

APPENDIX 3 – GM MLS Private Hire Vehicle Conditions (Standard 10)

PROPOSED PRIVATE HIRE VEHICLE CONDITIONS

The licensee shall at all times comply with the provisions of Part II of the local Government (Miscellaneous Provisions) Act 1976 and the conditions hereinafter provided.

1. Definitions

For a legal definition of the following terms, see the Local Government (Miscellaneous Provisions) Act 1976.

"Appointed Test Station" a garage approved by the Council for the purposes of carrying out a Vehicle Test

"Authorised Officer" any Officer of the Council authorised in writing by the Council for the purposes of the Local Government (Miscellaneous Provisions) Act 1976

"The Council" Council

"Identification Plates" means the plates issued by the Council for the purpose of identifying the vehicle as a private hire vehicle

"The Licensee" means the holder of a private hire vehicle licence.

"The Operator" / "PHO" a person who makes provisions for the invitation and acceptance of booking / hiring for a Private Hire Vehicle.

"The Private Hire Vehicle" a motor vehicle constructed to seat fewer than nine passengers, other than a hackney carriage or public service vehicle which is provided for hire with the services of a driver for the purpose of carrying passengers

"The Proprietor" means the person(s) who owns, or part owns the private hire person who is in possession of the vehicle if subject to a hiring or hire purchase agreement.

"The Meter" means any device for calculating the fare to be charged in respect of any journey in a private hire vehicle by reference to the distance travelled or time elapsed since the start of the journey or a combination of both

"Test" a compliance test of the vehicle undertaken at an Appointed Test Station

Words importing the masculine gender such as "he" and "him" shall include the feminine gender and be construed accordingly.

Where any condition below requires the Licensee to communicate with the Council, unless otherwise stipulated, all communication must be to the Council's Licensing Department.

2. Identification Plates

- 2.1 The vehicle front and rear licence identification plates must be displayed in the authorised plate holder, obtained from the Licensing Department; and the plate must be fixed in the plate holder using the clips provided, so as to allow them to be easily removed by an authorised officer. The plate holder should be securely fixed to the vehicle in such a way that neither it, nor the number plate are obscured; and that both are 100% visible. Cable ties are not an acceptable means of fixing plates to a vehicle or indeed to the plate holder.
- 2.2 The Licensee shall ensure that the 'Identification Plates' are maintained and kept in such condition that the information contained on the plate is clearly visible to public view at all times.
- 2.3 The Council has specified that the vehicle licence number, make, model and licence expiry date together with the number of passengers it is licensed to carry shall be placed on the identification plate attached to the vehicle. This plate must not be tampered with or amended by anybody other than an Authorised Officer.

3. Condition of Vehicle

- 3.1 The Licensee shall ensure that the private hire vehicle shall be maintained in good mechanical and structural condition at all times and be capable of satisfying the Council's mechanical and structural inspection at any time during the period the vehicle is licensed.
- 3.2 The interior and exterior of the Private Hire Vehicle shall be kept in a clean and safe condition by the Proprietor.
- 3.3 The Licensee shall not allow the mechanical and structural specification of the Private Hire Vehicle to be varied without the written consent of the Council.
- 3.4 The Licensee of the Private Hire Vehicle shall: -
 - provide sufficient means by which any person in the Private Hire Vehicle may communicate with the driver during the course of the hiring;
 - ensure the interior of the vehicle is kept wind and water tight and adequately ventilated;
 - ensure the seats in the passenger compartment are properly cushioned and covered;
 - ensure the floor in the passenger compartment has a proper carpet, mat or other suitable covering;
 - ensure fittings and furniture of the Private Hire Vehicle are kept in a clean condition and well maintained and in every way fit and safe for public use;
 - provide facilities for the carriage of luggage safely and protected from damaging weather conditions.

- 3.5 All vehicles must undertake and pass any further Test at the Appointed Test Station in accordance with Council policy (Arrangements for vehicle testing are entirely the responsibility of the Licensee).
- 3.6 A daily vehicle check log must be completed by the driver of the vehicle at the beginning of each shift. The checks to be carried out are as follows:
- Lights and indicators
 - Tyre condition, pressures and tread
 - Wipers, washers and washer fluid levels
 - Cleanliness inside and out
 - Bodywork – no dents or sharp edges
 - Licence plates present and fixed in accordance with these conditions
 - Any internal discs on display and facing inwards so customers can see.
 - Door and bonnet stickers on display
 - Tariff sheet in display
 - Horn in working order

The Licensee shall record the above information and keep it in the vehicle at all times and make it available to an authorised officer upon request.

4. Accidents

- 4.1 The Licensee shall report to the Council, in writing, as soon as is reasonably practicable and in any case within 72 hours any accident causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers. The report should contain full details of the accident damage including photos.

5. Vehicle signage

- 5.1 No sign, notice, flag or emblem or advertisement shall be displayed in or on any Private Hire Vehicle without the express permission of the Council.
- 5.2 The Licensee shall ensure that the Council issued mandatory bonnet and rear door and rear window signs are affixed permanently to the vehicle and are not removed whilst the vehicle is licensed.

6. Assistance Dogs

- 6.1 The Licensee shall permit any assistance dog to ride in the vehicle (in the control and custody of the passenger) and allow it to be carried in the front passenger seat footwell of the vehicles if required.
- 6.2 The location of the assistance dog must be agreed with the passenger at all times.
- 6.3 The Licensee will ensure that any certificates exempting drivers of the vehicle from duties to carry assistance dogs, are displayed visibly and prominently as prescribed by the Council.

7. Other Animals

- 7.1 Any other animal may be carried in the vehicle at the discretion of the driver and must be carried in the rear of the vehicle in the custody and control of the passenger.

8. Meters

- 8.1 If the vehicle is fitted with a meter:
 - The licensee shall ensure the meter is of a type approved by the Council and maintained in a sound mechanical condition at all times
 - The licensee shall ensure the meter is set to display any fare table which may be adopted by the private hire operator
 - The Council may ensure calibrate and seal, at the expense of the licensee, any meter which is to be used in the licensed vehicle
 - The licensee shall ensure the meter is illuminated and is located in a position where any hirer can see the fare easily
 - The licensee shall ensure that the words 'FARE' shall be printed on the face of the meter in clear letters so as to apply to the fare recorded thereon
 - The licensee shall ensure that the meter and any connected equipment is fitted securely without the risk of impairing the driver's ability to control the vehicle or be a risk to any person in the vehicle
 - No meter shall be replaced without the consent of an authorised officer of the council.

9. Fare Tables

- 9.1 The Licensee shall ensure that a copy of the current fare table is available, when not working for an 'app only' based operator, at all times, so it can be easily read by passengers.
- 9.2 The Licensee shall ensure that the fare table is not concealed from view or rendered illegible whilst the vehicle is being used for hire.

10. Licence

- 10.1 The Licensee shall retain a copy of the original private hire vehicle drivers' licences of all drivers driving the private hire vehicle and produce the same to an Authorised Officer or Police Constable on request.

11. Convictions and Suitability Matters

- 11.1 The licensee shall ensure they provide a relevant DBS certificate as required by the Council to assess their fit and proper status; and that it is kept up to date and remains 'valid' in line with the Council's policies.

- 11.2 The licensee will register and remain registered with the DBS Update Service to enable the Council to undertake regular checks of the DBS certificate status as necessary.

- 11.3 The licensee shall notify the Council if they are subject to any:

- arrest or criminal investigation,
- summons,
- charge,
- conviction,
- formal/simple caution,
- fixed penalty,
- criminal court order,
- criminal behaviour order or anti-social behaviour injunction,
- domestic violence related order,
- warning or bind over
- or any matter of restorative justice

against them immediately in writing (or in any case within 24 hours) and shall provide such further information about the circumstances as the Council may require.

12. Notifications and Licence Administration

- 12.1 For the duration of the licence, the licensee shall pay the reasonable administration charge or fee attached to any requirement to attend training, or produce a relevant certificate, assessment, validation check or other administration or notification process.

- 12.2 The Licensee shall notify the Council in writing within 14 days of any transfer of ownership of the vehicle. The notice will include the name, address and contact details of the new owner.
- 12.3 The Licensee shall give notice in writing to the Council of any change of his address or contact details (including email address) during the period of the licence within 7 days of such change taking place.
- 12.4 If requested by an Authorised Officer the Licensee must provide, in the timescale requested, in writing, to Council the following information: -
- The name of the driver and their badge number;
 - The address of the driver;
 - The company for whom the driver works for;
 - The date and time you hired / lent / leased / rented your vehicle to the driver;
 - Whose insurance the driver will be using the vehicle under;
 - Whether the driver will have sole use of the vehicle; if not sole use whom else will have access to the vehicle;
 - The expected duration the vehicle will be hired / lent / leased / rented to the driver

13. CCTV

- 13.1 The licensee shall ensure that, in accordance with any Council policy, that CCTV cameras are fitted and in good working order.

NB: This proposed condition is subject to change and further consultation if CCTV is mandated either by GM or the Government. At this stage further conversations will take place with the Surveillance Commissioner and relevant parties.

Local Additional Conditions

Any localised specific conditions may be inserted here.