

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

Agenda Item No. 6

meeting date: 19 March 2013  
title: Review of Council's standard conditions of licence and infringement scheme for private hire operators, drivers and vehicles.  
submitted by: Chief Executive  
principal author: Mair Hill

## 1 PURPOSE

- 1.1 To inform Committee of the review which has been carried out of the standard conditions of licence and infringement scheme for private hire operators, drivers and vehicles and to seek committee's approval of the revised standard conditions and infringement scheme.
- 1.2 Relevance to the Council's ambitions and priorities
- Community Objectives – The revised conditions and penalty point scheme will promote the Council's aim of being a well managed Council.
  - Corporate Priorities - N/A
  - Other Considerations – N/A

## 2 BACKGROUND

- 2.1 On 20 March 2012, the Head of Legal and Democratic Services was authorised by committee to consult private hire drivers on various proposed changes to the standard conditions which had been discussed at committee. As a result of this consultation, a complete review of the standard conditions and the corresponding infringement scheme has been carried out and the revised versions of each are appended as **Appendix 1 and 2**.

## 3 ISSUES

- 3.1 The revised versions:
- 3.1.1 incorporate all changes which have previously been approved by committee;
- 3.1.2 update the legislation referred to within the conditions;
- 3.1.3 simplify and clarify the drafting; and
- 3.1.4 ensure that all the conditions are included in the infringement scheme and vice versa.

## 4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications
- Resources – Resources will be needed within the Legal and Democratic Services Department to inform the private hire operators, drivers and vehicle proprietors of the revised standard conditions and to ensure that these have been replaced in their operating bases and vehicles.
  - Technical, Environmental and Legal – None
  - Political - None

- Reputation – Revising the conditions will enhance the Council's reputation as a well managed Council.
- Equality & Diversity – None

5 RECOMMENDED THAT COMMITTEE

- 5.1 Approve the revised standard conditions and infringement scheme for private hire operators, drivers and vehicles.

MARSHAL SCOTT  
CHIEF EXECUTIVE

MAIR HILL  
SOLICITOR

BACKGROUND PAPERS

REF: MJH/Licensing Committee/19 March 2013

For further information please ask for Mair Hill, extension 3216

**RIBBLE VALLEY BOROUGH COUNCIL PRIVATE HIRE OPERATOR'S LICENCE**

***The Council has the power to suspend, revoke or refuse to renew any Operator's licence if any of these standard conditions are not complied with.***

**The Private Hire Operator's Licence (the "Licence")**

1. The private hire Operator's licence shall be valid from the date of issue until 31 January of the following year, unless suspended, revoked or surrendered.
2. Upon request the Operator shall produce the Operator's licence to any authorised officer of the Council or Police Officer.

**The Premises**

3. The Operator shall:
  - (a) ensure that a valid planning consent is in force (when planning legislation and/or practice requires it) for the operation, on all the premises from which the operation is to be conducted;
  - (b) obtain and maintain appropriate public liability insurance in respect of any premises, which they use in the course of business. Upon request the certificate shall be produced to any authorised officer of the Council;
  - (c) ensure that the Standard Conditions for private hire Operators, vehicles and drivers are available for inspection by members of the public at the premises;
  - (d) permit any authorised officer of the Council to enter the premises for the purpose of inspecting both the premises and/or any relevant documentation held there;
  - (e) not permit any person who is drunk, or is behaving in a disorderly manner, to enter or remain upon the premises in respect of which the licence is in force; and
  - (f) not permit any person to smoke upon the premises in respect of which the licence is in force.

**Drivers/Vehicles**

4. The Operator shall not employ, engage, instruct or otherwise use as a driver any person who does not have:
  - (a) a current UK VOSA driver's licence;
  - (b) a current private hire or hackney carriage driver's licence and badge; and

- (c) sufficient insurance to protect passengers in the event of claims for death or bodily injury.
- 5. When, in the course of business, the Operator makes provision for the invitation or acceptance of bookings for a private hire vehicle, the Operator shall ensure that all services are provided by vehicles and drivers in respect of which a current and valid licence has been issued by Ribble Valley Borough Council (whether the Operator makes provision by use of private hire vehicle(s) or hackney vehicle(s) and/or driver(s)).
- 6. The Operator shall not service, maintain or repair any private hire vehicle on a public street.

### **Records**

- 7. The Operator shall maintain at the premises particulars of all vehicles operated under their Operator's licence, which shall include the following:
  - (a) The call sign or other identifying mark used on booking records;
  - (b) The licence plate number;
  - (c) The registration number;
  - (d) The name and address of the proprietor;
  - (e) The names and address(es) of driver(s); and
  - (f) The badge number(s) of the driver(s) employ, engaged, instructed or otherwise used by the Operator.

Upon request the above records shall be produced to or made available for inspection to any authorised officer of the Council or to a Police Officer.

- 8. The Operator shall, at the time of booking and before the commencement of each journey, enter on to the record sheets (available from Ribble Valley Borough Council) details of the private hire booking. The details shall include:
  - (a) the time and the date of the booking;
  - (b) the method by which the booking was received, i.e. telephone or personal call;
  - (c) the collection, destination and drop points of the journey;
  - (d) the name of the person making the booking;
  - (e) the registration number, private hire vehicle or hackney carriage licence number or call sign, identifying the vehicle used for the booking; and
  - (f) the name or call sign of the driver.
- 9. If the licence plate number or call sign is used for the records referred to in condition 12 and 13 above, then a record detailing the vehicle registration number and the plate number or call sign allocated to it and/or the drivers

name and the call sign or badge number allocated to them, must be displayed at the Operator's premises.

10. The records shall be kept for a period of not less than twelve months from the date of the last entry or such longer period as required by an authorised officer of the Council and upon request must be produced to and/or made available for inspection to any authorised officer of the Council or to a Police Officer.
11. The Operator must ensure that all computer records are capable of being printed, and must make provision for this to take place upon request by any authorised officer of the Council or Police Officer.

### **Insurance**

12. The Operator shall ensure that an appropriate certificate of motor insurance covers every vehicle operated by him/her under the Licence. The certificate must be produced upon request to any authorised officer of the Council or Police Officer.

### **Information as to charges**

13. An Operator of a private hire vehicle must not invite or accept bookings for any licensed private hire vehicle or control or arrange a journey to be undertaken by such vehicle without first informing the person making the booking, either orally or in writing, of the basis of charge for the hire of the vehicle.

### **Statement of fares**

14. The Operator shall, if so required, ensure that a statement of fares (in a form previously submitted to and approved by the Council) is fitted and maintained in each licensed private hire vehicle operated under the Licence and in the Operator's premises, in such a position as to be clearly visible at all times to the person making the booking. This statement shall clearly show the following:
  - (a) the minimum charge of each hiring (if any);
  - (b) the fare tariff;
  - (c) the retention charge per minute or portion thereof; and
  - (d) any additional charges.

### **Interference with equipment**

15. The Operator shall not interfere with any equipment, including a taximeter, if fitted, attached to or forming part of his licensed private hire or hackney carriage vehicles.

## **Standard of service**

16. The Operator shall provide a prompt, efficient, civil, orderly and reliable service to members of the public at all times and for this 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, attend at the appointed time and place;
  - (b) keep clean, adequately heated, ventilated and lit any premises which the Operator provides and to which the public has access, whether for the purposes of booking or waiting;
  - (c) ensure that any waiting area provided by the Operator has adequate seating facilities;
  - (d) ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly;
  - (e) respond fully to any complaints as soon as reasonably possible; and
  - (f) ensure that office staff employed by the Operator act in a civil and orderly manner at all times.

## **Animals**

17. An Operator must not fail or refuse to accept a booking for the vehicle
- (a) if the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and
  - (b) the reason for the failure or refusal is that the disabled person will be accompanied by an assistance dog<sup>1</sup>.
18. A operator must not make an additional charge for carrying an assistance dog which is accompanying a disabled person.
19. If an Operator does not comply with its obligations set out in 21 and 22 above it will be liable to a fine on summary conviction of Level 3 on the Standard Scale, currently **£1,000**.

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<sup>1</sup> "assistance dog" means—

(a) a dog which has been trained to guide a blind person;

(b) a dog which has been trained to assist a deaf person;

(c) a dog which has been trained by a prescribed charity to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects;

(d) a dog of a prescribed category which has been trained to assist a disabled person who has a disability (other than one falling within paragraph (c)) of a prescribed kind.

### **Change of name and address**

20. The Operator shall notify the Council in writing of any change:
- (a) of his address (including any address from which he operates or otherwise conducts his business as an Operator), within seven days of such change taking place; and
  - (b) to the name under which the business operates, during the period of the Licence, seven days before such change takes effect.

### **Convictions**

21. During the term of the licence, the Operator shall as soon as possible but in any event within seven days disclose to the council in writing details of any convictions, or police cautions imposed on him (or if the Operator is a company or partnership, on any of the directors or partners).

**RIBBLE VALLEY BOROUGH COUNCIL PRIVATE HIRE DRIVER'S LICENCE (the  
"Driver's Licence")**

***The Council has the power to suspend, revoke or refuse to renew any Driver's licence if any of these standard conditions are not complied with.***

The following standard conditions are attached to the issue of a Private Hire Driver's Licence (the "Driver's Licence") in the Ribble Valley.

**REQUIREMENTS FOR THE ISSUE OF A DRIVER'S LICENCE**

**Age and qualifications of Driver**

1. An applicant for a Driver's Licence must have attained the age of 21 years and for the twelve months immediately prior to the application either:
  - a. have been the holder of a licence (not being a provisional licence) granted under Part III of the Road Traffic Act 1988 ("RTA") (as amended from time to time or under any successor legislation); or
  - b. be authorised by virtue of Section 99 A(1) or Section 109(1) of the RTA (as amended from time to time or under any successor legislation) to drive a motor car in Great Britain.

**Health of a Driver**

2. A mandatory Group 2 Medical Certificate (which is a requirement of "Fitness to Drive: A Guide for Health Professionals" published in 2006 by The Royal Society of Medicine Press Limited on behalf of the Department for Transport) signed by your own doctor must be produced at the time of the initial application.
3. Applicants over the age of 60 years may be asked to submit themselves for examination by a Medical Practitioner nominated by the Council. The applicant must pay the costs of such an examination.
4. Drivers who are 65 or over will be subject to an annual medical examination.
5. In the event of the onset or worsening of a health condition likely to cause a driver to be a source of danger to the public, when driving either now or in the future they must inform the Council immediately.

Examples of health conditions, which must be reported, are:

- giddiness;



- fainting;
- black-outs;
- Epilepsy;
- Strokes;
- Multiple Sclerosis;
- Parkinson's Disease;
- heart disease;
- Angina;
- Coronaries;
- high blood pressure;
- Arthritis;
- disorder of vision;
- mental illness;
- alcoholism;
- drug taking and
- the loss of a limb or use of a limb.

**THIS LIST DOES NOT INCLUDE ALL THE CONDITIONS THAT MUST BE REPORTED. THESE EXAMPLES ARE GIVEN ONLY TO INDICATE THE TYPES OF CONDITIONS.**

Drivers, who are in doubt about whether or not their health condition is one, which should be reported, should consult their doctor.

**Test of Fit and Proper Person**

All applicants must satisfy the Council that they are a fit and proper person to hold a Driver's Licence. The following issues are considered when applying that test:

**Disclosure and Barring Service check ("DBS check")**

6. All applicants must apply for an enhanced DBS check, the contents of which will form part of the process of assessing whether an applicant is a fit and proper person.

## **Knowledge Test**

7. Save as set out in condition 10 below all applicants must pass the Council's knowledge test before a Driver's Licence will be issued. The knowledge test can be taken either as a written test or as a mobile test in the applicant's vehicle. Applicants must contact the Council to make an appointment to take the knowledge test. An applicant will be allowed no more than four attempts to pass the knowledge test (see also condition 12 below).

## **Steering to Success Course**

8. Save as set out in condition 13 below all applicant's must produce evidence of having passed the steering to success course at Rossendale College.

## **Address on driving licence**

9. Applicants must ensure that their VOSA driving licence shows their current address.

## **THE LICENCE**

### **Duration of Driver's Licence**

10. Save as set out at condition 11 below, and subject to suspension and/or revocation a Driver's Licence will be valid for 12 months from the date of issue.

### **New Applicants for Driver's Licence**

11. New applicants for a Driver's Licence may be issued with a temporary driver's licence, which will be valid for 6 months from the date of issue. Only 1 temporary licence will be issued to each driver.
12. Proof that an applicant is enrolled on the Steering to Success course will be required before a temporary licence is issued.
13. In order to obtain a Driver's Licence once the temporary licence expires an applicant must pass the knowledge test and the Steering to Success course at Accrington and Rossendale College **before** the end of the 6-month period.

## **Suspension/Revocation/Refusal to renew**

14. A Driver's Licence may be suspended, revoked and/or not renewed by the Council

if:

- a. a driver fails to comply with these standard conditions;
- b. a driver is convicted of an offence involving dishonesty, indecency or violence; or
- c. on any other reasonable grounds.

## **DRIVER'S RESPONSIBILITIES**

### **Driver's Badge/Licence**

15. The driver of a Private Hire Vehicle **MUST** wear their Private Hire Vehicle Driver's Badge in a prominent position at all times whilst in the course of their duty.

16. The badge will serve as evidence of the driver's licence and they shall, if requested, show the badge to the hirer of the vehicle, a police officer or any authorised officer of the Council.

17. A badge relates only to the driver it was issued to, it **cannot** be transferred.

18. Upon expiry, revocation or suspension of a Driver's Licence, the driver shall return their badge to the Council within 7 days.

19. A driver must show their Driver's Licence to the operator/proprietor at the beginning of their employment as a private hire driver.

### **Conduct of Driver**

20. The Driver shall:

- a. at all times be clean and respectable in their dress and person and behave in a civil and orderly manner;
- b. ensure that the vehicle driven by them is kept in a clean and tidy condition;
- c. take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by them;
- d. not without the express consent of the hirer, eat or drink in the vehicle;

- e. not smoke in the vehicle or permit any passenger to smoke in the vehicle;
- f. not use a non-hands free mobile phone whilst driving;
- g. not without the express consent of the hirer, play any radio or other 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;
- h. not cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which they are driving, to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle;
- i. convey a reasonable quantity of luggage on behalf of the hirer and/or passengers;
- j. afford reasonable assistance with loading or unloading luggage;
- k. afford reasonable assistance in removing luggage to or from the entrance of any building, station or place at which they may take up or set down the hirer and/or passenger(s).
- l. if they are aware that the vehicle has been hired, to be in attendance at an appointed time and place, or they have otherwise been instructed by the Operator or proprietor of the vehicle to be in attendance at an appointed time and place, attend at that appointed time and place unless delayed or prevented by sufficient cause.
- m. Not operate the horn of the vehicle as a means of signalling that the vehicle has arrived.

### **Plying for hire**

21. A driver shall not whilst driving or in charge of a Private Hire Vehicle, tout or solicit on a road or other public place any person to hire or to be carried for hire in a Private Hire Vehicle.

22. The driver must not allow the vehicle to stand in such a position as to suggest it is plying for hire, or use a hackney carriage stand.

### **Lost Property**

23. A driver of a Private Hire Vehicle shall, immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left therein.
24. A driver of a Private Hire Vehicle shall, on finding such lost property, take it as soon as possible and in any event within 48 hours if not claimed by its owner, to a Police Station within the district where they should report it to the officer in charge of the station.

### **Passengers**

25. A driver shall not convey or permit to be conveyed in a Private Hire Vehicle, a greater number of persons than that prescribed in the Private Hire Vehicle Licence.
26. A driver shall not convey or allow there to be conveyed in the front seat of a Private Hire Vehicle:
- a. any child below the age of 10 years; or
  - b. more than one person above that age.
27. The driver of a Private Hire Vehicle shall not permit any person to be conveyed in the vehicle without the consent of the hirer.

### **Unauthorised/Uninsured/unlicensed Drivers**

28. No person being unauthorised, uninsured or unlicensed shall drive a private hire vehicle.
29. The holder of a Driver's Licence shall not permit an unauthorised, uninsured or unlicensed person to drive a private hire vehicle.

### **Advertisement**

30. Save with the consent of the Council, a driver of a Private Hire Vehicle shall not place or allow to be placed any printed, written or other matter by way of advertisement on any part of the vehicle.

### **Shortest Route**

31. Subject to any directions given by the hirer, a driver of a Private Hire Vehicle, when hired, shall drive to the hirer's required destination, by the shortest available route.

## **Licence Plate**

32. The Private Hire Vehicle Licence plate provided by the Council, which identifies the vehicle as a Private Hire vehicle, must remain attached to the vehicle by the method and in the position specified in the Private Hire Vehicle **AT ALL TIMES** (including when the vehicle is not in use) and should not be removed unless required to do so by an authorised officer of the Council or by the police.
33. The driver of a Private Hire Vehicle shall not wilfully or negligently cause or suffer any licence plate to be concealed from public view at any time or to be defaced.

## **Licence Conditions**

34. A driver shall at all times when driving a private hire vehicle keep a copy of these Conditions within the vehicle and shall make them available for inspection by the hirer or any other passenger on request.

## **Fare to be demanded**

35. A driver shall not demand from a hirer a fare in excess of any fare previously agreed for that hiring between the hirer and the Operator.
36. A driver shall, if requested by the hirer of a private hire vehicle, provide them with a written receipt for the fare paid.

## **Animals**

37. Under the Equality Act 2010, a driver of a private hire vehicle must not fail or refuse to carry out a booking accepted by the operator:
- a. if the booking is made by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and
  - b. the reason for the failure or refusal is that the disabled person is accompanied by an assistance dog<sup>1</sup>.

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<sup>1</sup> assistance dog" means—

(a) a dog which has been trained to guide a blind person;

(b) a dog which has been trained to assist a deaf person;

(c) a dog which has been trained by a prescribed charity to assist a disabled person who has a disability that consists of epilepsy or otherwise affects the person's mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects;

(d) a dog of a prescribed category which has been trained to assist a disabled person who has a disability (other than one falling within paragraph (c)) of a prescribed kind

38. An exemption to this obligation can only be given on medical grounds.
39. Failure to comply with this obligation will lead on summary conviction to a fine not exceeding level 3 on the standard scale, currently **£1,000**.
40. A driver shall not convey in a private hire vehicle any animal belonging to or in the custody of himself or the proprietor of the vehicle.
41. A driver shall ensure that any animal carried in the private hire vehicle at the request of the hirer/passenger is properly secured before the journey commences.

### **Accident to Vehicle**

42. If a driver of a private hire vehicle is involved in an accident or incident the driver **MUST** report this to the Council as soon as reasonably practicable, but in any case within 72 hours of the accident or incident. Compliance with this condition does not exempt the driver from his statutory liability to report all accidents to the police.

## **DISCLOSURE OF INFORMATION**

### **Convictions**

43. Any person who holds a Driver's Licence **MUST** disclose to the Council, within **seven days**, in writing full details of any conviction and/or police caution received or imposed on them.

### **Change of Address**

44. Any person holding a Driver's Licence **MUST** notify the Council in writing of a change to their address within seven days.

### **Change of Employment**

45. Any person holding a Driver's Licence **MUST** notify the Council within seven days of the commencement or termination of employment of the name and address of the Operator or proprietor and the date when the employment either started or ended.
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## **RIBBLE VALLEY BOROUGH COUNCIL PRIVATE HIRE VEHICLE LICENCE**

***The Council has the power to suspend, revoke or refuse to renew any vehicle licence if any of these standard conditions are not complied with.***

The following Standard Conditions are attached to the issue of a **Private Hire Vehicle Licence** (the "**Vehicle Licence**") in the Ribble Valley.

### **THE LICENCE**

1. The term of a Vehicle Licence is determined by the age of the vehicle. The Vehicle Licence terms are:
  - a. Vehicles under 3 years old – 12 months;
  - b. Vehicles over 3 years old but less than 7 years old – 6 months; and
  - c. Vehicles over 7 years old – 4 months.
2. A Vehicle License will not be issued for a vehicle, which has a design, and appearance, which may cause a person to believe that the vehicle is a Hackney Carriage.
3. The Council may not issue a licence to a modified vehicle.
4. The proprietor of Private Hire must not allow the vehicle to be used for hire by a person who does not hold a current private hire or hackney driver's licence. To do so is a criminal offence.
5. The proprietor of a Private Hire vehicle shall not permit the vehicle to be used for any illegal or immoral purpose.

### **Return of licence plates**

6. Upon renewal or expiration of a Vehicle Licence the old Vehicle Licence plates (internal and external) must be returned to the Council.
7. If a Vehicle Licence is suspended, revoked or given up the licence plates must be returned immediately to the Council.

### **THE VEHICLE**

#### **Insurance**



38. An exemption to this obligation can only be given on medical grounds.
39. Failure to comply with this obligation will lead on summary conviction to a fine not exceeding level 3 on the standard scale, currently **£1,000**.
40. A driver shall not convey in a private hire vehicle any animal belonging to or in the custody of himself or the proprietor of the vehicle.
41. A driver shall ensure that any animal carried in the private hire vehicle at the request of the hirer/passenger is properly secured before the journey commences.

### **Accident to Vehicle**

42. If a driver of a private hire vehicle is involved in an accident or incident which causes damage to the private hire vehicle which materially affects the safety, performance or appearance of it or the comfort or convenience of persons carried within it, the driver **MUST** report this to the Council as soon as reasonably practicable, but in any case within 72 hours of the accident or incident. Compliance with this condition does not exempt the driver from his statutory liability to report all accidents to the police.

## **DISCLOSURE OF INFORMATION**

### **Convictions**

43. Any person who holds a Driver's Licence **MUST** disclose to the Council, within **seven days**, in writing full details of any conviction and/or police caution received or imposed on them.

### **Change of Address**

44. Any person holding a Driver's Licence **MUST** notify the Council in writing of a change to their address within seven days.

### **Change of Employment**

45. Any person holding a Driver's Licence **MUST** notify the Council within seven days of the commencement or termination of employment of the name and address of the Operator or proprietor and the date when the employment either started or ended.
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8. The proprietor of a vehicle which has a Vehicle Licence **must** ensure that at all times:
- a. the vehicle (and driver) are insured sufficiently to protect passengers in the event of a claim for death or bodily injury (the Council will not accept anything less than a 30 day cover note);
  - b. a copy of the current certificate of motor insurance is kept in the vehicle for inspection.
  - c. they produce the Vehicle Licence and policy of motor insurance for inspection as soon as possible but in any event within 7 days of a request from an authorised officer of the Council or a police officer.

### **Maintenance of Vehicle**

9. A vehicle which has a Vehicle Licence must:
- a. be in a sound and road worthy condition
  - b. be maintained in a safe and clean condition inside and out;
  - c. comply fully with all relevant statutory requirements (including but not exclusively the Motor Vehicles (Construction and Use) Regulations as amended from time to time or its successor legislation;
  - d. be fitted with four road wheels, and an approved spare wheel;
  - e. have at least four doors;
  - f. be capable of seating not less than four nor more than eight full-sized adult passengers;
  - g. be of the right hand drive type;
  - h. be fitted with a roof or covering which can be kept watertight;
  - i. be fitted with wing mirrors;
  - j. contain windows which open and close, at least one on each side of the vehicle;
  - k. contain properly upholstered and covered seats;
  - l. contain furniture and fittings which are clean, well maintained and in every way fit for public service;
  - m. be of such design as to enable the hirer/passenger in it to communicate with the driver;
  - n. be fitted in such a way to enable luggage to be secured if the vehicle is constructed to carry luggage;
  - o. have a proper carpet fitted to the floor;

- p. have the licence plate issued by the Council fixed by a bracket to the rear of the vehicle, which is easily removable;
- q. display an internal licence plate provided by the Council, in the front windscreen so as not to obscure the driver's vision.
- r. (save with the approval of the Council) have glass in its windows with a minimum of 70% light transmission.

**Vehicle Licence plates must remain on the vehicle AT ALL TIMES (including when the vehicle is not in use) and should not be removed except as authorised by an authorised officer of the Council or the police or upon the expiry of the licence.**

### **Alterations to vehicle**

- 10. During the term of the Vehicle Licence, no material alteration or change in the specification, design, condition or appearance of the private hire vehicle shall be made without the approval of the Council.

### **Vehicle Inspections**

#### **Programmed Inspections**

- 11. Vehicle inspections to be carried out as follows:
  - a. Vehicle up to 3 years old - 1 inspection per year;
  - b. Vehicle over 3 years old but not exceeding 7 years old - 2 inspections per year;
  - c. Vehicle over 7 years old - 3 inspections a year;
- 12. All vehicles over 1 year old require a current MOT.
- 13. The vehicle must be submitted for inspection at the place authorised and on dates notified by the Council or at any other time at the Authority's discretion.

#### **Additional Inspections**

- 14. In addition to the provisions above, the proprietor shall permit an authorised officer or agent of the Council to inspect and test a vehicle at all times.
- 15. If following an inspection the officer or agent of the Council is not satisfied with the fitness or condition of the vehicle they shall give notice in writing to the proprietor requiring them to make the vehicle available for further inspection and testing at such reasonable times and place specified in the notice. The Vehicle Licence will be

**suspended** until such time as the officer or agent of the Council is satisfied with the fitness and condition of the vehicle.

16. If the proprietor has failed to ensure that the officer or agent is satisfied within 2 months of service of the notice the **Vehicle Licence will be revoked.**

### **Safety Equipment**

17. A vehicle which has a Vehicle Licence must carry at all times:

- a. a fire extinguisher authorised by the Council; and
- b. a suitable first aid kit containing appropriate first aid dressings and appliances. (the "**Safety Equipment**")

18. The Safety Equipment must be readily visible to the driver, hirer/passengers and third parties and be available for immediate use.

### **Radio Microphone**

19. Any radio microphone installed in the vehicle must be fitted so that its use does not impair the driver's control of the vehicle.

### **Signage**

20. A private hire vehicle must:

- a. not have any lights, plates, signs, advertisements or other fittings, save for those required under conditions or as approved by the Council;
- b. not be equipped with any roof fitting or sign other than a wireless aerial, approved by the Council;
- c. not display the words "Taxi", "Taxi Cab" or "Cab";
- d. display door signs stating "Advanced Bookings Only" and "Not insured unless prebooked". This sign shall only include the name of the Operator and its telephone number. If the words "Taxi", "Taxi Cab" or "Cab" or "for hire" form part of the Operator's name these must be omitted from the sign. These signs must be displayed on private hire vehicles **AT ALL TIMES** (including when the vehicle is not in use).
- e. display a sign stating "no smoking" with a minimum diameter of 70mm inside the vehicle in a position which is clearly visible to the hirer/passengers.

## **Statement of Fares**

21. A Statement of Fares must be submitted to and approved by the Council. (the **"Statement"**)
22. The Statement must include:
  - a. the minimum charge for each hiring;
  - b. the fare tariff;
  - c. the retention charge per minute or portion thereof; and
  - d. any additional charges.
23. If so required, the Statement, must be fitted and maintained, in the interior of a private hire vehicle, so that it is clearly visible at all times to the hirer and/or passengers.

## **Excise Licence**

24. The proprietor of a Private Hire vehicle shall ensure that a current vehicle excise licence (car tax disc) is displayed in the windscreen of the vehicle in the correct position at all times.

## **OBLIGATION TO REPORT/DISCLOSE INFORMATION**

### **Accident/Incident involving the Vehicle**

25. The proprietor of a vehicle which has a Vehicle Licence must report to the Council as soon as reasonably practicable, but in any event within **72 hours** of any accident or incident involving the vehicle
26. Once an accident or incident is reported the Vehicle Licence may be suspended until the vehicle has been submitted to and passed an inspection at the Council's authorised testing centre.
27. Nothing in these conditions shall remove the proprietor's statutory obligation to report all accidents to the police.

### **Transfer of Vehicle**

28. The proprietor of a vehicle, which has a Vehicle Licence, shall report to the Council any transfer or change of ownership of the vehicle within **7 days** of it taking place.

# INFRINGEMENT POINTS SCHEME

## RIBBLE VALLEY BOROUGH COUNCIL'S LICENSING DEPARTMENT

<b>PRIVATE HIRE OPERATORS</b>		
<b>Local Government (Miscellaneous Provisions) Act 1976</b>		
<b>Section</b>	<b>Offence</b>	<b>Points</b>
46(1)(e)	Operating a PH vehicle when the driver is not licensed as a PH driver.	12
46(1)(e)	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle.	12
56(2)	Failing to keep proper records of all bookings or failing to produce them (also breach of operator's standard conditions, see below)	6
56(3)	Failure to keep records of PH vehicles or failing to produce them (also breach of conditions, see below)	6
56(4)	Failing to produce PH Operator's licence on request (also breach of conditions, see below)	4
73(1)(c)	Failure to give information or assistance to an authorised officer or constable.	5
<b>Breach of Private Hire Operator's Licence Standard Conditions</b>		
<b>Paragraph</b>	<b>Offence</b>	<b>Points</b>
3(a)	Failure to ensure valid planning consent is in force (when planning legislation and/or practice requires it) on all the premises from which the operation is conducted	4
3(b)	Failure to obtain appropriate public liability insurance for the premises or to produce the same.	4
3(C)	Failure to keep a copy of the conditions at the premises or to make the same available for inspection by passengers.	4

3(d)	Failure to permit any authorised officer of the Council to enter the premises for the purposes of inspecting both the premises and/or any	4
3(e)	Permitting a person who is drunk, or who is behaving in a disorderly manner, to enter upon the operator's premises	4
3(f)	Permitting a person to smoke within the operator's premises	4
4	Failure to ensure that every driver has a valid UK driver's licence and/or private hire licence and badge.	4
6	Servicing, maintaining or repairing any private hire vehicle on a public street	4
7/11	Failure to properly keep, produce or make available for inspection records of private hire bookings, vehicles, drivers or other documents required to be kept or produced (see LGMP s56(2) & (3) above).	6
12	Failure to ensure that an appropriate certificate of motor insurance covers every vehicle operated by him under the licence.	6
13	Failure to ensure that a person making a booking has been informed of the basis of the charge before inviting or accepting a booking for a licensed private hire vehicle.	4
14	Failure to ensure that a statement of fares is fitted and maintained in each licensed private hire vehicle (when required to do so)	4
16	Failure to provide a prompt, efficient and reliable service to members of the public at all reasonable times.	3
17	Refusal or failure to accept a booking for a private hire vehicle if the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, where the reason for the refusal is that the disabled person will be accompanied by an assistance dog (as defined in the Equality Act 2010)	6
20	Failure to notify the Council of any changes, including change of address from where the business operates within 7 days.	3
21	Failure to disclose in writing within 7 days details of any conviction or police caution imposed on him to the licensing section.	12

<b>VEHICLES</b>		
<b>Private Hire Vehicle Standard Conditions</b>		
<b>Paragraph</b>	<b>Offence</b>	<b>Points</b>
<b>4</b>	Allowing a vehicle to be used for hire by a person who does not hold a current private hire or hackney driver's licence	<b>8</b>
<b>5</b>	Permitting the vehicle to be used for any illegal or immoral purposes.	<b>6</b>
<b>8(a)</b>	No insurance or inappropriate insurance for the vehicle.	<b>12</b>
<b>8(b)</b>	Failure to ensure that a copy of the current motor insurance is kept in the vehicle for inspection.	<b>3</b>
<b>8(c)</b>	Failure to produce the Vehicle Licence and policy or motor insurance for inspection within 7 days of a request from an authorised officer of the Council or a police officer	<b>3</b>
<b>9 (a)-(r)</b>	Operating a vehicle which does not comply with the Council's Vehicle Specification	<b>5</b>
<b>10</b>	Alterations made to a vehicle without the consent of the Council.	<b>2</b>
<b>13</b>	Failure to submit vehicle for inspection at the place authorised and on the dates notified by the Council	<b>3</b>
<b>17(a)</b>	Failure to carry a fire extinguisher authorised by the Council	<b>3</b>
<b>17(b)</b>	Failure to carry an appropriate first aid kit, dressings and appliances.	<b>3</b>
<b>18</b>	Failure to ensure that the Safety Equipment is readily available to the driver, hirer/passengers and third parties or that it is available for immediate use.	<b>3</b>
<b>19</b>	Radio equipment not fitted in accordance with Council requirements.	<b>2</b>



20(a)-(e)	Failure to comply with the Council's requirements as to signage.	5
24	Failure to display a current vehicle excise licence (car tax disc) in the correct place on the vehicle windscreen	3
25	Failure to report an accident/incident involving the vehicle to the Council within 72 hours of its occurrence.	3
28	Failing to notify change or transfer of ownership of the vehicle within 7 days of its occurrence.	3

<b>DRIVERS</b>		
<b>Breach of Private Hire Driver's Standard Conditions</b>		
<b>Section</b>	<b>Offence</b>	<b>Points</b>
2-5	Failure to provide medical certificate or not notifying a medical condition	3
15	Failure to wear a Private hire vehicle driver's badge in a prominent position at all times whilst in the course of their duty.	3
16	Failure to show badge on request to authorised officer of the council or police officers.	2
18	Failure to surrender a driver's licence, badge or plate to the Council on expiry, suspension or revocation.	3
19	Failure to show driver's licence to the proprietor at the beginning of an employment.	2
20(a)	Failure to be clean and respectable in their dress and person and behave in a civil and orderly manner	3
20(b)	Failure to ensure that the vehicle driven by them is kept in a clean and tidy condition	2
20(c)	Failure to take all reasonable steps to ensure the safety of the passengers conveyed in, entering or alighting from the vehicle.	4
20(d)	Drinking or eating in the vehicle without permission of passenger.	2

20(e)	Smoking in the vehicle or allowing any passenger to smoke in the vehicle.	4
20(f)	Using a non-hands free mobile phone whilst driving	3
20(g)	Playing a radio or other 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.	3
20(h)	Causing or permitting the noise emitted by any radio or other sound reproducing equipment to be a source of nuisance or annoyance to any person, whether inside or outside of the vehicle.	2
20(j) & (k)	Failure to convey a reasonable quantity of or give assistance with the hirer or passenger's luggage.	3
20(l)	Failure to attend on time for pre-arranged booking without sufficient cause.	2
20(m)	Operating the horn as a means of signalling that the vehicle has arrived.	3
21	Soliciting to hire or accepting hire not pre-booked.	4
22	Allowing the vehicle to stand in such a position as to suggest that it is plying for hire, or using a hackney carriage stand.	2
23-24	Failure to search vehicle after journey or failure to take found property to a police station within the district within 48 hours of finding lost property.	2
25	Conveying a greater number of passengers than prescribed in the Vehicle Licence.	6
26	Conveying a child below the age of 10 or more than one person in the front seat of the vehicle	6
27	Permitting a person to be conveyed without the consent of the hirer	6
28	Driving a private hire vehicle whilst unauthorised, unlicensed and/or uninsured.	5
29	Allowing printed, written or other advertisements to appear on the vehicle without the consent of the Council	3
31	Failure to proceed to destination by the shortest available route.	4

<b>32</b>	Failure to ensure that the licence plate attached to the vehicle in the specified place at all times.	<b>4</b>
<b>33</b>	Concealing or defacing a licence plate.	<b>4</b>
<b>34</b>	Failure to keep a copy of the standard conditions within the vehicle and make them available for inspection by the hirer or passenger.	<b>4</b>
<b>35</b>	Demanding a fare in excess or that previously agreed for that hiring between the hirer and the operator.	<b>4</b>
<b>36</b>	Failure to provide a receipt when requested.	<b>2</b>
<b>37/38</b>	Failure to carry assistance dog without exemption certificate.	<b>5</b>
<b>40</b>	Carrying an animal other than one with passenger.	<b>2</b>
<b>41</b>	Carrying an animal, which is not safely restrained.	<b>3</b>
<b>42</b>	Failure to report an accident or incident within 72 hours.	<b>3</b>
<b>43</b>	Failing to disclose a convictions or police caution within 7 days.	<b>12</b>
<b>44</b>	Failing to notify of change of address within 7 days.	<b>3</b>
<b>45</b>	Failure to notify within 7 days of starting or terminating employment, the name and address of the proprietor and the date when the employment either started or ended.	<b>2</b>

<b>PRIVATE HIRE</b>		
<b>Local Government (Miscellaneous Provision) Act 1976</b>		
<b>Section</b>	<b>Offence</b>	<b>Points</b>
46(1)(a)	Using an unlicensed PH vehicle.	12
46(1)(b)	Driving a PH vehicle without a PH driver's licence.	12
46(1)(c)	Proprietor of a PH vehicle using an unlicensed driver.	8
46(1)(d)	Operating a PH vehicle without a PH operator's licence.	8
46(1)(e)	Operating a vehicle as a PH vehicle when the vehicle is not licensed as a PH vehicle.	12
46(1) e)	Operating a PH vehicle when the driver is not licensed as a PH driver.	8
48(6)	Failure to display a PH vehicle plate.	4
49	Failure to notify transfer of a PH vehicle licence.	3
50(1)	Failure to present PH vehicle for an inspection, as required.	3
50(2)	Failure to inform the Authority where the PH vehicle is stored, if requested.	3
50(3)	Failure to report an accident to the Authority.	3
50(4)	Failure to produce a PH vehicle licence and an insurance certificate.	6
53(3)	Failure to produce a PH driver's licence.	3
54(2)	Failure to wear a PH driver's badge.	3
57	Making false statement or withholding information to obtain a PH driver or operator's licence.	10
58(2)	Failure to return plate after notice given following expiry, revocation or suspension of a PH vehicle licence.	6
61(2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	6
64	Permitting vehicle to wait on a Hackney stand	3
67	Charging more than the meter fare	6
69	Unnecessarily prolonging a journey.	6
71	Interfering with a taximeter.	10

73(1)(a)	Obstruction of an authorised Officer or Constable.	12
3(1)(b)	Failure to comply with a requirement of an authorised Officer or Constable.	8
73(l)(c)	Failure to give information or assistance to an authorised Officer or Constable.	6
<b>Equality Act 2010</b>		
<b>Section</b>	<b>Offence</b>	<b>Points</b>
170-171	Refusal to accept a booking to carry a guide, hearing or other assistance dog in a private hire vehicle.	4