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## SECTION 1

### VEHICLE SPECIFICATIONS

**Every Licensed Hackney Carriage and Private Hire Vehicle must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in force at the time of licensing and comply with the council's terms and conditions.**

**The Licensing department retains the right to grant or refuse the issue or re-issue of any vehicle licence on assessment of the vehicle application.**

#### **1. Age limits for Hackney Carriage and Private Hire Vehicles**

- a) Applications for **new** Hackney Carriage vehicle licences will only be accepted where the vehicle is **less than 5 years old from date of first registration and wheelchair accessible.**
- b) Applications for **new** Private Hire Vehicle licences will only be accepted where the vehicle is **less than 5 years old from date of first registration.**
- c) **Saloon** Hackney Carriage and Private Hire Vehicle Licences will be permitted to be renewed up to a maximum of **8 years old from date of first registration.**
- d) Purpose built Hackney Carriage and Private Hire wheelchair accessible vehicles (or modified vehicles) will be **licensed to a maximum of 10 years old from date of first registration.**
- e) The licensing of Private Hire '**Executive vehicles**' will be dependent upon the Council being satisfied that the vehicle is suitable in size, type and design for use for contractual and executive chauffeur hire only (**see Section 5 on page 25**).

#### **2. Vehicles Licensed to Carry Four Persons**

##### **2.1 General**

- a) front engine: petrol or diesel or LPG  
front or rear wheel drive  
minimum engine capacity 1598 cc (**see below also**)

(If the vehicle is fuelled with LPG and the system is not factory fitted as original equipment, the installation must be certified by a qualified vehicle engineer as satisfactory – **see page 7**)

To reflect advances in modern engine efficiency and the fact that the BHP produced by engines as a ratio to the capacity is now more efficient, vehicles that meet the following criteria will also be permitted. This allows for smaller

engines (less than 1600cc) with turbines which are more fuel efficient rather than some of the larger cubic capacity engines.

Approximate conversions means that a 1250cc petrol engine or a 1400cc turbo diesel will be sufficient in the calculations given below. The power output in Kilowatts can be found on the Vehicle Registration Document and manufacturer's handbook. This will be used as a definitive figure.

- Petrol Engine: 74HP (75Ps or 55Kw)
- Diesel Engine: 59HP (60ps or 44Kw)

Please contact the licensing department for further information or guidance.

- b) the vehicle shall be right-hand drive.
- c) at least 4 passenger doors including the driver's door and excluding any rear door. London-style cabs (hackney carriage only).
- d) all seats shall be fitted with safety belts in accordance with current legislation - no side facing seats are permitted.
- e) a separate lockable luggage compartment shall be provided. For non-saloon vehicles, passengers must be protected by a screen from items of luggage contained in the load space being propelled into the passenger compartment by the vehicle movement. This luggage compartment must have a minimum capacity of 360 litres when all passenger seats are occupied. In the case of LPG fuelled vehicles, the LPG tank must be located within the vehicle boot and not adversely impacts on the load carrying capacity reducing it below 300 litres
- f) the vehicle shall have at least 4 road wheels fitted with manufacturer's recommended size tyres, which – unless alloy – shall have matching wheel trims.
- g) The vehicle must also carry at least one spare wheel, a jack and wheel-brace all securely stored in a position not liable to damage passenger's luggage. If an emergency wheel is used, the vehicle must not be used for carrying passengers. The spare tyre should be of the same type as fitted to the road wheels.
- h) If a vehicle is fitted with a 'Space Saver' spare tyre or similar emergency repair system, these will be permitted if:
  - The type of space saver is an original part of the vehicle's design specification.
  - The space saver tyre is limited to use in an emergency situation only, at a maximum of 50mph. Distance and mileage is to comply with manufacturer's instructions.
- i) a vehicle must have nearside and offside exterior view mirrors.
- j) The presence of a tow bar is permitted by the Council.
- k) Vehicles/bodywork may be of any colour.

## 2.2 Dimensions

Rear Seats in each vehicle should be stated by the manufacturer that they are to a standard that is suitable for the carriage of 3 adults as long as seatbelts are provided. Any vehicle which has to be modified to meet this requirement will not be accepted.

### 2.3 Equipment – every vehicle must hold the following;

- a) A 1 litre AFFF powder, or a 1kg dry powder type **fire extinguisher** with gauge, manufactured to BS5423:1987. This must be located in a safe and secure place which is easily accessible in the event of its need for use. The fire extinguisher must be secured and not allowed to be loose in the vehicle - the correct retaining clip must be used. When the fire extinguisher is secured in the boot area a notice should be visibly placed in the vehicle to notify passengers of its location. The fire extinguisher must bear the registration number of the vehicle.
- b) A properly equipped **first aid kit** of sufficient size (this must be kept secure and readily accessible and kept clean and fully provisioned at all times).

The First Aid kit is for the personal use of the driver and emergency use only. It is the decision of the individual driver as to whether they use or allow the use of the first aid kit on any member of the public.

The following items are prescribed in the Health & Safety (First Aid) Regulations 1981 and are recommended as minimum content:

- 20 individually wrapped, sterile plasters (assorted sizes)
- 2 sterile eye pads
- 4 individually wrapped triangular bandages, preferably sterile
- 6 safety pins
- 2 large sterile individually wrapped unmediated wound dressings
- 6 medium sized individually wrapped sterile unmediated wound dressings
- 1 pair of disposable gloves

**This is a suggested contents list only – equivalent but different items will be acceptable.** In general, tablets and medication should not be kept in the first aid box. Any items in the first aid box that have passed their expiry date should be disposed of safely. The contents of first-aid kits should be examined frequently and restocked after any use. Care should be taken to dispose of items when they reach their expiry date. The first aid kit should bear the registration number of the vehicle.

### 3. Vehicles Licensed to Carry More Than Four Persons

#### 3.1 As above applies in addition to the following:

- a) front engine: petrol, diesel or LPG  
front or rear wheel drive  
minimum engine capacity 1890 cc

(If the vehicle is fuelled with LPG and the system is not factory fitted as original equipment, the installation must be certified by a qualified vehicle engineer as satisfactory – **see page 7**)

- b) at least 4 passenger doors including the driver's door. Rear doors may be included in this number as long as unobstructed access may be gained via these doors to all seats. Seats which have to be lifted or slid to gain this access will be authorised as long as the vehicle has been examined by a Licensing and Enforcement Officer who has agreed the vehicle seating positions.
- c) rearward facing seats over or rearward of the rear wheels and axle(s) having normal access only through a rear door will NOT be accepted.
- d) folding or moving seats which are so constructed to provide access to other seats to which there is no direct access, will NOT be accepted.
- e) Sideway mounted seats will NOT be accepted.
- f) Where a vehicle is required to have a seat removed on the grounds of public safety the tracking must also be permanently removed.

#### **4. Vehicles Specially Constructed or Adapted for the Carriage of Passengers in Wheelchairs**

- a) suitably modified "people mover" type vehicles may be deemed acceptable for licensing. The vehicle will generally have to comply with the requirements relating to vehicles which carry 5 or more passengers, pending the publication of a National Specification for taxi vehicles. Further advice may be sought from the licensing authority at Erewash Borough Council.
- b) the vehicle will have to have a satisfactory arrangement for ramps, steps, handrails, and storage of wheelchairs. Fixing of wheelchairs must also be satisfactory. Vehicle must be capable of taking a wheelchair with passenger suitably anchored with any safety belt / harness for the user. The dimensions for the door aperture giving access for wheelchair based persons must also be acceptable to the Licensing Authority.
- c) any new application for a vehicle to be licensed as a Hackney Carriage vehicle must be manufactured to be a Wheelchair accessible vehicle and comply with the legal requirements relating to Wheelchair accessible vehicles. The vehicle must also meet the requirements of the specifications as set out by Erewash Borough Council.

#### **5. Hackney Carriage only**

##### **5.1 Roof signs**

- a) The hackney carriage (not being a purpose-built London-style vehicle) shall carry upon the roof a sign which shall bear to the front the words "FOR HIRE or TAXI". The sign required by this Condition shall be capable of being illuminated internally in such a manner that the above words are illuminated at all times when the vehicle is plying for hire but not otherwise and such sign shall be fixed in such manner and position and be of such size as shall be approved by the Council.

- b) The licence holder and driver of the hackney carriage shall maintain such sign in efficient working order at all times. The sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire.
- c) If the hackney carriage is a purpose-built London-style vehicle - with a built-in sign bearing the word "TAXI" to the front - it shall be exempt from the requirement of Condition 5.1(a) above regarding the rear wording provided it is illuminated at all times when legally plying for hire.
- d) The signs are known to be available from Messrs Pitts of Basford and GTS of Falcon Grove, Nottingham.

## 6. Taximeter and Fares

**The hackney carriage shall be so constructed or adapted as to be capable of carrying a taximeter in a position acceptable to the Council, and the face of the meter, showing the fare, shall be visible to all passengers at all times.**

A taximeter shall be fitted to all Hackney Carriage vehicles and it must comply with the following requirements:-

- a) the meter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the meter into action and cause the word "HIRED" to appear on the face of the meter; the meter must be capable of being locked so that when the meter is not in use no fare is recorded
- b) when the meter is in use the fare shall be displayed in clearly legible figures
- c) the word "FARE" shall be printed on the face of the meter in plain letters to show, clearly, that the fare shown applies
- d) the meter shall be fitted so that all letters and figures on the meter can be clearly visible to any person travelling in the vehicle
- e) the letters and figures shall be illuminate at night
- f) the meter shall be affixed to the vehicle with seals so that no unauthorised person can alter or tamper with the meter without the seal being broken
- g) vehicles with improperly sealed meters will not be licensed. All meters should be sealed after inspection.
- h) The meter shall contain ONLY the fares approved by the Council. The fare recorded shall be in figures, clearly legible and free from ambiguity and shall apply even if the vehicle is used on a metered hire journey.

### **Private Hire Taximeters**

- a) Private hire vehicles may be fitted with a taximeter but this is not compulsory. If the private hire vehicle does have a meter fitted this will be tested as per the requirements for hackney carriage vehicles and will be tested as part of the biannual inspection.

- b) Private hire cars may be fitted with a meter set at rates approved by the operator, which must be declared to the Council in advance and which will be checked prior to the sealing of the meter. All meters will be sealed following inspection.
- c) If a private hire vehicle is not fitted with a meter at the time of the examination but is subsequently fitted, this must be declared to the Council immediately and the meter will then be checked and sealed.

## **7. Radio and Auxiliary Equipment**

If equipment is fitted to the vehicle for operational requirements, such equipment must be properly fixed to the satisfaction of the Council. The microphone must be properly fixed to the vehicle dashboard. Any other equipment, i.e. navigation systems, etc, must be fixed to the satisfaction of the Council.

## **8. Tinted windows**

For safety reasons it must be possible to observe the driver of a vehicle and the passenger(s) being carried. Many licensed vehicles are used for the carriage of children and vulnerable adults, and for this reason vehicles which have tinted windows which prevent clear vision into the vehicle will not be licensed.

The minimum light transmission permitted for the windscreen and the windows to both sides of the driver is 70%. Vehicles may be manufactured with glass that is darker than this with windows fitted rearward of the driver, especially in some estate and people carrier style vehicles and many executive type vehicles. These windows will only be accepted if conforming to Type Approval and Construction and Use regulations, and depending on the type of work being undertaken, for example purely private hire executive travel. It is advisable to contact the licensing department for further clarification.

## **9. Liquefied Petroleum Gas Conversions**

The Council has agreed that it would be appropriate and beneficial, both for proprietors of hackney carriage and private hire vehicles and for the environment, to allow the conversion of vehicles to Liquefied Petroleum Gas (LPG) for dual fuel use. Proprietors must apply to the Council to approve any vehicle in their ownership (or which they are considering buying) for conversion to LPG use. Once a vehicle has been authorised for this conversion it will be subject to conditions relating to such use and these shall be included in the vehicle licence.

Any previously unlicensed vehicle presented for a hackney carriage or private hire vehicle licence and which has already been converted for LPG use shall be subject to the conditions relating to the use of Liquefied Petroleum Gas in vehicles.

## CONDITIONS FOR LPG CONVERTED VEHICLES

The following conditions will apply to the vehicle licence where it is or is to be converted for use with LPG and the applicant will need to be aware of the conditions before carrying out the conversion and discuss these with the LPG Association authorised fitter:

1. Subject to the Council first approving the conversion of any licensed vehicle this shall be carried out by a currently authorised LPG Association fitter and the certificate of conversion be produced to the officers, together with an annual inspection certificate thereafter.

2. The type of fuel tank fitted to the vehicle shall be either:

(i) cylindrical, bolted to the chassis in a safe and secure manner in accordance with the LPG Association so as to avoid any danger to passengers in the vehicle in the event of an accident; or

(ii) ring-shape, fitted in the spare wheel space. If this ring type tank is used, the proprietor shall ensure that the spare wheel continues to be carried at all times and is safely secured and attached, and not placed loose in the vehicle;

and the proprietor shall make suitable arrangements to ensure that there is no detriment to passengers and that they are aware of the vehicle's space limitations before agreeing to a booking which includes carriage of luggage.

3. Stickers shall be provided by the proprietor and shall be displayed on the front and rear windows at all times to indicate clearly to emergency services and others that the vehicle has been adapted to use LPG.

## SECTION 2

### VEHICLE LICENCE CONDITIONS

**Every Licensed Hackney Carriage and Private Hire Vehicle must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in force at the time of licensing and comply with the council's terms and conditions.**

**The Licensing department retains the right to grant or refuse the issue or re-issue of any vehicle licence on assessment of the vehicle application.**

**Both the licence holder and the driver shall observe and perform the following terms and conditions**

#### **1. Licence Plates and Signs**

##### **Hackney Carriage Vehicles**

- a) All **Hackney Carriage** vehicles will be required to display externally **front and rear licence plates** as provided by the Council. These should be affixed to the outside of the vehicle in a secure manner which does not obscure the registration number plate but so that the licence plate can be clearly seen. Both plates shall be affixed with at least two screws or on a purpose made bracket obtainable from local suppliers.
- b) All vehicles must display a 'paper disc' licence issued by the Council showing the details of the vehicle. This will be located on the dashboard of the vehicle in such a manner that the particulars thereon are clearly visible to any passenger being conveyed in the vehicle.

##### **Private Hire Vehicles**

- c) All **Private Hire** vehicles will be required to display externally **front and rear licence plates** as provided by the Council. These should be affixed to the outside of the vehicle in a secure manner which does not obscure the registration number plate but so that the licence plate can be clearly seen. Both plates shall be affixed with at least two screws or on a purpose made bracket obtainable from local suppliers.
- d) All vehicles must display a 'paper disc' licence issued by the Council showing the details of the vehicle. This will be located on the dashboard of the vehicle in such a manner that the particulars thereon are clearly visible to any passenger being conveyed in the vehicle.
- e) In addition to the above all **private hire vehicles** shall be required to display on each front door panel of the vehicle a sign stating the words;

## **'PRIVATE HIRE – ADVANCED BOOKINGS ONLY'**

The words '**Private Hire**' shall be in letters at least **50mm high**.

The words '**Advanced bookings only**' shall be in letters at least **25mm high**.

The **company name and contact number** shall be in letters at least 25mm high.

The maximum height of advertising letters and numbers **shall not exceed 20 cm**

**This is to enable private hire vehicles to be more identifiable to the public as being licensed vehicles.**

The licensing plates and disc referred to in the above condition shall remain the property of the Council and shall be returned to the Licensing Department as soon as the licence holder no longer holds a licence issued by the Council which is in force in respect of the vehicle.

### **2. Vehicle Testing**

- a) The vehicle will be tested to MOT standard and in accordance with the Local Authority Supplementary Testing Manual.
- b) The meter will be checked to ensure it complies, in the case of hackney carriages with the Council's prescribed rates currently in force or in the case of private hire vehicles, with the rates declared by the operator. Private hire vehicles do not have to be fitted with a meter but where one is fitted it must be checked and sealed.
- c) If a vehicle **FAILS** the inspection a new licence will not be granted and an existing licence may be suspended or revoked. All defects must be rectified and the vehicle returned for re-inspection. Failure to comply will result in the revocation of the licence or refusal to grant it in the case of a new application. **There may be a re-inspection charge.**
- d) All vehicles will be required to undergo a mechanical inspection **every 6 months** from Merlin Way depot. One inspection on renewal of the licence and then after 6 months.

### **3. General Conditions**

- a) the bodywork must be in an unmarked condition i.e., no dents, rust or body-filler and paintwork must be of a uniform colour
- b) The exterior of all vehicles must be kept clean and in an unmarked condition, with all doors, bonnet and boot being fitted correctly and flush with the bodywork.
- c) The interior of the vehicle must be clean; all door fittings must be in place and working. All seats must be intact and not sagging, torn, ripped or repaired. All carpets must be clean and properly fitted; headlining must be clean and properly fixed.
- d) no wires shall be hanging loose from the dashboard or anywhere else
- e) load carrying space must be clean and dry with flooring in good condition and correctly fitting matting, and

- f) any other items or modifications must be to the satisfaction of the Licensing Manager.

#### **4. Colour, Markings, Signs, Advertisements**

- a) Vehicles may be any colour
- b) The name of the company / owner, and the telephone number may appear on the vehicle doors subject to the prior approval of the Council.
- c) the maximum height of advertising letters and numbers shall not exceed 20cm
- d) drawings and cartoons will not be permitted unless approved.

#### **Third Party advertising conditions for Hackney Carriage/Private Hire vehicles.**

**The following conditions will apply with regard to both Hackney Carriages and Private hire Vehicles.**

- e) Only exterior advertisements will be permitted on Erewash vehicles. These will only be displayed on the panels of the rear doors of a saloon vehicle. Those licence holders wishing to advertise on the larger, multi-seated, or wheelchair accessible vehicles, will need to contact the Council to discuss their application.
- f) All advertisements or liveries must be approved by the licensing department prior to use. The finished livery must be presented at the Council offices for inspection for approval or otherwise. Until final approval is given by the licensing officer an advertisement cannot be displayed and the taxi must not ply for hire. If the Council's officer is not so satisfied then any such application will be submitted to the licensing committee for consideration.
- g) No third party advertising will be permitted on the interior of the vehicle.
- h) All advertisements must be of an approved size and correctly affixed to a continuous flat surface, including magnetic signage. The maximum height of advertising letters and numbers shall not exceed **20 cm**.
- i) No part of the advertisement shall appear on any windows so as to obstruct or interfere with, or of the vision of the driver and/or passengers.
- j) Window graphing, scrolling advert or hubcaps advertising not permitted.
- k) Any commercial advertisement must not obscure any signage required by the licensing authority.
- l) Each advertisement will be considered on it's own merits, but advertisements of the following nature will not be permitted:

- Alcohol or any associated product
  - Tobacco products of any description
  - Ethnic, racial or religious nature
  - Political nature
  - Nudity or sexually explicit/suggestive
  - Controversial or bad taste
  - Violent in nature
- m) Advertisements will be checked at the annual and random inspections of the vehicle but if a driver wishes to materially change or amend an advertisement during the course of the year, the driver of the vehicle must notify the licensing department.
- n) The Proprietor remains responsible for the content of any advertisement displayed on his or her vehicle. It remains the licensee's responsibility to comply with The British Code of Advertising Practice issued by the Advertising Standards Authority irrespective of any consent to display the advertisement which may have been given by the licensing authority.

## **5. Display of Information**

For the purpose of clarity it is hereby required that each vehicle must:-

- a) Hackney Carriage vehicles must display a full fare scale visible to passengers
- b) All vehicles must display prominent and legible signage on the dashboard identifying where in the vehicle the first aid kit and the fire extinguisher are located.

## **6. Reporting an Accident**

The proprietor shall within **72 hours of ANY accident**, however minor, report such occurrence to an Authorised Officer of the Council within the Licensing Section (unless it is on a non working day, in which it should be reported on the next working day).

## **7. Change of Address**

The driver / proprietor shall notify the Council **IN WRITING** of any change of his address during the period of the licence within 7 days of such change taking place.

## **8. Alteration of Vehicle**

No material alteration or change in the specification, design, condition of appearance if the vehicle shall be made without the written approval of the Council at any time whilst the licence is in force.

## **9. Documentation to be maintained by Vehicle Licence Holders**

- a) The licence holder shall maintain a list of the names and addresses of all persons employed, or otherwise used by him or her for the purposes of driving the vehicle, and shall make such a list available for inspection by the Council on demand.
- b) A hackney carriage vehicle may be operated on a private hire basis on the terms and conditions applicable.

## **1. Smoking in licensed vehicles**

- a) Under the Health Act 2006 vehicles are required to be smoke free at all times if they are used:
  - To transport members of the public
  - In the course of paid or voluntary work by more than one person – regardless of whether they are in the vehicle at the same time.
- b) Smoke free vehicles will need to display a no-smoking sign in each compartment of the vehicle in which people are carried. This must show the international no-smoking symbol no smaller than 70mm in diameter.
- c) Anyone who smokes in a smoke free vehicle will be offered a fixed penalty notice (FPN) of £50. However, there is no FPN for permitting smoking in a smoke free vehicle, as anyone who manages or controls the smoke free vehicle will be liable to a court awarded fine of up to £2,500.
- d) Failing to display the required no-smoking sign will incur a FPN of £200. Failure to pay a FPN will result in a court awarded fine.
- e) If you pay your FPN within 15 days of issue a discounted amount can be paid. Full details of discounts and appeal processes are included in the FPN notice.

## **11. Enforcement/Authority to inspect vehicles**

- a) The driver shall permit an authorised licensing and enforcement officer of the Council or any police constable in uniform to inspect the hackney carriage / private hire vehicle at any time whilst it is being used for the purpose of hire. If the vehicle fails to meet the designated standard at the inspection then the proprietor must not use the vehicle until the fault has been rectified and inspected again by a Licensing and Enforcement Officer of the Council or any Police Constable in uniform and they are satisfied to the condition of said vehicle.
- b) Without prejudice to the provisions of paragraph a), the Council may at any time in writing require the proprietor to present the licensed vehicle for inspection and testing at a designated time and place specified by the Licensing and Enforcement Officer.

- c) If the authorised officer or police officer is not satisfied as to the condition of the vehicle upon completion of the inspection required by a) and b), as the case may be, he or she immediately suspend the vehicle licence and the driver, proprietor or operator shall forthwith upon being required to do so by the authorised officer or police constable, cause the licence plate and licence disc to be removed from the vehicle and handed to the authorised persons or police officer who shall keep it in his or her custody until such time as he is satisfied as to the condition of the vehicle, whereupon the licence plate will be returned to the driver, proprietor or operator.
- d) If a driver is required by a Licensing and Enforcement Officer to produce vehicle documentation including insurance, MOT, vehicle test certificate and driver's licence; these documents **MUST** be produced within **5 days** of the written request being made. If for any reason these documents have expired, the driver's badge and licence plate will be suspended and removed by the Licensing and Enforcement Officer until the said documents have been renewed and shown to the Officer to confirm this.

## **12. General Guidelines/ illegal plying for hire**

- a) The licence holder/driver shall not, within the Borough of Erewash, act as a driver of a vehicle unless he/she has a current hackney carriage/private hire driver's licence issued by the Council.
- b) The licence holder/driver shall not, within the Borough of Erewash, employ or use or permit any person as a driver of the vehicle for the purposes of any hiring or permit or cause any person to act as a driver of the vehicle for the purpose of any hiring unless the person holds a current hackney carriage/private hire driver's licence issued by the Council.
- c) A licensed vehicle shall only be driven by a driver licensed by the same authority. **This applies to all vehicles at all times, including the private use of the vehicle by any family members.**
- d) Dual licensing of vehicles (i.e. the licensing of a vehicle with two authorities) is **NOT** accepted by the Council.

### **Hackney Carriage vehicles only**

- e) No driver of a hackney carriage shall ply for hire outside the Council's area. This is **ILLEGAL PLYING FOR HIRE**.
- f) When situated on an appointed rank it is an offence to refuse a fare without **reasonable cause**.
- g) When proceeding on the highway to one of the appointed ranks, a hackney carriage may be hailed by the general public, within the Borough.
- h) When a hackney carriage is parked other than on an appointed rank the driver, either in person or through agents, shall not call out or solicit any person to hire his vehicle. Such action may amount to 'touting' or importuning a fare. This is **ILLEGAL PLYING FOR HIRE**.

**Private Hire vehicles only**

- i) Must be pre-booked by such methods as personal telephone call, or some direct method of communication with the licensed operator's base, and the booking entered in the operator's records before the commencement of the journey.
- j) Drivers of private hire vehicles must not invite potential customers to hire the vehicle for an immediate booking. This is **ILLEGAL PLYING FOR HIRE**.
- k) Drivers of private hire vehicles must not accept an offer for an immediate booking from any potential customer. This is **ILLEGAL PLYING FOR HIRE**.

The above is not intended as an exhaustive description of illegal plying for hire and the Council reserves the right to take enforcement action in other circumstances where appropriate.

**N.B. Breach of any terms and conditions will result in an infringement notice being issued – for serious breaches the result may be suspension or revocation. Two or more infringements in a six month period may result in a suspension of the vehicle licence.**

## SECTION 3

### VEHICLE LICENCE APPLICATION

#### 1. Application Process - Vehicle Examinations

- a) To begin the application you must make an appointment for a vehicle inspection at Merlin Way depot. You must contact the Call Centre on 0845 9072244 in the first instance and an appointment will be made for you when you have paid the appropriate licence fee (see current fees list attached). Alternatively you can make an appointment for a vehicle inspection through reception at the Civic Centre, Long Eaton. The vehicle will not be accepted for testing unless you can produce a receipt for your licence fee. The vehicle should be fully prepared in advance for the examination and the top-sign and taximeter, if applicable, should be fixed in the proper manner. A first Aid box and fire extinguisher should also be correctly placed within the vehicle (see vehicle specifications).
- b) Vehicle test fees are included within the annual Licence fee. The licence includes 2 x 1hour tests to be taken at the Council Depot at Merlin Way every six months. If the vehicle fails an inspection then a retest fee is payable – this fee is dependent on the length of the retest which can be 1 hour or 30 minutes. This time is determined by the depot and not the licensing section.
- c) After the vehicle has passed the inspection at Merlin Way a vehicle test ‘**Pass**’ sheet will be issued to the applicant.

#### 2. Application Process – Required Documents

An appointment must then be made with the licensing section at Long Eaton Civic Centre to produce the correct documentation for the Licence Plate(s) to be issued. Application forms are available online, through the post by telephoning or writing to the Licensing Section or by collecting them in person from the reception desk at the Civic Centre, Long Eaton. Application forms should be completed by applicants **in their own hand** and submitted with the following documents:-

- a) **Valid Certificate of Insurance**  
For public (hackney carriage) or private hire use as appropriate. Certificates must be for 12 months cover. This is the statutory minimum for third party insurance. A cover note will be accepted for new vehicles or vehicle transfers in lieu of the full policy until it becomes available.
- b) **Vehicle Registration Document**

If the vehicle has been recently purchased and the registration document is at Swansea, the applicant must provide proof of ownership, i.e. receipted bill of sale, giving full details of the vehicle

(including model, engine capacity, colour, chassis and engine numbers) and produce the registration document as soon as received to the licensing section.

c) **MOT Certificate**

**Hackney Carriages** applications require an MOT certificate after the **first year** of date of registration.

**Private Hire** applications require an MOT certificate after the **third year** of date of registration.

d) **Vehicle Test Sheet**

A vehicle test '**Pass**' sheet is obtained from the Council depot at Merlin way after a successful inspection.

**3. Vehicle Licence Plates**

a) Plates will only be issued on receipt of the appropriate documentation. If plates are required immediately suitable notice must be given to the licensing section.

b) Vehicle licence plates for both Hackney Carriage and Private Hire vehicles are issued for a 12 month period unless suspended or revoked.

c) If a licence is granted to you this will be subject to conditions. Standard conditions are contained in a **Section 2** of this booklet.

**4. Six monthly inspections**

a) Follow the procedure as at **1 a)** above. The charge for the test is covered by your annual licence fee so no additional fee is required.

b) When you have obtained an appointment for your six monthly vehicle test please ensure to take with you to the Merlin Way depot the following: **valid certificate of insurance and a valid MOT certificate (if applicable)**.

c) If your vehicle passes the six monthly inspection the above documents will be copied, along with the **vehicle inspection 'Pass' sheet**, and sent to the licensing department. You will **not** be required to make a further appointment with the licensing section. Failure to take the above documents with you to the depot will mean you will have to produce the documents to the licensing department.

**5. Hackney Carriage/Private Hire Vehicle - Transfer of vehicle on existing licence plates**

a) 14 days notice will be required when a planned transfer is to take place, and the proprietor must contact the Licensing Office at the earliest

opportunity to discuss the details of the transfer. An appointment must then be made with the Merlin Way vehicle inspection depot after payment of the appropriate fee (see current fees list attached).

- b) The plates will be issued AFTER the receipt of all the necessary documentation. This documentation should include: annual Insurance certificate, V5 or proof of ownership, MOT (if applicable), Depot test certificate (stating a pass) and a completed blue vehicle application form.
- c) **Please Note:** 12 months Insurance cover will be required – a cover note will NOT normally be accepted. For emergency transfers such as vehicle ‘write-offs’ please liaise with the licensing office at the earliest opportunity. Each case will be assessed on its own merits.

## 6. Transfer of ownership for a Hackney Carriage/Private Hire Vehicle

The Council requires that both parties should notify in writing their intention and the documentation supplied to the Council to include the appropriate fee (see current fees list attached), Log Book in new owner’s name, valid insurance and MOT (if applicable). These documents to be brought to the licensing officer within 14 days of the transfer of ownership. **N.B. When the ownership of a licensed vehicle is transferred to a new proprietor, the new proprietor cannot transfer the plates onto a new vehicle for at least three months, notwithstanding the vehicle being deemed a ‘write off’ following an accident.**

## 7. Vehicle Licence Renewal

- a) The proprietor/driver MUST apply to the Council on the appropriate form with the correct documentation and fee **14 days** before the expiry date of the current licence if he/she requires the licence to be renewed for a further period.
- b) Any application received within the **14 day** period will be treated as renewals but this may delay the issue of the licence at busy periods.
- c) Any renewals received after the expiry date will be treated as a new application and NOT a renewal.
- d) One reminder letter will be sent for the renewal of the vehicle plate no later than **8 weeks** before expiry date. It is the responsibility of the proprietor/driver to ensure compliance with the renewal of the vehicle licence. It is not the responsibility of the licensing authority.
- e) No plate will be issued until all the appropriate documentation is produced. The licence and plate(s) shall remain the property of the Council at all times, and the Licence Holder shall upon expiry of the plates return all expired plates to the licensing section.

**SECTION 4**

**PRIVATE HIRE OPERATORS**

**The Operator shall be responsible for every contract for the hire of a Private Hire vehicle and shall ensure that:**

- a) every Private Hire vehicle, whether or not the operator provides the vehicle, is in possession of a current Licence granted under the provisions of the Local Government (Miscellaneous Provisions) Act of 1976 and**
- b) every Private Hire driver is in possession of a current licence granted under the provisions of the said Act of 1976**

**These conditions to be read in conjunction with the appropriate provisions of the Local Government (Miscellaneous Provisions) Act 1976, Part III.**

**1. Licence Application and Renewal**

To obtain a Private Hire Operator's licence the Council have to determine whether the location you intend to use as the Private Hire Operator's base is suitable.

**(a) Will I need planning permission for my operators licence?**

We recommend that you contact the Council's Planning Department who will confirm if you need planning permission. The premises you intend to use may require a 'Change of Use' through planning, depending on how many vehicles you intend to employ, the surrounding areas' use (be it residential or commercial) and the use of signage and radio masts outside the property may affect a planning application.

**(b) Does my operating base have to be in the Borough?**

The base for the operator's licence has to be located within the Borough of Erewash, and you must ensure all drivers and vehicles you employ are licensed by Erewash Borough Council.

**(c) Do I need another CRB check for my operator's application?**

Applications for an operators licence do not require a CRB check.

**(d) Right to work in the UK.**

Proof of the right to work in the United Kingdom must be provided when any new applications for an operator's licence are received due to the provisions of sections 15 to 25 of the Immigration, Asylum and Nationality Act 2006. Contact the licensing department for details of the list of documents that may be required.

Applications for a Private Hire Operators licence for issue or renewal should be submitted to the Licensing Section with the appropriate documentation and fee attached 14 days before the expiry date of the current licence if the licence is required to be renewed for a further period.

Any renewals received after the expiry date will be treated as a new application and NOT a renewal.

One reminder letter will be sent for renewal of Licences no later than 28 days before the expiry date of the licence. It is the responsibility of the Operator to ensure compliance with the renewal for the Licence.

## **2. Term of Operators Licence**

- a) A Private Hire Operators licence is in force for a three year period unless surrendered, suspended or revoked.

## **3. Requirements for Planning Consent**

- b) This section is offered as a general guidance only and does not purport to determine whether planning permission is required in any particular case. All applicants are advised to contact the Planning and Regeneration department of the Council at the Civic Offices.
- c) Planning permission will not normally be required for operating from a private residential property using one vehicle but it is advised to check with the Planning department before commencing with an application.
- d) Where planning permission is deemed to be required, i.e. for the operation of two or more hackney carriage or private hire vehicles and the associated communications equipment, then the acceptability of the proposal will generally be tested by reference to the impact of the proposed use on neighbouring amenity, on-street car parking conditions and the character and appearance of the locality.

## **4. General Conditions**

- a) The private hire operator without prejudice to any other liabilities imposed under the Local Government (Miscellaneous Provisions) Act 1976, shall ensure that drivers employed by or attached to the operation shall observe and perform the conditions of their private hire or hackney carriage driver's licence and that vehicles conform to the conditions of their private hire or hackney carriage vehicle licence.
- b) No booking shall be allocated to either a driver or vehicle unless both are correctly and currently licensed. The operator shall not provide a "courtesy car" to any member of the public in circumstances where either the vehicle or the driver is not correctly licensed.

- c) The operator shall display his operator's licence in a prominent position at his office and have available a copy of these conditions for public scrutiny if requested.
- d) The operator, when accepting bookings under the terms and conditions of this licence, shall only operate vehicles and drivers licensed by the Council.
- e) Dual licensing (licensing of a vehicle with more than one Council) of vehicles is not permitted by the Council.

## **5. Records**

The record required to be kept by the Operator under section 56 (2) of the Act 1976 shall be kept in a suitable book, the pages of which are numbered consecutively and the Operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking of a Private Hire vehicle invited or accepted by him:

- the time and date of each booking
- the name and address of the hirer
- how the booking was made, i.e. by telephone, in person etc
- time of pick up
- point of pick up
- the destination
- the registration number of the vehicle allocated for the booking
- the Private Hire licence plate number of the vehicle allocated for the booking

## **6. The Licensee shall keep a record of any Private Hire vehicle operated by him showing the following details:**

- make and model of the vehicle
- registration number of the vehicle
- driver the vehicle is allocated to
- Private Hire vehicle licence number
- the date of expiry of the vehicle licence
- the taxi test dates of the vehicle

**7.** A computerised recording system is acceptable but must keep the same records as listed above in **4.** and **5.** above.

**8.** The records referred to above shall be kept for a period of not less than 6 months, or a longer period as may be requested in writing by an authorised

Council licensing and enforcement officer.

9. The said records shall be produced, on request, to any police constable or authorised licensing and enforcement officer of the Council, and if kept on computer a print out shall be sent to the Council on a weekly basis if requested. If the software used is such that it prevents undetectable alterations, the request for printouts may be negated with the consent of the licensing manager.

**10. Complaints Register**

The Operator shall keep at the operating base a record of complaints showing name, address and telephone number of the complainant, the date received and the action (if any) that the operator has taken or proposed to take. Such records shall be kept for a period of not less than 12 months. The Operator shall produce such records if required to do so by Licensing and Enforcement Officer in connection with any proceedings in court.

**11. Deposit of Hackney Carriage/ Private Hire drivers' licences**

The Operator shall cause to be delivered and shall retain in his / her possession the licence of any driver employed by her / him whilst such a driver remains in his / her employment. The Operator shall produce such licences if required to do so by Licensing and Enforcement Officer in connection with any proceedings in court.

**12. Basis for Charge**

Operators should agree a charge for each booking PRIOR to the commencement of the journey. No Operator of a Private Hire vehicle which is licensed by the Authority under this Act shall invite or accept by such vehicle, or control or arrange a journey to be undertaken by such vehicle, without first making available in writing or given orally to the person making the booking, information as to the basis for charge for the hire of the vehicle.

**13. Punctual Attendance**

Every Operator of a Private Hire vehicle, who accepts a booking for an appointed time and place, shall make every reasonable effort to meet this appointed time and attend punctually, allowing sufficient time for the vehicle to punctually attend. The hirer should be kept updated in the event of unforeseeable delay.

**14. Premises**

- a) Every Private Hire Operator licensed by the Authority with a provision to receive the public both in a booking capacity and for waiting, shall provide an adequately well lit, clean and tidy premises ensuring that adequate arrangements are made for seating of customers within the premises.

- b) Any premises that provide access to the public should be covered by Public Liability insurance, and a copy of the certificate shall be copied the licensing office.
- c) The Licensee shall at all times keep on public display at the firms base a copy of his/her insurance certificate pursuant to the Employers' Liability (Compulsory Insurance) Act 1969.

#### **15. Change of Address**

The Operator shall notify the Council in writing of any change of his / her address during the period of the licence within 7 days of such a change taking place. **If the operator base/business is to be relocated then a new Operator's Licence application will normally be required.**

#### **16. Change of Circumstances**

The Licensee shall notify the Council of any change of circumstances relating to the business including vehicles and the engaging and discharging of drivers.

#### **18. Convictions**

The Operator MUST notify the Council IN WRITING

- if the Operator is charged with or convicted of any criminal offence and / or
- if the Operator has been interviewed under caution at a police station for any offence which you are suspected of having committed

If the offence is endorsed on your driving licence you must also produce the licence.

#### **The time limits for notifying the Council are as follows:**

- a) where the Operator has been convicted of an offence (except fixed penalty offence) within **5 days**
- b) where the Operator has been convicted of a fixed penalty offence, within **5 days of being endorsed on the driving licence**
- c) where the Operator has been formally interviewed for a suspected offence at any police station or charged with an offence within **5 days of the date of the interview or charge**

#### **The time limit for producing the driving licence to the Council is as follows:**

Within **14 days** of your appearance in court OR the date of the conviction was endorsed on the driving licence, whichever is the later.

Failure to notify the Council of any conviction as stated above will result in the revocation or suspension of the Private Hire Operator's licence. The Operator's licence will then go to the Council panel to determine whether the licence will be re-issued.

**18. Vehicles**

- a) The Operator must ensure that all Vehicles operated by them are fully insured for use as a licensed vehicle for hire and reward and have a valid certificate of compliance in force.
- b) The Operators should further ensure that all vehicles operated by them are fully road worthy if they are to be used as a Hackney Carriage or Private Hire Vehicle.

**19. Drivers**

- a) Operators shall ensure to the best of their ability before accepting drivers onto their operation, that they are fit and proper persons to be engaged in the carrying of members of the public. In particular, they should examine drivers' licences and enquire whether the applicant has been convicted of driving or other offences.
- b) Where a driver or vehicle joins or leave the operation the private hire operator shall within 2 working days inform the Council in writing.
- c) The operator shall be responsible for the actions of each driver attached to the operation.

SECTION 5

**EXECUTIVE HIRE VEHICLES**

**Exemption from the display of a Private Hire Vehicle licence plates and door panel signs.**

**The licensing authority recognise, that because of the nature of their business, owners of certain vehicles may wish to apply for exemption from displaying the private hire licence plate and panel signs. Any applicant wishing to apply for this discrete 'Gold Executive Plate' must comply with the following conditions.**

1. The licensing of Private Hire Executive vehicles shall be dependant upon the Council being satisfied that the vehicle is suitable in size, type and design for the use for **contractual and executive chauffeur hire only**. The vehicle will only be used for these chauffeur services, secured through a written contract (through central booking system or long term contract).
2. The applicant must provide evidence that his business is that of executive travel and the vehicle will be used for executive travel ONLY and not function as a normal Private Hire vehicle or take normal Private Hire bookings.
3. The application process and the set age limits for the vehicle licence will be the same as for a private hire vehicle. If the applicant feels that the vehicle is in exceptional condition and may be viable beyond the set age limits for private hire vehicles, the proprietor must make an application for the case to be heard before the Licensing and Public Protection Committee.
4. The operator of a Private Hire Executive vehicle must be the holder of a Private Hire Operators Licence issued by this authority or run their vehicle through an existing Private Hire Operator Licence by this authority.
5. Each application for an Executive Hire licence will be assessed on its own merits and the quality of each vehicle will be assessed by a Licensing Officer on inspection of the vehicle itself. The vehicle must meet all the present vehicle specifications required of a private hire vehicle. All other relevant driver, vehicles and operator's conditions shall otherwise apply
6. All vehicles must display a 'Gold Executive Plate'. This must be affixed within the rear windscreen so that it can be clearly visible. The plate will be a more discrete sign than the usual Private Hire signage, and shall be gold in colour and will be approx 5 inches by 4 Inches. Also a blue disk is to be displayed within the front windscreen of the vehicle.
7. A Private Hire Executive vehicle must be of an exceptional standard. To meet the standard required the vehicle must be immaculate both on the interior and exterior, with no marks, dents or scratches on the exterior.

8. No advertising will be allowed on the interior or exterior of the vehicle.
9. Executive vehicles will not be fitted with a Taxi meter or a roof sign.

### **LIMOUSINES AND OTHER SPECIAL EVENT VEHICLES**

It is recognised that there is a current trend for different and unusual vehicles to be used as a private hire vehicle carrying passengers to special events such as Proms or 'Hen' nights. As these vehicles do not fall within the set criteria or specifications contained within the Council's policy, all applications for this type of vehicle will be determined by the Licensing Committee. Novelty vehicles and limousines are not normally licensed by the authority but each case will be assessed on its own merits. Public safety will be of prime importance.

### **STRETCHED LIMOUSINES**

A "stretched" limousine is a saloon type vehicle that has undergone an increase in length by extending the wheelbase after manufacture. They are generally imported into the UK from the USA when five years old, and will typically have been manufactured originally by Ford or Cadillac. They are only normally licensed in the USA for five years for the following reasons;

- a) Safety concerns
- b) Generally these vehicles are only built to last 5 years
- c) With the substantial weight (over 3 tons), steering, braking and suspension parts tend to wear out much faster than normal and therefore 5 years is the optimum maximum age in the USA.
- d) Some insurance companies in the USA will not licence limousines over 5 years old due to concerns regarding reliability and safety.

It is for these reasons that the licensing authority would pay special attention to the licensing of such vehicles in order to protect public safety. Any conditions attached to a vehicle licence of this type would take into account the fact that stretched limousines will;

- a) Generally travel at slower speeds than normal private hire vehicles.
- b) Not normally overtake other vehicles.
- c) Be easily recognisable by the hirer.
- d) Be heavier and considerably longer than standard cars.
- e) Be adapted or converted by someone other than the original manufacturer.

Any person wishing to licence a limousine or Special Event Vehicle will be required to apply in writing to the Licensing Manager stating the type and age of the vehicle, and the reasons why they believe they should be considered for this vehicle category. Any vehicles of this type issued with a licence will only be used for special occasions, and will not be used for everyday private hire use. The vehicle will also work under the control of a private hire operator.