

APPENDIX 11 – PROPOSED PH VEHICLE LICENCE CONDITIONS

SOUTHEND ON SEA BOROUGH COUNCIL

APPLICATION FOR PRIVATE HIRE VEHICLE LICENCE

SURNAME:

OTHER NAMES:

ADDRESS:

.....

.....

TELEPHONE NO: DATE OF BIRTH:

NB: Every other proprietor, partner or director to be shown below.

Particulars of vehicle to be licensed:

Registration Number	Date First Registered	Engine Rating	Make and Type
		cc	

If licensed, this Vehicle will be operated by:

(If 'Self' - you require an Operator's Licence)

CAUTION

ANY PERSON GIVING FALSE INFORMATION OR WITHHOLDING INFORMATION IN THIS PART OF THE APPLICATION MAY COMMIT A CRIMINAL OFFENCE.

Have you been convicted of any offence in any Court?

Have you received a Police caution or other formal caution?

Have you received a Fixed Penalty Notice for any traffic offence?

If 'Yes' - details of all convictions, cautions and Fixed Penalty Notices must be shown below.

OFFENCE	COURT	DATE	PENALTY

I declare that my answers to the above questions are true to the best of my knowledge. I understand that if there are any omissions or incorrect statements of a serious nature, my application may be refused without further consideration, or if a licence has been issued, it will be liable to immediate suspension. I have read the Conditions printed overleaf and understand them.

Date: Signature:

NAMES AND ADDRESSES OF OTHER PROPRIETORS, ETC including details of all convictions.

NAME	ADDRESS	POSITION

Details of all previous convictions (see note above on 'spent' convictions).

NAME	OFFENCE	COURT	DATE	PENALTY

This form to be returned to the Hackney Carriage Office, Southend on Sea Borough Council, Civic Centre, Southend on Sea, Essex SS2 6ZG together with the receipt of payment of the correct fee or duly signed Direct Debit Mandate. Cheques/Postal Orders to be made payable to Southend Borough Council.

PRIVATE HIRE VEHICLE LICENCE

For Official Use Only
DIRECT DEBIT/CASH/CHEQUE

Fee £ Rec. No.

Account No: U-DR-3100936

Replacement/Renewal

Conditions of Licence

1. Consideration of Application

- 1.1 A person being considered for a Private Hire Vehicle Licence on the first and any subsequent occasion, shall:
- 1.1.1 to the satisfaction of an authorised officer have possession of a suitable vehicle, being a saloon car, hatchback, estate car or a multi-purpose vehicle (MPV) (not a London type cab);
 - 1.1.2 have a vehicle not more than five years old when first licensed (wheelchair accessible vehicles six years) and not more than 10 years old when subsequently licensed (wheelchair accessible vehicles twenty years). The 10 year maximum is based on the condition of the vehicle which is considered at 8 years and can be extended by 6 month intervals to a maximum of 10 years. Any limousine or specially approved vehicle shall have no specific age limit and will be reviewed annually;
 - 1.1.3 all vehicles submitted as a Private Hire Vehicle must be right hand drive unless specially approved;
 - 1.1.4 not be a person who would be refused a Private Hire Driver's Licence by reason of a conviction recorded against him/her;
 - 1.1.5 submit the vehicle for mechanical examination when requested by an authorised officer, including at first and subsequent licensing;
 - 1.1.6 submit appropriate insurance documents or other requested documents within seven days when requested by an authorised officer.
 - 1.1.7 produce to the satisfaction of an authorised officer such documents detailing any arrangements for the use of, letting or hiring of the vehicle.
- 1.2 Any vehicle shall, according to the manufacturer's specification, have the following:
- 1.2.1 Rear seat accommodation for at least three persons with a minimum 43.18cm (17 inches) per passenger.
 - 1.2.2 Separate front seats to accommodate passengers in addition to the driver with a minimum 43.18cm (17 inches) per passenger save in the case of a limousine or a vintage car or specially approved vehicle, which may have a bench seat.
 - 1.2.3 A minimum of four doors unless specially approved.
 - 1.2.4 No seat shall need to be moved or tilted before a passenger can enter or exit the vehicle.
 - 1.2.5 An overall height of not less than 135cm (53 inches).
 - 1.2.6 A length of not less than 432cm (170 inches) unless specially approved.
 - 1.2.7 An engine performance with a suitable power output.
 - 1.2.8 Manufacturer's specification tinted glass windows are permitted.
 - 1.2.9 If the vehicle is an estate car, a substantial protective shield shall be fitted to the rear interior section
OR
 - 1.2.10 be a vehicle conversion to wheelchair accessible or multi seat capacity vehicle, provided the vehicle conforms to EU Whole Vehicle Type approval or UK Low Volume Type approval, provided that the vehicle is no more than six years of age when first licensed and not more than twenty years old when subsequently licensed.

2. Wheelchair Accessible Vehicles

- 2.1 All ramps, straps and restraints designed to secure a wheelchair in a vehicle must be carried at all times.
- 2.2 Any wheelchair must be secured in accordance with the manufacturer's requirements and shall not be carried in a sideways position.
- 2.3 Children shall not be conveyed in prams or pushchairs.

3. Vehicle Markings/Advertising

- 3.1 Except as hereby required or permitted or otherwise required by law, no advertisement, sign or light shall be placed either on the inside or outside of the vehicle.
- 3.2 The plate bearing the number of the licence granted shall be displayed on the outside of the vehicle adjacent to the rear number plate and the number of the licence shall be displayed on the inside of the vehicle in such a position as to be plainly visible to persons travelling in the vehicle.

- 3.3 A sign provided by the Council for the purposes of indicating that the vehicle is a licensed Private Hire Vehicle shall be securely attached to each rear door panel of the vehicle. Magnetic attachments for these signs are not permitted.
- 3.4 Roof signs, illuminated or otherwise, are not permitted.
- 3.5 The licensee shall obtain the approval of the Council as to the type and content of any advertisement hereby permitted, before it is permitted to be displayed.
- 3.6 Full advertising livery is not permitted on Private Hire Vehicles.
- 3.7 Advertising will otherwise be permitted on the bonnet of the vehicle, on the outside of the front doors and on the boot lid or hatchback door or rear window, provided it does not obscure the view to the rear. Additionally, advertising is permitted on the inside of the vehicle subject to the approval of the Council.

4. CCTV in Private Hire Vehicles

- 4.1 Where in-car CCTV is installed in any vehicle, the system must be encrypted in order that images can only be downloaded by Police or authorised officer of the Council and not directly accessible to drivers or proprietors.
- 4.2 Any vehicle proprietor who installs in-car CCTV equipment shall notify the Council.
- 4.3 Where any in-car CCTV equipment is installed, a notice to this effect must be clearly displayed in the vehicle, the wording of which shall be approved by the Council.

5. Miscellaneous Conditions

- 5.1 The outside of the vehicle shall remain clean and free from damage.
- 5.2 Vehicles failing a mechanical examination for serious body or mechanical defects shall be subject to prohibition by written notice from use as a Private Hire Vehicle until such time as the defect is rectified to the satisfaction of the Council.
- 5.3 An efficient 1kg dry powder fire extinguisher conforming to BSEN3:1996 shall be firmly fixed in the driver's compartment or boot of the vehicle and shall be readily accessible. Any other safety equipment carried shall be maintained in good order and shall conform to relevant British Standard requirements.
- 5.4 Where carried, any spare tyre must comply with the Motor Vehicle (Construction and Use) Regulations 1986. Where it is necessary to utilise any 'run-flat' tyre or to re-inflate any damaged tyre with a temporary fix using foam or gel etc, or to apply any other temporary fix, this shall only be to ensure the completion of the journey at the time and the tyre must be replaced before further work is accepted and undertaken.
- 5.5 If the Private Hire Vehicle is fitted with a taximeter, then:
 - 5.5.1 the taximeter shall be so constructed that it is not possible for any person to manually alter the tariff rate without breaking the seals affixed thereto;
 - 5.5.2 The taximeter shall be fitted with a key, flag or other device, the operation of which will bring the machinery of the taximeter into action and that no fare is recorded on the face of the taximeter;
 - 5.5.3 such 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;
 - 5.5.4 when the machinery of the taximeter is in action, there shall be recorded on the face of the taximeter, in figures clearly legible and free from ambiguity, the fare which the proprietor or driver is entitled to demand and take for the hire of the vehicle by distance in pursuance of the fares fixed by the Council;
 - 5.5.5 the word 'FARE' shall be printed on the face of the taximeter in plain letters so as to apply to the fare recorded thereon;
 - 5.5.6 the taximeter shall be so placed that all letters and figures on the face thereof shall be at all times plainly visible to any person travelling in the vehicle and for that purpose the letters and figures shall be suitably illuminated during any period of hiring and the switch for operating the light, providing the said illumination shall be incorporated in and operated in conjunction with the key, flag or other device which brings the machinery of the taximeter into action and no other method of operating the said light shall be employed;

- 5.5.7 the taximeter and all the fittings thereof shall be so affixed to the vehicle 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.
- 5.6 The licensee of a Private Hire Vehicle fitted with a taximeter being used for hire for which fares have been fixed by the Council, shall cause the fare table provided by the Council to be fixed upon such vehicle in such a position and manner that the letters and figures shall be plainly visible to any person being conveyed and not wilfully cause such table to be altered or concealed at any time.
- 5.7 The licensee who permits or employs any licensed person to act as the driver of the Private Hire Vehicle shall retain in his/her possession the licence of such driver while he/she remains in his/her employment. When the driver leaves his/her employment, the licensee shall forthwith return to the driver the licence belonging to him/her.
- 5.8 A licensee who changes the place at which he/she lives shall notify the Council of such change within seven days.
- 5.9 Convictions, Cautions or other formal cautions or Fixed Penalty Notices recorded since completion of the application form shall be reported to the Council within seven days.
- 5.10 The licensee shall, throughout the period of the licence, comply with the Licence Conditions and shall, within seven days of a written request by the Council, provide such documents and other information as may be required to show compliance with the Licence Conditions.
- 5.11 Vehicle emissions shall comply with MOT standards at all times.
- 5.12 The Licence may be revoked upon the breach by a licensee of any of the terms and conditions of the Licence.

6. The Council's Private Hire Vehicle Conditions relating to convictions and cautions are as follows:

- 6.1 not have accrued more than 12 penalty points during the previous three years;
- 6.2 not have been convicted or received a Police Caution or other formal caution for a serious motoring offence during the previous three years;
- 6.3 not have been convicted or received a Police Caution or other formal caution for a criminal offence, eg dishonesty/public order offence/criminal damage/racially aggravated offence/common assault/actual bodily harm during the previous four years;
- 6.4 not have been convicted or received a Police Caution or other formal caution for a sexual offence during the previous five years;
- 6.5 not have been convicted or received a Police Caution or other formal caution for a serious assault (eg grievous bodily harm, wounding) during the previous seven years;
- 6.6 not have been convicted or received a Police Caution or other formal caution for a drugs related offence during the previous three years;
- 6.7 not have been convicted or received a Police Caution or other formal caution for any offence or followed a course of behaviour which the Licensing Authority does not consider fit and proper during the previous four years;
- 6.8 the Licensing Authority may use its discretion over previous convictions or any new convictions and may refuse to issue a licence accordingly;
- 6.9 previous convictions, Police Cautions or other formal cautions or Fixed Penalty Notices for driving offences are applied to all vehicle licences issued or applied for, provided that if the licensee does not drive the licensed vehicle, convictions/cautions/Fixed Penalty Notices relating to driving offences only may be disregarded.

7. Consideration of Application and Appeal Procedure

- 7.1 All relevant facts will be taken into account when consideration is given to an application for a Private Hire Vehicle Licence and it may be that additional or higher standards will be imposed. The standards may be relaxed in exceptional cases.
- 7.2 An appeal may be brought against the Licensing Conditions and must be made to Southend on Sea Magistrates Court within 21 days from the date on which notice of the Conditions is served on the applicant.