesser period as the Council may decide, commencing on the date of the granting of the licence.

**14. The Licence**

**Responsibilities under the licence**

The driver of the vehicle and the holder of the vehicle licence in respect of the vehicle shall bear joint and several responsibility for compliance with the conditions of this licence.

**Retention of Licence**

The original licence shall be retained in the vehicle by the driver of the licensed vehicle, and shall be produced for inspection when required under the provisions of paragraph 20 of these Conditions. A copy of the licence will be provided by the Council for the retention of the operator and/or owner.

**Transfer of Interest in Licence**

The licence shall not be transferred to any other vehicle. Should the owner sell or otherwise pass responsibility for the vehicle in respect of the vehicle licence he/she shall inform the Council within 14 days of any such sale or transfer and shall return the licence to the Council. The person becoming responsible for the vehicle licence must contact the Council within 14 days of taking responsibility, failing which the licence will be deemed to be revoked and the plate must be returned immediately. Vehicle Licence holders must comply fully with Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 concerning transfer of licences.

## **Surrender of Licence and Plate**

In the event of the licence holder canceling the licence, its expiry, suspension or revocation, the licence and plate shall be returned to the Council within seven days of such cancellation, expiry, suspension or revocation pursuant to the requirements of Section 58 of the Local Government (Miscellaneous Provisions) Act 1976

### **15 Insurance**

Appropriate Public/Private Hire insurance including legal liability for passengers and luggage shall be maintained in force in respect of the vehicle throughout the duration of the licence. The insurance cover must be notified to the Authorised Officer prior to any existing cover expiring if this is during the term of the vehicle licence. Should insurance not be provided to ensure consecutive cover then the licence will be deemed to be terminated and the licence and plate must be returned within seven days of the cover first ending.

A licence may be voluntarily suspended if the plate and the licence is returned on the first day of insurance not being provided (this will not alter the expiry date of the vehicle licence). The Council may, at its discretion, extend the period for the return of the licence and plate if exceptional circumstances apply. Should the licence be deemed terminated a full re-application for a vehicle licence will be required if the vehicle is to be used as a hackney carriage/private hire vehicle.

### **16 Mechanical Condition**

The vehicle and all its fittings and equipment shall 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 relating to the condition of the vehicle shall be complied with.

### **17 Interior Markings**

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 number of this licence.

### **18 Display of the Plate**

The vehicle plate supplied by the Council in respect of the vehicle shall be affixed securely to the rear exterior of the vehicle in a conspicuous position but able to be removed by an officer of the Council or a Police Officer. The plate identifying the vehicle as a licensed vehicle is required to be exhibited on the vehicle pursuant to the Council's Hackney Carriage Byelaws and Section 48(6) of the Local Government (Miscellaneous Provisions) Act, 1976. The identification plate shall remain the property of the Council and shall be returned within seven days following the expiry date of the vehicle licence or when required within the terms of any relevant legislation or other Conditions within this document.

**In the event of the plate being broken or lost** – on discovery of the breakage or loss the Council shall be notified immediately and any broken plate returned forthwith. Upon receipt of the notification and plate return (if appropriate) and the receipt of the appropriate fee a replacement plate will be issued. The vehicle must not be used for the purpose specified if a plate is not affixed to the vehicle as indicated above.

## **19. Signs and Notices**

Private Hire Vehicles: there shall be no signs or advertisements displayed on or from the vehicle except for a door and/or roof sign containing only the name and the telephone number of the private hire firm for the vehicle. Signs shall be permitted to be displayed on top of the vehicle provided that the words “taxi” or “cab” do not appear whether in the singular or plural, or “hire” or any word of similar meaning or appearance to these words whether alone or part of another word or otherwise, to suggest that the vehicle is a taxi.  
Hackney Carriages: there shall be no advertisements displayed on or from the vehicle.

## **20 Inspection of Vehicle and Production of Documents**

Any authorised officer of the Council or Police Officer shall have the power at any reasonable times to:

inspect and test the vehicle for the purpose of assessing compliance with the requirement of these Conditions and in the event of any non-compliance

require further testing and inspection if not satisfied;

issue instructions requiring the remedying of any breach of these Conditions;

which requirements or instructions shall then be complied with in full and within any timescale imposed by the officer

ask for sight of or the production of:

the original policy of motor insurance for the vehicle;  
the tax disc and/or MOT or equivalent certificate for the vehicle;  
the registration document for the vehicle;  
the hackney carriage/private hire vehicle licence for the vehicle;

this must be produced for inspection on demand.

## **21 Notification of Accident**

The Council shall be notified within 72 hours of any accident involving the vehicle resulting in damage to the vehicle or injury to any person.

**22 Change of Address**

The proprietor shall notify the Council in writing of any change of his/her address during the period of the licence within seven days of such a change taking place.

**23 Convictions**

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

**24 Deposit of Drivers' Licences (not badge)**

If the proprietor permits or employs any other person to drive the licensed vehicle, he shall before that person commences to drive the vehicle cause the driver to deliver to him/her the hackney carriage/private hire vehicle driver's licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of the proprietor.

**25 Radio Transmitters/Receivers**

All radio equipment fitted to the vehicle must be well maintained and appropriately licensed.

**26 Rights of Appeal**

Any person aggrieved by any conditions attached to this licence may appeal to a magistrate's court within 21 days pursuant to Sections 47(3) and 48(7) of the Local Government (Miscellaneous Provisions) Act, 1976.

