



## **GWYNEDD COUNCIL**

### **REGULATORY DEPARTMENT - PUBLIC PROTECTION SERVICE.**

# **HACKNEY CARRIAGE and PRIVATE HIRE VEHICLE LICENSING POLICY**

**A WELSH VERSION OF THIS POLICY IS AVAILABLE**

**ADOPTED BY THE COUNCIL - 22.10.2010  
COMMENCES - 1.12.2010.  
REVISED – 6.7.2014**

## **HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCES – STANDARD CONDITIONS OF LICENCE**

### **A – LEGAL STATUS**

1. These Conditions were made pursuant to Sections 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976 and adopted by the Gwynedd Council on 22<sup>nd</sup> October 2010 and any subsequent modifications are noted where appropriate by reference to date.
2. Breach of one or more of these Conditions may lead to suspension, revocation or refusal to renew the licence pursuant to Section 60 of the said Act.

### **B – INTERPRETATION**

1. In these Conditions the following words shall bear the meanings ascribed to them below:-

“the Act of 1847”	-	The Town Police Clauses Act 1847.
“the Act”	-	the Local Government (Miscellaneous Provisions) Act 1976.
“the Council”	-	the Gwynedd Council.
“the licence”	-	a licence granted in respect of hackney carriage vehicle granted pursuant to Section 37 of the Act of 1847 or a licence granted in respect of a private hire vehicle pursuant to Section 48 of the Act.
“the proprietor”	-	the owner of the licensed vehicle.
“private hire vehicle”	-	a vehicle in respect of which there is a licence in force under Section 48 of the Act.
“hackney carriage”	-	a vehicle in respect of which there is a license in force under Section 37 of the Act 1847.
“vehicle licence number”	-	the number allocated by the Council to a licence granted for a private hire vehicle or a hackney carriage.
“licensed vehicle”	-	a private hire vehicle or a hackney carriage.
“speciality vehicle”	-	a Stretched Limousine/ Fire Engine, which is capable of carrying up to, but not exceeding, eight passengers.

"vehicle plate" - the plate provided by the Council for affixing to a hackney carriage pursuant Section 38 of the of the Act 1847 and to a private hire vehicle pursuant to Section 48(5) of the Act.

"BCF" - *bromo-chloro-difluoro-methane*.

2. References to the male gender shall be construed as including reference to the female gender where appropriate.
3. All other words and phrases in these Conditions shall bear the meanings ascribed to them (if any) in the Act and the Act of 1847.

### **GENERAL:**

- (a) All vehicles to be licensed as a Private Hire Vehicle for the first time must be between new and under six years old at time of licensing.
- (b) All vehicles to be licensed as a Hackney Carriage in Dwyfor and Meirion for the first time must be between new and under six years old at time of licensing.
- (c) All vehicles to be licensed as a Hackney Carriage in Arfon for the first time must be between new and under three years old at time of licensing and be a side loading wheel chair accessible vehicle.
- (d) In Arfon the first 98 Hackney issued plates will still retain their 'Grandfathers Rights' until the time that plate has been surrendered or revoked.
- (e) There will be a maximum age limit of 12 years placed on these vehicles.
- (f) On attaining the age of 10 yrs from date of first registration, that vehicle will be  
subject to the annual MOT, together with two annual Gwynedd Council Mechanical Check, thereafter.
- (g) The ZONES of Arfon, Dwyfor, Meirion will be retained as at present.
- (h) All vehicles – Hackney Carriage and Private Hire will be issued with a Maintenance Log Book by their respective proprietors. This book will remain in the vehicle at all times and made available for inspection on request by an Authorised Officer of the Council or Police. **This Maintenance Log Book will have daily records of the following checks** – physical check of engine, radiator, oil, bodywork, tyres, first aid box, fire extinguisher.
- (i) The Hackney Carriage or Private Hire Vehicle Licence will be valid for 12 months from the date of issue.
- (j) All vehicles carrying a wheelchair must be capable of clamping/strapping the wheelchair safely within the vehicle, and in addition the occupant of that wheelchair safely strapped in with a legal safety belt.
- (k) A Penalty Point System is now in operation which will penalise any infringements of any rules; conditions; enactments, appertaining to Proprietors and vehicles.(Copy attached).

## **PART C - THE CONDITIONS**

1. Where a proprietor needs to transfer his interest in a licensed vehicle to a person other than the proprietor named in the licence, both parties must complete a transfer form, when thereafter the licence shall be deemed to have been transferred to the new owner of that vehicle.
2. The proprietor shall not permit a licensed private hire vehicle or a licensed hackney carriage vehicle to be driven by anyone who does not hold a current Combined Hackney Carriage/Private Hire Vehicle Driver's Licence issued by the Council, except a qualified mechanic, taking a licensed vehicle to or from an MOT test, or carrying out a road test as part of his normal duties.
3. **On expiry, surrender, revocation or suspension of the licence (Sec 68), or after 21days(Appeal time Sec 60), the proprietor shall forthwith return the vehicle plates to the Council**
4. The proprietor shall ensure that
  - (a) a current vehicle excise licence is displayed on the vehicle at all times and
  - (b) shall ensure that at all times there is in force in respect of the vehicle a motor insurance policy complying with the road traffic legislation and bearing an endorsement of its use for public hire in the case of hackney carriages and for private hire in the case of a private hire vehicle and the proprietor shall produce the same to an authorised officer of the Council or Constable for inspection on request along with the registration documents.
  - (c) There is valid MOT certificate issued to that vehicle.
5. The proprietor shall ensure that the licensed vehicle conforms throughout the currency of the licence with the Council's mandatory technical specifications as outlined below:-
  - (a) a licensed vehicle shall be equipped with four road wheels the tyres of which shall be of the same size and conform to all legal requirements. The vehicle, if licensed to carry not more than ONE passenger may have two doors, if licensed to carry TWO OR MORE passengers must have at least four doors except that London type taxi-cabs may have three doors.
  - (b) a licensed vehicle shall be right hand drive.(Except a Stretched Limo which can be a left hand drive)
  - (c) a licensed vehicle shall not carry more than eight passengers in addition to the driver. Each seat shall be deemed to provide seating for one person irrespective of age.

- (d) minibuses which are licensed to carry eight passengers shall not contain seating for more than eight passengers and, for this purpose, where separate seats are fitted each seat shall be deemed to provide for one passenger (irrespective of age) and where continuous seats are fitted each complete length of 40 centimetres measured in a straight line lengthwise on the front of each seat shall be deemed to provide for one passenger.
  - (d) minibuses which were fitted with more than eight passenger seats, at the time of manufacture, shall remove the excess seating and be replaced with a fitted rear cage-type structure for the purpose of carrying luggage, which has been approved by the Council.
  - (e) In the case of estate type vehicles or hatchbacks where the parcel shelf has been removed, a grille shall be fitted adequate to prevent luggage carried in the rear compartment from coming into contact with persons using the rear seat.
  - (f) a licensed vehicle shall be fitted with seat belts which comply with and are installed in accordance with British Standards and current legal requirements.
6. The proprietor shall ensure that the licensed vehicle at all times carries a spare wheel of the same size as the road wheels unless a factory fitted space saver wheel is fitted. The wheel shall comply with current legal requirements (paying particular attention to depth of tread). The proprietor shall also ensure the carrying of a jack and wheel brace. Where the spare wheel is removed to facilitate the fitting of a liquefied petroleum gas (LPG) tank by a LPGA authorised agent, then a pressurised foam repair kit is to be carried. In such a circumstance, however, the vehicle shall not be driven at a speed or distance than that dictated by the manufacturer of the foam spray, and both the tyre and foam canister shall be replaced immediately after use. Where a pressurised foam repair kit is carried, there is no requirement to carry a jack and spare wheel.
7. The proprietor shall keep the licensed vehicle and all its fittings in a safe, efficient, clean and tidy condition and shall permit an authorised officer of the Council or a Constable to inspect it on request and in that event the proprietor:-
- (a) shall comply with any notice served on him under Section 68 of the Act by such officer or Constable suspending the licence and requiring him to present the vehicle for inspection or testing at such reasonable time and place as may be specified for the purpose of ascertaining its fitness.
  - (b) shall ensure that the vehicle is not used to carry passengers for hire or reward until its fitness has been ascertained.
8. In addition to the Gwynedd Council Mechanical Check, which shall be required prior to the grant or, change of vehicle, the proprietor shall present the licensed vehicle for inspection and testing on one occasion during the currency of the licence, (or twice when the vehicle has attained the age of 10 yrs), at a time and place designated by the Council for the purpose of ascertaining its fitness and any vehicle which fails the test:-

- (a) shall be submitted for a re-test at a place designated by the Council within fourteen days of the date of the original test, or such longer period as may be agreed by the Council.
  - (b) shall not be used to carry passengers for hire or reward until its fitness has been ascertained on re-test.
- 9. The vehicle plate shall be affixed to the front and rear bumpers (or by means of an available bracket) of all licensed vehicles. In the case of private hire vehicles, further door stickers shall be affixed by means of self-adhesive material (**not magnetic**) to the front or rear offside/nearside doors, located just under the windows. Where a Trailer is being drawn for the purpose of carrying luggage an additional plate will be fixed on its rear as described above. The proprietor shall ensure that:-
  - (a) all vehicle plates are clean visible and legible at all times.
  - (b) loss of a vehicle plate is immediately reported to the Council and that a replacement is obtained on payment of such reasonable fee as the Council may prescribe.
  - (c) the interior vehicle plate issued by the Council is displayed in a prominent position within the vehicle so as to be visible to passengers and is maintained in a clean and legible condition.
- 10 The proprietor of the said licensed Hackney vehicle shall:
  - (a) not wilfully or negligently cause or suffer any such licence number to be concealed from public view while the carriage is standing or plying for hire.
  - (b) Not cause, or permit, the carriage to stand or ply for hire with any such sticker display so defaced that any figure or material particular is illegible.
- 11. A hackney carriage shall always be fitted with a taximeter and every taximeter, shall comply with the following requirements:-
  - (a) the taximeter shall be fitted with a key, flag or other device, the turning of which brings the machinery or the taximeter into operation and causes the word "HIRED" to appear on the face of the taximeter.
  - (b) such key, flag or other device shall be capable of being locked in a position so that the machinery of the taximeter is not in operation and that no fare is recorded on the face of the taximeter.
  - (c) when the machinery of the taximeter is in operation there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate of fare which has been set by this authority as duly notified in writing to the operator.
  - (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as to relate clearly to the fare recorded on it.

- (e) the taximeter shall be so placed that all letters and figures displayed on it are at all times plainly visible to any person being conveyed in the licensed vehicle, and for that purpose the letters and the figures shall be capable of being suitably illuminated during any period of hiring.
  - (f) the taximeter and all ancillary fittings shall be affixed to the licensed vehicle with seals or other appliances at the time of fitting so that it shall not be practicable for any persons to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances. The meter shall be used for each and every run. The fare charged shall not be more than that displayed on the meter.
    - (g) the taximeter must be maintained in a satisfactory working condition and must be presented for inspection at the place designated by an authorised officer of the Council or a Constable if so required by a notice under Section 68 of the Act or to comply with Condition 9 above.
12. A hackney carriage shall always be equipped with a roof mounted sign bearing the work "TAXI" in plain capital letters at least 5 centimetres in height and, except where the key, flag or other device connected to the taximeter and bearing the words "FOR HIRE" is plainly visible through the front windscreen of the vehicle, a further illuminated sign bearing the words "FOR HIRE" in plain capital letters shall be positioned within the hackney carriage so as to be plainly visible through the front windscreen and connected to the taximeter to enable it to be extinguished during the carrying of a fare whilst the taximeter is in operation.
13. No private hire vehicles will be equipped with any form of 'ROOF SIGN'.
14. No sign, advertisement, notice, device or livery (whether painted on, affixed to or carried within the vehicle), shall be displayed on the licensed vehicle without the prior written consent of the Council with payment of appropriate fee and shall, if such approval has been obtained, appear wholly below the vehicle's window level.
15. The proprietor shall keep any radio equipment installed in the vehicle in good working order but shall not install in the vehicle:-
- (a) any two-way radio equipment (including Citizens Band Radio) without first notifying the insurers of the vehicle and having their confirmation endorsed on the certificate of motor insurance.
  - (b) any radio equipment which is capable of scanning more than one frequency.
16. The proprietor shall ensure that the licensed vehicle carries within it at all times:-
- (a) a 1.5 kg or larger dry powder/carbon dioxide fire extinguisher which must be secured with clips in a safe position which renders it readily available for use and shall be maintained in good working order.
  - (b) a first aid kit which conforms to "Industrial Size No. 1 Kit" as a minimum standard and shall be maintained in good order for use by the driver only.

- (c) both above to be clearly marked with the Gwynedd Council Vehicle Licence Number of the vehicle carrying that particular equipment.
17. The proprietor shall ensure that a table of fares for any journeys undertaken by the vehicle as a Hackney Carriage is displayed prominently in the vehicle at all times so as to be easily read by any person entering the vehicle.
  18. The proprietor shall notify the Council within 72 hours of :-
    - (a) any accident involving the licensed vehicle.
    - (b) any change of address of the proprietor.
  19. In the event of any accident resulting in damage which materially affects the safety, performance or appearance of the licensed vehicle the proprietor shall be required to submit the vehicle for inspection and testing in accordance with Condition 9 above and shall not use the vehicle to carry passengers for hire or reward until its fitness has been ascertained.
  20. Licensed Private hire and Hackney carriage drivers must carry a guide dog or assistance dog belonging to a passenger free of charge unless the driver has a proven medical condition that would preclude such action. Drivers have a responsibility to ensure that their company is aware of such condition when they are first employed

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## **CONDITIONS APPLIED TO CONDITIONAL PRIVATE HIRE VEHICLES.**

These conditions, made under the Local Government (Miscellaneous Provisions) Act, 1976, are specific to Private Hire Vehicles governed by a specific contract, which has a start and end date of not less than seven days, and not use other than for those specific contracts. The purpose of these conditions are for public protection.

**They apply in addition to the Gwynedd Council standard conditions.**

### **GENERAL:**

Conditional Private Hire vehicles do not have to be of a specific colour, but must be carrying out a specific contract, as above, before this section can apply.

### **CONDITIONS:**

1. Conditional Private Hire will not be supplied with external front/rear plates or door stickers, it will be supplied with an internal plate with 'Conditional Private Hire'thereon, and this will be exhibited in the windscreen with the above wording clearly visible to the public/police/ authorised officer of the Council.
2. The vehicle will also exhibit a written notice issued under Sec75(3) of LG(MP)Act 1976, whilst carrying out a specific contract.
3. The driver must also be the holder of a Local Authority Driver Licence.



# **CONDITIONS APPLIED TO STRETCHED LIMOUSINES** **(SPECIALITY VEHICLES)**

These conditions made under the Local Government (Miscellaneous Provisions) Act 1976 are specific to a vehicle adapted by lengthening the wheelbase of a standard, factory built vehicle. The purpose of these conditions is to protect public safety. **They apply in addition to the Authority's standard conditions** and take account of the fact that stretched limousines will:

- i) travel generally at slower speeds than normal taxis
- ii) not normally overtake other vehicles
- iii) be easily recognisable by the hirer
- iv) be heavier and considerably longer than standard cars
- v) usually be adapted or converted by someone other than the original manufacturer.

## **1. GENERAL**

- 1.1 These conditions apply to stretched limousines as defined in paragraphs 1.2 and 1.3 below, where the vehicle is constructed or adapted to seat up to 8 passengers, only.
- 1.2 A "stretched limousine", is a saloon type vehicle that has undergone an increase in length by extending the wheelbase after manufacture. Gwynedd Council will only licence a vehicle having an extension of not more than 120 inches.
- 1.3 An "American stretched limousine" is a stretched limousine imported from the USA and typically will have been manufactured originally by Lincoln (Ford) or Cadillac.
- 1.4 For the purposes of calculating the seating capacity of a vehicle the minimum width of a passenger seat is 400mm. In the case of an 'L' shaped seat, sufficient space must be made available in the corner to prevent the passenger on one side of the corner encroaching on the passenger on the other side.

## **2. CONDITIONS**

- 2.1 In the case of a stretched limousine, or American stretched limousine, originals of the following documentation will be required by the Council before an application can be properly considered:
  - (a) Completed importation documentation where applicable and single vehicle approval (SVA) certificate. (Note a Minister's Approval Certificate is not acceptable).
  - (b) DVLA Registration Document (V5).
  - (c) Valid Certificate of Insurance, with cover for hire and reward.
  - (d) Current MOT certificate issued by an approved Testing Station.
  - (e) Where applicable, an installation certificate from a Liquefied Petroleum Gas Association (LPGA) Approved UK Vehicle Conversion Company, in the case of vehicles converted to run on LPG.
  - (f) Valid Road Vehicle Excise licence disc.

- 2.2 The Vehicle shall comply with the following:
- (a) Be equipped with a minimum of four road wheels and a full sized spare wheel.
  - (b) Be equipped with tyres designed and manufactured to support the maximum permitted axle weight for the axle when the vehicle is driven at the maximum speed. Applicant to provide evidence of tyre suitability if requested.
  - (c) Seat belts, where fitted, must be fitted in accordance with the current Road Vehicle (Construction and Use) Regulations.
  - (d) The maximum length of the stretch conversion (measured between the rear edge of the front door and the front edge of the rear door) shall not exceed 120 inches.
- 2.3 Where alcoholic drink is supplied in the vehicle, the proprietor shall deposit a copy of his or her liquor licence with the Local Authority. No person, under the age of 18 years, being conveyed in a stretched limousine shall be allowed to consume alcohol.
- 2.4 Tinted glass shall conform to the legal requirements of the current Road Vehicle (Construction and Use) Regulations.
- 2.5 Children under the age of 16 years shall not be carried in a stretched limousine unless accompanied by the parent or guardian of at least one of the children.
- 2.6 It is the driver's responsibility to ensure that passengers use seat belts provided when the vehicle is in motion.
- 2.7 A Stretched Limousine may:
- (e) be left hand drive.
  - (f) have some side facing seats.
  - (g) have tinted glass.
  - (h) will be exempt from displaying Gwynedd Council Doors Stickers.
  - (i) must have all passenger seats fitted with seat belts.
- 2.8 The following activities are prohibited:
- (a) Striptease.
  - (b) Lap Dancing
  - (c) Pole Dancing.
  - (d) Any other activity or performance of a like kind.
- 2.9 As well as an annual MOT a Stretched Limousine will be required to be submitted for a Gwynedd Council Mechanical Check as follows
- (a) up to 5yrs old – twice annually.
  - (b) over 5 years and up to 12 years – three times annually.

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## **CONDITIONS FOR FIRE ENGINE** **(SPECIALITY VEHICLES)**

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The vehicle is licensed in accordance with the Standard Terms and Conditions as laid down for Hackney Carriage/Private Hire Vehicles. The following additional Conditions also apply for this type of vehicle:

1. The vehicle shall be examined and issued with a certificate of fitness (MOT or HGV equivalent) prior to initial licensing and then a further test will be required during the 12-month period of validity of the certificate at the discretion of the licensing Authority.
2. The driver shall hold a full driving licence suitable for this type of vehicle.
3. Whenever passengers are entering or leaving the vehicle, physical assistance shall be provided by the operator/crew to ensure their safety.
4. Additional foot-steps shall be carried and used on the vehicle to facilitate access and egress from the passenger compartment of the vehicle.
5. All passengers shall be required to enter/leave the vehicle via the passenger doorway adjacent to the pavement.
6. Passengers shall be advised at the time of booking and again on the day of hire that they must not embark or disembark from the vehicle without assistance from the operator/crew.
7. Where the seating arrangements have been changed from the original specification then those seats shall be securely anchored to the floor of the vehicle.
8. Seatbelts shall be provided for all passengers which conform to current British Standards.
9. Suitable signage shall be prominently displayed in the passenger compartment advising all passengers to wear seatbelts.
10. It is the driver's responsibility to ensure that all children under the age of 14 years are wearing seatbelts at all times when the vehicle is in motion.
11. All external "lockers" of the vehicle shall be secured to prevent access by passengers or members of the public.
12. The floor area of the vehicle shall be kept clear and unobstructed at all times.
13. All "blue" lights, siren, flashing lights, reflective tape, ladders and any lettering which may give the public the impression that the vehicle is a fire engine are to be permanently removed.
14. No person involved in the operation of the vehicle may wear a uniform or helmet that may lead a member of the public to believe that that person is a member of the North Wales Fire and Rescue Services.
15. An audible alarm system shall be fitted to the rear passenger compartment doors and shall be in a working condition whenever the vehicle is carrying passengers.