

## APPENDIX G

### **LICENCE CONDITIONS APPLICABLE TO PERSONS GRANTED A PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE LICENCE UNDER THE UNDER LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 & TOWN POLICE CLAUSES ACT 1947**

1. A vehicle will not be granted a licence if it is licensed in another district. This is due to the problems of meeting the variance in conditions applied in different districts and the enforcement of those conditions in cases of non-compliance (i.e. signs, meters, mechanical conditions, suspensions and revocations).
2. A vehicle licence is granted in respect of the person and vehicle whose details appear on the licence and is non-transferable. If at any time during the licence period, the named driver does not wish to continue with the licence, it must be surrendered to the Council. Only then are they not bound by these Conditions attached to the Licence.

There would be no full or part refund of the Licence fee in such circumstances.

3. The vehicle shall not be of a design and appearance as to lead any person to believe that the vehicle is a hackney carriage. (See Section 48 of the 'Local Government (Miscellaneous Provisions) Act 1976'):

All vehicles for new (or a replacement vehicle) private hire licence applications must be either:

- a saloon, estate or hatchback type vehicle with at least four side doors, or

- a purpose-built mini-bus designed to carry not less than four or more than eight passengers in any colour of the original manufactures specification **except black**.

4. *Hackney Carriage Vehicles*

When first licensed, all-purpose built vehicles should be less than 5 years old from the date of first registration.

Hackney Carriages may continue to be licensed to a maximum of 10 years old from the date of first registration.

*Private Hire Vehicles*

When first licensed, private hire vehicles should be less than 4 years old from the date of first registration.

Private hire vehicles may continue to be licensed to a maximum of 8 years old from the date of first registration

5. Roof signs are not permitted on private hire vehicles as the vehicle maybe mistaken for a hackney carriage vehicle.
6. Licensed drivers must not drive a licensed vehicle if it does not comply with the Road Vehicles (Construction and Use) Regulations 1986 as amended.
7. Before commencing work each day, licensed drivers must ensure that their vehicle is maintained in a clean, comfortable, safe, watertight and mechanically sound condition and is in all other respects suitable for the purpose for which it is intended.
8. The interior shall be free of all stains, splits, tears and the seats shall function in accordance with the original manufacturer's specification. All lights, doors, door locks, boot / tail gate and locks, bonnet, hinges and catches, windows, sunroofs and hoods should be operating correctly

9. The exterior of the vehicle shall be free of dents, rust or unrepaired accidental damage and shall at all times have uniform paintwork equivalent to that supplied by the manufacturer.
10. All licensed vehicles must carry a fire extinguisher which must be a minimum of 1kg dry powder type and comply with British Standard EN3. This must be located and securely fixed in an accessible location.
11. All licensed vehicles must carry a first aid kit. The contents should contain sufficient items, which would meet any minor emergency.
12. The boot must be kept clear for use by the passengers except for storage of a spare wheel and jack and any other essential tools and / or spare parts. There must be adequate means for securing a reasonable amount of luggage;
13. Any radio equipment, taxi meter must be secured appropriately to the vehicle. The use of elastic bands, blue tac etc is not an acceptable means to secure this type of equipment.
14. The use of a Citizen Band (CB) transmitter/receiver and the use of radio scanning devices is prohibited and must not be fitted or carried in the licensed vehicle at any time.
15. No material alteration or change in the specification, design, condition, or appearance of the vehicle is made during the period of the Licence without the prior approval of the Council;
16. Licensed vehicles must have a current MOT / Statement of Compliance issued by one of the Council's Appointed Garages or any other Testing Station the Council may prescribe.
17. The licensed vehicle may be subject to further inspections after the grant of a licence. Should the vehicle be found to be not being properly maintained or any

part or fitting is not in good working order, a Notice will be served on the owner of the licensed vehicle setting out the defects. The vehicle licence may be suspended until such time the defect(s) has / have been remedied and the vehicle has successfully passed re-inspection. An MOT may also be required at the owner's expense.

18. If a licensed driver is requested to present their licensed vehicle for an inspection at a nominated place and time they must attend on time unless he / she have advised the Council within a reasonable time beforehand. Proof may be required as to the reason why the inspection could not take place. Failure to appear may lead to the suspension of the licence.
19. Where a vehicle licence has been suspended, revoked, expired, or the vehicle has had a Notice served upon it, a Police Constable or Authorised Officer is entitled to remove and retain the Licence.

If the licensed vehicle has undergone any repairs or cosmetic improvements, they must be of a high standard equivalent to the manufacturer specification.

20. A licensed vehicle can only be driven by a person who holds a Hertsmere private hire driver licence.
21. The licensed vehicle's interior licence badge shall be clearly displayed showing the licence number and maximum number of passengers licensed to carry. This must be visible to all persons being carried in the vehicle. At no time will the licensed driver carry more passengers than the vehicle is licensed to carry.
22. A licensed vehicle exempted from displaying the licensed plate shall instead display inside the vehicle a licence sticker issued by the Council. This must be affixed to inside of the nearside front windscreen bearing the licence details, this must be facing to the outside of the vehicle. A written Notice of Exemption will also be provided, which must be kept in the vehicle for inspection at all times. The licensed driver must also carry the internal and external private hire licensed plate within the vehicle at all times.

23. The driver shall not park their vehicle at such 'public' locations or positions whereby the vehicle's appearance makes it look like the vehicle is available for immediate hire or wait / park in a location which may encourage an approach from a member of the public to enquire as to the vehicle's availability for hire.

Such activity may constitute illegal plying for hire, whether or not an actual hiring took place.

24. If the licensed vehicle breaks down, or in any way becomes unfit to carry the passenger(s) to the destination for which it has been engaged:-

- the licensed driver shall not demand or take any fare for the distance already travelled unless 50% or more of the journey has been undertaken, only then can a fare be charged. However not more than 50% of the total fare must be charged;
- the licensed driver must, without delay, arrange suitable alternative transport to carry the passenger(s) from the place where the licensed vehicle has broken down to their destination. If the passenger(s) voluntarily request to wait until the licensed vehicle again becomes fit to transport them to their final destination, the licensed driver shall be entitled to demand and take the full fare for the hiring, exclusive of time during which the passenger(s) waited;
- the circumstances of the breakdown shall be notified to a Licensing Officer as soon as possible and in any event within 3 days of the breakdown occurring.

25. The vehicle licence plate issued by the Council must be permanently and securely fixed to the outside rear of the vehicle to the satisfaction of the Licensing Officer. It must be kept in such a position and condition so as to be

permanently visible to the public. The vehicle licence plate must not be displayed in the rear window.

26. The vehicle licence plate is the property of the Council and must be returned on expiry of the licence or if the vehicle is sold. If the vehicle is lost or stolen, it must be reported to the Police and the Licensing Officer as soon as possible and in any event within 3 days of such an occurrence.
27. No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in, or from the licensed vehicle except as may be required by any statutory provision of these Conditions or have been authorised in advance by the Council.

The above shall not apply to a disc or to a sign on or from a vehicle:-

- which indicates membership of a motoring organisation, or;
  - showing the name / logo of the private hire operator and / or their telephone number.
28. The private hire driver shall, immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left within the vehicle.
  29. The private hire driver of a licensed vehicle shall, if any property has been accidentally left by any person who may have been conveyed in the vehicle has been found by or handed to him, must attempt to return it to the rightful owner. Failing this, the lost property must be returned to the Operator for their retention in accordance with their Operator Conditions.

Where the owner/loser of the property collects the property from the driver or the operator base, no charge may be made for the return of the property.

Where the property is returned to the owner / loser by a private hire vehicle, the normal charge for the journey may be made but the charge must be agreed to by the owner / loser in advance of the journey being made.

30. The licensed driver shall not park / position his / her licensed vehicle in such a manner as to cause obstruction on a public highway.
31. If the licensed vehicle is fitted with a taximeter the proprietor shall notify the Council immediately if, for any reason, this meter's seal is broken.
32. Licensed vehicles fitted with a taximeter shall not operate unless the meter is in working condition and has been checked and sealed by an independent qualified engineer supplying or fixing the meter and a written certificate to this effect had been delivered to the Council.
33. The proprietor or driver of a hackney carriage or private hire vehicle shall:
  - ensure that a statement of the fares fixed be affixed to the inside of the vehicle in clearly distinguishable letters and figures;
  - renew such letters and figures as often as is necessary to keep them clearly visible;
  - the proprietor or driver of a hackney carriage or private hire vehicle bearing the statement of fares shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire;
  - the above tariffs shall be either the statement of fares established by the Council or by an operator.
34. If a licensed driver transfers his interest in a vehicle to somebody else he must immediately give notice of the transfer to the licensing officer, giving the name and address of the transferee. In no circumstances may the vehicle be used as a licensed vehicle by the new owner until the vehicle licence has been

transferred to that person and all documentation completed and any necessary fees paid.

35. No licensed vehicle may tow any trailer unless evidence of valid insurance to cover such use for hire and reward has been produced to a Licensing Officer.
36. The vehicle licence plate must be clearly displayed on the rear of any trailer used, this licence plate is in addition to that on the rear of the vehicle.  
The contents of the trailer must be secured and covered in a proper manner.  
Any trailer used must comply with regulations in all respects and where required, the licensed driver must hold the appropriate licence category as issued by the DVLA.
37. ***For hackney carriage vehicles only:***

The licensed driver shall cause to be clearly displayed and maintained inside the the licensed vehicle, the Hackney Carriage 'Table of Fares' as provided by the Licensing Officer. The 'Table of Fares' must be clearly visible and legible to passengers.

The licensed driver shall ensure that the taximeter provided within the licensed vehicle is to be constructed, attached and maintained as to comply with the following requirements:-

- the taximeter shall be fitted with a key, flag, or other device, the turning of which will bring the machinery of the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter;
- the key, flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;

- when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figure, a fare not exceeding the rate of fare which the proprietor or licensed driver is entitled to demand and take for the hire of the hackney carriage by time as well as for distance in pursuance of the tariff fixed by the Council in that behalf;
- the word 'FARE' shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- the taximeter shall be placed so that all letters and figures on the face of the taximeter are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during the period of hiring; and
- the taximeter and all the fittings shall be affixed to the carriage 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. A Calibration Certificate must be produced to the Council following the meter calibration.

The driver shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed from time to time by the Council and shown on the Table of Fares, the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring a desire to engage by time. Provided always that when the fare is calculated by distance, the licensed driver shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised from time to time by the Council which it may not be possible to record on the face of the taximeter.

Failure to comply with any of the above conditions may result in prosecution and / or the licence being suspended and / or revoked.

The Council has also made byelaws that are specifically applicable to hackney carriage drivers / proprietors. The existing hackney carriage byelaws are set out in Appendix I. These byelaws may be reviewed from time to time.