

**PRIVATE HIRE VEHICLE (PROPRIETOR) LICENCES****Local Government (Miscellaneous Provisions) Act 1976**

1. This document contains the policy, conditions and legislation relating to your Private Hire Vehicle (proprietor) licence. The legislation uses both of the terms “vehicle” and “proprietor” in relation to private hire vehicle licences, but as these are often referred to as private hire vehicle licences, for the avoidance of doubt the term “Private Hire Vehicle (proprietor)” will be used throughout this policy.
2. As Private Hire Vehicle (proprietor) licences can be held by limited companies, limited liability partnerships (LLP) and conventional partnerships as well as individuals, this policy must be read to give effect to that. Any reference to a “person”, “you”, “licensee” or “proprietor” is taken to mean the proprietor of the private hire vehicle.
3. There is a power to attach conditions to Private Hire Vehicle (proprietor) licences, and the Council has standard conditions which attach to these licences. These are contained within this document.
4. There is also a list of the main legislation that applies to Private Hire Vehicle proprietors.

**Introduction**

5. The purpose of licensing private hire vehicles is to protect the public, including passengers and others who may otherwise be placed at risk from unlicensed and potentially dangerous vehicles.
6. It is a privilege to hold a Private Hire Vehicle (proprietor) licence and licensees have responsibilities to their drivers, passengers and customers, other road users and the public generally. The Council has been satisfied that when you applied for your licence the vehicle was suitable and safe for use as a private hire vehicle and that you were a safe and suitable person to have that licence granted. In assessing that, the Council took into account the type of the vehicle, the condition of the vehicle and your entire character and behaviour.
7. As a vehicle proprietor this assessment of your character not only includes times when you are working within the private hire trade, but at all other times as well. This can include your use of social media as well as other forms

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of communication. The requirement to satisfy the Council that you are a safe and suitable person continues throughout the duration of the licence. If at any time the standard of the vehicle or your behaviour falls below the standards expected for new applications, the Council will consider taking action against that licence. This could be suspension, revocation or refusal to renew that licence. In relation to your personal actions, it is no defence to argue that your actions took place when you were not working within the Private Hire trade. You should appreciate that DFT Statutory Guidance, if the unacceptable or criminal behaviour took place whilst you were working within the private hire trade that will be viewed as an aggravating feature by the Council.

8. In many cases a private hire vehicle is the first vehicle that a visitor to the County will encounter following arrival at a railway station or bus station. As a consequence, the appearance of private hire vehicles can affect a person for their entire visit. Private hire vehicle proprietors should be aware of this and ensure that their vehicle is maintained to the highest standard at all times.
9. Please note, this section reminds you of some of the important legal requirements with which you must comply. This is not a comprehensive list. You should familiarise yourself with the Local Government (Miscellaneous Provisions) Act 1976 and all other relevant legislation.
10. The Council has decided to attach conditions to Private Hire Vehicle (proprietor) licences that it considers reasonably necessary under the powers contained in section 48(2) of the 1976 Act. The conditions are in addition to the statutory requirements of the legislation. Section 48(7) of the 1976 Act gives the right of appeal to the Magistrates' Court to any person aggrieved by any of the conditions attached to their licence within 21 days of receipt of the licence.
11. You must understand and comply with the legal requirements relating to the private hire vehicle licensed in your name, a limited company in which you are a director or secretary, a limited liability partnership in which you are a partner, or in joint names when you are one of the named individuals. Failure to comply with the requirements may result in your Private Hire Vehicle (proprietor) licence being suspended or revoked.
12. The Council office for private hire and hackney carriage licensing purposes is The Licensing Section, Herefordshire Council, Plough Lane Offices,

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Hereford HR4 0LE, telephone: 01432 261761, email: [taxilicensing@herefordshire.gov.uk](mailto:taxilicensing@herefordshire.gov.uk). This is the address to which all applications, notices, reports of incidents and any other communications with the Council must be sent.

### **Sanctions against the Private Hire Vehicle (proprietor) licence**

13. Where a proprietor breaches any legislation or condition of the licence, they may be referred to Committee/Panel.
14. The Council also runs its own Penalty Points Scheme as a method of enforcing the requirements for private hire and hackney carriage licensees.
15. Whenever, and in what circumstances a proprietor is brought before Committee, the Committee/Panel will decide each case on its merits, after hearing the facts.
16. The Committee may also suspend or revoke the Private Hire Vehicle (proprietor) licence (see below) or remove impose further penalty points.

### **Power to take action against a Private Hire Vehicle (proprietor) licence**

17. Under section 60 of the 1976 Act, the Council may suspend, revoke or refuse to renew a Private Hire Vehicle (proprietors) licence on the following grounds:
  - a) that the private hire vehicle is unfit for use as a private hire vehicle;
  - b) any offence under, or non-compliance with, this Part of this Act by the operator or driver; or
  - c) any other reasonable cause.
18. An Authorised Officer of the Council, an authorised officer of another council where there may be a reciprocal arrangement, or a police constable can immediately suspend a Private Hire Vehicle (proprietor) licence under section 68 of the Local Government (Miscellaneous Provisions) Act 1976 on the grounds of
  - a) the vehicle is unfit;
  - b) if fitted the faremeter is inaccurate.
19. Failure to comply with any private hire vehicle legislation or other road traffic legislation is an offence and you may be liable to prosecution. In addition (irrespective of whether you were prosecuted or convicted of the

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- offence(s)), the Council may take action against your licence which could lead to your Private Hire Vehicle (proprietor) licence being suspended revoked or the renewal refused.
20. Failure to comply with the Council's conditions may result in your Private Hire Vehicle (proprietor) licence being suspended, revoked or the renewal refused.
  21. If any information given by you on the application form for this licence proves to be false, or you fail to disclose any relevant information on your application form, the licence may be revoked, and you may also be prosecuted under section 57(3) of the 1976 Act.
  22. The Private Hire Vehicle (proprietor) licence remains the property of the Council.
  23. In the event that you lose your proprietor licence, Private Hire Vehicle (proprietor) licence plates or additional signage, or if they are damaged or defaced, you must get a replacement licence or plates on payment of a fee determined by the Council, and you cannot use the private hire vehicle until such replacements are obtained and fitted.
  24. It must be understood that a decision to grant a Private Hire Vehicle (proprietor) licence is made on the basis of the condition and suitability of the vehicle and the suitability of the proprietor(s) on the particular facts of the case on the day of the decision. That suitability can be lost at any time in the future and you must ensure that the condition of your vehicle and your behaviour remains of the highest standard to protect your vehicle licence and therefore your livelihood.

## **POLICY**

### **Applicants**

25. Private Hire Vehicle (proprietor) licences can be held by individuals, partnerships (two or more people in business together) or limited companies. Usually the vehicle must be registered to one of those, but there will be occasions where the vehicle is leased or hired. In all cases the applicant(s) must demonstrate that they have ownership of the vehicle, a financial interest in the vehicle or permission to use the vehicle on an extended basis (in the case of a lease or hire). A V5 registration document

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is not proof of ownership and if V5 is not available other documentation will be required. This can include, but is not limited to:

- a) Receipt for the purchase of the vehicle,
- b) Lease/hire contract,
- c) Partnership agreement between 2 or more individuals.

### **Character of the applicant**

26. The licensee of a private hire vehicle can exert control over those who drive that vehicle, and as a consequence it is essential that they satisfy the Council that they are a suitable person to hold a Private Hire Vehicle (proprietor) licence.
27. All applicants (new and on renewal) will be required to provide a Basic Disclosure and Barring Service (DBS) check at their own expense every 3 years, as part of the application process. The same will be required of all partners (if they are involved in the operation of the business). In a limited liability or conventional partnership and all directors and secretary of a limited company when the application is made, or the licence is held, by a limited liability or conventional partnership or limited company. If the applicant has already provided a DBS for a dual driver licence this can be used, provided it is up to date.
28. The application will then be considered in the light of the DFT Statutory Guidance.
29. In addition, the Council will take into account the compliance and maintenance history of previous and existing vehicles licensed by the applicant.

### **Convictions**

30. If you or anybody else with an interest in the vehicle or who is named on the licence is arrested in connection with, charged with or convicted of any criminal offence, that must be reported to the Council within 48 hours (including weekends and bank holidays). The same requirement applies in relation to any fixed penalty notices above 3 points, Community Protection Notices, civil injunctions or Criminal Behaviour Orders that you receive.

### **Vehicles**

31. It is the applicant's responsibility to ensure that any vehicle presented for licensing as a private hire vehicle meets the Council's criteria which are

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detailed below. As the Council will not be liable for any loss as a result of a vehicle not being licensed, it is vital that applicants ensure that any vehicle that they are considering purchasing meets these criteria.

### **Licensed Vehicle Type, Age and Emissions**

32. Any vehicle submitted to be licensed as a private hire vehicle must be of Category M1 (as shown on the registration document) unless either of the M2 or N1 cases below apply:

Category M2 or N1 vehicles (as shown on the registration document) will be acceptable provided the vehicle has passed an IVA test.

33. In order to reduce emissions it is important to set standards that are common to all within the licensed fleet, to ensure consistency and a level playing field for proprietors. The age of vehicles and the exhaust emissions are critical to the level of pollutants emitted. Consequently, to improve air quality and reduce emissions from the licensed fleet, the following standards will apply.
34. Licences will not be granted in respect of vehicles that were first registered (or, in the case of imported vehicles, manufactured) more than 2 years for non-WAV vehicles and 5 for WAV vehicles, prior to the date that the application was made. All vehicles on the grant of a licence or change of vehicle on plate after March 2025 must meet or exceed Euro 5 emission standards.
35. There is no upper age limit upon renewal, however, the additional test criteria will apply. The licensed vehicle's appearance must also remain in good order and will be examined at the time of the compliance test.

### **Low Emission Vehicles**

36. The Council aims to encourage the uptake of low emission vehicles in the County, and will examine the feasibility of introducing incentives for electric, hybrid and ultra-low emission vehicles.
37. It is anticipated that more Electric Vehicle rapid re-charging points for use by the public will be available in the future at locations in Herefordshire.

**Vehicle specification**

38. There are 3 different types of vehicle that can be licensed as private hire vehicles: those which are Wheelchair Accessible Vehicles (WAV), those which are not and stretched limousines.
39. The Council maintains a list of all WAV (both private hire vehicles and hackney carriages). Drivers of those vehicles must then provide mobility assistance to wheelchair-bound passengers.
40. The following specifications detail the minimum requirements for each type of vehicle, together with the requirements for all private hire vehicles.

**Non-Wheelchair accessible vehicles**

41. If the vehicle is to be licensed as a Non-WAV (saloons, estate cars, people carriers (MPV), sports utility vehicles (SUV) and any other vehicle that cannot carry a passenger whilst they remain in their wheelchair excluding stretched limousines) it must be approved by the Council and comply with the following specification:
  - a) Be a right-hand drive vehicle;
  - b) Have at least four doors that can be opened from both inside and outside the vehicle. Each door (except the driver's door) must be capable of being opened by passengers;
  - c) Have a minimum seating capacity for one adult passenger. Must be so constructed as to provide adequate space within its structure for the safe carriage of each passenger's luggage or any equipment.
  - d) Roof racks, tow bars and trailers will be permitted. Any luggage carried on the roof rack must be protected from the elements by a waterproof cover and properly secured. A properly fitted roof box is an acceptable alternative;
  - e) Tow bars (if fitted) must be fitted in accordance with the manufacturer's instructions;
  - f) Any trailer that is used must meet the following requirements and be tested by the Council (the charge to be paid by the licensee) and will be issued with a "trailer plate" which must be displayed on the rear of the trailer and clearly visible whenever the trailer is being used by the private hire vehicle. The trailer can only be used on the specified private hire vehicle and may be used when the vehicle is not being used for hire and must comply with relevant legislation. Trailers must comply with the following standards when being used as a licensed vehicle:

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- i. Unbraked trailers must be less than 750kgs gross weight;
  - ii. Trailers over 750kgs gross weight must be braked, acting on at least two road wheels;
  - iii. The towing vehicle must have a kerb weight of at least twice the gross weight of the trailer;
  - iv. A suitable lid or other approved means of enclosure must be fitted to secure the contents within the trailer whenever in use;
  - v. The maximum permissible length of the trailer cannot exceed 7 metres, including the drawbar and coupling;
  - vi. The width of the trailer must not be greater than width of the towing vehicle, subject to no trailer being wider than 2.3m;
  - vii. The maximum length for braked twin axle trailers is 5.54m;
  - viii. The trailer must at all times comply with all Road Traffic legislation requirements;
  - ix. The vehicle insurance must cover towing a trailer;
  - x. Trailers must not be left unattended anywhere on the highway;
  - xi. The speed restrictions applicable to trailers must be observed at all times;
  - xii. The registration number plate of the hackney carriage and the Council issued "trailer plate" must be attached to the rear of the trailer;
  - xiii. The trailer must be inspected annually and must be considered to be satisfactory by the Licensing Authority;
  - xiv. Only drivers with the appropriate DVLA driving licence category may drive a vehicle with a trailer. The vehicle proprietor must check any driver's DVLA licence for the required category, prior to allowing the use of a trailer.
- g) Passengers must be able to communicate with the driver via a sliding screen, intercom, mesh or hole in any division between the drivers and passenger compartments.
- h) Any vehicle which is a convertible must meet all other requirements and have a waterproof roof and side windows which must be raised at the request of any passenger.
- i) After 31 March 2025 any application to renew a non-WAV vehicle must relate to a vehicle that complies with Euro 6 standards.



**Additional requirements for minibus and MPV type vehicles**

42. In order to be licensed as a private hire vehicle, any Minibus/MPV-type vehicles must be fitted, in addition to the front driver and passenger doors, with at least:
- a) one other side loading door plus a rear door/doors or tailgate that can be opened from inside the vehicle; or
  - b) two side loading doors that can be opened from the inside.

**Wheelchair Accessible Vehicles (WAV)**

43. The vehicle must be capable of carrying a wheelchair bound passenger which meets the following specification. It cannot look like a hackney carriage, so may not have a roof sign.
44. Any vehicle, before it can be considered to be licensed as a Wheelchair Accessible Vehicle, must have European Community Whole Vehicle Type Approval (ECWVTA), or Individual Vehicle Type Approval, including an inspection certificate issued by the Driver and Vehicle Standards Agency (DVSA) as a minimum standard:
- a) The interior of the vehicle must be able to accommodate a wheelchair and its user riding seated within the wheelchair itself;
  - b) The passenger compartment must have a minimum unobstructed available width of 0.74 metres (including at the point of entry);
  - c) The passenger compartment must have a minimum unobstructed available length of 1.2 metres for a wheelchair and user;
  - d) The passenger compartment must have a minimum unobstructed available height for a wheelchair and user of 1.3 metres at the point of entry and 1.4 metres when in the travelling position;
  - e) The passenger compartment must be fitted with suitable wheelchair anchorages, either chassis or floor linked;
  - f) The passenger compartment must be fitted with a suitable 3-point belt or harness, either chassis or floor linked, for a wheelchair and its user. The belt/harness must be independent of the wheelchair anchorages;
  - g) The vehicle must have suitable ramps for a wheelchair user. The vehicle must have a secure and safe place for the ramps to be stored when they are not being used. Alternatively, the vehicle may be

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fitted with a tail lift or some other mechanical means of access, approved by the Council;

- h) Where the vehicle is a rear loading wheelchair accessible vehicle, a suitable ramp will be carried in the vehicle to be used at the commencement and end of a journey to ensure that the passenger is delivered safely onto the pavement;
- i) At least one door entrance must be designed and constructed to help elderly and disabled passengers get in and out of the vehicle. The door entrance and any steps must be conspicuously marked where appropriate, to help visually impaired passengers;
- j) All passenger door entrances must have grab handles or rails suitably located to help elderly and disabled passengers. All handles/rails must be conspicuously marked to help visually impaired passengers;

### **Stretched Limousines**

- 45. The term "stretched limousine" in this policy will be taken to mean any vehicle that has been manufactured as such.
- 46. Any vehicle, before it can be considered to be licensed as a stretched limousine, must have European Community Whole Vehicle Type Approval (ECWVTA), or Individual Vehicle Type Approval, including an inspection certificate issued by the Driver and Vehicle Standards Agency (DVSA) as a minimum standard.
- 47. Stretched limousines will only be licensed to carry a maximum of 8 passengers. Any vehicle which has the capability to carry more than 8 passengers would be subject to PCV licensing.
- 48. All passenger seats must be equipped with a 3 point seat belt.

### **All vehicles**

- 49. The following are the minimum requirements for all Private Hire Vehicles, irrespective of their type:
  - a) The vehicle must be wind and water-tight (with the roof raised and properly secured and fastened in the case of a convertible vehicle);
  - b) The vehicle must have a floor properly covered with carpet or other suitable covering;

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- c) The vehicle must have an adequate internal light to enable passengers to enter and leave the vehicle safely;
- d) The vehicle's bodywork and paintwork must be in good condition, free from dents or other damage or rust;
- e) The vehicle must not be fitted with any additional external accident protection devices (e.g. bull bars or additional bumpers);
- f) The vehicle must carry a spare wheel and tyre of the correct size to fit the vehicle, together with equipment to change the wheel including a spare wheel and tyre, jack and wheel brace, all of which must be securely stored. If the manufacturer's specification when the vehicle was new did not include a spare wheel, the manufacturer's alternative puncture device will be acceptable;
- g) The vehicle must be fitted with tyres which meet the specifications detailed by the manufacturer in terms of size and speed rating. They must comply with the legal requirement of tread depth;
- h) The vehicle must be fitted with nearside and offside exterior rear view mirrors;
- i) The vehicle must have at least one window on each side of the passenger compartment which is capable of being opened and closed;
- j) All seats must be permanently fixed to the vehicle and must be factory fitted with a 3-point seat belt or, where that was not a manufacturer's option when the vehicle was manufactured, a factory fitted lap belt. Any retrospectively fitted seat belts must be approved by the Council;
- k) The vehicle must be fitted with glass which complies with current Construction and Use Regulations (the Road Vehicles (Construction and Use) Regulations 1986 as amended). These regulations require that the front windscreen allows 75% of light to be transmitted and the front door windows allow 70% of light to be transmitted. In addition, the remaining glass within the vehicle must have a minimum light transmittance of not less than 70%. The rear of the vehicle must be fitted with at least one window (or one window per rear door fitted), the light transmission capacity of which must be a minimum of 70%. No self-adhesive material (tinted or clear) can be affixed to any part of the glass without the approval of the council;
- l) The vehicle must carry a 1kg dry powder extinguisher or a 2 litre AFFF extinguisher approved to BS EN3: 1996, with the licence number

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permanently marked on it. The fire extinguisher be properly maintained in accordance with BS 5306: Part 3 and be secured in such a position in the vehicle as to be accessible in an emergency;

- m) The vehicle must carry a first aid kit in a suitable container, with the licence number painted on it;
  - n) The vehicle must not be fitted with any additional lights other than those originally fitted by the manufacturer or internal lights unless they have been approved by the Council;
  - o) The minimum unobstructed distance between the seat back and the foot well bulkhead/facing seat back must be 0.95 metres in relation to the front passenger and driver seats, and 0.6 metres in relation to any other passenger seats;
  - p) The minimum unobstructed interior width of the vehicle must be 1.3 metres (excluding any arm rests);
  - q) Any vehicle that has been converted to run on liquid petroleum gas (LPG) must be accompanied by a certificate stating that the conversion was undertaken in accordance with the LPG gas Association's code of practice, and if the conversion was undertaken more than one month before the application for the licence, an annual installation check which is not more than one month old.
50. In addition, in all types of Private Hire Vehicle the following requirements must be met.

### **Seating**

51. Access to all doors must be free from obstruction. Any seats that require passengers to move any part of another seat to gain access or egress must have at least 300mm at the narrowest point. The available boot space must allow room for a standard folded wheelchair or a suitcase size xx xx. The seating configuration and number of passengers that can be carried is subject to assessment by the Council, but each seat must have a minimum width of 41cm. If the above cannot be complied with seats can only be removed to achieve compliance if the vehicle is designed at manufacture to remove seats as part of its design.

### **Documents**

52. A vehicle licence will only be issued where the vehicle has evidence of:

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- a) A valid vehicle insurance certificate specifically stating that the vehicle is to be used for private hire use;
  - b) A compliance Certificate issued by the Council's approved tester which is less than 1 calendar month old;
  - c) A V5 vehicle registration document if the V5 is not yet available and in the case of a new vehicle, the sales invoice, which must show engine and chassis numbers, shall be produced at the time of application and the registration document when it is received from DVLA. The registration document must in all cases be produced within 6 weeks of the licence being issued;
53. Before or on the date of expiry of any certificate, the certificate about to expire must be produced together with the relevant renewal certificate to the Council.
54. All documentation must be originals unless it has been seen previously, in which case a copy will usually be accepted. Online copies will be accepted directly from the original issuer.

### **Engine/Chassis Numbers**

55. The Chassis/Vehicle Identification Number Plates and engine numbers must match the numbers recorded with the DVLA as detailed on the V5 Document. Vehicle applications cannot be accepted without a copy of the vehicle registration document, or in the case of new vehicle purchase, the sales documentation indicating the engine and chassis numbers. In the event of a vehicle being presented with numbers that do not correspond to the paperwork the Council will inform the Police Vehicle Identification Section who may undertake checks to ensure the vehicle is not stolen. If the engine is changed at any time whilst the vehicle is a licensed private hire vehicle, the Council must be notified within 72 hours of that change and the updated V5 must be produced as soon as it is received from DVLA.

### **Maintenance and servicing**

57. Vehicles must be maintained correctly and serviced in accordance with the manufacturer's recommendations. If the service history is not available, then an acceptable explanation for this must be provided to the authorised officer of the Council.

**Vehicle tests**

58. A licence will be granted or renewed only if the vehicle is considered by the Council to be roadworthy, fit for purpose and meets the criteria specified.
59. Vehicles will be tested before the licence is initially granted, then every 12 months for vehicles up to 6 years old and every 6 months for vehicles older than that. For vehicles over 12 years 3 test will be required. The anniversary date for interim MOT's will remain the same, this will avoid loss of time between tests.
60. Compliance tests in relation to new applications and renewals are to be carried out at the Council's testing Centre at Rotherwas in Hereford.
61. If required by age, the vehicle must have an interim MOT certificate from any DVLA MOT testing centre. A compliance test or interim MOT in relation to that vehicle will remain as the previous date provided it is within 14 days of it's after the due test date (this is to avoid loss of time on a test).
62. The applicant or licensee must make an appointment for the vehicle to be tested as part of the application process. It is the responsibility of the applicant/licensee to do this and then to ensure that the vehicle is presented at the specified location and time. If the vehicle is presented late, there is no guarantee that the test will be able to be conducted on that day and a further test must be arranged. In that case the initial test fee will be forfeited and a second fee must be paid for the rearranged test.
63. A test appointment can be cancelled only if at least two clear working days' notice (excluding Saturday, Sunday and Bank Holidays, the day on which notice is given and the day of the test) is given to the Council.

**Dual Plating**

64. Once a vehicle is licensed as a private hire vehicle by the Council, it cannot be licensed as a private hire vehicle (or hackney carriage) by any other local authority or Transport for London during the duration of the Herefordshire licence.
65. The council will not licence a vehicle that is licensed as a private hire vehicle or hackney carriage by another local authority or Transport for London.

**Insurance “write-offs”**

66. The Council will not licence any vehicle as a private hire vehicle that has been written off by an insurance company.

**Vehicle Use**

67. You must maintain a policy of insurance for your licensed vehicle in accordance with section 143 of the Road Traffic Act 1988.
68. If your private hire vehicle has an accident which results in damage which may affect its safety, performance, or the comfort or convenience of your passengers, you must report this to the Council within 72 hours (including weekends and bank holidays) (section 50)(3) of the 1976 Act).
69. You must not obstruct any Authorised Officer of the Council or police officer. You must provide assistance or information they may reasonably require (section 73 of the 1976 Act).
70. Any person driving a private hire vehicle at any time, for any purpose and anywhere in the United Kingdom, must be licensed to drive a private hire vehicle under section 51 of the 1976 Act, even if the vehicle is not being used for private hire purposes. Any person driving a private hire vehicle without the required private hire driver's licence will be committing an offence under section 46(1)(b) of the 1976 Act. There are exceptions to this when a qualified mechanic is road testing the vehicle.
71. If any private hire vehicle proprietor permits a person who does not hold a private hire vehicle driver licence to drive the vehicle for any purpose the proprietor commits an offence under s46(1)(c) of the 1976 Act and the Council will consider this a serious matter and action may be taken against the Private Hire Vehicle (proprietor) licence (whether or not a criminal prosecution or conviction ensued).
72. Once a vehicle has been licensed as a private hire vehicle by the Council, it retains that status at all times for the duration of the licence (24 hours a day, 7 days a week). In addition to the requirement that it is only driven by a private hire driver licensed by the Council (see above) the proprietor must ensure that at all times and wherever it may be located it complies with all requirements contained within the legislation and conditions. This includes the cleanliness of the vehicle, display of licence plates and additional signage.
73. If the Private Hire Vehicle (proprietor) licence is suspended, revoked or not renewed, the proprietor must return the licence plates and additional signage to the Council. This must be done immediately after the end of the

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appeal period (21 days from the written notification of the decision, or after any such appeal is determined or abandoned). If the suspension is immediate (under section 68 of the 1976 Act) this requirement must be complied with immediately.

74. If the proprietor refuses to surrender the vehicle plates and additional signage, tamperproof "Vehicle Licence Suspended" stickers will be affixed to the vehicle plates. These will destroy the plates, and replacements must be purchased from the Council if and when the suspension is lifted.

### **Warning Notice**

75. If there is anything in the design, construction, form or working appearance of a vehicle which, in the opinion of the Council or its authorised officers or testers, renders the vehicle unfit for use as a private hire vehicle then the Council will not licence that vehicle.
76. The Council is not liable for any expense incurred in preparing or testing a vehicle which cannot be licensed for whatever reason.
77. Any unauthorised modifications made since a previous licence was issued may lead to the suspension, revocation or refusal to renew a licence.

### **Taximeters**

78. There is no requirement for a private hire vehicle to be fitted with a taximeter. If there is a meter fitted, then this must be approved by the Council and must comply with hackney carriage conditions for meters.

### **Duration and renewal of the licence**

79. The licence expires 12 months from the date of issue. Any application for renewal should be made at least one month before the licence expires. If you do not apply to renew the vehicle licence in time there may be a period when you will be unable to use the vehicle as a private hire vehicle. If the renewal application form and fee is not received before the expiry of the current Private Hire Vehicle (proprietor) licence, it will be treated as a new application rather than a renewal and you will have to provide all the information that is required for a new application.
80. Renewals are generally dealt with by officers under delegated powers, and can be processed quite quickly. However, if there have been any changes since the last grant of the licence (e.g. if the vehicle's age or emissions exceed the policy or you or any of your joint proprietors (or directors or secretary in the case of a limited company) have been convicted of any offence, or there have been complaints or causes for concern about your behaviour) the renewal application may need to be considered by



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Committee/Panel. If this is the case, then a 2 month temporary licence will be considered, without prejudice to any decision the Committee/Panel might make. This will only be considered if there are no safeguarding or public safety implications to issuing a temporary licence.

81. The licence is issued to you but it can be transferred to another individual, partnership or limited company. Notification of any transfer must be made in writing and indicate the consent of all interested parties. The Council will then issue a revised licence identifying the new licensee(s).
82. Following any transfer of licence to another person, on expiry of that licence, renewal will be at the Council's discretion.

### **Plates and Additional Signage**

83. The licence plates and other required additional signage required by the Council must be displayed on the vehicle at all times. In addition, wheelchair accessible Vehicles will be required to display "Wheelchair" stickers at all times.
84. If you lose or damage the plates, replacements must be purchased from the Council.

### **Accidents and temporary transfer conditions**

85. Accidents involving personal injury to passengers shall be notified to the Police. The Licensing Authority shall also be notified as soon as possible, but in any case within 24 hours or, when the office is closed, within 24 hours of it re-opening.
86. Vehicles that have sustained major accident damage will be required to provide a satisfactory steering geometry and alignment report. This shall be in the form of a written or printed document from an approved VBRA vehicle repairer. In addition the vehicle shall be required to undergo a further compliance test.
87. Vehicles which replace a licensed vehicle on a temporary basis shall meet the requirements contained within the standard vehicle licence conditions with the exception of allowing magnetic signs on a temporary basis.
88. All licensed vehicles including wheelchair accessible and vehicles of a larger seating capacity are allowed to be temporarily substituted by a standard vehicle for use as a replacement, but only for a limited period to be agreed with the Licensing section. This replacement shall comply with section 1 and 4 plus all other relevant conditions.

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89. A temporary transfer will be valid for a 12 week maximum period unless authorised by the Licensing Authority due to extenuating circumstances.
90. If the transfer takes place during normal office working hours, the licensing Section shall be notified before the transfer takes place. Transfers outside of normal office working hours shall be notified to the Licensing Section immediately after the office reopens. In either case, no temporary transfer vehicle can be used without it having a licence plate attached to it.
91. Vehicles used as a temporary transfer vehicle must have a "Certificate of Readiness" which incorporates a certificate of compliance, inspection sheet. Valid insurance must be in place prior to the vehicle being used. Such vehicles shall comply with Section 4 of the standard licence conditions.

### **Letting/leasing of vehicles**

92. You must not lease or let or hire a licensed private hire vehicle to any other person, other than a fare paying passenger, without first notifying the Council in writing. If you do enter into a leasing arrangement you will remain the licensee and will still be responsible for the vehicle.
93. You must notify the Council in writing of anyone no longer having an interest in the vehicle within 48 hours of the event.

### **Advertisements**

94. No sign or advertisement is permitted on the vehicle, and no flag or other emblem can be flown from the vehicle, except as detailed below, unless required by law, or has been agreed by the Council in writing. As detailed below:-

The advertisements will be assessed against the following criteria:

Non sexual

Non discriminatory

Not to cause public offence

Not misleading

Location does not distract from council vehicle signs

**Not to obscure vision of the driver**

**Not to display, flags or any other national emblems.**

The above list is not exhaustive and the assessments will be carried out by staff of the Licensing Authority, if this is contended the matter will be referred to the Officer Panel for a decision.

**Navigational devices**

95. Any electronic navigational device which is being used must be securely located within the vehicle.

**The taximeter (if fitted)**

96. If fitted the meter must be fitted with a tamper proof taximeter that has been approved by the Council. It must be mounted in such a way as to avoid injury to the driver or passengers in the case of any collision and where it is visible to passengers. This must be in a safe and practical position in the vehicle where all letters and figures displayed on the meter are clearly visible to any passenger. The letters and figures must therefore be illuminated when in use.
97. The location and fixing must not be located to cause injury to passenger and the Council must test the meter before the vehicle can be used as a hackney carriage.
98. The meter must be set to ensure that the charge will never exceed the amount specified in the Council's Hackney Carriage Table of Fares.
99. When the meter is in use, the fare must be clearly legible on the face of the meter. This fare must be unambiguous and must not exceed the fare permitted by the Table of Fares.

**Radios and other equipment**

100. Any radio, booking systems/data heads and/or GPS equipment provided must be maintained in a safe condition and any defects must be repaired promptly. The licensed operator/booking agent must ensure that the licence issued by Ofcom for all radio equipment used is current and valid. All equipment must only be used on the frequencies stipulated in the Ofcom licence and the licensed operator/booking agent must allow the Council access to inspect all equipment and Ofcom licenses.
101. Any radio, booking systems/data heads and/or GPS equipment provided must not interfere with any other radio or telecommunication equipment.
102. Where apparatus for the operation of a two-way radio, booking system/data heads and/or GPS systems are fitted, no part of the apparatus can be situated in a way which could cause accident or injury to a

## **Appendix 4 Private Hire Conditions**

passenger, nor can it be placed in the rear boot compartment if LPG tanks are situated in there.

### **Signs**

103. No sign or advertisement is permitted on the vehicle, and no flag or other emblem can be flown from the vehicle, except as detailed below, unless required by law, or has been agreed by the Council in writing (see above in relation to advertisements).
104. The vehicle must not be fitted with any sign on the roof of the vehicle.
105. Private hire vehicles that wish to advertise their operator details on the vehicle shall also display two adhesive signs one on each front door of the vehicle which states "Private Hire and Advanced Booking Only". The lettering must measure at least 6cm in height. Magnetic signs may be used for temporary use vehicles.

### **CCTV**

106. From 13<sup>th</sup> January 2025 all licensed vehicles must have a CCTV system which records both audio and video with a monitor, that meets the Council's specification for taxi camera systems and complies with ICO regulations. All such systems must have been installed by a competent installer before the vehicle can be licensed. The device must be active at all times when the vehicle is in use as a licensed vehicle.
107. The picture on the CCTV system must be clear and not obstructed by items which cover part of the lens, this includes items hanging from the rear-view mirror.
108. At least 3 approved signs must be displayed in the vehicle (2 within the rear of the vehicle and 1 in the front) warning customers that CCTV surveillance equipment is in operation.
109. Activation of audio recording must be capable of being triggered by the driver pressing a switch/button. Audio recording will continue until such time as the button/switch is pressed to off again. This switch/button will activate/deactivate the audio recording. Once activated the audio recording must continue for an uninterrupted period until it is deactivated.
110. The system must be checked at least weekly and a record kept of the system being operative. Any failure in the system must be notified to the Council as soon as practicable and in any event within one Business Day and a schedule of repair agreed by them. Failure to notify could result in the vehicle licence

### **Appendix 4 Private Hire Conditions**

- being suspended. The vehicle cannot be used as a licensed vehicle until the CCTV system is repaired.
111. The Council is the data controller for the personal data collected via the CCTV system. Owners of vehicles with CCTV installed must cooperate with the Licensing Authority to discharge responsibilities under the Data Protection Act 2018, including reporting any data incidents and providing access to recordings in response to requests from the council.
112. Other than the monitor displaying live images in the vehicle, any recorded image captured by the camera can only be viewed by an authorised officer of the Licensing Authority, or an operator authorised by the Council.
113. In addition, audio recording must be used in any of the following circumstances:
- a) An unaccompanied child (under 18) or vulnerable adult is being carried in the vehicle.
  - b) Where the driver and customer are involved in a dispute, or the driver feels threatened by the behaviour of a passenger.
114. The CCTV recordings held within the taxi (PHV/Hackney) shall only be accessible by the Licensing Authority.
115. The security seal shall only be broken by prior agreement of the Licensing Authority.

### **SYSTEM DETAILS**

- The taxi camera equipment must be e-marked or CE-marked or UKCA marked
- The device must be always active when the vehicle is in use as a private hire or hackney carriage vehicle. It can be switched off when the vehicle is being used privately
- The system must automatically overwrite to create a constant cycle recording
- The camera system must be capable of recording and storing a minimum of 7 days of images of D1 (704\*480) size or better
- The Unit must have the ability to operate for at least 10 minutes without power from the ignition. The device must be hard wired to both constant and ignition supply
- SDHC storage cards or hard drives can be used
- In the case of a SDHC card the card must be either:

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- i. Encrypted and password protected or
  - ii. Secured by a lock preventing the card being accessed
- In the case of a hard drive, it shall be encrypted and password protected
  - Any password will be set by the Licensing Authority, where a key is used the only keys shall be held by the Licensing Authority.
  - Where the system has access to the data through a remote control, such system will be password protected to prevent access
  - All systems will be further secured through the use of a security label
  - The system should have the ability to start recording audio data by means of a trigger switch or button
  - When activated, the audio must record within the video file
  - All audio files must simply be added to the video files as a voiceover, not in separate files
  - A monitor shall be fitted, which may only display live images. It must not display recorded images. Such monitor should not be visible by the driver when the vehicle is in motion
  - The recording must, other than in exceptional circumstances, provide clear images in bright sunshine, shade, dark and total darkness. Also, when strong back light is present without the need for additional components
  - The lens or the position of the camera must be of a type that captures the driver and all passengers of the vehicle on the recorded image
  - At least 1 x camera for saloon type vehicles (5 seats or less) and at least 2 x cameras for larger vehicles (6 to 8 seats)
  - The recorder shall be impact resistant, sufficient to withstand a typical car accident, or striking with a large, heavy object such as a suitcase
  - None of the installed CCTV components shall be mounted in a way that may cause injury to any person carried in or on that vehicle.
  - The storage unit shall be concealed and effectively inaccessible when the vehicle is in motion
  - A hard drive recorder shall be equipped with a communication port within the housing for downloading by authorised officer. Such port shall be kept locked with access only available to the licensing authority.

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- The system shall record images at the rate of twelve images per second during periods when audio recording is activated (either due to time requirement, or through activation by the driver trigger switch)
- Once any recording is downloaded it shall be capable of being viewed by the Licensing Authority.
- All captured images must be encrypted and viewable only by using the manufacturers software which must be compatible with the Windows Operating System
- A certificate of installation must be provided which will indicate the installation date
- The unit shall only be installed by a competent or authorised installer which has been agreed with the licensing authority.
- The proprietor agrees to allow the Council and West Mercia Police access to the relevant software for the CCTV system
- Each licensed vehicle will display signs, which are capable of being read by the passengers which state 'CCTV in this vehicle records both visual images and audio. The data controllers are Herefordshire Council'

### **Seating Arrangements**

116. Any seating arrangement other than the manufacturer's original specification, or as approved by the Council, will result in the suspension of the licence until such time as either the original or approved arrangement is restored, or the new arrangement is approved by the Council.

### **Stretched limousines**

117. Any stretched limousine (any vehicle which has been modified to be longer than the manufacturer's original specification) which is presented for licensing as a private hire vehicle must be covered by:
- a) A UK Single Vehicle Approval Certificate; or
  - b) A European Whole Vehicle Approval Certificate; or
  - c) A UK Low Volume Type Approval Certificate.

### **Conditions**

118. The following Conditions are attached to your Private Hire Vehicle (Proprietor) licence and must be complied with at all times. Failure to comply with conditions may lead to penalty points being imposed on your Private Hire Vehicle (Proprietor) licence, suspension, revocation or refusal to renew the Private Hire Vehicle (Proprietor) licence.

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119. You must return your licence (and the plates and additional signage if requested by the Council):
120. You must notify the Council within 48 hours of the event (including weekends and bank holidays) if you or anybody named on the licence as a joint proprietor (or any director or secretary of a limited company, or partner in a Limited Liability Partnership when the licence is held by such a body) is arrested in connection with, charged with, investigated in connection with or convicted of any criminal offence. The same requirement applies in relation to any, community protection notices, civil injunctions that you receive.
121. If your vehicle has an accident which results in serious damage which may affect its safety, performance or the comfort or convenience of your passengers, you must report this to the Council within 48 hours (including weekends and bank holidays). If you are in doubt as to whether the vehicle is affected you must notify the Council.
122. You must report to the Council and/or local police any concerns (including but not limited to concerns about child abuse, abuse of any other person, people trafficking, drug carrying, violence or criminal behaviour) or which may result in a complaint being made about you. When you are driving a private hire vehicle all such incidents must be reported to your operator as soon as possible. If you are driving a hackney carriage that has been booked via a booking agent, all such incidents must be reported to that agent as soon as possible. Where you suspect that the incident involves criminal behaviour you must report this to the police and Council immediately.

### **Drivers**

123. You must notify the Council of the details (name, address and taxi driver licence number) of any person who is permitted by you to drive your private hire vehicle for any purpose (this does not include mechanics undertaking vehicle maintenance). This notification must be made as soon as possible and in any event within 48 hours of that permission being given. If you no longer permit that person to drive your private hire vehicle you must notify the Licensing Section in writing, using the Council's approved forms, within 48 hours.
- 122 Before you allow anyone to drive your private hire vehicle you must ask that person for their dual driver licence and keep a copy.
123. No person may drive a private hire vehicle, unless they hold a dual driver licence issued by the Council. Anyone found driving a private hire vehicle without a dual driver licence, may be prosecuted.



**Insurance**

124. You must ensure that a valid policy of comprehensive insurance for private hire work is in place for the vehicle and covers anyone who drives your private hire vehicle.

**Production of Documents**

125. You must not obstruct any Authorised Officer of the Council or police officer. You must provide any assistance or information they may reasonably require.
126. If an Authorised Officer of the Council (or a named officer from another council with whom a reciprocal arrangement is in place) or a police officer asks you, you must produce:
- a) Your licence;
  - b) The dual driver licence of any person authorised to drive your private hire vehicle;
  - c) The vehicle registration document;
  - d) A valid certificate of insurance.

within 5 days of the request being made.

**Licence Plates**

127. The licence plates remain the property of the Council and must be returned to the Council upon request whenever the vehicle is not licensed as a private hire vehicle.
128. You must secure and display the exterior licence plate permanently on the rear of the vehicle using the fittings provided by the Council. The method of fixing must prevent the plate being removed without the need for tools. The plate must at all times be displayed so that it can be clearly read by pedestrians and road users. The licence plate must not be displayed in any window of the vehicle, unless expressly permitted by the Licensing Authority.
129. You must report the theft or loss of the licence plates to the Council and in any event within 24 hours of becoming aware of the theft or loss, to the Council by email. You must then obtain duplicate licence plates and/or additional signage for which a charge will be made. The vehicle cannot be driven until the replacement plates are in place.
130. You must not wilfully or negligently cause or suffer any plates or additional

### **Appendix 4 Private Hire Conditions**

signage on your vehicle to be concealed from public view at any time.

131. You must return the licence plate to the Council if the Private Hire Vehicle (Proprietor) licence is suspended, revoked or not renewed.

#### **Vehicle inspection**

132. You must allow an Authorised Officer of the Council, or police officer, to inspect your vehicle at any reasonable time.
133. You must ensure the vehicle is presented for test in accordance with instructions from the Council
134. You must produce the vehicle registration document and last MOT, and certificate of insurance to the Council Officer at the test.

#### **Specification to be maintained during the duration of a licence for a Private Hire Vehicle**

135. No change in the specification, design, condition or appearance, or any modification, conversion or alteration of the vehicle can be made unless prior written approval has been given by the Council.
136. The vehicle must fully comply with all relevant road traffic legislation and in addition:
- a) All doors must function correctly and be capable of being opened from the outside and within the vehicle.
  - b) All opening windows must function correctly and be capable of being opened from within the vehicle.
  - c) All luggage must be properly secured inside a vehicle that does not have a separate and self-contained boot.
  - d) If a roof rack (or roof box) is being it must be securely fitted to the roof in accordance with the manufacturer's instructions. All luggage must be properly secured and in the case of a roof rack a waterproof cover must be fitted. Any roof box must be correctly closed before moving off.
  - e) If a trailer is being used, the driver must ensure that the lights on the trailer are working correctly and that the trailer plate is properly displayed on the rear of the trailer. A waterproof cover must be used to protect any luggage.
  - f) Passengers must be able to communicate with the driver.
  - g) The vehicle and all seats, door handles and trim, and all internal and external parts of the vehicle must be maintained at all times in a

#### **Appendix 4 Private Hire Conditions**

clean, comfortable, safe, and mechanically sound condition and be in every way suitable for public service.

- h) The floor covering must not be torn or frayed.
- i) The vehicle must have an adequate functioning internal light to enable passengers to enter and leave the vehicle safely.
- j) The vehicle's bodywork and paintwork must be maintained to an acceptable standard, free of dents or rust.
- k) The vehicle must carry a spare wheel to fit the vehicle, and the wheel together with equipment to change the wheel, jack and wheel brace must be securely stored. This does not apply if the manufacturer's specification when new did not include a spare wheel, in which case the manufacturer's alternative puncture repair kit will be acceptable.
- l) The vehicle must be fitted with tyres which meet the specifications detailed by the manufacturer in terms of size and speed rating. All tyres must meet the legal requirement for tyre depth.
- m) The vehicle must be fitted with nearside and offside exterior rear view mirrors which must be maintained in a serviceable condition
- n) The glass in the vehicle must not be replaced with glass that is different from the glass fitted when the vehicle passed the Council's vehicle test. Any unapproved (by the Council) self-adhesive material (tinted or clear) must not be affixed to any part of the glass
- o) In the case of a replacement engine, the Council must be notified of that within 48 hours of the fitting, and the revised V5 must be presented to the Council as soon as it is received.
- p) At all times the vehicle must carry a 1 kg dry powder extinguisher or a 2 litre AFFF extinguisher approved to BS EN3: 1996, with the licence number permanently marked on it. The fire extinguisher must be properly maintained in accordance with BS 5306: Part 3 and be secured in such a position in the vehicle as to be fit for immediate use in an emergency.
- q) At all times the vehicle must carry a first aid kit in a suitable container, with the licence number permanently marked on it.
- r) The vehicle must not be fitted with any additional lights other than those originally fitted by the manufacturer with the exception of an internal light unless they have been approved or requested by the Council.

**Additional Conditions for wheelchair accessible Private Hire Vehicles**

137. At all times, the vehicle must carry in a safe, usable condition suitable ramps for a wheelchair user. If the alternative tail lift or some other mechanical means of access is fitted it must be maintained in a safe, functioning condition.
138. The driver must ensure before the commencement of the journey that the passenger is correctly seated and the wheelchair is correctly secured and the passenger is correctly restrained, and at the end of the journey must ensure that the passenger is delivered safely onto the pavement
139. The door entrance and any steps must always be conspicuously marked where appropriate, to help visually impaired passengers.
140. All grab handles or rails must always be conspicuously marked to help visually impaired passengers.

**Sliding doors**

141. Where sliding doors are an integral part of a vehicle and a locking device has not been fitted, the child locking systems must be engaged by the driver when carrying unaccompanied children, or upon request of a passenger.

**Lost property**

142. The driver must search the vehicle after each hiring has been completed, and any lost property found must be recorded. If the driver knows the identity and/or whereabouts of the last passenger, they can return the property to them. If not it must be delivered to the operator within 48 hours.

**The meter / table of fares / card payment facility**

143. Any fare meter that is fitted to the vehicle must be mounted in such a way as to avoid injury to the driver or passengers in the case of any collision and where it is visible to passengers. This must be in a safe and practical position in the vehicle where all letters and figures displayed on the meter are clearly visible to any passenger. The letters and figures must therefore be illuminated when in use.
144. The meter must be accurate, be capable of showing that the vehicle is or is not hired, and lock the tariff until the end of the journey.
145. When the meter is in use, the fare must be clearly legible on the face of the meter. This fare must be unambiguous and the word "FARE" must be clearly displayed on the meter so it indicates the fare displayed.

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146. If a set fare and destination has been agreed at the time of booking for a private hire journey (as agreed between the operator and the hirer) more than the agreed fare cannot be charged.
147. If the meter fails or does not comply with the conditions, the meter must be removed from the vehicle before it is used as a private hire vehicle.
148. Functioning Cashless Payment Facility in Vehicles Proprietor(s) must ensure their vehicles are equipped with a functioning cashless payment facility. These cashless facilities must be registered as a "transport" provider or similar with the payment card reader provider. The minimum payment is £5.00, if the fare is less than this the driver will ask for cash.

#### **Navigational devices**

149. Any electronic navigational device which is being used must be securely located within the vehicle

#### **Signage and advertising**

150. No sign or advertisement is permitted on the vehicle, and no flag or other emblem can be flown from the vehicle, except as detailed below, unless required by law, or has been agreed by the Council in writing.
151. The advertisements will be assessed against the following criteria:
  - Non sexual
  - Non discriminatory
  - Not to cause public offence
  - Not misleading
  - Location does not distract from council vehicle signs
  - Not to obscure vision of the driver
  - Not to display, flags or any other national emblems.The above list is not exhaustive and the assessments will be carried out by staff of the Licensing Authority, if this is contended the matter will be referred to the Officer Panel for a decision.

#### **No Smoking**

152. The vehicle must have at least 3 "no smoking" signs displayed inside the vehicle clearly visible to passengers.

#### **LEGAL REQUIREMENTS (contained in national legislation) relating to a Private Hire Vehicle**

153. The private hire vehicle proprietor must ensure that the vehicle is always displaying the plate in accordance with the conditions (section 48 (6) of the 1976 Act).

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154. The private hire vehicle proprietor must notify any transfer of the vehicle licence to another proprietor within 14 days (section 49 of the 1976 Act).
155. The private hire vehicle proprietor must present the private hire vehicle for inspection as required by the Council (section 50(1) of the 1976 Act).
156. The private hire vehicle proprietor must inform the Council where the private hire vehicle is stored if requested to do so (section 50(1) of the 1976 Act).
157. The Private Hire Vehicle proprietor must report any collision that has caused damage to the safety performance of the vehicle to the Council within 72 hours (section 50(3) of the 1976 Act).
158. The private hire vehicle proprietor must produce the vehicle licence and insurance if requested to do so by an Authorised Officer of the Council (section 50(4) of the 1976 Act).
159. The private hire vehicle proprietor must return the plate to the Council once you receive notice to do so after expiry revocation or suspension of the proprietors licence (section 58(2) of the 1976 Act).
160. The private hire vehicle proprietor must ensure that the vehicle is not permitted to stop or wait on or near any hackney carriage stand (section 64 of the 1976 Act).
161. It is an offence to interfere with a meter (section 71 of the 1976 Act).
162. The private hire vehicle proprietor must not obstruct, fail to comply with any requirement made by, or fail to give any information to, an Authorised Officer of the Council, an authorised officer of another Council with which there is a reciprocal enforcement arrangement, or a police constable (section 73 of the 1976 Act).