

Guide to Private Hire Regulations

(This guide is not exhaustive and reference should also be made to all appropriate legislation.)

Legislation

Town Police Clauses Act 1847	TPCA
Local Government (Miscellaneous Provisions) Act 1976	LG(MP)A
Transport Act 1985	TA

Copies of the Acts of Parliament can be accessed from a reference library or purchased from Her Majesty's Stationery Office

Definition

In Section 80 of the LG(MP)A as amended by Part II of Schedule 5 of the Transport Act 1980 and the TA a PRIVATE HIRE VEHICLE is defined as:-

“a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a Hackney Carriage or public service vehicle, which is provided for hire with the services of a driver for the purposes of carrying passengers”.

Plying and Standing for Hire

Private Hire cars must not pick up passengers without a prior booking made by the hirer direct with the operators for which the vehicle works. **Section 45 TPCA.**

Vehicle Licences

Every vehicle used for hire must be licensed by the District Council.

Section 46 LG(MP)A

A District Council cannot grant a licence unless they are satisfied

that the vehicle:-

- i) is suitable in type, size and design for such use;
- ii) does not resemble or appear to be a hackney carriage;
- iii) is in suitable mechanical condition;
- iv) is safe and comfortable;
- v) is insured for private hire vehicle use

Section 48 LG(MP)A

Before a vehicle licence can be issued a current certificate of insurance or cover note in the name of the proprietor for the private hire vehicle use must be produced.

A certificate of insurance or cover note must be produced on demand at any time to an authorised officer

Section 50 LG(MP)A

The LG(MP)A defines proprietor - “includes a part-proprietor and , in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement, means the person in possession of the vehicle under that agreement”

Testing of Vehicles

All vehicles must be tested and inspected before a licence can be issued to ensure that they are mechanically fit, safe and comfortable **Section 48 LG(MP)A**

An authorised officer or police constable has the power to inspect and test any licensed vehicle at any reasonable time **Section 68 LG(MP)A**

Identification Plates

A licensed vehicle must display the plate issued by the Council at all times **Section 48 LG(MP)A**

The plate need not be displayed on a licensed private hire vehicle if:-

- a) the vehicle is being used in connection with a funeral; or
- b) the vehicle is being used in conjunction with a wedding; or
- c) the vehicle is carrying written permission by the Council that the plate need not be carried

Section 75 LG(MP)A

On revocation, suspension or expiry of the vehicle licence, the plate must be returned to the Council within 7 days **Section 58 LG(MP)A**

Drivers of Licensed Vehicles must be Licensed

It is an offence to employ an unlicensed driver **Section 46 LG(MP)A**

Driver Licences

Every driver of a private hire vehicle must be licensed by the District Council **Section 46 LG(MP)A**

The driver must be a fit and proper person **Section 51 LG(MP)A**

The Diver must be medically fit to drive a private hire vehicle **Section 57 LG(MP)A**

Drivers Badges

All drivers must display the badge provided when driving a private hire vehicle for the purpose specified in a position so as to be plainly visible **Section 48 LG(MP)A** except if the vehicle if to be used in connection with a wedding, funeral or the vehicle is carrying written permission by the Council that the plate need not be displayed **Section 75 LG(MP)A**

On revocation or suspension of the drivers licence, the badge must be returned to the Council on demand **Section 61 LG(MP)A**

Production of Licences

Licence holders must produce the licences to an authorised officer or police constable if requested to do so **Sections 50, 53 and 56 LG(MP)A**

Operators Licence

'Operator' means in the course of business to make provision for the invitation or acceptance of bookings for a private hire vehicle **Section 80 LG(MP)A**

Every operator of private hire vehicles must be licensed by the District Council **Section 46 LG(MP)A**

A District Council cannot grant a licence unless it is satisfied that the applicant is a fit and proper person **Section 55 LG(MP)A**

Responsibility for Hirings

Every hiring of a Private hire vehicle is deemed to have been made with the operator who accepted the booking, whether or not he/she provided the vehicle **Section 56 LG(MP)A**

Operators are therefore directly responsible for the actions or omissions of drivers or proprietors used by them and must, therefore, ensure that all vehicles and drivers are licensed and insured.

Accidents and Damage to Vehicles

Accidents causing damage to vehicles which materially affect the safety, performance or appearance of the vehicle must be reported to the Council within 72 hours **Section 50 LG(MP)A**

Transfer of Interest of Vehicles

Where interest of a licensed vehicle is transferred the Council must be informed, **in writing**, by the person listed as owner by the Council within 14 days, stating the name and address to whom the interest has been transferred **Section 49 LG(MP)A**

Receiving operators should take note of any conditions imposed by the Local Authority in addition to these requirements.

Suspension and Revocation of Operators Licences

The Council may suspend, revoke or refuse to renew a licence on the following grounds:-

- a) the commission of an offence, or non-compliance under **LG(MP)A**;
- b) unfitting conduct of the operators;
- c) any material change in the operator's circumstances; and
- d) any other reasonable cause **Section 62 LG(MP)A**

Suspension and Revocation of Vehicles Licences

The Council may suspend, revoke or refuse to renew a licence on the following grounds:-

- a) the vehicle is unfit **Section 68 LG(MP)A**

- b) the commission of any offence or non-compliance under the LG(MP)A or TPCA
- c) any other reasonable cause **Section 60 LG(MP)A**

On suspension, revocation or expiry of the licence, the plate must be returned to the Council within 7 days **Section 58 LG(MP)A** .

Suspension and Revocation of Drivers Licences

The Council may suspend or revoke or refuse to renew any licence on the following grounds:-

- a) the commission of an offence involving dishonesty, indecency or violence;
- b) the commission of an offence or non-compliance under LG(MP)A; and
- c) any other reasonable cause **Section 61 LG(MP)A**

This document is not an authoritative statement of law and should be regarded as a guide only. No responsibility can be taken for any errors or omissions. Should you have any doubt you should seek separate legal advice.

It is also important to note that operators, drivers and vehicle licensees have right of redress. Any suspension or revocation or refusal to licence can be appealed against to a magistrates' court within certain time frames. These are detailed in the Licence conditions specific to each licence type.

If you think we have made an error let us know and if we have we will put it right as quickly as possible. This should not deter you from making an appeal should you feel that you need to.

The Head of Administration and Legal Services can refer any application, renewal, suspension or revocation referred by that Officer under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 to the Licensing Committee for decision.