

PRIVATE HIRE VEHICLE LICENCE POLICY AND CONDITIONS

From ~~19 September 2013~~xxxxxx



Commented [BP1]: Date to be confirmed when presented to Licensing Committee

APPLICATIONS

1. Before a licence is granted in respect of a private hire vehicle, the applicant being a proprietor of the vehicle must :-
 - 1.1 Complete and submit to the City Council an application in the form prescribed by the Council.
 - 1.2 Satisfy the Council that the vehicle complies with the conditions for private hire vehicles licences made by the Council.

2. GENERAL

- 2.1 The licence holder must observe and carry out the requirements of the Local Government (Miscellaneous Provisions) Act 1976, Part II, and any orders or regulations made thereunder and the requirements of any other Act of Parliament or order.

2.2 Interpretation

In this licence and in this document, unless the subject or context otherwise requires:-

- 2.2.1 "authorised officer" means any officer of the Council authorised in writing by the ~~Head of Legal and Democratic Services~~in accordance with the Council's scheme of delegation for the purposes of Part II of the Local Government (Miscellaneous Provisions) Act 1976;
- 2.2.2 "the Council" means Southampton City Council;
- 2.2.3 "private hire" has the same meaning as in the Local Government (Miscellaneous Provisions) Act, 1976
- 2.2.4 "licence plate" means the plate issued by the Council for the purpose of identifying the vehicle as a private hire vehicle duly licensed by the Council;
- 2.2.5 "licence holder" includes a part-proprietor and, in relation to a vehicle which is the subject of a hire purchase agreement, means the person in possession of the vehicle.

Commented [BP2]: Reflects current set up in SCC

3. TYPE OF VEHICLE

- 3.1 General conditions covering all types of vehicles that are licensable as private hire vehicles are set out in 3.2. and 3.3 below.
- 3.2 The vehicle to be licensed, of whatever type, shall, subject to what is to follow, and other conditions herein, be suitable in size, type and design for use as a private hire vehicle to the satisfaction of the Council.
- 3.3 Without prejudice to the generality of 3.2 above, the vehicle shall:-
 - 3.3.1 have an engine producing ~~68 b.h.p~~50 kW., or greater;
 - 3.3.2 not be a London type taxi or any other type of vehicle constructed solely or primarily for use as a hackney carriage or be of such design or appearance as to be able to lead any person to reasonably believe that the vehicle is a hackney carriage;

Commented [BP3]: A more modern reference and caters for Electric vehicles

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- 3.3.3 have a rear seat with a width of no less than 1220 mm (measured at the leading edge) and be of a "bench seat" type, and in the case of a mini-bus, have a minimum seat width of 407 mm per person;
- 3.3.4 have rear headroom that is adequate for passengers to sit comfortably and in any event, the distance from the squab as measured at its central point (from side to side), at the point where it meets the backrest, and then measured vertically to a point on the headlining, shall be no less than 840 mm;
- 3.3.5 Except as provided in condition 23 below, be of right hand drive;
- 3.3.6 be fitted with sufficient and suitable seat belts for every person who may be carried in the licensed vehicle pursuant to conditions 14 and 15;
- 3.3.7 in the case of estate cars, the space between the top edge of the rear seat and the roof of the vehicle must be fitted with a grille to ensure the safety of passengers from displacement of luggage;
- 3.3.8 at all times maintained to standards that meet the then current requirements of the Council, and must be in a clean and comfortable condition for the carriage of passengers.
- 3.4 Without prejudice to 3.2 and 3.3 above, and any other general requirement or condition, herein, or from time to time made by this Council, any private hire vehicle to be licensed as such must also comply with the requirements within one or the other of the following Categories (according to vehicle type) in order to qualify for licensing. The Categories are as follows:
 - 3.4.1 Category A - This Category shall include any vehicle otherwise licensable as a private hire vehicle by this Council, other than Category B vehicles, subject to any other requirement or condition herein, or from time to time made by this Council and would satisfy the Council's reasonable requirement as to suitability, that is
 - purpose adapted or converted by manufacturers, or those professionally engaged in adaptation or conversion, that are "M1" certified after adaptation or conversion and are wheelchair accessible to a person who wishes to remain in his or her wheelchair during the journey, including entry and exit from the vehicle.

or

- A purpose built full hybrid, or plug in hybrid with a minimum range of 16km using battery power only or full electric with a minimum range of 112km
- 3.4.2 Category B - This Category shall include any vehicle otherwise licensable as a private hire vehicle (other than a Category A vehicle) under the various conditions imposed by this Council.

4. AGE OF VEHICLE

- 4.1 No Category A vehicle will be licensed (or re-licensed by way of renewal) as a private hire vehicle which was first registered under the Vehicles (Excise) Acts of 1949, 1971, or successor legislation, more than twelve years before the date of the commencement of the licence.
- 4.2 Except as provided in condition 23 below, no Category B vehicle will be licensed (or re-licensed by way of renewal) as a private hire vehicle which was first registered under the Vehicles (Excise) Acts of 1949, 1971, or successor

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legislation, more than nine years before the date of the commencement of the licence.

5. **COLOUR OF VEHICLE**

5.1 Except as provided in condition 23 below, the bodywork of any private hire vehicle shall be any colour except for white.

6 **ADVERTISEMENTS AND SIGNS**

6.1 No advertisement, sign, notice, mark, illumination or other feature, other than as required by law or permitted by these conditions shall be placed on the exterior of or visible from outside of any licensed private hire vehicle including the windows, except as follows:-

6.1.1 An unilluminated sign in the upper or lower rear window, but not both, of the licensed vehicle bearing lettering not more than 51 mm in height stating only the name, style or title of the proprietor or operator and their telephone number.

6.1.2 Advertising, including third party products and services, etc. is permitted (subject to conditions and law) on any part of the body of the licensed vehicle. Windows are excluded from this permission, subject to 6.1.1 above.

6.2 All such advertising as mentioned below may only be displayed ~~after consultation with the Head of Legal and Democratic Services, who may grant permission, if satisfied that all the criteria are met, but otherwise, will refer the decision to the appropriate Sub-Committee following approval by the Service Manager for Licensing~~

6.3 Consultation will include:

6.3.1 ~~Initial approach to the Head of Legal and Democratic Services by the proprietor or operator with proposals for the style, content and materials to be used. Sight of proposed artwork would be preferred. UNDER NO CIRCUMSTANCES MUST A VEHICLE DISPLAY ANY ADVERTISEMENT OR MARK BEFORE FORMAL PROVISIONAL APPROVAL IS OBTAINED~~

6.3.2 ~~Provisional approval will be given when the Head of Legal and Democratic Services is satisfied that the criteria and requirements are met by the proposals.~~

6.3.3 ~~Following completion of advertising, the vehicle will be inspected by the Head of Legal and Democratic Services and, if satisfied that all criteria and requirements are met, will give formal final written approval.~~

6.4.3 ~~At all stages prior to final written approval the proprietor or operator will accept the risk involved in not meeting these criteria or requirements.~~

6.5.4 ~~The power to give final approval will be delegated to the Head of Legal and Democratic Services but a refusal of approval can only be given by the appropriate Sub-Committee, Service Manager for Licensing.~~

6.6 All advertising is to be completed to a professional standard and quality.

6.7 This advertising may promote the proprietor or operator of the licensed vehicle or a trade, business, goods or services of a third party.

6.8 The advertising shall not exceed 35% of the body area, always excluding the area taken up by the City Identity Sticker. The window area shall be excluded from the calculation.

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~~6.8.1 A certificate produced by the Head of Neighbourhood Services to the Head of Legal and Democratic Services shall be conclusive as to compliance with the 35% requirement referred to above.~~

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7. **ADVERTISEMENT CONTENT**

All advertisements must comply with the British Code of Advertising Practice and it is the responsibility of the agency or individual seeking the Licensing Authority's approval to ensure that they do so.

7.1 Each proposal is considered on its merits, but the following advertisements WILL NOT BE APPROVED, always subject to the provisions of the Human Rights Act 1998 and any other law.

7.1.1 those with political, ethnic, religious, sexual or controversial texts

7.1.2 those for escort agencies, gaming establishments or massage parlours

7.1.3 those displaying nude or semi-nude figures

7.1.4 those likely to offend public taste.

7.1.5 those which seek to advertise more than one company/service or product

7.1.6 those which promote the sale or consumption of tobacco products or cigarettes.

~~7.2 The Head of Legal and Democratic Services Service Manager for Licensing will be delegated to give approval of matters in 7.1 above, but a refusal of approval can only be given by the appropriate Sub-Committee.~~

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7.3 It is the proprietor's responsibility, as part of the contract entered into when commissioning any exterior advertising of the foregoing nature, to ensure that, at the completion of the contract, or upon the vehicle ceasing to be a licensed private hire vehicle, a re-spray to the vehicles original manufacturer's colour is included.

7.4 Provided always that no advertisement permitted by these conditions shall consist of or include the words "taxi" or "cab" whether in the singular or plural or "hire" or any word of similar meaning or appearance of any other feature which may suggest that the vehicle is a hackney carriage, and no advertisement, sign, notice, mark, illumination or other feature shall be placed on the licensed private hire vehicle without the ~~prior approval of the Head of Legal and Democratic Services's~~ Service Manager for Licensing prior approval.

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7.5 No combination of letters or numbers must be used in the registration number of the vehicle to indicate or imply the words "taxi" or "cab" or any related idea which could lead a member of the public to take the view that the vehicle is a hackney carriage.

8. **IDENTIFICATION**

8.1 Other than as permitted by these conditions, no other advertisement, sign, notice, mark, illumination or other feature will be permitted.

8.2 Except as provided in condition 23 below, all private hire vehicles shall display two "City Identity Stickers" of the prescribed type for private hire vehicles. One sticker shall be placed on each front door, in a central position and as high as practicable under the window. The positioning of the sign shall not obstruct the opening of the door.

8.3 The City Identity Sticker shall be to the satisfaction of the City Council and shall be 240 mm in height by 600 mm in width on a white background. The upper portion of the display will show the words "LICENSED BY" in white capital letters

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with a letter height of 10 mm, on a black background 110 mm wide and 21 mm high.

8.4 Immediately below will be the City "Bargate" logo in blue, 90 mm at its widest point and 83 mm in height. Immediately below as part of the logo, in black, shall be the word "Southampton", below which shall be the words "City Council" in letters 14 mm high and text width 90 mm. Immediately below, in blue, shall be the words "Licensed Private Hire Vehicle No" with words on each of two descending lines, lettering 10 mm in height, the text width on each line will be 144 mm. Below those words shall be shown in individual boxes, the licence number of the private hire vehicle in black. Each box shall measure 50 mm in height and 30 mm in width.

8.5 To the right of the above mentioned panel there shall be a vertical black line 230 mm in length in 3 mm in width. To the right of this line, along the whole remaining width of the sticker shall appear the words "PRE-BOOKED ONLY" in black capital letters, 24 mm high with a total length of 400 mm. Immediately below this wording shall appear a black horizontal line 420 mm in length and 3 mm in width running from the vertical line mentioned above to the rightmost edge of the sticker.

8.6 The sticker may be screen printed on a white background and must be supplied with adhesive backing, or some other similar method meeting the requirements of the Council, to enable it to be fixed in the correct position. Magnetic signs will not be permitted. For the avoidance of doubt, no roof mounted box or other structure or sign will be permitted.

8.7 The name of the proprietor or operator and their telephone number or domain name shall appear in bold clearly legible lettering in the space 190 mm high by 420 mm in length on the sticker, immediately beneath the wording "Pre-Booked Only".

Provided always that this identification shall not consist of or include the words "taxi" or "cab" whether in the singular or plural or "hire" or any word of similar meaning or appearance of any other feature which may suggest that the vehicle is a hackney carriage and shall not be placed on the licensed private hire vehicle without the Service Manager for Licensing~~Head of Legal and Democratic Services~~ prior approval.

9. LICENCE PLATES

9.1 Except as provided in condition 23 below, one licence plate shall be securely fixed in a position at the rear of the private hire vehicle to the satisfaction of the Service Manager for Licensing~~Head of Legal and Democratic Services~~.

9.2 A second licence plate shall be securely fixed in a position on the front of the private hire vehicle to the satisfaction of the Head of Legal and Democratic Services.

10. RETURN OF LICENCE PLATES

10.1 The private hire vehicle licence plates shall remain the property of the Council and shall be returned within seven days after the service on the licence holder of an appropriate notice by the Council's Head of Legal and Democratic Services or when the licence expires and is not renewed. The deposit paid on the issue of the plates shall be refunded provided the plates are in good condition.

11. INSPECTION OF VEHICLE

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11.1 The licence holder shall present the vehicle for inspection at the time and place notified by the Council, the private hire vehicle shall be submitted for inspection at least once, but not more than three times, in a year. In addition the Council may arrange for the vehicle to be tested at any reasonable time and require further inspection and testing if it proves unsatisfactory. Licence holders will be notified by letter of time and date that vehicle is to be presented for inspection.

11.2 Without prejudice to the foregoing, where more than two years has elapsed since the first registration of the private hire vehicle under the Vehicles (Excise) Acts of 1949, 1971, or successor legislation, the private hire vehicle shall undergo a VOSA "MOT" test in the period of one week either side of the date six months from the last grant of the vehicle licence (the "due date") and the vehicle test certificate shall be presented for inspection to the [Service Manager for Licensing](#)~~Head of Legal and Democratic Services~~ within 14 days of the due date.

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12. DAMAGE TO VEHICLE

12.1 If a private hire vehicle is involved in a road traffic accident and either mechanical or bodily damage is sustained, a report must be made by the proprietor to the [Service Manager for Licensing](#)~~Head of Legal and Democratic Services~~ within three days and, after repair, which must be completed within one month of the damage being sustained, may be required to pass a mechanical inspection at a place to be determined by the Council, subject to payment of an appropriate fee. The private hire licence plate is liable to be removed from any vehicle which, in the opinion of an appropriate Officer or agent of the Council in any way constitutes a danger to the public, is in breach of any road traffic enactment or the Construction and Use Regulations, or is unfit for use as a private hire vehicle. On completion of the repairs, to the satisfaction of the [Head of Legal and Democratic Services](#)~~Service Manager for Licensing~~, the licence plate may be restored.

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12.2 The removal of the private hire licence plate will constitute suspension of the vehicle licence.

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13. INSURANCE

13.1 At all times during the currency of the licence the licence holder shall keep in force in relation to the use of the vehicle as a private hire vehicle a policy of insurance complying with the requirements of Part VI of the Road Traffic Act 1972.

14. PRODUCTION OF DOCUMENTS

14.1 The proprietor shall on being so required by an authorised officer, produce for inspection the licence and/or the certificate of insurance in relation to the use of the vehicle as a private hire vehicle. Provided that, if the proprietor fails to produce such licence and/or certificate of insurance on request, he shall produce it within five days of such request to an authorised officer at the office of the [Service Manager for Licensing](#)~~Head of Legal and Democratic Services~~.

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15. SEATING CAPACITY

15.1 Every private hire vehicle [with an internal combustion engine](#) shall have sufficient seating capacity to carry not less than four nor more than eight passengers in comfort in addition to the driver. ~~(The seating capacity shall be determined in accordance with Regulation 42 of the Road Vehicles (Registration and Licensing) Regulations 1971);~~

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Every private hire vehicle that is powered solely by an electric motor and is capable of 120 miles between charges shall have sufficient seating capacity to carry not less than three nor more than eight passengers in comfort in addition to the driver.

Commented [BP21]: Proposed change to accommodate affordable all electric vehicles to be licensed for 3 passengers. THIS WILL ONLY APPLY TO ALL ELECTRIC VEHICLES and all other conditions will need to be met.

16. **NUMBER OF PASSENGERS**

16.1 The licensee shall not convey, or cause or permit to be conveyed in the vehicle a greater number of persons, exclusive of the driver, than specified in the licence. In addition, children under three years will not be conveyed in the front seat of a vehicle whether restrained or unrestrained.

17. **TAXIMETER**

17.1 Should a taximeter be installed in a private hire vehicle, it must be electronically designed and of the type and model approved by the Council. It must be fitted in a position satisfactory to the Council.

17.2 No operator, proprietor or driver may tamper with the mechanism of the Taximeter or its seals provided that, should the meter become defective it may be replaced by a service meter.

18. **TRANSFER OF LICENCE**

18.1 If the proprietor of a private hire vehicle transfers his licence and vehicle, he shall within fourteen days give notice to the Service Manager for Licensing~~Head of Legal and Democratic Services~~ details of the name and address of the person to whom he has transferred the licence.

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19. **PARKING**

19.1 The licence holder shall not permit the vehicles to be stationed on the Highway unless they are at that moment actually in use for the purpose of carrying passengers for which a "hire" has been agreed.

20. **ADHERENCE TO BOOKINGS**

20.1 The holder of a licence who has agreed, or whose vehicle has been hired to be in attendance at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.

21. **WEDDINGS AND FUNERALS**

21.1 Private hire vehicles being used to carry passengers to, from or in connection with any wedding ceremony or funeral will not be required to display a private hire vehicle plate during such journeys.

22. **SPECIALIST VEHICLES**

22.1 In exceptional circumstances, the Head of Legal and Democratic Services~~Service Manager for Licensing~~ may determine that a vehicle is a specialist vehicle, such as, but not exclusively, stretched limousines, classic cars and other unusual vehicles to be used for private hire.

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- 22.3 Where the ~~Head of Legal and Democratic Services~~ Service Manager for Licensing determines that a vehicle is a specialist vehicle, and that it is intended to be used in the circumstances described in section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976, a notice may be issued of the suspending the requirement for the display of the rear licence plate in those circumstances, as required by condition 9.1 above.
- 22.4 Additionally, in the case of a specialist vehicle, the Service Manager for Licensing ~~Head of Legal and Democratic Services~~ may, at his absolute discretion, suspend or amend all or some of the provisions of the following conditions:
- 3.3.5 (right hand drive);
 - 4.2 (age of vehicle);
 - 5.1 (colour of vehicle);
 - 8.2 (city identity stickers)

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23 **ORIGINAL VEHICLE SPECIFICATION**

- 23.1 All licensed private hire vehicles shall be maintained to their original specification whilst the licence remains in force.

24. **DIGITAL TAXI CAMERAS**

- 24.1 A secure digital taxi camera system approved by the Council shall be fitted to the vehicle prior to the grant of the licence and maintained in the vehicle thereafter for the duration of the licence to the satisfaction of the Council.
- 24.2 The above requirement will be effective immediately on the grant of a new licence (other than by way of renewal) or on the replacement of a licensed vehicle.

Note: For the purposes of condition 8 (Identification) and in order to avoid doubt, an example of the identity sticker appears below:

<p>LICENSED BY</p>  <p>SOUTHAMPTON CITY COUNCIL</p> <p>LICENSED PRIVATE HIRE VEHICLE NO:</p> <table border="1"><tr><td> </td><td> </td><td> </td></tr></table>				<p>PRE – BOOKED ONLY</p> <table border="1"><tr><td>Name and telephone number of operator or proprietor to appear here – see condition 8.7</td></tr></table>	Name and telephone number of operator or proprietor to appear here – see condition 8.7
Name and telephone number of operator or proprietor to appear here – see condition 8.7					

Note: For the avoidance of doubt all of the above requirements shall be deemed to form both the Council's policy (i.e. pre requisite to the grant of the licence) as well as conditions subject to which the licence is granted (which will continue to apply throughout the duration of the licence, as appropriate. As a result, any requirement which requires action or implementation prior to the grant of the licence is to be considered the Council's policy and any requirement to be complied with after the grant of the licence is a condition and compliance is required for the duration of the licence.

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ADDITIONAL INFORMATION

Please note that this information does not form part of Southampton City Council's licence policy or conditions

Drivers, proprietors and operators of licensed hackney carriages and private hire vehicles are reminded of the other statutory duties and restriction placed on them, amongst which are the following:

Smoking

The Health Act 2006 prohibits the smoking of tobacco or any other substance by anyone in a licensed hackney carriage or private hire vehicle. The legislation applies at all times whilst the vehicle remains licensed, thus smoking remains prohibited when the vehicle is not hired or not for hire.



Every licensed vehicle is required to carry appropriate signage under the Smoke free (Signs) Regulations 2007. Guidance and signs are available from:
<http://www.smokefreeengland.co.uk/resources/guidance-and-signage.html>

Assistance Dogs

The ~~Disability Discrimination Act 1995~~ Equality Act 2010 imposes a duty on licensed drivers and operators to convey any guide, hearing or other assistance dog in a licensed hackney carriage or private hire vehicle.
Drivers must:

- carry assistance dogs accompanying disabled people;
- do so without additional charge; and
- allow the dog to remain with the passenger

Operators must:

- accept bookings made by or on behalf of a disabled person who is accompanied by an assistance dog;
- accept bookings made by a person who will be accompanied in a PHV by such a disabled person; and
- not make an additional charge for carrying the assistance dog

If a driver has a medical condition, such as severe asthma, which is aggravated by contact with dogs, or is allergic or has an acute phobia to dogs, it may be possible for them to qualify for an exemption. Please discuss this with the licensing team in the first instance, to whom application for exemption must be made. The driver will be required to produce conclusive medical evidence in support of his application.



Please note that the law does not allow for an exemption to be granted on religious grounds.

Additional information is available from:
<http://www.dft.gov.uk/transportforyou/access/taxis/>

Commented [BP26]: Current legislation

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