



CYNGOR SIR CEREDIGION COUNTY LICENSING AUTHORITY

Local Government (Miscellaneous) Provisions Act 1976
Part II
Town Police Clauses Act 1847

Private Hire Vehicle Licence Conditions

1. GENERAL CONDITIONS

- i) No vehicle licence will be issued until the appropriate fee is paid. Where payment is made by cheque which is subsequently dishonoured, any licence issued will be null and void.
- ii) Before a licence is issued in respect of a private hire vehicle, the applicant, being the operator of the vehicle, must complete and submit to the Licensing Authority a complete application on the form prescribed by the Authority.
- iii) Each application will be treated on its own merit and shall remain in force for a maximum period of twelve [12] months. It is the operator's responsibility to ensure that an application for renewal is submitted in sufficient time prior to the licence expiry date as there is no automatic period of grace. Any applications received after the expiry date may, at the discretion of an authorised officer of the licensing authority, be treated as a new application.
- iv) The operator of the vehicle must satisfy the Licensing Authority that the vehicle is registered under the Vehicle (Excise) & Registration Act 1994 and that there is in force in relation to the use of the vehicle a policy of insurance issued on a fully comprehensive basis which covers the use for "Carriage of Passengers for Hire and Reward by private hire / pre-bookings" and also the named driver(s) of such vehicle.
- v) The vehicle must have a valid MOT issued by DVSA, formerly known as VOSA and a certificate of compliance completed by one of the testing stations participating in the testing and inspection of private hire vehicles in Ceredigion.
- vi) The licence may not be issued unless the appropriate certificates are produced. These Certificates must be available for examination at any time during the currency of the licence by an Authorised Officer of the Licensing Authority. The applicant must submit valid documentation issued by the relevant certifying body attesting to the vehicles' fitness to be a licensed private hire vehicle. This may include documents issued after a vehicle has been modified or adapted or after extensive repairwork has been undertaken.
- vii) A vehicle licensed by this Authority remains a licensed vehicle for hire & reward by private hire for the duration of its licence or until the licence is lapsed, suspended, revoked or surrendered.
- viii) The driver, operator and vehicle must all have current licences issued by this Authority
- ix) The vehicle can only be driven by a person holding a current dual drivers' licence issued by Ceredigion's Licensing Authority. This condition applies except when the licensed vehicle is being road tested by an employee of a garage employed by the operator following repair and/or maintenance work to the vehicle.
- x) Any person who commits an offence against any of the provisions of these conditions or Part II of the Local Government (Miscellaneous Provisions) Act 1976 in respect of which no penalty is expressly provided shall be liable on summary conviction to a fine not exceeding LEVEL 3 on the standard scale.



2. VEHICLE SPECIFICATION

- i) The vehicle must comply with all relevant statutory requirements including, but not limited to those contained in the current Motor Vehicles (Construction and Use) Regulations.
- ii) The vehicle must comply with all current statutory requirements for motor vehicles and with the non-statutory requirements imposed by the Licensing Authority. This condition is without prejudice to the powers granted under section 68 of the Local Government (Miscellaneous Provisions) Act 1976.
- iii) The vehicle must be a category M1 four wheeled motor vehicle fitted with four road wheels and have at least four doors or a category M1 minivan (e.g. Panel van converted for use as a WAV) with at least two doors excluding any door provided for the exclusive use of the driver. Double rear doors count as one.
- iv) Any vehicle must be right hand drive and:
 - e) Be constructed as such that the doors open sufficiently wide as to allow easy entry and exit and causes no inconvenience to passengers.
 - f) Must not be of such design and/or appearance as to lead anyone to believe that the vehicle may be a hackney carriage.
 - g) May be any colour except white.
 - h) All vehicles must be properly equipped to operate in all weather conditions.

3. AGE OF VEHICLE

The vehicle, at first presenting it for a licence must be younger than 5 years old and will not be renewed after it has reached ten years old.

Vehicles that have been constructed, adapted or modified for the carriage of wheelchair users must be younger than 8 years old and will not be renewed after it has reached fifteen years old.

- i) At the date of first presenting the vehicle for a private hire vehicle licence, the vehicle must be no older than the 5th anniversary of the date of first registration with the Driver & vehicle licensing agency (DVLA).
- ii) Vehicles specifically designed and so adapted for the carriage of wheelchair users or passengers with impairments or physical restrictions may be first presented for licensing no later than the 8th anniversary of the date of first registration with the Driver & vehicle licensing agency (DVLA).
- iii) No vehicle older than the 10th anniversary of the date of first registration will be eligible for re-licensing with the exception of vehicles specifically adapted to carry wheelchair users or passengers with impairments or physical restrictions which may continue to be re-newed thereafter, at the sole discretion of the Licensing Authority, or until the anniversary of the 15th year of the vehicle having first been registered with the DVLA, whichever is earlier.
- iv) No vehicle older than the 15th Anniversary of the date of first registration with the DVLA shall be granted or renewed .
- v) All vehicles adapted and/or modified for the carriage of wheelchair users or passengers with impairments or physical restrictions must successfully pass a voluntary individual vehicle approval (VIVA) examination and the relevant DVSA documentation attesting to the approval must be presented to the licensing authority upon initial application and upon each renewal thereafter.



4. VEHICLE IDENTIFICATION

- i) The operator shall ensure the licence number issued by the licensing authority is fixed and displayed on the vehicle at all times during which the vehicle is licensed. This number is to be displayed by means of a licence plate issued by the Licensing Authority to the operator upon payment of a deposit, the amount of which to be prescribed by Ceredigion County Council.
- ii) A private hire vehicle shall display, at all times during which the vehicle is licensed as a private hire vehicle, a YELLOW crescent plate issued by the Licensing Authority upon receipt of a deposit paid by the operator. The plate must show the vehicle licence number, the number of passengers the vehicle is licensed to carry and the vehicle's registration mark.
- iii) The operator shall ensure that the licence plate is fixed and displayed upon the exterior rear of the vehicle either immediately above or below the bumper in such a position as the vehicle's registration mark is not obscured, with the particulars thereon facing outwards and in such a manner and place that the licence plate is clearly visible by daylight from the road at the rear of the vehicle.
- iv) The licence plates must be fixed in such a manner that they can be removed by an Authorised Officer or Constable.
- v) The plate shall be returned to the Licensing Authority within seven [7] days upon expiry or revocation of the licence. The deposit shall be refunded unless replacement plates are required. Failure to return the plates upon surrender, expiration, suspension or revocation or at the request of the Licensing Authority or Authorised Officer is an offence under section 58(2) of the Local Government (Miscellaneous Provisions) Act 1976.
- vi) Loss of a licence plate must be immediately reported to the Licensing Authority and a replacement must be obtained on payment of such reasonable fee as the Licensing Authority may prescribe.
- vii) No vehicle may be substituted for that licensed. If the licensed vehicle is transferred to another person, the operator must inform the licensing authority, in writing, to whom the vehicle has been transferred within fourteen [14] days.

5. MAINTENANCE

- i) The vehicle shall be kept clean and maintained in conditions compliant with the Motor Vehicles (construction and use) Act, The road traffic Act, Road safety Act, and the conditions imposed by the Licensing Authority.
- ii) The vehicle must remain in an efficient, tidy, clean and safe condition for the carriage of passengers. By efficient, the Licensing Authority means that the passenger is able to enter or exit the vehicle without having to remove goods or debris from the seats or footwells.

6. SIGNS AND ADVERTISING

- i) No fittings, signs or advertisements are to be painted on, attached to or within the vehicle unless approved by the Licensing Authority in writing.
- ii) There shall be a legible sign fitted in a conspicuous position within the vehicle requesting passengers to use the seat belts provided.
- iii) There shall be an approved legible sign fitted in a conspicuous position within the vehicle prohibiting passengers from smoking in the vehicle. Replacement signs may be obtained from the Authority for a minimal fee.



- iv) All approved signs shall be kept clean and maintained in a good and clean condition.

7. SEATING ARRANGEMENTS

- i) The maximum number of passengers that can be conveyed in the vehicle for it to be capable of being licensed as a private hire vehicle is eight [8]. Any vehicle which carries more than eight [8] passengers is classified as a Public Service Vehicle (PSV) under the Public Passenger Vehicles Act 1981, s1(1) and is not licensable as a private hire vehicle by the Licensing Authority.
- ii) The vehicle must be able to seat at least three [3] but no more than eight [8] passengers in addition to the driver. Each seat shall be deemed to provide seating for one [1] person irrespective of age.
- iii) Vehicles which are licensed to carry eight [8] passengers shall not contain seating for more than eight [8] passengers. For this purpose, where separate seats are fitted, each seat shall be deemed to provide seating for one [1] passenger irrespective of age. Where continuous seating are fitted the length of the seat measured in a straight line lengthwise, on the front of the seat, must be such as will allow adequate seating of at least 405mm per person.
- iv) Where one seat or more has been removed for the carriage of wheelchairs mobility scooters or other mobility aid that space must be made permanently available for the user(s)/equipment and the fixing points of the removed seat(s) must be permanently blocked off or otherwise disabled to the satisfaction of the Licensing Authority and without prejudicing the tethering of a wheelchair and/or mobility aid.
- v) Seats, including wheelchair(s) in vehicles must be either forward or rearward facing.
- vi) Each seat, whether separate or continuous and including wheelchair(s), must have available for use a seat belt for each passenger and must comply with the current motor Vehicles (wearing of seatbelts) Regulations.
- vii) The vehicle must provide adequate seating capacity and head and knee room etc. as follows:
 - e) Height (inside): from the lumbar cushion of the seat to the roof at the lowest part must be no less than 800mm.
 - f) Knee Space: the measurement between the rear of the front seats and the lumbar cushion of the back seat must be not less than 640mm.
 - g) Seats (width): the measurement of the back seat from the lumbar cushion to the front edge must not be less than 450mm.
 - h) Rear Seat (length): the length of the rear seat measured in a straight line lengthwise on the front of the seat must be such as will allow adequate sitting accommodation to the extent of at least 405mm per person.
- viii) All vehicles should comply with current seat belt regulations. All vehicles with seat belt anchorage points must have seat belts fitted.
- ix) All vehicles with restraint anchorage points must have seat belts or harnesses assigned to that vehicle and made available for immediate use for each anchorage point.
- x) Any harnesses or belts assigned to a vehicle must bear indelibly upon them the index plate of that vehicle and must not be transferred or loaned to another vehicle.
- xi) When in use, all harnesses must be securely attached to the vehicle and operate as intended by the manufacturer. "Disabled person belts" are seat belts or harnesses which have been specifically designed or adapted for use by an adult or young person suffering from some physical or mental impairment and are intended for use solely by such a person



WEARING OF SEATBELTS AND USE OF CHILDSEATS FROM SEPT 2006

Under the The Road Vehicles (Construction and Use) Regulations 1986, S.47, a “child restraint” means a seat belt for the use of a young person which is designed either to be fitted directly to a suitable anchorage or to be used in conjunction with a seat belt for an adult and held in place by the restraining action of that belt: Provided that for the purposes of paragraph (2) (c)(ii)(B) and (2)(c)(iii) it means only such seat belts fitted directly to a suitable anchorage and excludes belts marked with the specification numbers BS AU 185 and BS AU 186 or 186a.

PASSENGER	FRONT SEAT	REAR SEAT	WHO IS RESPONSIBLE?
Child up to 3 years old	Correct Child Restraint MUST be used	Correct child restraint must be used in normal domestic circumstances. Only in a Licensed hackney carriage or private hire vehicle would an exemption apply where, the child if less than 3 years of age, may travel without a car seat or a seat belt in the rear of the vehicle IF such restraint is not available.	Responsibility of the Driver
Child from 3 rd Birthday up to 135cms (approx.. 4'5”) in height or 12 th Birthday, whichever they reach first	Correct Child Restraint MUST be used	Where seatbelts are fitted, the correct child restraint MUST be used. The child must use an adult belt if the correct child restraint is not available in a licensed hackney carriage or private hire vehicle	Responsibility of the Driver
Child over 135cm (Approx 4'5”) in height or 12 or 13 years old	Seat belt MUST be worn if available	Seat belt MUST be worn if available	Responsibility of the Driver
Passengers aged 14 years old and over	Seat belt MUST be worn if available	Seat belt MUST be worn if available	Passenger's responsibility



8. TAXIMETER

- i) All fares must be pre-booked via the operating base
- ii) The operator shall utilise and maintain a suitable register in which he / she shall enter the following particulars for each contract of hire:-
 - a) Time and Date of booking
 - b) Time and Date of Hire
 - c) Pick-up point
 - d) Name of hirer
 - e) Licence number and registration number of the vehicle used
 - f) Details of the driver including badge number
 - g) Fare charged
- iii) These particulars shall be kept in chronological order in a bound book. The register must be kept for a minimum of six [6] months and must be made available for inspection by an Authorised Officer or Constable immediately upon request. Where required, these records may be detained as evidence.
- iv) A private hire vehicle does not require a taximeter. Where a vehicle has been leased and has a taximeter installed that taximeter may be retained until the vehicle is replaced or returned, provided that the taximeter complies with the legal requirements. The taximeter shall be maintained by the Operator and must be in full proper working order at all times, and programmed with the current tariff in force at the time. Discount to the fare shown on the meter is permitted. However no charge in excess of that displayed on the meter may be levied. The meter must not start running until the hirer is seated in the vehicle and has stated their destination.

9. ROOF SIGN

- i) External advertising in the form of roof signs or roof lights affixed to the vehicle is not permitted.
- ii) Should the vehicle have a roof sign or roof light, the sign must be removed and in a manner which does not cause damage to or impact negatively upon the appearance, structure or safety of the vehicle.

10. VEHICLE INSPECTIONS & SECTION 68

- i) The vehicle must be presented for inspection within the County of Ceredigion at such time as the Licensing Authority may by notice to the applicant require. The Authority is empowered to request such an inspection up to three times annually.
- ii) The cost of such inspection is included in the licence fee charged by the Licensing Authority. The part of the fee relating to the cost of the vehicle inspection is non-refundable in the event that the application for the grant or renewal of a licence is not granted by the Licensing Authority.



- iii) A vehicle which has been deemed unfit following an impromptu inspection by an Authorised Officer of the Licensing Authority or Police Service will be issued with an IMMEDIATE vehicle suspension notice under the provisions of section 68 of the Local Government (Miscellaneous Provisions) Act 1976. The vehicle must be removed from service immediately. The operator has up to two [2] months to repair the defect/s listed on the suspension notice and submit the vehicle for an examination at a DVSA (formerly VOSA) station participating in the testing and inspection of private hire vehicles in Ceredigion who, if satisfied the defect/s have been rectified, will stamp the notice. It is the operator's responsibility to return this notice to the Licensing Authority before the vehicle is returned to service. If the vehicle is not submitted for, or fails an examination, or if an Officer is not satisfied that the vehicle is fit within the two [2] month suspension period, the private hire licence will be revoked. The suspension notice cannot be lifted until the completed notice is returned to the Licensing Authority and signed by an authorised officer.
- iv) If, following an impromptu inspection, an Authorised Officer or Constable deems the vehicle to be unfit by virtue of "minor defects" the driver will be issued with a DEFERRED vehicle suspension notice under the provisions of section 68 of the Local Government (Miscellaneous Provisions) Act 1976. The vehicle may continue to be in service however, the operator has up to seven [7] days to repair the defect/s listed on the suspension notice and submit the vehicle to a Licensing Officer who, if satisfied the defect/s have been rectified, will sign the notice. It is the operator's responsibility to return this notice to the Licensing Authority within the seven [7] day period. If an Officer is not satisfied that the vehicle is fit, the private hire licence will be suspended and the vehicle must be immediately removed from service. The suspension notice cannot be lifted until the completed Notice is returned to the Licensing Authority and signed by an authorised officer. If, within two [2] months, the Officer is not satisfied that the vehicle is fit, the vehicle licence will be revoked. The Suspension notice cannot be lifted until the completed Notice is returned to the Licensing Authority and signed by an authorised Officer.
- v) The operator shall comply with any notice served on him under section 68 of the Act by such Officer or Constable suspending the licence and requiring him to present the vehicle for inspection or testing at such reasonable time and place as may be specified for the purpose of ascertaining its fitness.
- vi) A vehicle which has failed it's MOT and/or compliance inspection must be repaired and submitted for re-examination at a DVSA testing station participating in the testing and inspection of private hire vehicles in Ceredigion within fourteen [14] days from the date of the test or a further full vehicle inspection is to be undertaken.
- vii) The cost of any inspection or repair following a suspension notice issued is not included in the licence fee charged by the Licensing Authority and must be borne by the applicant.
- viii) The operator of the private hire vehicle shall ensure the vehicle is not used for carriage of passengers for hire & reward until its fitness is ascertained by an authorised officer or constable.
- ix) The driver and/or operator may be subject to enforcement action where there are found to be defects on a vehicle that may compromise the safety of the public.



11. ALTERATION OF VEHICLE

- i) No material alteration or change in the specification, condition or appearance of the vehicle shall be made without the prior written approval of the Licensing Authority at any time where the licence is in force.
- ii) If the vehicle is a Special Purpose Vehicle, it will be subject to the voluntary individual vehicle approval [VIVA] scheme and a document issued by DVSA attesting to its fitness shall be produced upon application or renewal of a private hire licence.
- iii) The Licensing Authority may suspend, revoke or refuse to renew any licence in respect of a private hire vehicle for any reasonable cause, including -
 - a) If the vehicle is deemed by the authority as unfit for use as a private hire vehicle and/or poses a threat to the travelling public.
 - b) Any offence under, or non-compliance with the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976 on the part of the operator or driver.

Any breaches of the private hire vehicle licence conditions or Overarching policy where the licensing sub-committee decide that that action is appropriate.

12. RESPONSIBILITIES OF NOTIFICATION

- i) If, during the period of a licence granted by the Licensing Authority, the information supplied by the applicant for the licence is altered for any reason, notice in writing of the alterations must be made immediately to the Licensing Authority.
- ii) Under Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976 the operator of any licensed vehicle must, by law, report to the Licensing Authority, within seventy-two [72] hours of the occurrence of any incident involving that vehicle causing damage affecting the safety, performance or appearance of the vehicle.
- iii) If the Operator of a private hire vehicle in respect of which a vehicle licence has been granted by the Licensing Authority transfers his interest in the private hire vehicle to a person other than the Operator whose name is specified in the licence, he shall, within fourteen days after the transfer, give notice in writing thereof to the Licensing Authority specifying the name and address of the person to whom the private hire vehicle has been transferred.

13. MISCELLANEOUS

- i) Employers have duties under health and safety law for on-the-road work activities. The Health and Safety at Work etc. Act 1974 states that employers must ensure, so far as reasonably practicable, the health and safety of all employees whilst at work. The employer must also ensure that others are not put at risk by work-related driving activities. The self-employed have similar responsibilities.
- ii) The Health and Safety (First-Aid) Regulations 1981 require employers to provide adequate and appropriate equipment, facilities and personnel to ensure their employees receive immediate attention if they are injured or taken ill at work. These Regulations apply to all workplaces including those with less than five employees and to the self-employed.
- iii) An approved serviceable fire extinguisher bearing the British Safety mark BS 5306-3:2009 shall be carried in the vehicle. Upon it, clearly legible and indelibly marked, the index number of the vehicle.



- iv) An approved and complete first aid kit shall be carried in the vehicle whenever it is used for hire and reward. Upon it, clearly legible and indelibly marked, the index number of the vehicle.
- v) The Operator of a vehicle also has duties under road traffic law, e.g. the Road Traffic Act and the Motor Vehicles (Construction and Use) Regulations, which are administered by the police and other agencies such as the Driver and Vehicle Standards Agency (DVSA) (Formerly the DVLA).
- vi) Journey times and routes must be adjusted to take account of adverse weather conditions.
- vii) Drivers must not feel pressured to complete journeys where weather conditions are exceptionally difficult and the driver must be given the hirer's details should they need to contact the hirer in order to cancel a journey
- viii) Smoking of any form is strictly prohibited within the vehicle at all times irrespective of whether the vehicle is being used for hire and reward or for private, social and domestic purposes. This includes the use of e-cigarettes or any other cigarette substitute which may appear as a cigarette.



INTERPRETATION

In the licence and in these conditions, unless the subject or contents otherwise requires -

“Authorised Officer” means an Officer of the Licensing Authority authorised in writing by the Chief Executive to the Licensing Authority for the purposes of these conditions.

“The Licensing Authority” means the Licensing Authority of Ceredigion County Council.

“Private hire” has the same meaning as in the Local Government (Miscellaneous) Provisions Act 1976 and Town Police Clauses Act 1847.

“Licence Sign” and “Licence Plate” means the rear plate issued by the Licensing Authority for the purposes of identifying the vehicle as a private hire vehicle duly licensed by the Licensing Authority.

“Operator” means the person or persons or body named in this licence as the operator of the vehicle and includes any part operator.

The “Vehicle” means the private hire vehicle in respect of which this licence is issued or the vehicle stated in the application to be licensed.

“Minor defects” means any defect, at the discretion of the officer or constable, which deems the vehicle worthy of a deferred suspension.

“Unfit” is a term used to describe the vehicle being unsafe or unsuitable for its intended use.

A 'Special Purpose' vehicle (SPV) means a vehicle intended to perform a function which requires special body arrangements and/or equipment. This category, for the purpose of the Licensing function means Wheelchair Accessible Vehicles (WAV's).

“Category M1” means vehicles designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the driver's seat.

“Special Purpose Vehicle” (SPV) is a vehicle intended to perform a function which requires special body arrangements and/or equipment. This category includes Wheelchair Accessible Vehicles (WAV's).

“Wheelchair Accessible Vehicles” (WAV) Vehicles of category M1 (only) constructed or converted specifically so that they accommodate one or more persons seated in their wheelchair(s) when travelling on the road are referred to as WAV's.