

## Private hire & hackney carriage vehicle policy & conditions 2020

<b>Version number</b>	01
<b>Date approved</b>	
<b>Effective</b>	
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<b>Change history</b>		
<b>Version No</b>	<b>Date</b>	<b>Change details</b>
<b>1.00</b>	Draft Private hire & hackney carriage vehicle policy	
<b>2.00</b>		

<b>Related documents</b>	
Town Police Clauses Act 1847	
Local Government (Miscellaneous Provisions) Act 1976	
Transport Act 1985	
DfT Best Practice Guidance	<a href="http://www.gov.uk">www.gov.uk</a>
Road Safety Act 2006	
Equality Act 2010	
SBC Statement of Licensing Policy	
SBC Driver Policy	
SBC Private Hire Operator Policy	
Tinted Window Policy	
CCTV Guidelines	
Advertising Policy	
Wheelchair Accessible Vehicles	
Low Emission Vehicles	

Please contact the licensing team or visit <http://slough.gov.uk/business/licences-and-permits/taxi-licences.aspx> for further information on the policies listed above.

If you require further information, including application forms and guidance then please contact the licensing team.

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## 1. Introduction

The Council, its authorised officers or agents do not accept any responsibility for any loss incurred by any person acting as a result of the information detailed within this policy.

Slough Borough Council's overriding consideration when licensing a vehicle is public and passenger safety. Prior to licensing **any** vehicle, it is strongly advised that applicants read and understand the private hire and hackney carriage vehicle policy.

If a vehicle is purchased that does not comply with the Council's policy or is not deemed to be suitable, the application for a vehicle licence will be refused. Slough Borough Council is not under any legal obligation or duty to licence a vehicle.

Failure to comply with the Council's vehicle conditions, bye-laws or relevant legal requirements may result in formal action being taken against the vehicle licence. This could be a suspension of the vehicle licence, revocation of the licence or prosecution.

**This document will be fully reviewed subject to any policy or legislative changes affecting private hire and hackney carriage licensing or any recommendations made by the Department for Transport (DfT) in their 'best practice' guidance.**

## 2. Definitions

**'the application'** shall mean the application made by an individual(s) or company for the grant or renewal of a licence.

**'The Council'** shall mean Slough Borough Council

**'Authorised officer'** shall mean any officer authorised by the Council's scheme of delegations.

**'Hirer'** shall mean any person(s) who hires or books a vehicle

**'Licensee'** shall mean the person(s) named on the licence

**'Operator'** shall mean any person or company granted a licence to operate private hire vehicles.

**'LGMPA 1976'** - Local Government Miscellaneous Provisions Act 1976

**'TPCA 1847'** - Town Police Clauses Act 1847

**'TA 1985'** - Transport Act 1985

**'WAV'** - Wheelchair accessible vehicle

**'Taxi'** – shall mean hackney carriage

### **3. General conditions**

When licensing a vehicle for either, private hire or hackney carriage use, the overriding consideration is the suitability and safety of the vehicle. The vehicle can seat no more than 8 passengers and should fall within the Vehicle Certification Agencies type approval scheme.

The vehicle must be well maintained and free from damage. The interior must be in good condition, upholstery must be clean and free from stains and tears. The exterior must be clean and the bodywork free from any significant scratches or dents.

Private hire and hackney carriage vehicle licence holders are under a duty to comply with all legislative requirements along with the Councils licensing conditions and byelaws. It is their responsibility to ensure that they fully understand the conditions attached to the vehicle licence.

Once a vehicle becomes licensed, the Council's licensing conditions and bye-laws are applicable at all times regardless of whether the vehicle is being used for private hire or hackney carriage work.

**A licensed vehicle can only be driven by an appropriately licensed private hire, hackney carriage or dual licensed driver.** I.e. a private hire vehicle can only be legally driven by a licensed private hire or dual licenced driver. Hackney carriage vehicles can only be driven by a licensed hackney carriage or dual licensed driver.

### **4. Application requirements**

- Completed application form & fee
- A valid certificate of motor insurance for hire & reward (private hire) or public hire (hackney carriage)
- A valid certificate of compliance
- V5 (vehicle registration document)
- Meter calibration certificate (hackney carriage vehicles only)
- Basic DBS certificate (for applicants who do not hold a private hire or hackney carriage driver's licence).
- Declaration of convictions and cautions (for applicants who do not hold a private hire or hackney carriage driver's licence).

**Please note the current vehicle licence plate must be returned to the Council with any renewal or change of vehicle application as it remains the property of SBC.**

### **5. Type of vehicle & specification**

#### **Number of passengers**

The vehicle can seat a **maximum** of 8 passengers. Licensing officers are authorised to determine how many adult passengers the vehicle can comfortably and safely seat.

#### **Seatbelts**

All licensed vehicles must be fitted with suitable seatbelts which must be securely attached and in good working order. The number of seatbelts must correspond to the number of passengers the vehicle is licensed to carry.

**Write offs**

Only a category N 'write off' will be considered for licensing as a private hire or hackney carriage vehicle. This will be subject to passing the compliance test. Should any issues regarding the vehicles safety/suitability be raised by the vehicle examiner, the vehicle may be required to undergo further checking and/or testing.

**Safety equipment & tyres**

All vehicles are required to carry a fire extinguisher conforming to British Standard (BS) EN3. The extinguisher must be in working order and within its expiry date.

A suitable (i.e. road legal) spare tyre or puncture repair kit must be carried in all licensed vehicles, unless the vehicle is fitted with 'run flat' tyres.

Advice should be sought from the licensing team if winter/mud & snow tyres are to be fitted to any licensed vehicle. Any vehicle fitted with winter tyres/mud and snow will fail a compliance test as this type of tyre is only suitable for specific driving conditions and temperatures.

**Wheelchair accessible vehicles (WAVs)**

Please refer to SBC's Wheelchair Accessible Vehicle policy before purchasing any assessable vehicle.

**6. Ultra-Low Emission Vehicles (ULEV)**

ULEV is a term used to describe any vehicle that uses low carbon technologies and emits less than 75g of CO<sub>2</sub>/km from the tailpipe.

From the **1<sup>st</sup> September 2018**, all new vehicles being licensed by new driver applicants must be a ULEV vehicle.

**New applicants (private hire)**

<b>Compliance dates &amp; emission standard</b>	<b>Vehicle to be licensed</b>
<p><b>1<sup>st</sup> September 2018</b> - All new vehicles to be licensed for the first time as a private hire vehicle by a new applicant for a private hire driver licence must be to ULEV standard.</p>	<p>ULEV standard means, a vehicle that uses low carbon technologies and emits less than <b>75g of CO<sub>2</sub>/km</b> from the tailpipe and is capable of operating in zero tailpipe emission mode for a range of at least ten miles.</p> <p>The vehicles must be <b>under 3 years of age</b> from the date of first registration at the time of first being licensed.</p>

**Please note the following:**

Any ULEV standard vehicle once licenced by a new applicant must only be replaced by another ULEV standard vehicle under 3 years of age.

New applicants will not be permitted to have a vehicle currently licensed by Slough Borough Council, transferred to them after the effective date, unless the vehicle is of the required

ULEV\*\*Standard and is under 3 years of age from the date of first registration.

### **Current licence holders**

All currently licensed saloon private hire & hackney carriage vehicles are to remain licensed until they reach 9 years of age. Please note this policy does not currently apply to purpose built wheelchair accessible vehicles.

<b>Compliance dates &amp; emission standard</b>	<b>Vehicle to be licensed</b>
<b>1<sup>st</sup> September 2018</b> CAZ standard (Euro 6 diesel / Euro 5 petrol)	All <b>new vehicles</b> to be licensed by current licence holders i.e. where the current licensed vehicle needs to be replaced
<b>1st September 2020</b> CAZ Standard (Euro 6 diesel / Euro 6 petrol)	All <b>new vehicles</b> to be licensed by current licence holders i.e. where the current licensed vehicle needs to be replaced
<b>ULEV from 2025</b>	All licensing renewals i.e. renewals of current vehicles and all new vehicles to be licensed.

**Any ULEV Vehicle to be aged up to maximum of 12 years**

## **7. Emissions standards**

**Euro 6 Diesel Implementation date (most new registrations): 1<sup>st</sup> September 2015**

The sixth and current euro emissions standard was introduced on **most new registrations in September 2015**, however the vehicle registration document (V5) is needed to verify if the vehicle is a euro 6 as the exhaust emissions you need to check against the standards below.

### **Euro 6 emissions standards (petrol) – EXHAUST EMISSIONS**

CO: 1.0g/km  
 THC: 0.10g/km  
 NMHC: 0.068g/km  
 NOx: 0.06g/km  
 PM: 0.005g/km (direct injection only)  
 PN [# /km]: 6.0x10<sup>11</sup>/km (direct injection only)

### **Euro 6 emissions standards (diesel) – EXHAUST EMISSIONS**

**CO: 0.50g/km**  
 HC + NOx: 0.17g/km  
**NOx: 0.08g/km**  
 PM: 0.005g/km  
 PN [# /km]: 6.0x10<sup>11</sup>/km

## **8. Vehicle age policy – non ULEV vehicles**

- Any vehicle being licensed for the first time as a private hire or hackney carriage vehicle, must be **less than 5 years old** at the time the licence application is made (subject to the emission standards detailed above).
- The date of registration detailed in the vehicle registration document (V5) will be used to determine the age of the vehicle.
- Where a vehicle has been imported into the UK, the date of manufacture will be used to determine the age of the vehicle.
- Once licensed, a vehicle can remain licensed until it reaches **9 years** of age.

### **WAVS & purpose built vehicles**

- Any WAV or purpose built vehicles being licensed for the first time must be **less than 5 years old** at the time the licence application is made.
- The date of registration detailed in the vehicle registration document (V5) will be used to determine the age of the vehicle.
- Where a vehicle has been imported into the UK, the date of manufacture will be used to determine the age of the vehicle.
- Once licensed, there is no age restriction on WAV or purpose built vehicles.

If any wheelchair accessible or purpose built vehicle licensed as a hackney carriage is being changed on a **permanent basis**, it must be replaced with another wheelchair accessible or purpose built vehicle.

Any wheelchair accessible vehicle to be licensed on a **temporary basis** (e.g. after a road traffic accident or mechanical issue) must be replaced with a vehicle that has been approved by a licensing officer.

Full details of the Councils WAV & purpose built vehicle specification can be found at <https://www.slough.gov.uk/business/licences-and-permits/taxi-licences.aspx>

In exceptional circumstances the Council may depart from the vehicle age policy. Any requests to depart from policy must be made by the applicant in writing/email and submitted to the licensing team.

Any request to re-licence a vehicle beyond 9 years of age must be made in writing, 30 days in advance of the expiry date of the licence. The vehicle must be in good working order and in excellent condition both externally and internally. Applicants **MUST** submit supporting documentation including the vehicles service history and evidence of the vehicles maintenance with the extension request. Officers will consider the following criteria;

- The service history of the vehicle
- The mileage of a vehicle
- Overall condition of the vehicle both internally and externally
- If the vehicle is wheelchair accessible
- If the vehicle is an ultra-low emission/hybrid or electric vehicle

**Please note that an individual's personal circumstances or financial situation is not a relevant consideration when determining a vehicles suitability to be licenced beyond 9 years of age.**

## **9. Temporary replacement vehicles**

Any vehicle to be licensed as a temporary replacement (e.g. where a licensed vehicle has been involved in an accident) must comply with the Councils vehicle conditions. A temporary vehicle can be licensed for a maximum of 3 months.

## **10. Certificate of compliance**

**All licensed vehicles must have a valid Certificate of Compliance (CoC) and valid DVSA MOT.** The test will be carried out by one of the Councils designated testing centres. The testing centre will issue the compliance certificate.

- Private hire vehicles are to be tested **annually** until the vehicle reaches 6 years of age.
- After 6 years of age, all private hire vehicles must be tested every **6 months**.
- Hackney carriage vehicles are to be tested **annually**.
- Any WAV or purpose built vehicle licensed as a hackney carriage must be tested **annually** until the vehicle reaches 14 years of age.
- After 14 years of age any WAV or purpose built vehicle licensed as a hackney carriage must be tested every **6 months**.

## **11. Section 68 stop notice and vehicle repairs**

If a licensed vehicle does not have a valid certificate of compliance, has been subject to a delayed or immediate prohibition notice or officers believe the vehicle to be unsafe, a section 68 (LG(MPA) 1976) 'Stop Notice' will be issued which immediately suspends the vehicle licence.

The suspension will be lifted once a new certificate of compliance has been produced. Subject to the provisions detailed in section 68 of the (LG(MPA) 1976), the vehicle licence will be deemed as revoked if the suspension has not been lifted within 2 months from the date of suspension.

A new compliance test will be required following **any** repair made to a vehicle after an accident which has affected the safety, performance or appearance of the vehicle.

Any vehicle subject to either a delayed or immediate prohibition notice will be required to have a new compliance test.

Licensing officers have the right to request a compliance test on any licensed vehicle they believe could be unsafe and/or they believe may have a mechanical defect that requires investigation by a qualified vehicle examiner. Section 50 (1) of the LGMPA 1976 states a private hire or hackney carriage vehicle can be tested on 3 separate occasions during any one twelve month period.



## **12. Limousines & 'novelty' vehicles**

Advice should be sought from the licensing team before purchasing any limousine or 'novelty' type vehicle. **All vehicles must be inspected by a licensing officer prior to licensing.** Officers may require additional documentation/certification and testing of the vehicle before a decision can be made regarding the vehicles suitability as a licensed vehicle.

The minimum vehicle requirements are;

- The vehicle can seat a **maximum** of 8 passengers
- Seat belts must be provided for all passengers in the forward and rearward facing seats
- The vehicle must comply with the DVSA individual Vehicle Approval (IVA) scheme – <https://www.gov.uk/vehicle-approval/individual-vehicle-approval>
- The vehicle must have a Vehicle Identification Number (VIN)
- The vehicle must pass a Certificate of Compliance.

## **13. Vehicle modifications**

The vehicle licence holder must get formal approval from the licensing team prior to making **any** modification or alternations to any licensed vehicle. Modifications or alterations must be carried out by an approved installer and be accompanied by the relevant certification (if applicable).

## **14. Tinted windows**

Please contact the licensing team **before** purchasing any vehicle with tinted/privacy glass fitted. Full details of the tinted window policy can be found at; <https://www.slough.gov.uk/business/licences-and-permits/taxi-licences.aspx>

## **15. Display of vehicle licence**

The vehicle licence holder and/or driver must ensure that the licence plate is correctly displayed, **at all times**, on the outside rear of the vehicle. The plate must be secured with the fixings and brackets supplied by the Council.

## **16. Surrender/revocation**

The vehicle licence plate remains the property of Slough Borough Council and must be returned to the Council if the vehicle licence is surrendered or revoked.

## **17. Documents**

The vehicle licence holder and/or driver must ensure a copy of the following documents are kept in the licensed vehicle at all times;

- Valid certificate of motor insurance (or cover note) appropriate to the vehicle licence
- Valid certificate of compliance

- DVSA drivers licence

Licensing officers may request that original documents are produced within 5 working days.

Please note that licensed vehicles insured under a fleet policy, must have a copy of the insurance schedule (listing all the vehicles insured) in the vehicle at all times.

## **18. Plate exemption applications (private hire only)**

A private hire vehicle licence holder can apply for an exemption from displaying the vehicle licence (plate). The following criteria must be met before a certificate of exemption can be granted;

- The vehicle must be of an executive type (e.g. Mercedes, BMW, Audi)
- The vehicle must be used for account work only (no cash can be taken in payment)
- Proof of contracts must be submitted with the exemption application
- Payment of the relevant fee

If granted, the vehicle licence plate and exemption certificate must be kept in the vehicle at all times. An 'identity' disc will be issued to those licensed vehicle granted an exemption. This disc must be displayed on the front windscreen of the vehicle.

The exemption certificate is valid for one year. A new certificate of exemption application must be made at each renewal application.

Failure to comply with the conditions of the exemption will result in the exemption certificate being revoked.

## **19. Road traffic accidents & vehicle damage**

If a licensed vehicle has been involved in a road traffic accident or has been damaged, the Council must be informed by the licence holder and/or driver within 72 hours of the accident/damage occurring. The vehicle should be inspected (if in drivable condition) by a licensing officer to assess the damage.

## **20. Suspension of a vehicle licence (section 68 LG(MPA) 1976)**

In accordance with section 68 of the LG(MPA) 1976 a 'Stop Notice' will be issued if the vehicle has suffered any damage that is detrimental to its use as a licensed vehicle. Public and passenger safety will be the priority when making a decision regarding suspending the vehicle licence.

Where possible, licensing officers will take photographs of the damage sustained to the vehicle. The photographs will be kept on file and a record kept of the suspension notice.

## **21. Dual licenses**

The Council does not allow 'dual' licensing of any vehicle. Any vehicle licensed by another licensing authority will be refused a vehicle licence.

Any licensed vehicle (private hire or hackney carriage) found to be licensed with another licensing authority, the Slough Borough Council vehicle licence will automatically be revoked.

## **22. Penalty points**

Private hire and hackney carriage vehicle licences are subject to a formally approved 'Penalty Points' system. Full details of the offences and points are contained within the Private Hire and Hackney Carriage driver policy.

## **23. CCTV in licensed vehicles**

Slough Borough Council has formally approved guidelines relating to the installation of CCTV. It is not a mandatory requirement for any licensed vehicle to be fitted with CCTV equipment; however, Slough Borough Council must be notified in writing of any currently installed system or the intention to install any such a system to a licensed vehicle.

It is the responsibility of the vehicle licence holder to ensure compliance with the Information Commissioner's Office (IOC) 'CCTV Code of Practice'. The Council's guidelines set out to ensure that any CCTV systems installed in hackney carriage and private hire vehicles licensed by Slough Borough Council are properly used to:

- Deter, prevent and detect crime
- Reduce the fear of crime
- Assist the Police in investigating incidents of crime
- Ensure the security and safety of Hackney Carriage, Private Hire drivers and passengers; and
- Assist insurance companies in investigating motor vehicle accidents

Full details of the guidelines can be found at <https://www.slough.gov.uk/business/licences-and-permits/taxi-licences.aspx>

## **24. Signage & advertising**

### **Operator signage**

Only operator signage approved by the Council can be displayed in or on any licensed vehicle.

### **Advertising**

Any interior or exterior advertising on or in any licensed vehicle must be formally approved by the Council **before** being displayed on the vehicle. The Council has guidelines (approved by the Licensing Committee) relating specifically to the advertising of products/services. Please contact the licensing team if you require a copy of the advertising guidelines.

## **25. Taximeters (hackney carriage only)**

Any meter being used in a licensed vehicle must have been fitted by an approved installer and have a certificate of calibration which should be produced at the time of licensing and renewal.

The proprietor and driver must not permit the taximeter and its fittings to be tampered with. This is an offence under section 71 of the LG(MP)A 1976.

## **26. Table of fares (hackney carriage only)**

The licence holder and/or driver must ensure that a current 'table of fares' is clearly displayed inside the hackney carriage vehicle.

## **27. Refunds**

No refunds are given for cancelling a plate.

The fee charged for a plate is cost neutral. The fee is the same as how much it costs to produce a plate.

The licence plate remains the property of the Council and must be returned if cancelled.

## **28. Departure from policy**

In exercising its discretion in carrying out its functions, the Council will have regard to this vehicle policy. The Council will consider each application and enforcement action on its own merits.

In certain circumstances, the Council may depart from this vehicle policy and will give clear and substantive reasons for doing so. Departure from the vehicle policy does not set a precedent for future decisions.

## **29. Additional policies & guidelines**

Please contact the licensing team or visit <https://www.slough.gov.uk/business/licences-and-permits/taxi-licences.aspx> for further information on the policies listed below;

- Private hire & hackney carriage licensing statement
- Private hire & hackney carriage driver policy
- Private hire operator policy
- Tinted window policy
- WAV & purpose built vehicle policy
- Advertising policy
- CCTV guidelines