

Taxi and Private Hire Licensing

Legal, Licensing & Registration



Pre-conditions and Standard Conditions
attached to an Executive Private Hire
Vehicle Licence

POLICY IN RESPECT OF CONDITIONS ATTACHED TO THE GRANT OF A PRIVATE HIRE EXECUTIVE VEHICLE LICENCE

Background

The Local Government (Miscellaneous Provisions) Act, 1976 (LGMP), was created to enable Conditions of safety to be placed upon drivers, vehicles and Operators making private contracts for vehicle with driver hire services. Private Hire at that time was concentrated on saloon vehicles offering, in the main, local journeys.

The Private Hire sector has grown and extended significantly and there are now a much wider range of vehicles and services.

The Road Safety Act, 2006, along with best practice guidance issued by the Department for Transport (DfT) has caused Leeds City Council to consider licensing a wide range of vehicles and services.

Policy Statement

The issues around the operating of a business involving Executive vehicles has the same business, legal and public safety principles as other areas of transport licensed by the Local Authority.

Public safety is paramount. It is very important to Leeds City Council that Operators also fit comfortably into their environment and are not the cause of residential nuisance.

Operators are a major factor in contributing to public safety by ensuring that they and their drivers adhere to this policy and the Conditions upon the various licences.

The Council recognises the very distinct role of Executive vehicles in the 'special event' arena of public transport and can accommodate some variations to its existing standard Private Hire Conditions.

The distinction between an Operator of standard Private Hire vehicles and the Operator of Executive vehicles is significant in terms of the type of client catered for and the type of service offered. The aim of the Council's policies and Conditions is to ensure that there are no overlaps in policy and Conditions with the standards of safety already existing in the licensed Private Hire sector.

The administrative and operating practices and procedures of a standard Executive vehicle must at all times, in every way, be distinct from the business conducted by a licensed Operator of standard Private Hire vehicles including advertising, separate telephone lines, how bookings are taken, recorded and attended.

Set out in this booklet are the pre-conditions to the consideration of the grant of a Private Hire Executive vehicle licence.

Additionally, once licensed, a Private Hire Executive vehicle must continue to meet these standard pre-conditions.

PRE-CONDITIONS ATTACHED TO THE GRANT OF A PRIVATE HIRE EXECUTIVE VEHICLE LICENCE

1. Type of Vehicle

Only those vehicles which are on the Council's 'Approved List' of Executive Vehicles will be accepted for licensing.

- (a) At the point of licensing a vehicle must be right hand drive and hold full 'Whole Vehicle Type 'European Approval'. In the event of any changes or modification to the vehicle during the lifetime of licence the vehicle must attain 'Whole Vehicle Type European Approval' in its adapted form before being taken into licensed use again.
- (b) Once licensed a vehicle must continue to comply with all of those preconditions to the grant of the licence contained within the policy statement.
- (c) Glazing forward of the 'B' pillar shall comply with Construction and Use Regulation 32 with regard to the level of tint. A minimum light transmission value of 70% shall be maintained in the off side front and near side front windows. The windscreen shall have a minimum light transmission value of 75%. Tinted film applied to any window on the vehicle is not permitted.
- (d) Executive Saloon Vehicle

To ensure a distinct category of Executive vehicle which divides Executive and standard Private Hire saloons the Executive vehicle will have an initial retail value of not less than £45,000 at the point of first registration. That retail figure will be determined by reference to the industry's standard retail guides, 'CAP – Black Book' or 'Glass's Guide'.

- (e) Executive People Carriers

To ensure a distinct category of people carrier which divides Executive and standard Private Hire people carriers the Executive vehicle will have an initial retail value of not less than £30,000 at the point of first registration. That retail figure will be determined by reference to the industry's standard retail guides, 'CAP – Black Book' or 'Glass's Guide'.

2. Age Criteria

- (a) Executive Saloon

The age of a vehicle, for licensing purposes, shall be determined by the date of first registration on the V5 document (Log Book). An Executive saloon vehicle will only be accepted for licensing if the date of first registration is less than 2 years old on the date of first application. The vehicle must be licensed for use within one month from the date of application.

- (b) Executive People Carrier

The age of a vehicle, for licensing purposes, shall be determined by the date of first registration on the V5 document (Log Book). An Executive people carrier vehicle will only be accepted for licensing if the date of first registration is less than 1 year old on the date of application. The vehicle must be licensed for use within one month from the date of application.

CONDITIONS ATTACHED TO A PRIVATE HIRE EXECUTIVE VEHICLE LICENCE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT, 1976 PART 2

All licences issued by the Council in connection with the driving and operation of Private Hire Executive vehicles are in accordance with the provisions of the 1976 Act. Drivers, Operators and Proprietors should be familiar with this Act, the provisions of the Town Police Clauses Act and the Disability Discrimination Act effecting Private Hire Executive licences.

The following Conditions apply to all vehicles, licensed or seeking to be licensed and in whole to the vehicle Proprietor and in whole or part to licensed Operators and drivers. In certain circumstances, additional appropriate Conditions may be attached to an individual licence which could be set out as an addendum to Section 1 or by way of a formal notice served upon the licensed Operator and drivers or Proprietor

The Council informs of changes to its Conditions by publicising them in a variety of ways. It is the responsibility of the licence holder to be familiar with those changes and seek appropriate advice and guidance if in doubt.

Additional copies of these Conditions can be obtained, free of charge, by visiting the Taxi and Private Hire Licensing office, downloading from the Council's website or requesting a copy be sent by post. It is also a Condition of the Operators licence that a copy is available for viewing.

Councillors have considered carefully the following Conditions and emphasise that they are essential requirements. Failure to observe may lead to immediate suspension of the vehicle licence and consideration of licence revocation and prosecution¹ (there are explanatory notes at the end of these Conditions).

1. Type of Vehicle

- (a) At the point of licensing a vehicle must be right hand drive and hold full 'Whole Vehicle Type 'European Approval'. In the event of any changes or modification to the vehicle during the lifetime of licence the vehicle must attain 'Whole Vehicle Type European Approval' in its adapted form before being taken into licensed use again.
- (b) Once licensed a vehicle must continue to comply with all of those preconditions to the grant of the licence contained within the policy statement.
- (c) Glazing forward of the 'B' pillar shall comply with Construction and Use Regulation 32 with regard to the level of tint. A minimum light transmission value of 70% shall be maintained in the off side front and near side front windows. The windscreen shall have a minimum light transmission value of 75%. Tinted film applied to any window on the vehicle is not permitted.
- (d) A vehicle licence will not normally be granted if it has sustained accident damage resulting in structural distortion beyond the accepted limits of the vehicle manufacturer, or, has been disposed of under an insurance salvage agreement (categories A, B, C, and D)².
- (e) Once a vehicle has been inspected and a licence granted, it shall be maintained in that form and condition including continued compliance with Condition 1(d) relative to accident damage. No change in the specification, design or appearance of the vehicle or addition of any body work accessories shall be made within the duration of the licence without the prior written approval of the Council.

(f) Fire Extinguisher

(i) Saloon Vehicle/ People Carrier

A fire extinguisher shall be carried at all times in the vehicle. This fire extinguisher shall be a 1kg dry powder giving a minimum 5A/21B rating as defined in BSEN 3-4 British Standard for portable fire extinguishers. It must be mounted in its correct transport bracket within the boot area of the vehicle in a position that is easily accessible to potential users. All fire extinguishers should conform to British Standard EN3³.

(ii) Wheelchair Accessible Vehicle

In the case of wheelchair accessible minibus, two fire extinguishers shall be carried at all times in the vehicle. This fire extinguisher(s) shall be 2 litre foam (AFFF) giving a minimum 5A/70B rating as defined in BSEN 3-4 British Standard for portable fire extinguishers. It must be mounted in its correct transport bracket within the vehicle in a position that is easily accessible to potential users and location signs must be fitted. All fire extinguishers should conform to British Standards EN3.

(g) The vehicle shall carry at all times a fully equipped first aid kit which will contain:

- Guidance on First Aid Leaflet
- 10 x Non Alcoholic Wipes (Single)
- Conforming Bandage 7.5cm x 4.5m stretched
- 2 x Non Woven Triangular Bandage 96 x 96
- Safety Pins x 12
- Medium Blunt/Blunt Stainless Steel Scissors 5"
- 2 x No. 16 Eye Pad Dressing
- 3 x Large Dressing 180 x 180 mm
- 30 Assorted Transparent Plasters

All stored in a suitably labelled container complete with transport bracket and fitted in a suitable prominent position within the boot area of the vehicle for ease of use by the driver or passengers.

(h) Only those vehicles which are on the Council's 'Approved List of Executive Vehicles' will be accepted for licensing.

2. Age Criteria

(a) Executive Saloon

The age of a vehicle, for licensing purposes, shall be determined by the date of first registration on the V5 registration document (Log Book). A vehicle will only be accepted for licensing if the date of first registration is less than 2 years from the date of application. The vehicle must be licensed for use within one month from the date of application.

(b) Executive People Carrier

The age of a vehicle, for licensing purposes, shall be determined by the date of first registration on the V5 registration document (Log Book). A vehicle will only be accepted for licensing if the date of first registration is less than 1 year from the date of application. The vehicle must be licensed for use within one month from the date of application.

(c) Where a currently licensed vehicle does not meet the requirements of part 2 (a) and 2 (b), that vehicle will continue to be re-licensed for up to 5 years from the date of first

registration, providing that all other licensing requirements relating to that vehicle have been complied with and that the licence is renewed before the Taxi and Private Hire Licensing Section's last working day of the month of expiry of the licence. Any break in the licence will result in part (a) of this Condition coming into effect.

3. Signs and Markings

- (a) All vehicles will be required to have a licence plate affixed to the bodywork and displayed in accordance with the requirements of the Council. Each licensed Private Hire Executive vehicle shall have no signs or markings on it except those identified below.
- (b) An identification disc will be issued by Leeds City Council, which must be fixed to the inside, lower, nearside corner of the windscreen in such a manner as to be capable of being easily read from the roadside. The vehicle Proprietor may also display further approved livery on the bonnet if they so choose, giving details of the vehicle Operator. All those relevant preceding Conditions concerning approval and fixing in the 'signs and markings' sub section also apply to bonnet livery.
- (c) Licence Plate
 - (i) Leeds City Council will issue to each licensed vehicle a 'licence plate' to be fitted by the Council and wherever possible to the rear lower offside of the vehicle. It will display the licence number, vehicle registration number and the number of passengers it is licensed to carry. It will be displayed at all times and maintained in good condition.
- (d) Door Livery (Optional)
 - (i) Two other information plates (door livery), in a format prescribed by the Council, will be fitted to the licensed vehicle, one to the driver door and another to the front passenger door.

These plates will be produced to a specification set by the Council. They will be fitted by the Council and secured to the vehicle by an appropriate adhesive chosen by the Council. The mounting of the licence or information plates onto a magnetic back plate is not permitted. The removal of the licence or door livery plate other, than when effecting bodywork repair, removal by an Authorised Officer or when the vehicle is de-licensed is not permitted.

- (ii) The name of the licensed Operator from which the vehicle receives bookings must be shown on the door livery plates in the manner approved by the Council. The Operator name must be in contrasting colours to the background with a colour scheme that is easy for all to distinguish the name. The Operator name must feature predominately across the space provided. An appropriate company logo may be incorporated into the detail of the plate but not at the expense of reducing the letter sizing significantly or making the name more difficult to read.
 - (iii) The Operator name must be professionally prepared (not individual letters) and have night light reflective qualities, equivalent to that of the Council produced licence plate and door livery plate. Alternatively, the letters may be stencilled and utilise the reflective materials of the Council's plate.
 - (iv) Prior to affixing any such details to the vehicle, its design and quality must be approved in writing by an Authorised Officer. A copy of the Operators approved artwork may be retained by the Council for reference purposes to future conformity. Changes to any feature of the approved design or material must be notified in writing to the Council and approved by an Authorised Officer before being taken into use.

- (v) External advertising shall not be allowed to be displayed on a 'Special Event Vehicle' other than the name, contact telephone number of the vehicle Operator.

(e) Visor Strip (Optional)

- (i) Two non illuminated windscreen visor signs, as approved by the Council, which should be 75 millimetres (3 inches) in depth, must be fitted to the top of the front and rear windows and across the entire length of the window (nominally). They should be visible from the outside and in contrasting colours. The name of the company should be to the centre of the sign with the base station telephone number at either side of it.
- (ii) Prior to affixing any such details to the vehicle, its design must be approved in writing by an Authorised Officer. The visor strip must be professionally produced strip (not individual letters). The visor strip should be fitted to the inside of the vehicle. Where there is a manufacturers tinted glass strip to the top of the windscreen, the Proprietors visor strip may be fitted to the exterior but in accordance with MOT testing regulations, it should not interfere with the sweep area of the windscreen wipers. An Authorised Officer may approve a variation to the specified size, where appropriate, in writing.
- (iii) The exception to the rear signs being placed at the top would be where there is a high-level brake light or a permanently fixed car aerial. In that case they may be taken to the lowest visible point of the rear window.
- (iv) Where there are split rear doors, the base telephone number will appear in one rear window and the Operator in the next window. They must be placed to minimise obstruction to the rear view mirror. The conformity to the split-window signs is otherwise the same in every other respect.
- (v) Where the information displayed by requirements of these Conditions ceases to be correct, the signs must be immediately removed and replaced with the correct information.

- (f) Advertising of any form is not permitted in or upon the vehicle.

4. Communication Equipment

- (a) Radio or other data communication equipment for use in the communication of bookings from the Private Hire Operators base station cannot be fitted.
- (b) All bookings are for exceptional events and must take place in a formal manner including the exchange of a written contract and acceptance prior to the commencement of a journey
- (c) The carrying or use of scanning equipment is not permitted within a licensed vehicle.

5. Liquefied Petroleum Gas

Vehicles with Dual Fuel or 'after market' Liquid Petroleum Gas (LPG) systems must be tested and certified by a recognised Liquid Petroleum Gas Association (LPGA) accredited installer.

For Private Hire Executive vehicle licence applications, this certification must be produced at the time of application. For vehicles that have a LPG system fitted during the currency of a Private Hire vehicle licence, they must inform the Taxi and Private Licensing office in writing and produce the above certification within 7 days.

6. Fare Meter (Optional)

- (a) A licensed Private Hire Executive vehicle may be equipped with an approved fare meter. If so, the calibration must be tested, and the meter sealed by the Council or an accredited technician authorised, in writing, by the Council.
- (b) Where fitted, a tariff meter must be maintained in working order and must be used for all journeys within the district.
- (c) The type of seal used must be approved prior to fitting, by the Council.
- (d) Where an Operator uses 'fare cards' to assist customers and drivers in determining the cost of a journey, then such a 'fare card' will be carried in the licensed vehicle and made available to a customer at any time.

7. General Condition Cleanliness and Appearance of Vehicle

- (a) Every vehicle shall be maintained in a safe and pristine condition at all times and be subject to such examinations as are required by the Council.
- (b) Seats should be fully 'sprung', free of stains, tears, cigarette burns or repair, and not threadbare. Floor coverings should not be worn and present no trip hazards. Household carpeting or similar is unacceptable. Upholstery (headlining and side panel coverings) should be free of ingrained grime, fractures and maintained in the manufacturers original style.
- (c) Luggage and storage areas must be kept as free space for passenger's luggage.
- (d) The driver of a licensed Private Hire Executive vehicle shall, at the request of an Authorised Officer of the Council or a Police Constable, stop the vehicle, whether or not passengers are being carried, to enable it to be checked for compliance with all the Conditions of the vehicle, driver and Operator licences granted by the Council and relevant legislation and shall not proceed until the Authorised Officer or Constable has given approval.
- (e) Accident damage must be reported to the Council, in writing, within 72 hours, by the Proprietor and must be repaired without undue delay. Bodywork should be maintained to a good condition, paintwork should be sound and well maintained and free of corrosion, inferior re-spray paintwork and 'cover up' temporary repairs.
- (f) Replacement parts whether mechanical, body or internal trim, fittings or furnishings, will be supplied by the vehicle manufacturer.

8. Vehicles with a Third Row of Seats

- (a) All passengers must have access to at least two side doors, one of which must be on the nearside of the vehicle.
- (b) In cases where there is no door adjacent to a row of seats, no passenger must have to pass through a gap of less than 300mm at the narrowest point in order to exist the vehicle via the rear side doors.
- (c) The middle row of seats must have more than one seat capable of fully tilting and which meet the necessary exit dimension of 300mm at both of the exit points.
- (d) All vehicles with a row of passenger seats without adjacent side doors must provide 'means of operation signs' and low level lighting that illuminates when the side lights are switched on. The signs must provide clear operating instructions, with letters of

no less than 25mm in height, for passengers seated in the affected seats. The lighting must illuminate any signs, catches and levers to operate the tilting mechanism for seats positioned in front of passengers. The lighting must be positioned and shrouded so as not to emit light outside the vehicle. All signs, catches and levers must be coloured in bright contrasting colours.

9. Wheelchair Accessible Private Hire Executive Vehicles

- (a) Wheelchair accessible vehicles must not in any way appear to be similar to Hackney Carriages in appearance but additional signage is permitted, as set out below, to enable potential service users to recognise the availability of such vehicles with Private Hire Operators. The paintwork should be neither all black, all white nor a combination of black and white. The facility of full 'corporate wrap' advertising is not available to the Private Hire sector.

10. Driver Safety Shields (Optional)

- (a) Will be of a make, type and design previously approved by Authorised Officers of the Council and on the 'Approved List' maintained by the Taxi & Private Hire Licensing office.
- (b) Will not be changed in any way from its original design and be free of damage.
- (c) Will remain clear and translucent; be free of scratches, clouding or stickers which would impede the drivers or passengers visibility.
- (d) Will not impede entry and egress or present a trip hazard to passengers using the vehicle.
- (e) Installation and maintenance must be in accordance with manufacturer's specifications and recommendations.

11. Security Cameras Inside Vehicles (Optional)

- (a) Will be of a make, type and design previously approved by Authorised Officers of the Council and on the 'Approved List' maintained by the Taxi & Private Hire Licensing office.
- (b) Will not be changed in any way from its original design, be free of damage and maintained in working condition.
- (c) The vehicle will carry appropriate signs, approved by Authorised Officers, informing the public that camera surveillance is active in the vehicle.
- (d) The recording system and memory card (or other image memory recording system) will be securely stored within the vehicle and away from public access.
- (e) Installation and maintenance must be in accordance with manufacturer's specifications and recommendations.
- (f) The images contained in the recording device may only be downloaded by an Authorised Officer of the Council or Police Officer.

12. Insurance Documentation

- (a) At all times during the duration of this licence there shall be in force in relation to the use of the vehicle as a Private Hire Executive vehicle, a Policy of Insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988.
- (b) The Proprietor or the driver of the licensed vehicle shall produce a current Certificate of Insurance or Cover Note showing:

- (i) That there is in force in relation to the use of the Private Hire Executive vehicle to which the application relates a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988, and have a current vehicle excise licence. The Certificate of Insurance or Cover Note must clearly state the driver(s) and the vehicle;
 - (ii) In the case of a vehicle covered by a block insurance policy, the Certificate or Cover Note must be produced showing that there is in force in relation to the use of the Private Hire Executive Vehicle to which the application for the grant of licence relates, a policy of insurance of such security as complies with the requirements of Part VI of the Road Traffic Act 1988. The Certificate of Insurance or Cover Note must clearly state the driver(s) and vehicle or;
 - (iii) When the driver and vehicle is not so stated then a V5 registration document will be required which relates to the vehicle owner/keeper being the same as the Proposer of the insurance and the Proprietor of the licence.
- (c) The Proposer of the insurance produced must be the Proprietor of the licensed vehicle.
- (d) The original insurance documentation will be produced to the Council. The Council will not accept production of insurance documentation by facsimile or which are a photocopy. When requested the Proprietor must also produce separate correspondence from the insurer to enable the Council to reduce the risk of fraudulent documents being produced.
- (e) At all times during the currency of the vehicle licence, the Proprietor of the vehicle must hold in the vehicle the original Certificate of Insurance or Cover Note relating to that vehicle and which shows those persons entitled to drive the vehicle or a Certificate which complies with 2(c) as above. The documentation must be available for inspection by any Authorised Officer of the Council or Police Officer at all reasonable times. Failure to hold or produce this documentation will, except in exceptional circumstances, lead to the consideration of the suspension or revocation of the licence.

13. Change of Address

The Proprietor shall notify the Council in writing on the prescribed form of any change of his address during the period of the licence within 72 hours of such change taking place.

14. Transfer of Private Hire Executive Vehicle Licences

If the Proprietor of a licensed Private Hire Executive vehicle transfers his interest or part interest in the vehicle to any other person, he shall be required to notify the Council in writing, on the prescribed form, and within fourteen days of such transfer, specifying the name and address of the person to whom such interest has been transferred along with the other necessary detail to enable the Council to monitor the licence. Failure to notify the Council may result in prosecution and immediate suspension of the vehicle licence.

15. Requirements to Produce a New MOT Certificate

A licensed vehicle which attracts a vehicle suspension notice (VOR) for serious defects may be required at the discretion of an Authorised Officer of Leeds City Council, to obtain a new MOT certificate to demonstrate that the vehicle is roadworthy before the suspension will be lifted. The cost of obtaining such a certificate is to be borne by the licence holder.

16. Private Hire Executive Vehicle Licence Surrender

If the Proprietor surrenders a Private Hire Executive vehicle licence then that licence shall be treated as if it had expired on the date of surrender and cannot thereafter be re-instated.

17. Return of the Licence Plates and Discs After Expiry of Licence

- (a) The plates and disc issued to a licensed Private Hire Executive vehicle remain the property of Leeds City Council and must be returned to the council on expiry of the Private Hire Vehicle Licence.
- (b) Failure to return plates and disc within seven days of being instructed to do so in writing will render the Proprietor liable to prosecution.

EXPLANATORY NOTES

1. Health and Safety of Passengers (Duty of Care)

Most people will be aware that employers have a duty of care to their employees, but the Health and Safety at Work Act, 1974, goes further. Part 1, Section 3 (2) states “it shall be the duty of every self-employed person to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that he and other persons (not being his employees) who may be affected thereby are not exposed to risks to their health and safety”. Operators, drivers and Proprietors are advised that a failure to safeguard passengers could have serious implications for the licence holder, and the licence.

2. Cautionary Advice

You are strongly advised not to purchase a vehicle or any equipment or fittings without first reading the Council’s policy and preconditions to the grant of a licence and also these Conditions. If in doubt about any aspect of them, you should make an appointment with a Vehicle Examiner at the Taxi and Private Hire Licensing Section. Licensing Officers and administration staff are not qualified to make technical assessments and are under instruction not to offer such advice.

If a vehicle does not meet the Conditions it is unlikely that a licence will be granted.

Drivers considering buying a vehicle, whether previously licensed or not, are strongly advised to conduct a HPI check prior to purchase. The Council offers a ‘Hire Purchase information’ service to enable licensed drivers who are considering purchasing a vehicle to ascertain a vehicle’s HPI status. The Taxi and Private Hire Licensing Section can conduct such ‘HPI’ checks for the fee set at that time. There are also other businesses offering this service. It is recommended you seek advice from a Vehicle Examiner prior to purchase.

3. Fire Safety Code of Practice

The relevant fire safety code of practice recommends that fire extinguishers should be examined annually by a suitably qualified person in accordance with that standard.

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