



Basingstoke and Deane

LOCAL GOVERNMENT (MISCELLANEOUS) PROVISIONS ACT, 1976 – PART 11

PRIVATE HIRE VEHICLE LICENCE CONDITIONS - S48(2) LGMP Act 1976

Definitions

In this licence, and in these conditions, unless the subject or context otherwise requires:

“authorised officer” means an officer of the Council authorised in writing by the Council for the purpose of these conditions;

“the Council” means the Basingstoke and Deane Borough Council;

“Private Hire Vehicle” has the same meaning as in Part II of the Local Government (Miscellaneous Provisions) Act, 1976;

“Licence plate” means the plates issued by the Council for the purpose of identifying the vehicle as a Private Hire Vehicle duly licensed by the Council;

“Proprietor” means the person or persons or body named in the licence as the proprietors of the vehicle and includes a part-proprietor;

“The vehicle” means the Private Hire vehicle or vehicles in respect of which this licence is issued.

“Exceptional condition” means meeting the Certificate of Compliance test standard detailed in the vehicle standard inspection manual.

“Corporate Identity” means the vinyl door signs and internal stickers displaying the Council logo and other information and the Council issued Licence plates.

“Prestige” means a Council pre-approved vehicle of a high specification and purchase price.

“Corporate style work” means work only carried out for companies requiring a chauffeur service in a prestige vehicle to undertake client, employees journeys.

Private Hire Vehicle Licence Conditions

Each private hire vehicle licence shall be issued subject to the conditions stated below:

Specification of Vehicle

1. (a) the vehicle hereby licensed shall comply with the Council's specifications detailed in the 'Basingstoke and Deane Borough Council, Construction and Licensing of private hire vehicles' and the Vehicle Standards Inspection Manual. *(Copies are available from the Licensing Team and are available on the Council website www.basingstoke.gov.uk)*
 - (b) the proprietor shall cause the vehicle, its fittings and furniture to be kept in clean condition, well maintained and in every way fit for public service.
2. Vehicle Testing
 - (a) a Private Hire vehicle will require a Certificate of Compliance test on first licence and annually thereafter up to a period 3 years from date of first registration. The vehicle test must be carried out at the Council's authorised test centre;
 - (b) a Private Hire vehicle between three and five years of age will require a Certificate of Compliance test every six months;
 - (c) a Private Hire vehicle over five years of age will require a Certificate of Compliance test every four months.
 - (d) the proprietor shall produce the Compliance Test Certificate on request to any authorised officer or to a police constable;
 - (e) any alteration in the design of the vehicle whether to the machinery or to the body shall be reported to the Council, who may require the proprietor to submit the vehicle for further examination;
3. Vehicle Age
 - (a) a Private Hire vehicle shall be less than three years of age on first licence.
 - (b) a Private Hire vehicle over five years of age shall not be relicensed unless deemed in exceptional condition.
4. Licence Display and Corporate Identity (for vehicles not granted exemption)
 - (a) The proprietor shall cause the number of the licence in the form of front and rear licence plates to be securely fixed to the vehicle using the fixing system supplied by the Council and to the satisfaction of the Licensing Officer. The licence plate must be displayed on the vehicle at all times the vehicle is licensed.
 - (b) the rear licence plate shall be fixed and displayed outside and on the rear of the vehicle either immediately above or immediately below the bumper in such position that the vehicle's registration mark is not obscured with the particulars thereon facing outwards and in such manner and place that the licence plate is clearly visible by daylight from the road at the rear of the vehicle;

- (c) the front licence plate shall be displayed by way of a bracket or by directly attaching to the vehicle in a manner not to obscure the vehicle's registration mark.
- (d) the licence plates remain the property of the Council and shall be returned to it within seven days after the service on the proprietor of an appropriate notice by the Head of Legal and Democratic Services. Any deposit which may from time to time be determined by the Head of Legal and Democratic Services, for the issue of the licence plate shall be refunded upon the plate being returned to the Council in a satisfactory condition.
- (e) all licensed private hire vehicles must display door vinyl's issued by the Council. These must be permanently affixed (not magnetic) on either both front driver and passenger doors or both rear passenger side doors of the private hire vehicle immediately below the windows using the instructions provided at the time of issue in accordance with the attached diagram. Where minibuses do not have rear doors on the side of the vehicle the sign must be displayed immediately below the window in accordance with the attached diagram and in a position opposite the sign applied to the side with the door.

The first set are issued free of charge. Replacement sets shall incur a charge.

NB You are reminded not to sign write your vehicle in such a way as to prevent the council's door signs from being correctly applied in the required position on the vehicle. Failure to correctly apply the door signs as per this condition will result in vehicles being suspended until door signs are correctly applied. (sec 60 (c) LG(MP) Act 1976)

- (f) all vehicles must display a Council issued internal sticker detailing vehicle licence information and notes to passengers. This must be displayed on the inside of the front windscreen in the top left hand corner, so as not to obstruct the driver's view.
- (g) no proprietor may remove the corporate identity and vehicle licence plates for any reason other than one agreed by the Council.

5 Availability of vehicle for Inspection

- (a) the proprietor shall permit an authorised officer of the Council to inspect and test a Private Hire vehicle at all reasonable times. If the officer is not satisfied as to the fitness or condition of the Private Hire vehicle, or any taximeter which may be fitted thereto, he/she shall give notice in writing to the proprietor to make the vehicle available for further inspection and testing at such reasonable time and place as specified in the notice, the vehicle licence being suspended until such time as the officer is so satisfied. Provided that if the officer is not so satisfied within 2 months of the date of suspension, the licence shall be revoked. The licence plate shall, on revocation of the licence, be handed to the officer of the Council but will be returned on reinstatement of the licence;
- (b) in the event of a vehicle licence being suspended under 5 (a) above, the licence plate shall be immediately surrendered to the authorised officer or police officer, and shall be held by them pending the testing of the vehicle;

- (c) without prejudice of the aforementioned conditions, the proprietor on receipt of a notice in writing from the Head of Legal and Democratic Services, shall present the Private Hire vehicle for inspection and testing by or on behalf of the Council. The separate occasions of inspection and testing shall not exceed three in number in any one period of twelve months, and a test shall not be required within two months of a previous test when the vehicle was found to be satisfactory;

6. Vehicle Insurance

- (a) the proprietor shall at all times during the currency of the licence keep in force in relation to the user/s of the vehicle as a Private Hire vehicle, a policy of insurance issued by an approved insurance company on a minimum of third party liability basis and comply with the requirements of Part VI of the Road Traffic Act, 1972 or any re-enactment thereof;
- (b) on being so required by an authorised officer the proprietor shall produce to that officer for examination a certificate of insurance issued by an approved insurance company in respect of the vehicle for the purpose of Part VI of the Road Traffic Act, 1972 or any re-enactment thereof, provided that if the proprietor fails to produce such certificate to that officer on that request the proprietor shall, within five days of such request, produce it to that officer or to any other authorised officer at the Civic Offices, London Road, Basingstoke;

7. Advertising on Vehicles

- (a) there shall be no advertising on any private hire vehicle without the prior approval of the Council, apart from the operator's business name, address and telephone number of the licensed operator's premises from which the licensed vehicle operates;
- (b) there shall be no mark or sign on the licensed vehicle that shall include the word taxi or taxi's or any words of a similar meaning that may suggest the vehicle is a Hackney Carriage;

8. Vehicle Damage

- (a) the proprietor shall report to the Council as soon as reasonably practicable and in any case within seventy-two hours, of the occurrence thereof, any accident to a Private Hire vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the safety, comfort or convenience of passengers carried therein;

9. Fire Fighting and First Aid

- (a) the proprietor shall ensure that at all times there is within the vehicle, an appliance for extinguishing fire, which must be carried in such a position as to be readily available for use. Such appliance must comply with the requirements relating to fire extinguishing appliances for use on public service vehicles and the specification of the British Standards Institution No 5423 and has a minimum capacity of 1kg;
- (b) the proprietor shall ensure that at all times there is within the vehicle, a first-aid kit containing such dressings and appliances as may be required for use in

emergency. The first-aid kit to be located in such position as to be immediately available;

10. Taximeter

- (a) the proprietor shall not be required to equip the vehicle with a taximeter but no Private Hire vehicle so equipped shall be used for hire within the controlled district (the area of the Borough of Basingstoke and Deane) unless such taximeter has been tested and sealed on behalf of the Council;

11. **Vehicles Granted an Exemption Notice under S75(3) LGMPA 1976**

- (a) a specifically approved 'prestige' private hire vehicle which has been granted an exemption notice following application to the Council, may only be used to carry out such work/journeys as applied for and approved at the granting of the exemption notice. (eg, Corporate or chauffeur type work in an approved style of vehicle only).

Such specifically approved vehicles are exempt from the requirement to display the Corporate Identity but the vehicle licence plates issued by the Council must be carried inside the vehicle at all times. Such specifically approved vehicles are also exempt from the maximum age restriction of the vehicle at first licence. The exemption is valid so long as the exempt vehicle is only used in accordance with the terms of the exemption for 'prestige' vehicles.

- (b) From 1 May 2009 all vehicles carrying out corporate or chauffeur style work and granted an exemption from the requirement to display a plate and signage must display a council issued internal sign in the front windscreen.
- (c) if any vehicle issued with an exemption notice is found to be contravening the terms of that exemption, that vehicle will, with immediate effect, have its exemption removed, and will be required to comply with the requirement to display the Corporate Identity and vehicle licence plates.

12. Passengers.

The proprietor shall not convey (or permit, cause or suffer to be conveyed) in the vehicle a greater number of persons (excluding the driver) than the number of persons specified in the licence provided.

13. S233(2) and (5) Local Government Act 1972, or any re-enactments thereof, shall have effect and are incorporated in these conditions to be given or served on the proprietor by or on behalf of the Council by an authorised officer;

14. Vehicle Transfer

- (a) if the ownership of the vehicle changes, the Council must be notified in writing within 14 days of the date of transfer of ownership.
- (b) the new vehicle proprietor must apply for a transfer of the licence into his/her name and pay the relevant fee.

- (c) the proprietor shall not assign or in any way part with the benefit of the licence without prior written consent of the Council;

15 General Conditions

- (1) The Council may decide to suspend, revoke or refuse to renew any licence in respect of a Private Hire vehicle for any reasonable cause, including: -

(b) that the Private Hire vehicle is unfit for use as a Private Hire vehicle;

(c) any offence under, or non-compliance with, the provisions of Part II of the Local Government (Miscellaneous Provisions) Act, 1976, or any re-enactments thereof, on the part of the proprietor/operator.

(2) EXPIRY OF LICENCE

No vehicle shall be used as a private hire vehicle after the date of expiry of the licence unless the licence has been renewed and the licence plate replaced with the replacement plate.

SPECIAL NOTE

Local Government (Miscellaneous Provisions) Act 1976 S48(7)

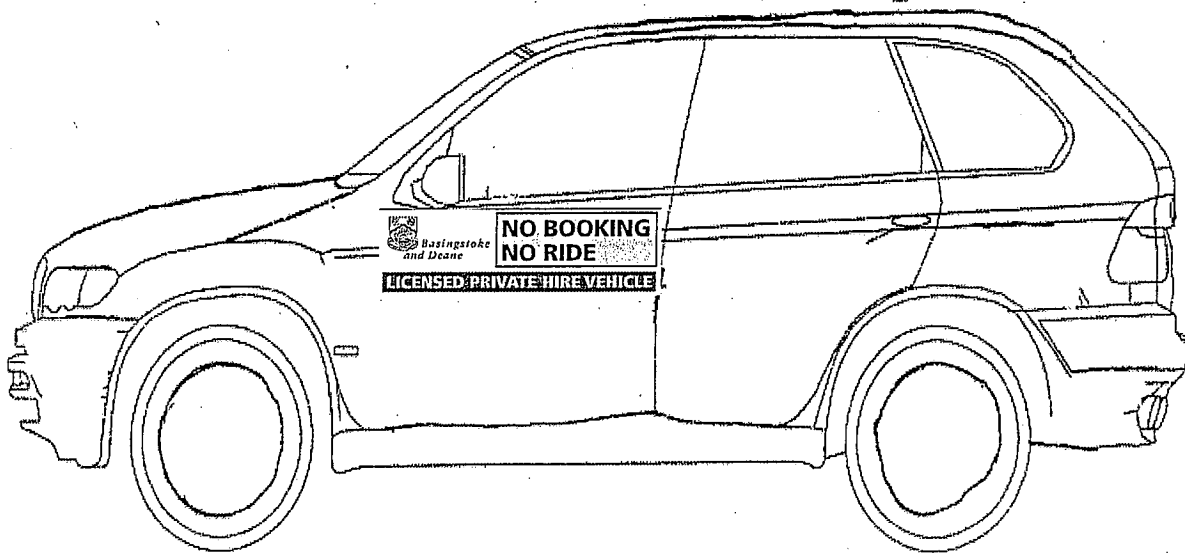
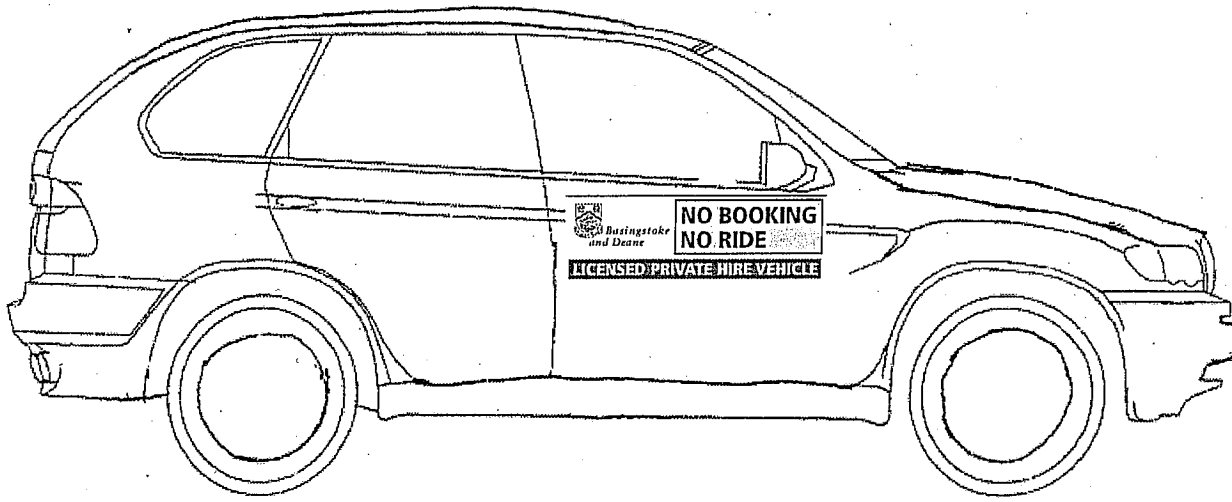
Public Health Act 1936, S300 (2)

Any person aggrieved by the refusal of the Council to grant a licence, or by any of the written conditions as attached to the grant of such licence, may appeal to the magistrates Court within 21 days from the date on which notice of the councils requirement, refusal or other decision was served upon the person desiring to appeal.

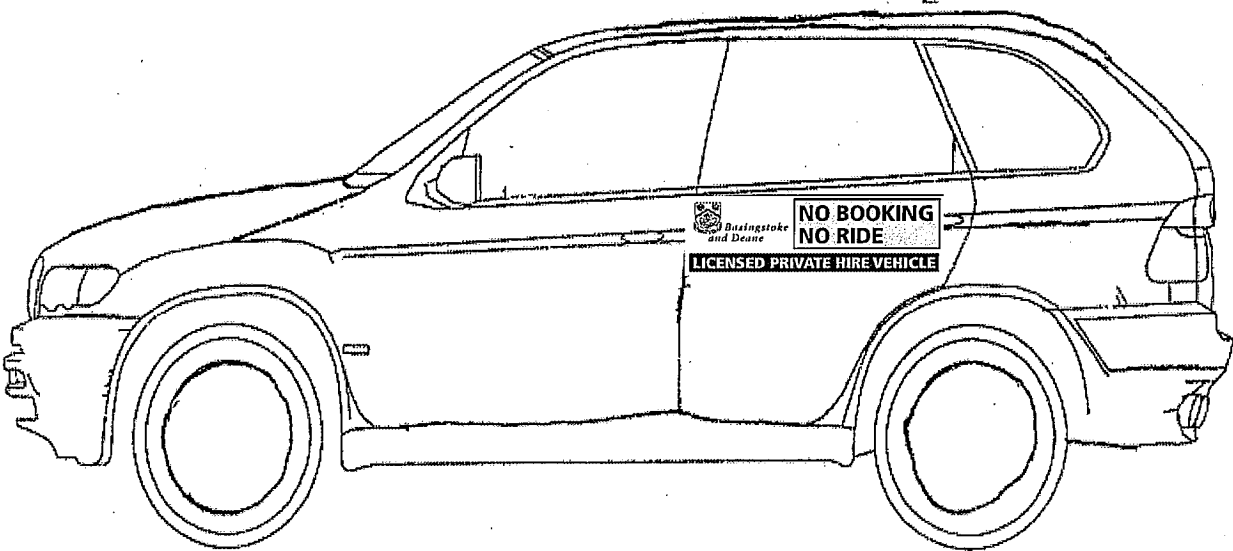
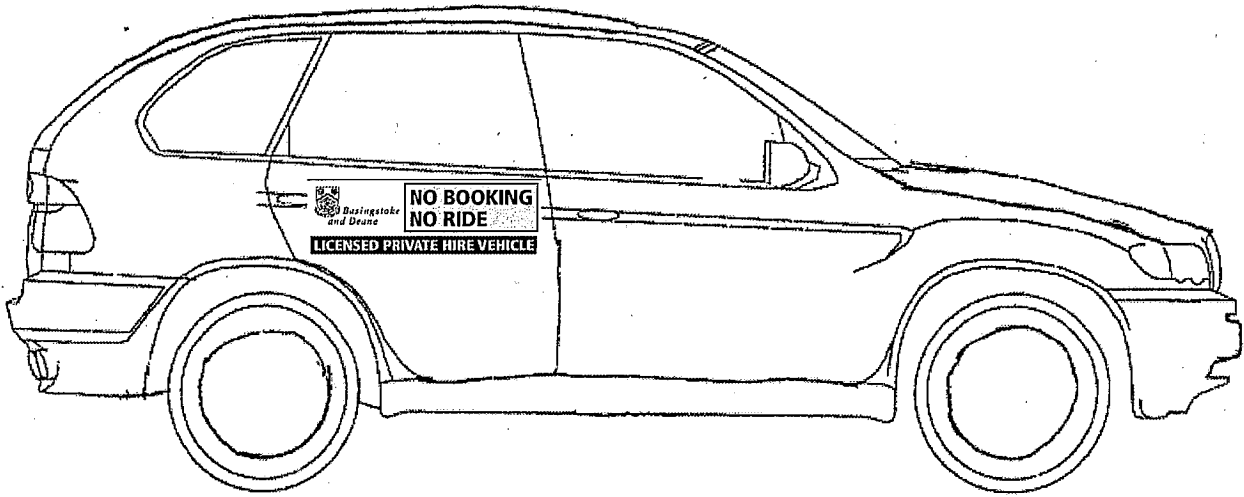
FAILURE TO COMPLY WITH LICENCE CONDITIONS

Failure to comply with any of the above private hire vehicle licence conditions without reasonable cause, will result in suspension and/or revocation of the vehicle licence to which these conditions are attached. (LG(MP) Act 1976 S60)

Required position of No Booking No Ride Stickers on front car doors (condition 4(e))
(not to scale)



Required position of No Booking No Ride Stickers on rear car doors (condition 4(e))
(Not to scale)



Options for position of No Booking No Ride door signs on Minibuses (not to scale)



Picture 1 above shows options for the positioning of the No Booking No Ride door signs on a minibus as per condition 4(e)

Makes and models may vary but the positioning must be as close as possible to that shown above. One sticker each side.

The door signs must be positioned prior to the application of any company advertising or signage and must be to the satisfaction of the Licensing officer.