



TOWN POLICE CLAUSES ACT 1847
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

**COMBINED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE
DRIVER'S LICENCE CONDITIONS**

1. Definitions:

- 1.1 In these conditions, unless the subject or context otherwise requires 'the Council' means the Council of the District of Babergh, the 'Driver' means a person holding and acting in accordance with a Driver's Licence issued by the Council and the 'Vehicle' means a Hackney Carriage, or private hire vehicle licensed by the Council.

2. HACKNEY CARRIAGE ONLY:

2.1 The Driver shall:

- (a) not wilfully or negligently cause or suffer the licence number marked on a vehicle or the licence plate or the 'Taxi' sign attached to a vehicle to be concealed from public view or to be so defaced that any figure or material particular is illegible;
- (b) ensure that the 'Taxi' sign attached to a vehicle is illuminated when the vehicle is available for hire but not at any other time;
- (c) not wilfully or negligently cause or suffer the fare table fixed upon the vehicle or such other notice required to be displayed by the Council to be inverted or detached or altered or the letters or figures on such table to be in any manner or by any means concealed at any time.

2.2 **Taximeter**

The Driver shall:

- (a) when standing or plying for hire, keep the meter of the vehicle locked in the position in which no fare is recorded on the face of the taximeter;
- (b) as soon as the vehicle is hired and before commencing the journey bring the machinery of the taximeter into action by operating the key, flag, or other device, so that the word 'Hired' is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
- (c) ensure, during the continuance of any hiring, that the dial of the taximeter is not concealed in any manner or by any means and that such dial is distinctly and plainly visible and legible to any person hiring or being conveyed in the vehicle;
- (d) cause the dial of the taximeter to be kept properly illuminated throughout the hiring;
- (e) report immediately to the Council any failure of the taximeter;
- (f) not tamper with or permit any person to tamper with the taximeter, with the fittings thereof or with the seals affixed thereto.

2.3 Fares

The Driver shall not require for a journey a fare greater than that authorised by the table of fares in force within the District.

2.4 Hirings

- (a) The Driver shall when plying for hire in a vehicle in any street and not actually hired and where a taxi-stand is provided:
- (i) on arriving at a stand not already occupied by the full number of vehicles authorised to occupy it, station the vehicle immediately behind the vehicle or vehicles on the stand so that they face in the same direction;
 - (ii) from time to time when any other vehicle immediately in front is driven off or moved forward, cause the vehicle to be moved forward so as to fill the place previously occupied by the vehicle driven off or moved forward;
 - (iii) remain with the vehicle and be ready to be hired at once by any person when his vehicle is the first vehicle on the stand.
- (b) The Driver who has agreed to be or has been hired to be in attendance with a vehicle at an appointed time and place, shall, unless delayed or prevented by some sufficient reasonable cause, punctually attend with such vehicle at such appointed time and place.
- (c) The Driver shall not by calling out or otherwise importune any person to hire the vehicle which he is using and shall not make use of the services of any other person for such purpose.
- (d) The Driver shall when standing, plying or driving for hire, wear the driver's badge provided in such manner as is plainly visible and unobscured on the breast of outer clothing.

3. PRIVATE HIRE ONLY:

3.1 Prompt Attendance

The driver of a private hire vehicle shall, if he is aware that the vehicle has been hired to be in attendance at an appointed time and place or he has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient reasonable cause.

3.2 Taximeter

If a private hire vehicle being driven by the driver is fitted with a taximeter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).

3.3 Fare to be demanded

The driver shall not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.

3.4 Badge

The driver's badge provided by the Council should be worn by the driver of a private hire

vehicle in such position and manner as to be plainly visible and unobscured.

4. Conduct of all drivers:

The Driver shall:

- (a) afford all reasonable assistance with passengers luggage;
- (b) at all times be clean and respectable in his dress and person and behave in a civil and orderly manner befitting public service;
- (c) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him;
- (d) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
- (e) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle;
- (f) not place or suffer to be placed any printed, written or other matter by way of advertisement on any part of the vehicle except with the written consent of the Council or otherwise in accordance with any exemption contained within relevant conditions of licence;
- (g) when hired to drive to any particular destination, proceed to that destination by the shortest available route.
- (h) Having due regard to environmental considerations the Council strongly recommend that a driver of a licensed vehicles does not leave the engine of the vehicle running for any significant length of time whilst he is awaiting a hiring or booking. It should be noted that powers are available to the Council to make byelaws that may incorporate such matters.

5. Smoking, eating and drinking in licensed vehicles:

- 5.1 In accordance with smoke-free regulations concerning smoking being prohibited in all enclosed or substantially enclosed public spaces, including public transport facilities, smoking shall not be permitted in any licensed vehicle at any time.
- 5.2 The driver of the vehicle shall not permit any passenger or other person to smoke in a licensed vehicle.
- 5.3 The driver shall not, unless given the express consent of the hirer, eat or drink in the vehicle. This condition shall not apply to any consumption where there are relevant medical grounds (for example diabetic control). The driver is expected to exercise due care and attention at all times whilst undertaking his duties.

6. Passengers:

The driver shall:

- (a) not convey or permit to be conveyed in the vehicle a greater number of persons than that prescribed in the licence for the vehicle;
- (b) not allow there to be conveyed in the vehicle any child who is seated otherwise than in accordance with relevant regulations and any statutory amendment thereto, and a single seat must not be occupied by more than one person;

- (c) not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle;
- (d) not convey any passenger not wearing an appropriate seat restraint in accordance with relevant regulations or any statutory amendment thereto, including the Motor Vehicles (Wearing of Seat Belts) Regulations 1993, as amended by the Motor Vehicle (Wearing of Seat Belts) (Amendment) Regulations 2006 in relation to seating restraints for children.
- (e) The Driver shall, if so requested by the hirer of a vehicle, provide him with a written receipt for the fare paid.
- (f) The Driver shall not convey in a vehicle any animal belonging to or in the custody of himself or the proprietor of the vehicle and he shall ensure that any animal belonging to or in the custody of any passenger is conveyed in the rear of the vehicle.
- (g) The Driver shall at all times when driving a vehicle carry with him a copy of these conditions and shall make it available for inspection by the hirer or any other passenger on request.

7. Assistance dogs:

- 7.1 The Disability Discrimination Act 1995 requires hackney carriage proprietors and private hire operators to carry guide, hearing and other assistance dogs for disabled passengers and must do so at no extra charge.
- 7.2 Exemption from carrying assistance dogs may only be obtained by individual drivers on medical grounds (such as those with severe allergies or asthma). If any driver of the vehicle wished to apply for exemption on such grounds then they should contact the Council accordingly.

8. Topographical knowledge (destinations, routes etc):

- 8.1 The Council requires a driver to undertake a knowledge test, but does expect that drivers will ensure that they have a good working knowledge of the local area and main destinations/routes prior to commencement of private hire or hackney carriage employment. This is perhaps of more importance to hackney carriage drivers - being available for immediate hire and therefore having no opportunity to plan a route in advance.
- 8.2 The ability of a driver to find destinations by the shortest available route, comply with the Highway Code and read A to Z maps is a fundamental skill in providing a quality service for the travelling public. Lack of competence in this area could result in a breach of conditions and/or affect the 'fit and proper' person status of the driver as the holder of a licence.

9. Lost property:

- 9.1 The Driver shall daily search the vehicle for any property which may have been accidentally left therein.
- 9.2 The Driver shall, if any property accidentally left therein by any person who may have been conveyed in the vehicle be found by or handed to him, carry it as soon as possible, and in any event within 48 hours, if no sooner claimed by or on behalf of its owner, to the Licensing Section of the Council and leave it in the custody of an officer of the Council upon his giving a receipt for it.

10. Deposit of driver's licences:

If the Driver is permitted or employed to drive a vehicle of which the proprietor is someone other than himself, he shall, before commencing to drive that vehicle, deposit the Council issued licence with that proprietor for retention by him until such time as the Driver ceases to be permitted or employed to drive the vehicle or any other vehicle of the Proprietor.

11. Carrying of Driver's Badge:

- 11.1 A driver shall at all times carry with him whilst in the course of his duty his Driver's badge which must display a passport style photograph for identification purposes. This badge must be shown, if requested, to the hirer of the vehicle, to any authorised Officer of the Council or Police Officer for the purposes of the Local Government (Miscellaneous Provisions) Act 1976.
- 11.2 The badge shall be worn in accordance with the requirements of these conditions, and should a driver's badge be lost, stolen or defaced then the driver must notify the Council accordingly and seek the issue of a replacement without delay.

12. Licence Plate:

The driver of a private hire vehicle shall not willfully or negligently cause or suffer any licence plate to be concealed from public view whilst the vehicle is being used for the purpose of hire.

13. Citizen Band Radio and Scanners:

No Citizen Band (CB) radio shall be used for or in connection with the hiring of a vehicle, nor shall any radio scanning equipment be so used.

14. Convictions, cautions, charges and endorsements:

- 14.1 The Driver shall within seven days disclose to the Council, in writing, details of any conviction imposed on him during the period of the licence. It should be noted that the Police may notify the Council of relevant information or convictions in accordance with the Notifiable Occupations Scheme.
- 14.2 The Driver shall within seven days disclose to the Council in writing details of any caution, any offence he has been charged with or any driving licence endorsements received by him during the period of the licence.
- 14.3 The Council may suspend, revoke or refuse to renew a driver's licence should this condition not be complied with.

15. Change of Address:

The Driver shall notify the Council in writing of any change of his address during the period of the licence within seven days of any such change.

16. Return of Badge:

The Driver shall upon the expiry, revocation or suspension of this licence, forthwith return to the Council the Driver's badge issued to him by the Council when granting this licence.

17. Mobile phones and similar devices:

- 17.1 No mobile phone, save for 'hands free' kit (for example bluetooth enabled headsets) shall be used whilst the driver is driving the vehicle. Use of any hand held mobile phone or similar device whilst driving is prohibited by law. The law does not only apply to mobile phones, but also applies to any similar device that is hand held including navigation equipment and other computer equipment.
- 17.2 Mobile phones shall not normally be used to take bookings unless such bookings are made via the operator line at the licensed operator base. Telephone diverts to mobile phones if used should only be diverted from the operator base telephone line to a mobile phone located within the controlled zone of Babergh and not beyond the district boundaries. Bookings should not be taken on a mobile phone where it would be contrary to condition 17.1 above, and the bookings records required to be kept by the operator of the vehicle should be updated as soon as is reasonably practicable.

18. Medical conditions and disabilities:

- 18.1 The driver of a vehicle shall inform the Council without delay about the onset or worsening of any medical condition that may cause him to be a source of danger to the public when driving either now or in the future, or affect his ability to comply with conditions of licence.
- 18.2 Examples of such medical conditions may include giddiness, fainting, black-outs, epilepsy, strokes, multiple sclerosis, Parkinson's Disease, heart disease, angina, diabetes, high blood pressure, arthritis, disorder of vision, mental illness, alcoholism, drug addiction and loss of a limb or use of a limb. The Council may reasonably require further medical evidence or information. This list is not intended to be exhaustive and is provided only to illustrate the types of possible conditions that must be reported.
- 18.3 Temporary minor conditions, not expected to last more than three months, for example a sprained ankle or fractured arm where the driver will not be driving, need not be reported. Drivers who are in any doubt about whether or not their health condition is one which should be reported should consult their doctor for advice.
- 18.4 The Council may reasonably require applicants and licence holders to undergo further medical or occupational assessment in particular cases. The Council may in individual circumstances require applicants and licence holders to provide medical certification to the Council more frequently than every three years, where the Council determine such as being reasonably necessary in order to ensure the safety of the travelling public.

NOTE: The Head of Natural and Built Environment administers and controls Hackney Carriage and Private Hire licensing on behalf of the Council. Any matters or queries relating to these conditions should be addressed to him at Babergh District Council, Natural and Built Environment Division, Corks Lane, Hadleigh, IPSWICH, Suffolk IP7 6SJ.

The Council reserve the right to make revisions or amendments to these conditions without prior notice should circumstances require it (following for example any relevant case law, government best practice guidance or legislative changes).



HACKNEY CARRIAGE VEHICLE LICENSING POLICY, CRITERIA AND CONDITIONS OF LICENCE (CONTROLLED ZONE 'ALL OF BABERGH DISTRICT')

General policy information

- A. The legislation that primarily regulates hackney carriage services is the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976. Local controlled zone policy, criteria and conditions of licence shall be applied alongside the legislation, as may be amended from time to time, and proprietors and drivers should ensure that they are familiar and compliant with all relevant parts of the law and regulation pertaining to their licensed business.
- B. The Council resolved in 2009 to licence a mixed fleet, of standard type vehicles and wheelchair accessible vehicles, with seating for up to 8 passengers. The issue of any plates (from licence plate 21) is subject to enhanced standards for the benefit of the consumer - primarily relating to wheelchair accessibility and the age of a vehicle at initial licence application.
- C. Recognising the investment made in their businesses by plate-holders prior to 2009, plate numbers 1-20 may retain the option of applying for non-wheelchair accessible vehicles. In due course regulations made under the Equality Act 2010 (which repealed the Disability Discrimination Act 1995) may require by law that all Hackney Carriages are to be wheelchair accessible and may set other relevant requirements which are to apply nationally.
- D. There is no statutory requirement for the Council to have a vehicle licensing policy and the Council has wide ranging powers to set local criteria and conditions. The Council has opted to produce a policy statement, criteria and conditions to aid businesses with the Council's expectations, to promote transparency and consistency of decision making and for defending any appeals in a court of law. However, any vehicle proposed for licensing shall be assessed individually and on its merits and any policy does not fetter the discretion of the Council nor does it constitute a rigid rule. Where a delegated officer is not minded to use their power to determine a licence application it shall be referred to a Licensing Sub-Committee for determination on behalf of the Council.
- E. The general minimum requirements which every vehicle is expected to meet before the grant of a licence may be considered are contained within this document. All applicants are strongly encouraged to contact a Licensing Officer regarding the suitability of a particular make, model or specification of vehicle, and advise upon the vehicle's intended use, BEFORE acquiring the vehicle or making any financial commitment.
- F. The number of passengers for which a particular vehicle may be licensed shall be at the discretion of the Licensing Authority having due regard to the recommendations of the vehicle test technician, manufacturer's specifications, V5 registration document, compliance with the following conditions of licence and any other reasonable or relevant factors. Local Councils are obliged to have regard to the intended use of the hackney carriage when determining whether to issue a licence, and this may include where and how the vehicle is to be used. It is the responsibility of the Applicant to directly provide all required information and documentation relating to the vehicle before an application may be considered.

1. Definitions

- 1.1 In these conditions, unless the subject or context otherwise requires, 'the vehicle' means a Hackney Carriage Vehicle licensed under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, 'the Proprietor' means the holder of a Hackney Carriage Vehicle Licence and 'the Council' means the Council of the District of Babergh.

2. Condition and specification of vehicle

2.1 (A) For all additional or replacement hackney carriage vehicle licences (from plate number 21 onwards):

The proprietor shall ensure that the vehicle is:

- (a) a side-loading, wheelchair accessible vehicle which has received European Whole Vehicle Type Approval (ECWVTA) for passenger vehicles (Category M1). This may include, but is not limited to, the following vehicle makes/models:
 - o Peugeot E7, Fiat Scudo, LTI TX4, Mercedes Benz M8 and TW200.

Some variants or conversions of particular vehicles may not be considered suitable for licensing or may require further assessment of intended use and specification.

- (b) no more than four years old since the date of first registration, or ten years old since the date of first registration in respect of a vehicle immediately previously licensed by the Council.

(Note: Applicants should check direct with the vehicle manufacturer to verify whether European Community Whole Vehicle Type Approval is held for a particular make/model).

2.1 (B) For hackney carriage vehicle licences (plates 1-20):

- (a) be no more than seven years old since the date of first registration, or ten years old since the date of first registration in respect of a vehicle immediately previously licensed by the Council.

The Council may, subject to compliance and inspection requirements, disregard these age limits for (i) prestige vehicles in pristine condition (see 2.4 of these conditions) or (ii) vehicles adapted for the carriage of wheelchair users/disabled passengers (see 2.1(A) and 2.3 of this document);

2.2 The following terms and conditions apply to all vehicles. The vehicle shall:

- (a) be of such design to enable any person in the vehicle to communicate with the driver;
- (b) have rear seat accommodation for at least two adult persons;
- (c) be fitted with a roof or covering which can be kept watertight;
- (d) not have any radio microphone, navigation equipment, hands-free mobile telephone or similar device installed in the vehicle in such a position that its use by the driver would impair his control of the vehicle whilst it is in motion;
- (e) be provided with at least four doors where the vehicle is a saloon, estate, purpose-built or similar vehicle, or be provided with at least three doors (not including any rear opening or doors) where the vehicle is a minibus, transit, people carrier or similar vehicle. Doors must allow adequate safe access and egress to and from the vehicle for driver and all passengers;
- (f) contain windows and a means of opening and closing not less than one window on each side;
- (g) be fitted in such a way to enable luggage to be secured safely if the vehicle is so constructed to carry luggage;
- (h) be fitted with front and rear seat restraints in accordance with relevant regulations or any statutory amendment thereto, including the Motor Vehicles (Wearing of Seat Belts) Regulations 1993, as amended by the Motor Vehicle (Wearing of Seat Belts) (Amendment) Regulations 2006 in relation to seating restraints for children. Please refer to **Appendix 1** of these conditions which summarises the relevant provisions in respect of seating restraints for children. No passengers shall be carried in the vehicle in excess of the number of seat restraints available or in breach of these regulations.
- (i) The floor of the vehicle shall be provided with a proper carpet, mat or other suitable covering and shall be kept clean, in good condition and free from obstructions or loose items.
- (j) The fittings and furniture in the vehicle shall be kept in a clean condition, well maintained and in every way fit for public service.
- (k) The vehicle shall be equipped with an efficient fire extinguisher which is of the type currently approved by the Suffolk Chief Fire Officer, for hackney carriage and private hire vehicles, and be carried in such a position so as to be readily available for use, within easy reach from the driver's seat and that the:
 - (i) extinguisher shall be regularly examined, serviced and replaced in accordance with the manufacturer's instructions;
 - (ii) operating instructions and precautions printed on the extinguisher shall be read and understood by every person who may drive the vehicle;
 - (iii) extinguisher shall be mounted on a bracket or housing in the vehicle;
 - (iv) fire extinguisher shall be exclusive to the vehicle and so marked.

2.3 Vehicles adapted for the carriage of wheelchair users/disabled customers:

- (a) A vehicle adapted for the carriage of wheelchair users and/or other disabled customers may be proposed for licensing beyond the age restrictions outlined in condition 2.1 above provided that the proprietor shall ensure that:
 - (i) the vehicle, its equipment, fixtures and fittings (internal and external) are kept in a well-maintained condition;
 - (ii) the vehicle is compliant with all applicable construction and use regulations, conditions of licence, guidelines/codes of practice issued by the Department for Transport; and
 - (iii) the vehicle is in every way fit for public service.
- (b) The Council shall assess and determine each such application individually and on its merits. The Council may in particular circumstances require a vehicle test inspection more frequently than once per annum where it is reasonably necessary to ensure the comfort and safety of the travelling public.
- (c) The Council shall not normally licence rear loading wheelchair vehicles, or vehicle wheelbases which exceed 5 metres (5000mm) in length, as hackney carriages where uses include use of town centre rank spaces (so as to help reduce overcrowding, complaints and congestion due to the limited space and access available). Single-passenger vehicles shall not normally be considered suitable for licensing as hackney carriages (see 2.2(b) above). The Council shall have due regard to the intended use of the hackney carriage when determining whether to issue a licence, and this may include where and how the vehicle is to be used. Applications for replacement vehicles, whether permanent or temporary, shall also be assessed under this criterion.
- (d) The proprietor of the vehicle shall ensure that any driver of the vehicle shall receive adequate training on all aspects of the operation of the vehicle and its equipment, including any lift or ramp, prior to undertaking any bookings. The Council may reasonably require the proprietor to produce written records or evidence to verify details of driver training undertaken.
- (e) Wheelchair accessible vehicles shall be maintained so as configured in accessible vehicle seating configuration at all times whilst available for immediate public hire, including rank based work. Hackney carriages being pre-booked in advance may be configured to non-accessible seating arrangements at the discretion of the proprietor.
- (f) In accordance with section 167 of the Equality Act 2010, the Council maintains a list of wheelchair accessible vehicles which is made available to the public including via the Council's website public register. If a proprietor does not wish their vehicle to be listed for such purposes then they should contact the Licensing Team accordingly.

2.4 Prestige vehicles in pristine condition and non-motorised vehicles:

- (a) A prestige vehicle in pristine condition may be proposed for licensing beyond the age restrictions outlined in condition 2.1(B).
- (b) Judgement of pristine condition is decided by an authorised vehicle test technician in agreement with an authorised Licensing Officer of the Council. An authorised Licensing Officer of the Council shall normally determine whether a particular make/model of vehicle is eligible to be considered as 'prestige' upon enquiry or application. The vehicle may need to be presented to an authorised officer, by prior appointment, for such assessment to be conducted. Examples of luxury or executive type vehicles that may be considered 'prestige' are Mercedes 'C', 'E' or 'S' Class, Jaguar 'XJ' Series, Audi A8, BMW 7 Series and Lexus LS.
- (c) The definition of pristine condition is as follows:

"Such vehicle to be in exceptionally well-maintained condition, the exterior being in near perfect and original condition, with no dents or sign of corrosion, and the paintwork in excellent condition. The interior of the vehicle to be in near perfect and original condition. The upholstery, lining, seats and floor coverings shall be clean with no tears, staining or marks".

- (d) Subject to all applicable terms and conditions outlined in this document, applications for non-motorised vehicle types (i.e. horse-drawn or person-drawn) shall be assessed and determined individually and on merit, including intended use and location. Such vehicles shall not normally be considered suitable for any town centre rank use. Additional or individual requirements and conditions may apply to the grant of such licences, and non-relevant terms and conditions within this document may be disapplied.

3. First Aid Equipment

- 3.1 There shall be provided and maintained in the vehicle, at all times when it is in use or available for hire, a suitable first aid kit containing appropriate first aid dressings and appliances, as identified in **Appendix 2** to these conditions, such equipment to be carried in such a position in the vehicle as to be secure and readily available for immediate use in the event of an emergency.

4. Maintenance of Vehicle

- 4.1 The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements, including in particular those contained in Motor Vehicles (Construction and Use) Regulations, shall be fully complied with.
- 4.2 The vehicle and all its fitting and equipment, including any lift or ramp, shall be maintained and serviced in accordance with the manufacturer's recommendations and any guidance from qualified motor engineers.
- 4.3 The vehicle shall be capable of passing a MoT and meeting the vehicle test standard at all times whilst the licence is in force. Vehicles may be inspected by an authorised officer of the Council at any time, and any vehicle found to be non-compliant with these conditions or unfit for public service in any way may have its licence immediately suspended until such time as any faults or defects are remedied to the reasonable satisfaction of the Council. This may in appropriate circumstances require the vehicle to have a further vehicle test inspection at a Council approved testing station.

5. Alteration of Vehicle

- 5.1 No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made at any time whilst the vehicle licence is in force without the prior written approval of the Council.
- 5.2 The Council will not permit any material alterations or modifications to the vehicle that may cause increased risk to passengers, pedestrians or other road users.

6. Insurance documentation

- 6.1 There shall be a valid policy of motor insurance in place to cover the use of the hackney carriage for public hire at all times during the currency of the vehicle licence, with such cover to comply with the requirements of Part IV of the Road Traffic Act 1988 (as may be amended).
- 6.2 Where the motor insurance policy expires before the expiry date of the vehicle licence, the proprietor of the licensed vehicle shall within 7 days of the expiry of any motor insurance certificate provide the Council with a follow-on certificate confirming continuation of cover.

7. Identification Plate

- 7.1 The plate issued by the Council identifying the vehicle as a hackney carriage shall be securely fixed to the rear exterior of the vehicle in a conspicuous position and in such manner so as to be easily removable by an authorised officer of the Council or Police.
- 7.2 Such plates shall only be removed by an authorised officer of the Council or Police or with the

authority of such an officer. Such plates shall specify the maximum number of passengers licensed to be carried in the vehicle (for the avoidance of any doubt a child of any age is counted as one passenger).

8. Signs and Notices

- 8.1 No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems, artwork or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision, required or permitted by these conditions or where prior written consent has been given by the Council. **This condition shall not apply to a sign which:**
- (a) is displayed in, on or from the vehicle while it is stationary;
 - (b) contains no words or numbers other than the name, address and telephone number of an operator of the vehicle or the name under which the business is conducted and its address and telephone number;
 - (c) is displayed in pursuance of a prior arrangement made for the carriage of a passenger or passengers named in the sign.
- 8.2 The proprietor shall cause to be affixed and maintained on the vehicle:
- (a) an external sign on and above the roof of the vehicle showing the word 'TAXI', and the sign may also indicate the proprietor's name and address or the name and address under which he carries on his business. The sign shall be so constructed as to be illuminated when the taximeter is not in use and not to be illuminated when the vehicle is hired and the meter is in use. The sign shall measure no less than 34 inches (86cms) in width and 6 inches (15cms) in height;
 - (b) such insignia as may be determined by the Council to be displayed on the exterior of each of the two front doors of the vehicle.
- 8.3 The proprietor shall display his business or trading name on the vehicle, either on a roof sign or by door advertisements. The telephone number may also be similarly displayed.
- (a) The Council shall assess any requests to display third-party or similar advertising on a licensed hackney carriage on a case-by-case basis. The proprietor of the vehicle shall in all cases await the written approval from the Council prior to the installation of any advertising graphics, wording, pictures, logos etc on the hackney carriage vehicle. Advertising including, implying or suggesting any offensive, misleading, inappropriate, lewd, obscene or other unsuitable wording, pictures, material or design shall be prohibited. Any advertising affecting the safety, comfort or performance of the vehicle, or that presents a distraction or danger to other road users or pedestrians, or obscuring trading name, plates or taxi roof sign, shall also be prohibited.

9. Interior Markings

- 9.1 The proprietor shall cause to be clearly marked and maintained inside the vehicle, in such a position so as to be visible at all times to persons conveyed therein, the number of the hackney carriage vehicle licence and the maximum number of passengers prescribed in the licence. This requirement shall be satisfied by means of displaying an interior plate provided by the Council for this purpose.
- 9.2 The proprietor shall ensure that a current statement of fares (fare tariff table) as determined by the Council shall be displayed and maintained on the interior of the front windscreen/dashboard area of the vehicle so that it is visible or available at all times to persons conveyed in the vehicle.
- 9.3 The proprietor shall renew such notices as often as necessary to keep them clearly visible or available.
- 9.4 The proprietor or driver shall not wilfully or negligently cause or suffer the letters or figures in the notices to be concealed or rendered illegible at any time while the vehicle is plying or being used for hire.

10. Taximeter

- 10.1 The proprietor shall install a taximeter in the vehicle, which shall be constructed, attached and maintained so as to comply with the following requirements:
- (a) the taximeter shall be accurately calibrated by a competent technician to the maximum fare tariff as set by the Council for the relevant controlled zone, which may vary from time to time, and the vehicle proprietor shall confirm to the Council the name and business address of the technician or supplier who has calibrated the meter before the vehicle is used for public hire;
 - (b) the taximeter shall be so constructed that it is not possible for any persons manually to alter the tariff rate without breaking the seals affixed thereto;
 - (c) the taximeter shall be fitted with a key, flag or other device, the operation of which will bring the machinery of the taximeter into action and cause the word 'hired' to appear on the face of the taximeter;
 - (d) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - (e) when the machinery of the taximeter is in action, there shall be recorded in the face thereof in figures clearly legible and free from ambiguity the fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in accordance with the current table of fares;
 - (f) the word 'fare' shall be printed on the face of the taximeter in plain letters so as to clearly apply to the fare recorded thereon;
 - (g) the taximeter shall be so placed that all letters and figures on the face thereof shall be at all times plainly visible to any person being conveyed in the vehicle or for that purpose the letters and figures shall be suitably illuminated during any period of hiring;
 - (h) the taximeter and all the fittings thereof shall be so affixed to the vehicle with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances;
 - (i) subject to certain prescribed exceptions, taximeters intended for use for the protection of consumers - which are first placed on the market or put into use on or after the 30th October 2006 - shall be subject to the requirements of The Measuring Instruments (Taximeters) Regulations 2006.

11. Fares

- 11.1 The proprietor shall not require for a journey a fare greater than that authorised by the table of fares in force. The customer is entitled to negotiate a lesser fare than the amount shown on the meter for the journey with any lesser fare charged being at the discretion of the vehicle proprietor.
- 11.2 Any use of in vehicle credit or debit card payment facilities system shall be notified to the Council in advance, including the make/model/specification of such equipment or applications. Such equipment or applications shall be securely and diligently operated and maintained by the proprietor in accordance with provider instructions and any relevant code of practice.
- 11.3 In all circumstances the proprietor shall ensure that the vehicle driver is able, immediately at the conclusion of the journey, to give a written or printed receipt to the hirer for the journey.
- 11.4 Any discretionary fee levied from the hirer by the proprietor, within their own policy, for soilage/cleaning or repair charges shall be on display and maintained in the vehicle by means of a legible and visible notice.

12. Plying for hire

- 12.1 A proprietor shall not by calling out or otherwise importune any person to hire his vehicle and shall not make use of the services of any person for such purpose.

13. Drivers

- 13.1 The proprietor shall ensure that every driver employed by him holds a Council issued combined Hackney Carriage/Private Hire Driver's Licence and that the driver is acquainted with, understands and observes the conditions attached to this licence and the statutory provisions relating to the licence.
- 13.2 Drivers of hackney carriages will be subject to separate driver conditions which reflect specific hackney carriage model byelaws adopted by the Council.
- 13.3 Vehicle proprietors are strongly encouraged to take advantage of passenger transport sector training schemes and qualifications now widely available for drivers. It is strongly recommended that all drivers are trained to a pass competency level for the Driving Standards Agency (DSA) Hackney Carriage and Private Hire Driver's Assessment.

14. Passengers

- 14.1 The proprietor shall not convey or permit to be conveyed in the vehicle a greater number of persons than that prescribed in the licence for the vehicle. For the avoidance of any doubt a child of any age is counted as one passenger.
- 14.2 The proprietor shall not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle.

15. Lost property

- 15.1 The proprietor shall daily search his vehicle for any property which may have accidentally been left therein.
- 15.2 The proprietor shall, if any property accidentally left therein by any person who may have been conveyed in the vehicle be found by or handed to him, carry it as soon as possible, and in any event within 24 hours, if no sooner claimed by or on behalf of its owner, to the local Police station and leave it in the custody of an officer of the Police upon his/her giving a receipt for it. The proprietor shall also notify the Council within 24 hours of finding or being handed any such lost property.

16. Sub-letting

- 16.1 The proprietor shall not at any time sub-let the vehicle licence plate. If sub-letting of the vehicle licence plate is discovered, the Council will normally suspend or revoke that licence plate.

17. Convictions

- 17.1 The proprietor shall within seven days disclose to the Council, in writing, details of any conviction imposed on him or, if the proprietor is a company or partnership, on any directors or partners) during the period of the licence.

18. Change of address

- 18.1 The proprietor shall notify the Council in writing of any change of his address (or, if the proprietor is a company or partnership, of any change in address of the company or partnership) within seven days of the change.

19. Deposit of driver's licence(s)

- 19.1 As provided for by Section 48 of the Town Police Clauses Act 1847, if the Proprietor permits or employs any other person to drive the vehicle as a Hackney Carriage or a Private Hire Vehicle, he shall before the person commences to drive the vehicle cause the driver to deliver to him his combined Hackney Carriage/Private Hire Driver's Licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of the proprietor.

20. Plate removal

- 20.1 On the failure by a vehicle of an annual test (or such greater frequency as may be determined) carried out by the Council's approved testing station, the proprietor or person having control of the vehicle shall on demand immediately return the licence plate to the Licensing Team at the Council's main address. A daily levy may be imposed for failure to return plates.

21. Assistance dogs

- 21.1 The Equality Act 2010 (which superseded the Disability Discrimination Act 1995 in relation to this matter) requires hackney carriage proprietors to carry guide, hearing and other assistance dogs for disabled passengers and the proprietor must do so at no extra charge.
- 21.2 Exemption from carrying assistance dogs may only be obtained by individual drivers on medical grounds (such as those with severe allergies or asthma). Any driver of the vehicle wishing to apply for exemption on such grounds should contact the Council accordingly.

22. Smoking, eating and drinking in licensed vehicles

- 22.1 In accordance with smoke-free regulations concerning smoking being prohibited in all enclosed or substantially enclosed public spaces, including public transport facilities, smoking shall not be permitted in any licensed vehicle at any time.
- 22.2 The proprietor and driver of the vehicle shall not permit any passenger or other person to smoke in a licensed vehicle.
- 22.3 The driver shall not, unless given the express consent of the hirer, eat or drink in the vehicle. This condition shall not apply to any consumption where there are relevant medical grounds (for example diabetic control). The driver is expected to exercise due care and attention at all times whilst undertaking his duties.

23. Tinted windows

- 23.1 The windscreen and windows of any vehicle shall not be excessively tinted and must comply with relevant regulations. The Road Vehicles (Construction and Use) Regulations 1986 (as amended) specify the legal limits for levels of light that must pass through the windscreen and windows. The light transmitted through the windscreen must be at least 75% and the front side windows must allow a minimum of 70% of light to be transmitted through them.
- 23.2 Where a particular vehicle is fitted with tinted windows as standard specification the applicant should check with the manufacturer/supplier that the vehicle complies with legal limits PRIOR to acquiring the vehicle and applying for a licence.
- 23.3 Opaque or mirrored glass windows shall not be permitted in any circumstances.
- 23.4 The vehicle shall not be modified so as to increase the level of tinting and reduce the light transmission percentage beyond the manufacturer's original specification.

24. Trailers

- 24.1 Trailers may only be used with the prior written approval of the Council. The proprietor may be required to purchase, at additional separate fee, an additional licence plate to ensure that the vehicle licence plate is not obscured.

- 24.2 The trailer must at all times comply with any applicable Road Traffic legislation, and in particular the Road Vehicles (Construction and Use) Regulations 1986 as amended. The trailer shall be adequately secured, lidded or covered whilst in use.
- 24.3 The proprietor shall ensure that appropriate vehicle insurance cover is effective to cover the use of the trailer. Evidence of valid insurance should be forwarded to the Council.

25. Accidents

- 25.1 The proprietor of a hackney carriage vehicle shall report to the Council as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof, any accident involving the hackney carriage vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. Failure to report an accident to the Local Authority is an offence under section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976.

26. Radio equipment and Scanners

- 26.1 Any two-way radio communications equipment used must be of such type as approved by OFCOM (or any successor agency), and must be fitted securely and safely in the vehicle in accordance with any guidelines published by OFCOM (or any successor agency).
- 26.2 Vehicles are not permitted to carry radio scanners.

27. Security / CCTV in licensed vehicles

- 27.1 Where a proprietor feels it necessary to consider installation of security measures in a licensed vehicle, for example such as screening between driver and passengers or CCTV, he must provide full details to the Council in writing and await written approval of the Council prior to installing any such equipment or devices.
- 27.2 The Council shall view each such proposal individually and on merit and will carefully assess whether such installation will impede the ability of passengers to communicate with the driver or conflict with any other conditions of licence. Any approved use may be subject to additional vehicle licence conditions and compliance with data protection legislation and codes of practice.
- 27.3 Licensed taxi and private hire operators make an important and valued contribution to a safe and vibrant night time economy. The Council encourages the Hackney Carriage and Private Hire trade to build good links with the local Police, including contributing to any Crime and Disorder Reduction Partnerships or similar groups.

NOTE: The Corporate Manager Licensing administers and controls Hackney Carriage and Private Hire licensing on behalf of the Council as delegated by the Head of Environment. Any matters or queries relating to these conditions should be addressed to him at Babergh District Council, Environment Division, Corks Lane, Hadleigh, IPSWICH, Suffolk IP7 6SJ.

The Council reserves the right to make revisions or amendments to these conditions without prior notice should circumstances require it (following for example any relevant case law, government best practice guidance or legislative/local changes).

APPENDIX 1 - CHILD SEATING RESTRAINTS

New rules came into force on **18 September 2006** requiring children who are passengers in vehicles to use a child seating restraint.

This table is a summary of these new rules for cars, vans and goods vehicles. There are certain exemptions that may apply in a licensed hackney carriage or private hire vehicle:

	Front seat	Rear seat	Who is responsible?
Child up to 3 years old	Correct child restraint MUST be used	Correct child restraint MUST be used If a restraint is not available in a licensed taxi/private hire vehicle, the child may travel unrestrained.	Driver
Child from 3rd birthday up to 135cms in height (approx 4' 5") (or 12th birthday whichever they reach first)	Correct child restraint MUST be used	Where seat belts are fitted, the correct child restraint MUST be used. The child must use adult belt if the correct child restraint is not available as follows: <ul style="list-style-type: none"> - in a licensed taxi or private hire vehicle; or - for a short distance in an unexpected necessity; or - two occupied child restraints prevent fitment of a third. A child 3 years and over may travel unrestrained in the rear seat of a vehicle if seat belts are not fitted in the rear.	Driver
Child over 1.35 metres (approx 4' 5") in height or 12 or 13 years old	Seat belt MUST be worn if available.	Seat belt MUST be worn if available.	Driver
Passengers aged 14 years old and over	Seat belt MUST be worn if available.	Seat belt MUST be worn if available.	Passenger

In almost all cases, every child up to 135cms (4' 5") or the age of 12 (whichever is reached first) must use a child restraint **and** drivers may not carry children as passengers just in seat belts.

Rear-facing baby seats **MUST NOT** be used in a seat protected by a front air-bag unless the air-bag has been deactivated manually or automatically.

APPENDIX 2 - FIRST AID KIT REQUIREMENTS

This schedule of conditions of licence relating to private hire vehicles requires that the vehicle is provided with a first aid kit containing appropriate first aid dressings and appliances. In accordance with the guidelines of the Employment Medical Advisory Service of the Health and Safety Executive, the Council requires that the first aid kit to be provided in each vehicle should comprise:

ITEM	MAXIMUM NUMBER OF OCCUPANTS PER VEHICLE (inclusive of driver and licensed passenger capacity)

	<u>1 to 5</u>	<u>6 to 9</u>
Individually wrapped sterile adhesive dressings.	10	20
Sterile eye pads, with attachment: an example of a suitable eye pad currently available would be the Standard Dressing No. 16 BPC.	1	2
Triangular bandages (if possible, sterile).	1	2
Sterile coverings for serious wounds (if triangular bandages not sterile).	1	2
Safety Pins.	6	6
Medium sized sterile unmedicated dressings approx. 10cm x 8cm: examples of suitable dressings currently available are the Standard Dressings No. 8 and 13 BPC.	3	6
Large sterile unmedicated dressings approx. 13cm x 9cm: examples of suitable dressings currently available are the Standard Dressings No. 9 and No. 14 BPC and the Ambulance Dressing No. 1.	1	2
Extra large sterile unmedicated dressings approx. 28cm x 17.5cm: an example of a suitable dressing currently available would be the Ambulance Dressing No. 3	1	2
Sterile water or sterile normal saline in a disposal container, holding at least 300ml. needs to be kept near the first-aid box. At least these numbers of containers should be kept.	1	1



CONDITIONS OF PRIVATE HIRE VEHICLE LICENCE **Part II Local Government (Miscellaneous Provisions) Act 1976**

General information:

The Council licenses a range of vehicles with seating for up to 8 passengers. Any vehicle proposed for licensing shall be assessed individually and on merit. However there are some minimum requirements which every vehicle must meet before a licence may be considered, and these are contained within the following conditions. Where an applicant has any doubt over the suitability of a particular make, model or specification of vehicle they are advised to check with the Licensing Authority BEFORE acquiring the vehicle. The number of passengers for which a particular vehicle may be licensed shall be at the discretion of the Licensing Authority having due regard to the recommendations of the Vehicle Test Inspector, manufacturer's specifications, compliance with the following conditions of licence and any other reasonable and relevant factors.

1. Condition of vehicle:

1.1 The vehicle shall:

- (a) be no more than seven years old since the date of first registration, or ten years old since the date of first registration in respect of a vehicle immediately previously licensed by the Council.

The Council may, subject to compliance and inspection requirements, disregard these age limits for (i) prestige vehicles in pristine condition (see 1.3 of these conditions) or (ii) vehicles adapted for the carriage of wheelchair users/disabled passengers (see 1.2 of these conditions);

- (b) be of such design to enable any person in the vehicle to communicate with the driver;
- (c) be fitted with a roof or covering which can be kept watertight;
- (d) contain windows and a means of opening and closing not less than one window on each side;
- (e) contain seats, which must be properly cushioned or covered. There shall be sufficient space between the front and rear seats, and seats cushions and the lowest part of the roof, to accommodate the driver and passengers safely and in reasonable comfort. The driver of the vehicle shall ensure that child seat restraints are used where so required in accordance with relevant regulations.
- (f) be fitted in such a way to enable luggage to be secured safely if the vehicle is so constructed to carry luggage;
- (g) be provided with at least four doors where the vehicle is a saloon, estate, purpose-built or similar vehicle, or be provided with at least three doors (not including any rear opening or doors) where the vehicle is a minibus, transit, people carrier or similar vehicle. Doors must allow adequate safe access and egress to and from the vehicle for driver and all passengers;
- (h) be fitted with front and rear seat restraints in accordance with relevant regulations or any statutory amendment thereto, including the Motor Vehicles (Wearing of Seat Belts) Regulations 1993, as amended by the Motor Vehicle (Wearing of Seat Belts) (Amendment) Regulations 2006 in relation to seating restraints for children. Please refer to **Appendix 1** of these conditions which summarises the relevant provisions in respect of seating restraints for children. No passengers shall be carried in the vehicle in excess of the number of seat restraints available or in breach of the said regulations.
- (i) The floor of the vehicle must be provided with a proper carpet, mat or other suitable covering and should be kept clean, in good condition and free from obstructions or loose items.
- (j) The fittings and furniture in the vehicle must be kept in a clean condition, well maintained and in every way fit for public service.
- (k) The vehicle shall be equipped with an efficient fire extinguisher which is of the type currently approved by the Suffolk County Chief Fire Officer, for hackney carriage and private hire vehicles, and be carried in such a position as to be readily available for use, within easy reach from the driver's seat and that:

- (1) the extinguisher shall be regularly examined and serviced in accordance with the manufacturers instructions;
- (2) the operating instructions and precautions printed on the extinguisher shall be read and understood by every person who may drive the vehicle;
- (3) the extinguisher shall be mounted on a bracket or housing in the vehicle;
- (4) the fire extinguisher shall be exclusive to the vehicle and so marked.

1.2 Vehicles adapted for the carriage of wheelchair users/disabled customers:

- 1.2.1 A vehicle adapted for the carriage of wheelchair users and/or other disabled customers may be proposed for licensing beyond the age restrictions outlined in condition 1.1(a) provided that the proprietor shall ensure that:
 - (a) the vehicle, its equipment, fixtures and fittings (internal and external) are kept in a well-maintained condition;
 - (b) the vehicle is compliant with all applicable construction and use regulations, conditions of licence, guidelines/codes of practice issued by the Department for Transport; and
 - (c) the vehicle is in every way fit for public service.
- 1.2.2 The Council shall assess and determine each such application individually and on its merits. The Council may in particular circumstances require a vehicle test inspection more frequently than once per annum where it is reasonably necessary to ensure the safety of the travelling public.
- 1.2.3 The proprietor of the vehicle shall ensure that any driver of the vehicle shall receive adequate training on all aspects of the operation of the vehicle and its equipment prior to undertaking any bookings.

1.3 Prestige vehicles in pristine condition:

- 1.3.1 A prestige vehicle in pristine condition may be proposed for licensing beyond the age restrictions outlined in condition 1.1(a).
- 1.3.2 Judgement of pristine condition is decided by an authorised Vehicle Inspector in agreement with an authorised Licensing Officer of the Council. An authorised Licensing Officer of the Council shall normally determine whether a particular make/model of vehicle is eligible to be considered as prestige upon enquiry or application. The vehicle may need to be presented to an authorised officer, by prior appointment, for such assessment to be conducted.
- 1.3.3 The definition of pristine condition is as follows:

“Such vehicle to be in exceptionally well-maintained condition, the exterior being in near perfect and original condition, with no dents or sign of corrosion, and the paintwork in excellent condition. The interior of the vehicle to be in near perfect and original condition. The upholstery, lining, seats and floor coverings shall be clean with no tears or marks”.

2. Maintenance of Vehicle:

- (a) The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements, including in particular those contained in Motor Vehicles (Construction and Use) Regulations, shall be fully complied with.
- (b) The vehicle shall be maintained and serviced in accordance with the manufacturer's recommendations and any guidance from qualified motor engineers.
- (c) The vehicle shall be capable of passing an MoT and meeting the vehicle test standard at all times whilst the licence is in force. Vehicles may be inspected by an authorised officer of the Council at any time, and any vehicle found to be non-compliant with these conditions or unfit for public service in any way may have its licence immediately suspended until such time as any faults or defects are remedied to the reasonable satisfaction of the Council. This may in appropriate circumstances reasonably require the vehicle to have a further vehicle test inspection at a Council approved testing

station.

3. Alteration of Vehicle:

- 3.1 No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made at any time whilst the vehicle licence is in force without the prior written approval of the Council.
- 3.2 The Council will not permit any material alterations or modifications to the vehicle that may cause increased risk to passengers, pedestrians or other road users.

4. Identification Plate:

The plate identifying the vehicle as a private hire vehicle and required to be exhibited on the vehicle pursuant to Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 shall be securely fixed to the rear exterior of the vehicle in a conspicuous position and in such manner as to be easily removable by an authorised Officer of the Council or Police. Such plates shall only be removed by an authorised Officer of the Council or Police or with the authority of such an Officer. Such plates shall specify the maximum number of passengers licensed to be carried in the vehicle (for the avoidance of any doubt a child of any age is counted as one passenger).

5. Interior Markings:

The proprietor shall cause to be clearly marked and maintained inside the vehicle, in such a position as to be visible at all times to persons conveyed therein, the number of this licence and the number of passengers prescribed in this licence. This requirement shall be satisfied by means of displaying an interior plate provided by the Council for this purpose.

6. First Aid Equipment:

There shall be provided and maintained in the vehicle, at all times when it is in use or available for hire, a suitable first aid kit containing appropriate first aid dressings and appliances, as identified in **Appendix 2** to these conditions, such equipment to be carried in such a position in the vehicle as to be secure and readily available for immediate use in the event of an emergency.

7. Signs and Notices:

- (1) No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems, artwork or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision or required or permitted by these conditions. **This condition shall not apply to a sign which:**
 - (a) is displayed in, on or from the vehicle while it is stationary;
 - (b) contains no words or numbers other than the name, address and telephone number of an operator of the vehicle or the name under which the business is conducted and its address and telephone number;
 - (c) is displayed in pursuance of a prior arrangement made for the carriage of a passenger or passengers named in the sign.
- (2) The proprietor shall display a sign on the doors of the vehicle to the Council's uniform design and specification, the sign to incorporate the business name and telephone number of the operator, but such name not to include the word 'Taxi' or 'Cab' in any form. The size of such sign should not exceed 24" (61cms) x 9" (23cms).
- (3) The proprietor shall cause to be affixed and maintained in the vehicle in a conspicuous position in accordance with the directions of the Council any sign or notice relating to private hire vehicles which the Council may from time to time require.
- (4) In order to ensure that a clear distinction is maintained between private hire vehicles and hackney carriages, for the benefit of members of the travelling public, the Council will not normally permit any roof-mounted signage to be affixed to a private hire vehicle. The Council will consider permitting,

upon prior written request, signage being displayed on the vehicle stating a form of words such as 'pre-booked only' or 'private hire only'.

- (5) A private hire vehicle must not carry any signage or advertising that may give the impression that the vehicle is a Hackney Carriage. Therefore words such as 'Taxi', 'Cab' and 'Hackney' are not permissible.

8. Mobile phones and similar devices:

- (1) No mobile phone, save for 'hands free' kit (for example bluetooth enabled headsets) shall be used whilst the driver is driving the vehicle. Use of any hand held mobile phone or similar device whilst driving is prohibited by law. The law does not only apply to mobile phones, but also applies to any similar device that is hand held including navigation equipment and other computer equipment.
- (2) Mobile phones shall not normally be used to take bookings unless such bookings are made via the operator line at the licensed operator base. Telephone diverts to mobile phones if used should only be diverted from the operator base telephone line to a mobile phone located within the controlled zone of Babergh and not beyond the district boundaries. Bookings should not be taken on a mobile phone where it would be contrary to condition 8.1 above, and the bookings records required to be kept by the operator of the vehicle should be updated as soon as is reasonably practicable.

9. Radio equipment and Scanners:

- 9.1 Any two-way radio communications equipment used must be of such type as approved by the Radio Communications Agency (or any successor agency), and must be fitted securely and safely in the vehicle in accordance with any guidelines published by the Radio Communications Agency (or any successor agency).
- 9.2 Vehicles are not permitted to carry radio scanners.

10. Citizen Band Radios:

The proprietor shall not cause or permit any Citizen Band (CB) radio to be used for or in connection with the hiring of a private hire vehicle.

11. Deposit of Drivers' Licences:

- 11.1 If the proprietor permits or employs any other person to drive the vehicle as a private hire vehicle, he shall before that person commences to drive the vehicle cause the driver to deliver to him his combined driver's licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his. Such licences may be inspected by an authorised officer of the Council or Police at any time when so deposited.
- 11.2 The Council issued combined driver licence document remains the possession of the licensed driver and the proprietor shall promptly return the licence to the driver upon him ceasing to be permitted or employed to drive the vehicle, or any other vehicle, of the proprietor.

12. Accidents:

The proprietor of a private hire vehicle shall report to the Council as soon as reasonably practicable, and in any case within 72 hours of the occurrence thereof, any accident involving the private hire vehicle causing damage materially affecting the safety, performance or appearance of the private hire vehicle or the comfort or convenience of persons carried therein. Failure to report an accident to the Local Authority is an offence under section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976.

13. Inspection of Licence:

The proprietor of any Private Hire Vehicle Licence **issued** by the Council shall, at the request of the authorised Officer of the Council or Police, promptly produce for inspection the Private Hire Vehicle Licence for such private hire vehicle and the Certificate of the Policy of Insurance or Security required by statute in respect of such private hire vehicle.

14. Change of Address:

The proprietor shall notify the Council in writing of any change of his address during the period of the licence within seven days of such change taking place.

15. Insurance documentation:

- 15.1 There shall be a valid policy of motor insurance in place to cover the use of the private hire vehicle at all times during the currency of the vehicle licence, with such cover to comply with the requirements of Part IV of the Road Traffic Act 1988 (as may be amended).
- 15.2 Where such an insurance policy expires before the expiry date of the vehicle licence, the proprietor of the licensed vehicle shall within 7 days of the expiry of any motor insurance certificate provide the Council with a follow-on certificate confirming continuation of cover.

16. Convictions:

The proprietor shall within seven days of the date any such conviction disclose to the Council in writing details of any conviction imposed on him (or if the proprietor is a Company or Partnership, on any of the Directors or Partners) during the period of the licence.

17. Smoking, eating and drinking in licensed vehicles:

- 17.1 In accordance with smoke-free regulations concerning smoking being prohibited in all enclosed or substantially enclosed public spaces, including public transport facilities, smoking shall not be permitted in any licensed vehicle at any time.
- 17.2 The driver of the vehicle shall not permit any passenger or other person to smoke in a licensed vehicle.
- 17.3 The driver shall not, unless given the express consent of the hirer, eat or drink in the vehicle. This condition shall not apply to any consumption where there are relevant medical grounds (for example diabetic control). The driver is expected to exercise due care and attention at all times whilst undertaking his duties.

18. Tinted windows:

- 18.1 The windscreen and windows of any vehicle shall not be excessively tinted and must comply with relevant regulations. The Road Vehicles (Construction and Use) Regulations 1986 (as amended) specify the legal limits for levels of light that must pass through the windscreen and windows. The light transmitted through the windscreen must be at least 75% and the front side windows must allow a minimum of 70% of light to be transmitted through them.
- 18.2 Where a particular vehicle is fitted with tinted windows as standard specification the applicant should check with the manufacturer/supplier that the vehicle complies with legal limits PRIOR to acquiring the vehicle and applying for a licence.
- 18.3 Opaque or mirrored glass windows shall not be permitted in any circumstances.
- 18.4 The vehicle shall not be modified so as to increase the level of tinting and reduce the light transmission percentage beyond the manufacturer's original specification.

19. Trailers:

- 19.1 Trailers may only be used with the prior written approval of the Council.
- 19.2 The trailer must at all times comply with any applicable Road Traffic legislation, and in particular the Road Vehicles (Construction and Use) Regulations 1986 as amended. The trailer shall be adequately secured, lidded or covered whilst in use.
- 19.3 The proprietor shall ensure that appropriate vehicle insurance cover is effective to cover the use of the trailer.

20. Assistance dogs:

- 20.1 Section 37(a) of the Disability Discrimination Act 1995 requires private hire operators to carry guide, hearing

and other assistance dogs for disabled passengers and the operator must do so at no extra charge.

- 20.2 Exemption from carrying assistance dogs may only be obtained by individual drivers on medical grounds (such as those with severe allergies or asthma). Any driver of the vehicle wishing to apply for exemption on such grounds should contact the Council accordingly.

21. Transfer of private hire vehicles:

- 21.1 Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 requires a proprietor who transfers his interest in a private hire vehicle to another person to give written notice to the Council detailing the name and address of the person to whom the private hire vehicle has been transferred. The Council require that any such transfer shall be notified in writing to the Council within 7 days of any such change.
- 21.2 This requirement is waived if that person is already registered on the licence as a person having an interest in the vehicle.

22. Stretched limousines:

- 22.1 The Council has resolved not to issue licences for stretched limousine type vehicles at this time. The Department for Transport have advised local Councils in October 2006 that they will be issuing further guidance specifically on stretched limousines and any requirements for the licensing of such vehicles in due course. At such time as any comprehensive guidance is published, or any revisions are made to the legislation, then the Council will review this policy accordingly.

23. Security / CCTV in licensed vehicles:

- 23.1 Where a proprietor feels it necessary to consider installation of security measures in a licensed vehicle, for example such as screening between driver and passengers or CCTV, he must provide full details to the Council in writing and await written approval of the Council prior to installing any such equipment or devices.
- 23.2 The Council shall view each such proposal individually and on merit and will carefully assess whether such installation will impede the ability of passengers to communicate with the driver or conflict with any other conditions of licence.
- 23.3 The Council encourage the Private Hire and Hackney Carriage trade to build good links with the local Police, including contributing to any Crime and Disorder Reduction Partnerships or similar groups.

24. Lost property:

- 24.1 The proprietor shall daily search his vehicle for any property which may have been accidentally left therein.
- 24.2 The proprietor shall, if any property accidentally left therein by any person who may have been conveyed in the vehicle be found by or handed to him, carry it as soon as possible, and in any event within 48 hours, if no sooner claimed by or on behalf of its owner, to the Licensing Section of the Council and leave it in the custody of an officer of the Council upon his giving a receipt for it.

NOTE: The Head of Natural and Built Environment administers and controls Hackney Carriage and Private Hire licensing on behalf of the Council. Any matters or queries relating to these conditions should be addressed to him at Babergh District Council, Natural and Built Environment Division, Corks Lane, Hadleigh, IPSWICH, Suffolk IP7 6SJ.

The Council reserve the right to make revisions or amendments to these conditions without prior notice should circumstances require it (following for example any relevant case law, government best practice guidance or legislative changes).

APPENDIX 1 - CHILD SEATING RESTRAINTS

New rules came into force on **18 September 2006** requiring children who are passengers in vehicles to use a child restraint.

This table is a summary of these new rules for cars, vans and goods vehicles. There are certain exemptions that may apply in a licensed hackney carriage or private hire vehicle:

	Front seat	Rear seat	Who is responsible?
Child up to 3 years old	Correct child restraint MUST be used	Correct child restraint MUST be used If a restraint is not available in a licensed taxi/private hire vehicle, the child may travel unrestrained.	Driver
Child from 3rd birthday up to 135cms in height (approx 4' 5") (or 12th birthday whichever they reach first)	Correct child restraint MUST be used	Where seat belts are fitted, the correct child restraint MUST be used. The child must use adult belt if the correct child restraint is not available as follows: - in a licensed taxi or private hire vehicle; or - for a short distance in an unexpected necessity; or - two occupied child restraints prevent fitment of a third. A child 3 years and over may travel unrestrained in the rear seat of a vehicle if seat belts are not fitted in the rear.	Driver
Child over 1.35 metres (approx 4' 5") in height or 12 or 13 years old	Seat belt MUST be worn if available.	Seat belt MUST be worn if available.	Driver
Passengers aged 14 years old and over	Seat belt MUST be worn if available.	Seat belt MUST be worn if available.	Passenger

In almost all cases, every child up to 135cms (4' 5") or the age of 12 (whichever is reached first) must use a child restraint **and** drivers may not carry children as passengers just in seat belts.

Rear-facing baby seats **MUST NOT** be used in a seat protected by a front air-bag unless the air-bag has been deactivated manually or automatically.

APPENDIX 2 - FIRST AID KIT REQUIREMENTS

This schedule of conditions of licence relating to hackney carriage vehicles requires that the vehicle is provided with a first aid kit containing appropriate first aid dressings and appliances. In accordance with the guidelines of the Employment Medical Advisory Service of the Health and Safety Executive, the Council requires that the first aid kit to be provided in each vehicle should comprise:

ITEM	MAXIMUM NUMBER OF OCCUPANTS PER VEHICLE (inclusive of driver and licensed passenger capacity)	
	<u>1 to 5</u>	<u>6 to 9</u>
Individually wrapped sterile adhesive dressings.	10	20
Sterile eye pads, with attachment: an example of a suitable eye pad currently available would be the Standard Dressing No. 16 BPC.	1	2
Triangular bandages (if possible, sterile).	1	2
Sterile coverings for serious wounds (if triangular bandages not sterile).	1	2
Safety Pins.	6	6
Medium sized sterile unmedicated dressings approx. 10cm x 8cm: examples of suitable dressings currently available are the Standard Dressings No. 8 and 13 BPC.	3	6
Large sterile unmedicated dressings approx. 13cm x 9cm: examples of suitable dressings currently available are the Standard Dressings No. 9 and No. 14 BPC and the Ambulance Dressing No. 1.	1	2
Extra large sterile unmedicated dressings approx. 28cm x 17.5cm: an example of a suitable dressing currently available would be the Ambulance Dressing No. 3	1	2
Sterile water or sterile normal saline in a disposal container, holding at least 300ml. needs to be kept near the first-aid box. At least these numbers of containers should be kept.	1	1



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

CONDITIONS OF PRIVATE HIRE OPERATOR LICENCE

1. Record keeping:

1.1 (a) The records required to be kept by the Operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book, the pages of which shall be 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:

- (i) the time and date of the booking;
- (ii) the name and address of the hirer;
- (iii) how the booking was made (ie. by telephone, e-mail or personal call);
- (iv) the time of pick-up;
- (v) the point of pick-up;
- (vi) the destination;
- (vii) the time at which a driver was allocated to the booking;
- (viii) the registration number of the vehicle allocated for the booking;
- (ix) remarks (including details of any sub-contract or fare quoted at time of booking);
- (x) the name or appropriate identifier of the driver allocated to the booking.

(b) The Operator shall also keep records of the particulars of all private hire vehicles operated by him, which shall include details of the owners, registration numbers and drivers of such vehicles, together with any radio call sign used.

(c) All records kept by the Operator shall be preserved at the operator address as identified in the licence for a period of not less than six months following the date of the last entry, and shall be produced promptly upon request to any authorised Officer of the Council or to a Police Officer.

1.2 Electronic record keeping, internet bookings and mobile phone diversions:

(a) The requirements outlined in condition 1.1 shall be so satisfied by electronic record keeping provided that the operator complies with the particulars required by condition 1.1. All electronic records shall be preserved for a period of not less than 6 months, and shall be made available upon request to an authorised officer of the Council or Police constable, in either printed format or electronically as may be required, at the address for which the operator licence is in force.

(b) Where on-line bookings are invited or accepted the point of booking shall be at a computer physically located at the operator base address as identified in the operator licence. Telephone diversions to mobile phones where so used shall be diverted from the operator base to a mobile phone located within the controlled zone of Babergh and not cross-border. Where bookings are made using a mobile phone the bookings log shall be updated with all required information as soon as is reasonably practicable.

2. Standard of Service:

The Operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:

- (a) ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place;
- (b) keep clean, adequately heated, ventilated and lit any premises which the Operator provides and to which the public have access, whether for the purpose of booking or waiting;
- (c) put in place and maintain an adequate public liability insurance policy for premises that are open to the public;
- (d) ensure that any waiting area provided by the Operator has adequate seating facilities;
- (e) ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly;
- (f) ensure that drivers and controllers are advised to act in a helpful, polite and professional manner at all times whilst undertaking their duties.

3. Citizen Band Radios:

The Operator shall not cause or permit any Citizen Band (CB) radio to be used for or in connection with the hiring of a private hire vehicle, nor shall any radio scanning equipment be so used.

4. Change of Address:

- 4.1 The Operator shall notify the Council in writing of any change of his address (including any address from which he operates or otherwise conducts his business as an Operator) as soon as possible in advance of any such change taking place, and in any event within seven days of such change taking place.
- 4.2 Any new (or existing) operating address may require planning permission and it is the responsibility of the operator to check such requirements.

5. Convictions, cautions and charges:

- 5.1 The Operator shall within seven days of the date any such conviction disclose to the Council in writing details of any conviction imposed on him (or if the proprietor is a Company or Partnership, on any of the Directors or Partners) during the period of the licence. It should be noted that the Police may notify the Council of relevant information or convictions in accordance with the Notifiable Occupations Scheme.
- 5.2 The Operator shall within seven days disclose to the Council in writing details of any caution or any offence he (or if the proprietor is a Company or Partnership, on any of the Directors or Partners) has been charged with during the period of the licence.

6. Hiring charges:

- 6.1 The Operator of a licensed private hire vehicle shall not invite or accept a booking for such vehicle or control or arrange a journey to be undertaken by such vehicle, without first making available in writing, or giving orally, to the person making the booking, information as to the basis of the charge for the hire of the vehicle.
- 6.2 Every proprietor shall cause a 'statement of fares' to be available and maintained in such a position in each licensed private hire vehicle and in the Operator's premises so as to be readily accessible at all times to the hirer. A notice (for example a label on the dashboard) may be displayed in the vehicle or on the premises advising customers how to access the statement of fares, which should be retained both in the vehicle and on the Operator's premises. The statement of fares shall clearly show the following information:
 - (a) The minimum charge of each hiring (if any);
 - (b) The fare tariff;
 - (c) The retention charge per minute or portion thereof;
 - (d) Any additional charges.

7. Disorderly Conduct:

The holder of an Operator's Licence shall not permit any person who is drunk, or is behaving in a disorderly manner, to remain upon the premises in respect of which the licence is in force. The Police should be promptly called should any such situation arise and the Operator or staff on duty have any concerns over their own ability to safely remove such a drunk or disorderly individual from the premises.

8. Advertising of private hire services:

8.1 The holder of an Operator's Licence shall not cause or permit any advertising of private hire services to be made in such manner or form of words that is likely to indicate to a member of the travelling public that a private hire vehicle may be available for immediate hire without prior booking. Therefore such advertising (including cards, notices and websites) shall not contain such words as 'taxi', 'cab' or similar.

8.2 Advertising may be more flexibly worded where the Operator licence holder also operates one or more hackney carriages in addition to private hire vehicles, but not so as to indicate that private hire vehicles are available for immediate hire without prior booking.

8.3 Where the operator considers that 'A' boards or similar external advertising signage are necessary to alert members of the travelling public to private hire services, the operator shall seek to obtain appropriate permission from the appropriate Authority (for example Planning Authority or Highways Agency) prior to the siting or display of such signage.

9. Parking of licensed private hire vehicles:

9.1 The Operator shall ensure that all drivers of licensed private hire vehicle(s) operating under his control are advised to:

(a) Not park in such manner or location so as to cause significant traffic congestion to the detriment of local residents, amenities or general passenger traffic;

(b) Not park so as to form a rank of vehicles, that may cause a member of the travelling public to interpret a private hire vehicle as being available for immediate hire without any prior booking being made;

(c) Not park in such manner or location so as to be in contravention of any applicable laws or regulations; and

(d) Not sound the horn of the vehicle to alert a pre-booked passenger to the arrival of the vehicle, when in a built up area between the hours of 11:30pm and 7:00am, or where such use would be contrary to rule 92 of the Highway Code.

9.2 Having due regard to environmental considerations the Council strongly recommend that the Operator advises all drivers of his licensed vehicle(s) to not leave the engine of the vehicle running for any significant length of time whilst awaiting a booking. It should be noted that powers are available to the Council to make byelaws that may incorporate such matters.

Further information and requirements:

Your operator base may require planning permission. If you are uncertain then please seek prompt advice from Planning Control, Babergh District Council, Corks Lane, Hadleigh, IPSWICH, Suffolk IP7 6SJ (Tel: 01473 822801). If you intend to operate from a Council house you may, in addition to any planning consent required, need the separate approval of the Housing Department. If in doubt please seek advice from the Head of Housing, Babergh District Council, Corks Lane, Hadleigh, IPSWICH, Suffolk IP7 6SJ.

If you are unsure of the requirements for your operating base then you should seek advice from the Licensing Section at Babergh District Council (Tel: 01473 826658). The Operator should also ensure that they are fully aware of the relevant legislation concerning all aspects of private hire operation.

The Council reserve the right to make revisions or amendments to these conditions without prior notice should circumstances require it (following for example any relevant case law, government best practice guidance or legislative changes).



PRIVATE HIRE LICENSING CONDITIONS & CRITERIA: STRETCHED LIMOUSINE TYPE VEHICLES

A: GENERAL (PLEASE READ CAREFULLY PRIOR TO SUBMITTING AN APPLICATION):

1: Documentation and certification:

- 1.1 In respect of American and other Stretched Limousines there will be a maximum age limit of 6 years from the date of manufacture / conversion for any vehicle to be licensed for the first time. A vehicle may be continuously licensed beyond this age limit provided it is able to pass the Council's mechanical examination. Only vehicles which have been converted under either the Ford Lincoln **Qualified Vehicle Modifier (QVM)** programme or the **Cadillac Master Coachbuilder (CMC)** programmes will be acceptable for consideration of a vehicle licence. Where there is evidence that a vehicle has been significantly modified or altered since QVM or CMC programme conversion, the Council will normally refuse an application to licence the vehicle. Stretch conversions longer than 120 inches under the QVM programme or longer than 130 inches under the CMC programme will not be considered suitable for licensing.
- 1.2 When presented for licensing for the first time the applicant for the vehicle licence will need to verify certification under the Single Vehicle Approval (SVA) scheme. The SVA certification document, together with the declaration completed at the time of SVA certification, will need to be produced to the Licensing Officer. The Council will normally check SVA certification validity with DVLA and/or VOSA. Where DVLA and/or VOSA are unable to verify the validity of any SVA certification presented to the Council then a licence will normally not be granted for the vehicle.
- 1.3 It will be the vehicle proprietor's responsibility to obtain and provide all necessary documentation to support the provenance of the vehicle to the satisfaction of the Council.

2: Passengers and seating:

- 2.1 The licensing of any vehicle will be dependant upon the Council being satisfied that the vehicle is suitable in size, type and design for use as a Private Hire Vehicle (as required by section 48(1) of the Local Government (Miscellaneous Provisions) Act 1976) and the number of passengers which the vehicle is licensed to carry will in all cases be subject to the discretion of the Council. Vehicles with more than 8 passenger seats, or which could seat more than 8 passengers, can not be licensed as Private Hire and would need to be assessed and licensed under Public Service Vehicle (PSV) licensing arrangements administered by the Traffic Commissioner at VOSA (Vehicle Operator Standards Agency). For assessment of seating capacity it shall ordinarily be deemed that one passenger seat is equal to 400mm in width.
- 2.2 Seat belts must be of such type-approval and fitting so as to be compliant with all relevant legislation/regulations. There is no legal requirement to fit seat belts on sideways-facing seats (i.e. those on sideways bench seating).

3: Vehicle testing and examination:

- 3.1 Before being mechanically examined for licensing as a Private Hire (Stretched Limousine) Vehicle, an appointment must be made with the Licensing Office for a preliminary inspection of the vehicle to ascertain whether it complies in general terms with the requirements for private hire licensing. The vehicle proprietor will attend this preliminary inspection as instructed by a Licensing Officer. When a vehicle is submitted for inspection it shall be in a good and clean condition and the engine, chassis, body, wheels fittings, tyres, furniture and all parts must be in good repair and order. This initial general suitability assessment will NOT provide any assurance to the proprietor that a licence will subsequently be issued for the vehicle.
- 3.2 A Private Hire (Stretched Limousine) Vehicle will be required to be submitted for mechanical examination every six months (and three times per annum if it is considered reasonably necessary) and when presented for mechanical examination at the Council's authorised testing station the proprietor will ensure that the service

record, for the previous 12 months, giving details of servicing and any replacement parts fitted will be available for inspection if required. The Council will specify which authorised testing station will conduct the mechanical examination of the vehicle.

4: Vehicle insurance, V5 registration and MOT:

4.1 Before a licence is considered for the vehicle the proprietor must provide documentary evidence of a valid policy of vehicle insurance covering all use of the vehicle for hire or reward/private hire on which the terms of cover taken out should also ordinarily include:

- (a) unlimited indemnity for injury and death to passengers (whilst entering into, riding in or dismounting from the vehicle) and other third parties;
- (b) adequate indemnity for damage to third party property - other than that being carried in or on the insured vehicle; and
- (c) adequate cover for damage to property belonging to persons being carried in the insured vehicle.

The Council will ordinarily contact insurance providers and brokers to verify the validity of insurance cover. Where a cover note is provided as documentary evidence of insurance, it is the responsibility of the policy holder to maintain/renew the policy during the currency of any licence, and provide the Council with follow-on certificates and/or cover notes as they become due.

4.2 Before a licence is considered for the vehicle the proprietor must provide the Licensing Officer with a V5 registration document that is consistent with the vehicle presented for licensing. Where a V5 is provided that identifies any discrepancy between the vehicle specified in the document and the vehicle presented for licensing, a licence can not normally be granted. The Council may make further enquiries with DVLA to verify the details of any V5 document presented with, or prior to, an application.

4.3 A current MOT certificate must be provided to the Council for the vehicle before a licence may be considered. It is the responsibility of the proprietor of the vehicle to provide follow-on certificates to the Council as they become due.

4.4 In the event of the MOT test certificate or insurance cover on the vehicle being cancelled, expiring or failing to cover the use to which the vehicle is being put, then the vehicle shall not be used until appropriate cover is reinstated and the Licensing Office shall be informed immediately.

5: Maintenance, servicing and accidents/repairs:

5.1 The proprietor(s) and operator(s) of the vehicle must ensure that the vehicle is adequately and regularly maintained and serviced during the validity of its licence, and the vehicle must be capable of passing an MOT and PHV test inspection at ANY time. The proprietor(s) and operator(s) of the vehicle must ensure that all components of the vehicle's construction are regularly and adequately checked and satisfactorily maintained with the correct/specialist/heavy-duty spare parts, including those elements of the vehicle such as axles, chassis, shock absorbers and suspension, steering components, brake systems and tyres that may be under increased stresses and load bearing than 'standard' type vehicle constructions.

5.2 The Council requires all proprietors and operators of stretched vehicles to ensure that public safety is given their utmost priority, and to be vigilant to ensure that under no circumstances sub-standard, incorrect or inadequate replacement parts are used for the licensed vehicle. For example using tyres with an inappropriate load bearing ratio, or inadequate braking, transmission or steering components could lead to a serious accident. Replacement parts should be of such design, specification, manufacture and durability so as to be entirely fit for purpose.

5.3 Any accident or damage (however slight) to the vehicle, or any incident involving the use of the vehicle, MUST be reported to the Council within 72 hours of the occurrence thereof. The proprietor must inform the Licensing Office immediately upon satisfactory completion of any repairs. Any vehicle off the road for repairs for more than one calendar month will normally require a further PHV test before resuming operation.

5.4 Compliance checks may be made at any time by an authorised officer of the Council, Police or VOSA. Should a licensed stretched vehicle at any time be found to fall below a condition that is considered by the Council as safe and suitable for licensing, the licence may be immediately suspended or revoked.

6: Drivers:

6.1 All drivers of the vehicle must be in possession of a full driving licence issued by DVLA of the correct category for the appropriate class of vehicle. It should be noted that certain age restrictions apply to certain categories and weights of vehicle. Category B entitlement would normally be sufficient for vehicles up to a gross weight of 3500kg (3.5 tonnes). If you have any enquiries concerning driving licence entitlement please contact DVLA on 01792 772151.

6.2 Any person driving the licensed vehicle shall obtain a combined HC/PHV drivers' licence from the Council (even if they are only driving it for social, domestic or pleasure type use) and operators shall ensure that drivers of the vehicle receive adequate training, supervision and support to ensure that they are able to safely drive the vehicle. Due to the specialist nature of stretched vehicles, the Council strongly recommends that drivers of stretched limousines attain an advanced driving accreditation.

6.3 The policy of motor insurance obtained by the proprietor must adequately cover all drivers use of the vehicle.

7: CCTV and security installations:

7.1 No form of CCTV camera (including 'dummy' cameras) or other security device is to be installed in the vehicle without the prior written consent of the Council.

8: Sale and consumption of alcohol:

8.1 No alcohol shall be sold in or from the vehicle unless an appropriate authorisation under the Licensing Act 2003 is in effect. For these purposes a sale is deemed to be made where a 'complimentary' alcoholic drink is provided as part of a fee-paying hiring of the vehicle.

8.2 The proprietor and operator of the vehicle shall take all reasonable steps to ensure that the driver and the hirers of the vehicle are advised that under 18's are not permitted to consume alcohol in the licensed vehicle, and observe all other relevant requirements of the Licensing Act 2003.

9: Private Hire Exemptions:

9.1 Vehicles used solely for wedding and/or funerals are exempt from local PHV licensing requirements. Vehicles carrying 8 or less passengers at separate fares, or as a small part (i.e less than 10%) of a larger bus business, will normally require licensing by VOSA under PSV arrangements and can not therefore be licensed by the Council as Private Hire. Previous '7 day contract' exemptions from private hire licensing have been repealed with effect from 28 January 2008 by the provisions of the Road Safety Act 2006.

B: VEHICLE SPECIFICATION

Within the general pre-requisites, criteria and conditions required, each vehicle licence application shall be assessed individually and on merit. In making a determination of a vehicle's suitability the Council will consider all of the factors referred to within this document, and any other relevant legislation or guidance, when determining (pursuant to section 48 of the Local Government (Miscellaneous Provisions) Act 1976) whether a vehicle is suitable in type, size, design, mechanical condition, safety and comfort to be granted a private hire licence. Normally, only vehicles complying with the following requirements will be considered for licensing as a Private Hire (Stretched Limousine) Vehicle:

- (a) Vehicles not capable of carrying more than 8 passengers in addition to the driver (for the avoidance of doubt a baby or child of whatever age each count as one person);
- (b) Vehicles fitted with at least 4 doors and 4 wheels.

- (c) All bodywork and paintwork must be to a very high standard with no dents or signs of corrosion.
- (d) Vehicles must have adequate space for securely storing luggage within the vehicle.
- (e) The vehicle shall be equipped at all times with seat belts for every seat which can be used for the carriage of passengers and where a seat belt is required by law to be fitted. Seat belts must comply with current legislation and be maintained in good working order at all times.
- (f) The vehicle must have a serviceable spare wheel and tyre together with the proper tools and equipment to change the wheel if and when needed.
- (g) All tyres (including the spare) must be suitable for the vehicle and of adequate load bearing capability for the maximum fully loaded weight of the vehicle
- (h) The door windows must be so constructed that they can be easily lowered or raised by the hirer and must be fitted with an appropriate means to enable them to be opened and kept open or partly opened as desired by the hirer. The windows must be suitably glazed, free from rattle and must be wind and water tight.
- (i) The seats shall be covered with leather or other appropriate materials and must be properly upholstered and maintained in good condition, free from tears or marks.
- (j) The fittings and furniture of the vehicle must be well maintained in a good and clean condition.
- (k) No roof fitting will normally be permitted other than an aerial to receive radio transmissions.
- (l) The vehicle must be equipped with at least three rear view mirrors, one of which shall be fitted internally in a position where the driver can easily view the interior of the vehicle, the other two shall be fitted externally on the nearside and offside of the vehicle.
- (m) The vehicle shall keep two fire extinguishers and a first aid kit (of type/contents as specified within the standard PHV conditions of licence).
 - Fire Extinguishers: One should be mounted on brackets, in a convenient position in the drivers compartment, if practical, or in a position where it is readily accessible by the driver. The other should be similarly mounted within the boot of the vehicle, so as to be readily available at all times.
 - First Aid Kit: Should be carried in such a position in the vehicle as to be readily visible and available for immediate use by a qualified person or a volunteer in an emergency. If the design of the vehicle is such that it cannot be carried in a position where it is easily visible, then a sign shall be displayed on the vehicle dashboard or some other prominent position indicating the position of the kit:
- (n) If granted a licence, the vehicle will be issued with an exemption certificate from displaying the private hire plate under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976. The two Council issued Private Hire (Stretched Limousine) Vehicle internal plates will be required to be displayed in the windscreen of the licensed vehicle and on the dashboard. A duplicate copy of the vehicle licence will also be issued by the Council and this must be retained in the vehicle at all times by the proprietor/operator/driver of the vehicle and must be produced upon request to an authorised officer of the Local Authority, VOSA or Police.
- (o) All 'standard' Babergh District Council Private Hire vehicle conditions of licence (as may be modified from time to time) shall apply to stretched limousine type licensed vehicles unless they are overridden by the special criteria, conditions and licensing requirements relating to stretched vehicles licensed as Private Hire. Proprietors, operators and drivers must ensure that the vehicle is only driven by licensed drivers who have the correct category of entitlement on his/her DVLA issued driving licence.
- (p) The operator and drivers of licensed stretched limousine vehicles shall be subject to all relevant licensing requirements and conditions in force at Babergh District Council (as may be modified from time to time).

It should be noted that these conditions and criteria for licensing shall be kept under periodic review and revised if necessary based on emerging best practice, further guidance and regulatory provisions, and closer working arrangements with neighbouring Licensing Authorities.