

**PRIVATE HIRE VEHICLE LICENCE
POLICY AND CONDITIONS
From 01 JANUARY 2022**



1. APPLICATIONS

- 1.1 Before a licence is granted in respect of a private hire vehicle, a requisition for the same, in such form as the licensing authority from time to time provide for the purpose, shall be made and signed by the licence holder or one of the licence holders of the private hire vehicle and in every such requisition shall be truly stated the name and surname and place of abode of the person(s) applying for such licence, and of every licence holder or part licence holder of such vehicle, or person concerned, either solely or in partnership with any other person, in the keeping, employing or letting to hire of such vehicle. In the case of a Limited Company the requisition shall be signed by the Secretary and all Directors of such Company shall be named.
- 1.2 Each person named in the requisition shall supply either an enhanced or standard DBS check that is dated no more than 6 months old at the time of application.
- 1.3 Each person named in the requisition shall satisfy the council they are a safe and suitable person in accordance with the council's policy for determining the suitability to hold such a licence.
- 1.4 Satisfy the Council that the vehicle complies with the conditions for private hire vehicles licences made by the Council.

2. GENERAL

- 2.1 The licence holder must observe and carry out the requirements of the Local Government (Miscellaneous Provisions) Act 1976, Part II, and any orders or regulations made thereunder and the requirements of any other Act of Parliament or order.
- 2.2 We do not allow dual licensing of vehicles – that is, licensing of a vehicle with more than one council/local authority.
- 2.3 The proprietor must ensure the vehicle is maintained to an acceptable standard at all times.
- 2.4 The proprietor must ensure the vehicle is not used for illegal or illicit purposes.

2.5 Interpretation

In this licence and in this document, unless the subject or context otherwise requires:-

- 2.5.1 "authorised officer" means any officer of the Council authorised in writing in accordance with the Council's scheme of delegation for the purposes of Part II of the Local Government (Miscellaneous Provisions) Act 1976;
- 2.5.2 "the Council" means Eastleigh Borough Council;
- 2.5.3 "private hire" has the same meaning as in the Local Government (Miscellaneous Provisions) Act, 1976
- 2.5.4 "licence plate" means the plate issued by the Council for the purpose of identifying the vehicle as a private hire vehicle duly licensed by the Council;

2.5.5 “licence holder” includes a part-proprietor and, in relation to a vehicle which is the subject of a hire purchase agreement, means the person in possession of the vehicle.

3. **TYPE OF VEHICLE**

3.1 General conditions covering all types of vehicles that are licensable as private hire vehicles are set out in 3.2. and 3.3 below.

3.2 The vehicle to be licensed, of whatever type, shall, subject to what is to follow, and other conditions herein, be suitable in size, type and design for use as a private hire vehicle to the satisfaction of the Council.

3.3 Without prejudice to the generality of 3.2 above, the vehicle shall:-

3.3.1 have an engine producing 50 kW., or greater;

3.3.2 No diesel vehicle with an emissions standard of level 5 (Euro 5) or lower will be granted a licence on or after 1st January 2022 other than by way of licence renewal unless the vehicle has been converted with approved CVRAS technology. See 3.3.3

3.3.3 Any vehicle fitted with approved Clean Vehicle Retrofit Accreditation Scheme (CVRAS) technology (e.g. a CVRAS LPG conversion) may be exempt from condition 3.3.2 subject to the vehicle meeting all other relevant conditions and on production of approved certification.

3.3.4 not be a London type taxi or any other type of vehicle constructed solely or primarily for use as a hackney carriage or be of such design or appearance as to be able to lead any person to reasonably believe that the vehicle is a hackney carriage;

3.3.5 Have at least 4 doors excluding the tailgate that must include at least one door on each side of the vehicle which passengers riding behind the driver can use to get out without moving seats.

3.3.6 **Rear seat (width)**

The width of the rear seat is measured in a straight line across the centre of the seat from the edge to edge of the seat and shall not be less than 1200mm. In the case of a 2 seater seat the measurement shall no be less than 800mm.

Seats (depth)

The depth of the rear seat is measured in a straight line, from the backrest to the front edge of the seat. This measurement must not be less than 457mm (18 inches).

Knee space

The measurement between the rear of the front seats and the backrest of the rear seat must not be less than 762mm (30 inches) with the front seat at its centre point (that is, midway on its runners).

- The measured width of total available seating should be divided by 400mm to find out the seating capacity.
- This figure will be used as the total possible seating capacity.
- This figure will help determine the number of passengers that the vehicle licence will allow.

3.3.7 **Internal height**

The measurement from the top of the rear seat cushion where it meets the backrest vertically must be not less than 813mm (32 inches).

int on its runners.

- 3.3.8 be of right hand drive;
- 3.3.9 be fitted with sufficient and suitable seat belts for every person who may be carried in the licensed vehicle pursuant to conditions 14, 15 and 16;
- 3.3.10 in the case of estate cars and vehicles with luggage kept in the same open area as passengers, the space between the top edge of the rear seat and the roof of the vehicle must be fitted with a grille or other mechanism securing luggage to ensure the safety of passengers from displacement of luggage;
- 3.3.11 at all times maintained to standards that meet the then current requirements of the Council, and must be in a clean and comfortable condition for the carriage of passengers.
- 3.3.12 Only vehicles that are certified as classification M1 or have been converted by manufacturers, or those professionally engaged in adaptation or conversion, that are "M1" certified after adaptation or conversion.

3.4 WHEELCHAIR ACCESSIBLE VEHICLES

- 3.4.1 A disabled passenger must be able to get in and out of the licensed vehicle and travel in it while sitting in their wheelchair. The person in the wheelchair must also be able to transfer to a seat in the vehicle if they want to.

Throughout these conditions we refer to a 'reference wheelchair'. A diagram of this with dimensions is set out in Additional Information at the end of this document.

3.4.2 Access

- On all passenger doors, the way of opening them, and the direction they open, should be clearly marked on the inside and outside of the vehicle.
- There must be at least one doorway where a wheelchair and the person in it can enter. The doorway must be at the rear or nearside of the vehicle.
- The doorway must provide a minimum unobstructed space of 1170mm high and 680mm wide.
- Adequate lighting must be provided to help passengers get in and out of the vehicle.

- 3.4.3 To facilitate passengers wishing to transfer into a seat in the vehicle a transfer board must be stowed safely in the vehicle.

- 3.4.4 Space must be provided to store safely the wheelchair after the passenger has transferred to a seat.

3.4.5 DESIGNATED WHEELCHAIR SPACE

The space for the wheelchair must be large enough for a 'reference wheelchair' to be moved from outside the vehicle into the space.

The minimum headroom above the space must be 1310mm.

The route from the door to the wheelchair space must not have any obstructions.

The route to the space must be large enough for a 'reference wheelchair' to be moved into the space with no more than a four-point turn and without lifting the wheels from the floor.

When the wheelchair is moved from the door to the designated space, the headroom above this area must be the same as or greater than the height of the entry door.

3.4.6 STEPS

Fixed or retractable steps must be permanently secured at the point of entry into the vehicle.

There must be no more than three steps into the vehicle.

The height of the first step from the ground at all entrance and exit doors must not be greater than 250mm. All other steps must be inside the vehicle, and must be between 120mm and 200mm high.

All steps must be at least 400mm wide and 280mm deep and must not have open risers.

The surface of all steps must be slip resistant

3.7 HANDRAILS/HANDHOLDS

Handrails or handholds must be provided for disabled passengers coming into and leaving the vehicle.

The surface of every handrail and handhold must contrast in colour or tone with the surrounding surfaces and must have a slip-resistant finish.

3.4.8 SEATS

All seats used by disabled passengers must be forward or rear facing.

3.4.9 BOARDING DEVICE

A boarding device at the doorway through which a wheelchair and the person using it would enter will be in the vehicle

Any power-operated boarding device must have the ability to be manually operated if there is a power failure.

Any boarding device must be stowed so that it does not obstruct any handle or other opening device for any exit. If the boarding device obstructs an exit, you must be able to push or pull it out of the way from the inside and outside when the door is open so that the doorway is clear if there is an emergency. It must be stowed securely to prevent injury.

Any manually operated boarding device must be easy to operate.

3.4.10 RAMPS

Any one-piece ramp must be at least 750mm wide to accommodate a wheelchair. The ramp must not be longer than 1700mm. Folding ramps are allowed, as long as the ramp is rigid when it is being used.

When the ramp or ramps are being used on the road, the ramp slope must not be at an angle greater than one in four (25 per cent). In all cases, the ramp or ramps must be capable of use on a level road and a kerb that is 125mm high.

The ramp or ramps must be capable of being securely positioned at the top end of the ramp where they are secured to the vehicle.

The surface of all ramps must have a slip-resistant finish. All outer edges must be clearly marked in a contrasting tone and colour.

The ramp or ramps must be in one piece when in use.

3.4.11 LIFTS

The lift platform must be at least 750mm wide and 1200mm long.

A tailboard that is at least 100mm to stop the wheelchair rolling off must be supplied.

The lift must be able to reach the ground.

3.4.12 WHEELCHAIR INSIDE THE VEHICLE

All passengers travelling with a wheelchair must either face forwards or backwards.

All wheelchairs must be securely tied down with dynamically tested equipment.

A restraint system for passengers who sit in a wheelchair must be provided..

A back rest and head restraint must be supplied if passengers can be rear facing. This backrest and head restraint must be a maximum of 480mm from the floor of the vehicle, and should be at least 1300mm high. Any movement of the backrest should not be more than 12 degrees. The width of the backrest must be between 270mm and 480mm.

4. **AGE OF VEHICLE**

4.1 When first licensed the vehicle shall be less than 7 years old – taken from the date of first registration as recorded by DVLA or for vehicles used outside of the UK the date the vehicle was first used on any other roads of any description. No diesel vehicle with an emissions standard of level 5 (Euro 5) or lower will be granted a licence on or after 1st January 2022 other than by way of licence renewal unless the vehicle has been converted with approved CVRAS technology. See 3.3.3

4.2 Purpose built wheelchair accessible vehicles will not be licensed once they have attained 15 years of age. All other vehicles shall not be licensed once they have attained 12 years of age.

5. **LOLER**

5.1 The Licensing Authority notes that for reasons of safety and maintenance, any mechanical lifting equipment is subject to periodic inspection and testing requirements under the Lifting Equipment and Lifting Operations Regulations 1998 (LOLER). Therefore, for reasons of public safety and compliance with the law the licensing authority will normally require applicant proprietors to submit and maintain a valid LOLER certificate for each piece of lifting equipment that may be fitted to or within the vehicle (e.g power swivel, seats, mechanical lifts etc)

5.2 If your vehicle requires a LOLER certificate you will be required to produce this at every renewal of the LOLER certificate (every 6 months) and when the vehicle is first registered. You will also need to complete the necessary sections on the application form.

6. **ADVERTISEMENTS AND SIGNS**

- 6.1 No advertisement, sign, notice, mark, illumination or other feature, other than as required by law or permitted by these conditions shall be placed on the exterior of or visible from outside of any licensed private hire vehicle including the windows, except as follows:-
 - 6.1.2 Advertising, including third party products and services, etc. is permitted (subject to conditions and law) on any part of the body of the licensed vehicle. Windows are excluded from this permission.
- 6.2 All such advertising as mentioned below may only be displayed following approval by the Senior Licensing Officer.
- 6.3 At all stages prior to approval the proprietor or operator will accept the risk involved in not meeting these criteria or requirements.
- 6.4 The power to give approval will be delegated to the Senior Licensing Officer.
- 6.5 All advertising is to be completed to a professional standard and quality.
- 6.6 This advertising may promote the proprietor or operator of the licensed vehicle or a trade, business, goods or services of a third party.
- 6.7 Roof signs are not permitted on any private hire vehicles licensed by this authority.
- 6.8 The approved complaint wording on the rear of the paper front plate must be displayed in the licensed vehicle in a prominent position so it can easily be seen and read from inside the vehicle.

7. **ADVERTISEMENT CONTENT**

All advertisements must comply with the British Code of Advertising Practice and it is the responsibility of the agency or individual seeking the Licensing Authority's approval to ensure that they do so.

- 7.1 Each proposal is considered on its merits, but the following advertisements **WILL NOT BE APPROVED**, always subject to the provisions of the Human Rights Act 1998 and any other law.
 - 7.1.1 those with political, ethnic, religious, sexual or controversial texts
 - 7.1.2 those for escort agencies, gaming establishments or massage parlours
 - 7.1.3 those displaying nude or semi-nude figures
 - 7.1.4 those likely to offend public taste.
 - 7.1.5 those which seek to advertise more than one company/service or product
 - 7.1.6 those which promote the sale or consumption of tobacco products or cigarettes.
- 7.2 The Senior Licensing Officer will be delegated to give approval of matters in 7.1 above.
- 7.3 It is the proprietor's responsibility, as part of the contract entered into when commissioning any exterior advertising of the foregoing nature, to ensure that, at the completion of the contract, or upon the vehicle ceasing to be a licensed private hire vehicle, work to return the vehicle to its original manufacturer's colour is included.

7.4 Provided always that no advertisement permitted by these conditions shall consist of or include the words "taxi" or "cab" whether in the singular or plural or "hire" or any word of similar meaning or appearance of any other feature which may suggest that the vehicle is a hackney carriage, and no advertisement, sign, notice, mark, illumination or other feature shall be placed on the licensed private hire vehicle without the prior approval of the Senior Licensing Officer.

7.5 No combination of letters or numbers must be used in the registration number of the vehicle to indicate or imply the words "taxi" or "cab" or any related idea which could lead a member of the public to take the view that the vehicle is a hackney carriage.

8. **IDENTIFICATION**

8.1 Other than as permitted by these conditions, no other advertisement, sign, notice, mark, illumination or other feature will be permitted.

8.2 Except as provided in condition 21 below, all private hire vehicles shall:-

- Approved stickers as shown in 'Additional information' must be clearly displayed and securely fixed on both the near and off sides of the vehicle, either on the rear doors or rear quarter panel to be agreed by the Head of Legal Service & Data Protection Officer.
- Magnetic identification signs will not be permitted.

9. **LICENCE PLATES**

9.1 Except as provided in condition 21 below, one licence plate shall be securely fixed in a position at the rear of the private hire vehicle to the satisfaction of the Legal Services Manager.

9.2 A second licence plate, being a paper plate for display in the windscreen, shall be securely fixed in a position on the front of the hackney carriage to the satisfaction of the Legal Services Manager.

9.3 Except as provided in condition 20 below or when the vehicle is suspended by an authorised officer the licence plate shall not be removed for the duration of the licence.

10. **RETURN OF LICENCE PLATES**

10.1 The private hire vehicle licence plates shall remain the property of the Council and shall be returned within seven days after the service on the licence holder of an appropriate notice by the Council's Head of Legal Services & Data Protection Officer or when the licence expires and is not renewed.

11. **INSPECTION OF VEHICLE**

11.1 The licence holder shall present the vehicle for inspection at a time and place notified by the Council, the private hire vehicle shall be submitted for inspection at least once, but not more than three times, in a year. In addition the Council may arrange for the vehicle to be tested at any reasonable time and require further inspection and testing if it proves unsatisfactory. Licence holders will be notified of the location, time and date that the vehicle is to be presented for inspection.

- 11.1.1 All vehicles applications that are not renewal applications must pass an examination at the Council's vehicle examination facility. New vehicles less than 3 months old, less than 500 miles on the odometer and has no adaptations may be excused from this requirement on request to the licensing office.
- 11.1.2 In exceptional circumstances where a replacement vehicle is in temporary use, the hire vehicle may be examined at an Eastleigh VOSA approved garage
- 11.1.3 At renewal all vehicles must have a full mechanical and visual inspection and an "MOT" at an approved vehicle testing centre within the borough of Eastleigh dated no more than 30 days prior to the expiry of the licence. If the full mechanical and visual inspection is carried out by the workshop at Hedge End Depot, an MOT will not be required as a certificate of compliance will be issued.
- 11.2 Without prejudice to the foregoing, where more than six years has elapsed since the first registration of the private hire vehicle under the Vehicles (Excise) Acts of 1949, 1971, or successor legislation, the private hire vehicle shall undergo a mechanical and visual inspection by an approved testing station in the period of 10 days either side of the date six months from the last grant of the vehicle licence (the "due date") and the vehicle test certificate shall be presented for inspection to the Licensing office within 14 days of the due date.

12. **DAMAGE TO VEHICLE**

- 12.1 The proprietor must inform the licensing office of either mechanical or body damage within three days. An assessment will be made of the damage by Licensing staff who will determine the next steps. Minor damage will normally be expected to be repaired within 1 month, some matters may be given a shorter period. After repair the vehicle may be required to pass a mechanical inspection at a place to be determined by the Council, subject to payment of an appropriate fee. The private hire vehicle plate is liable to be removed from any vehicle which, in the opinion of an appropriate Officer or agent of the Council in any way constitutes a danger to the public, is in breach of any road traffic enactment or the Construction and Use Regulations, or is unfit for use as a private hire vehicle. On completion of the repairs, to the satisfaction of the Senior Licensing Officer, the licence plate may be restored.
- 12.2 The removal of the private hire licence plate will constitute suspension of the vehicle licence.

13. **INSURANCE**

- 13.1 At all times during the currency of the licence the licence holder shall keep in force in relation to the use of the vehicle as a private hire vehicle a policy of insurance complying with the requirements of Part VI of the Road Traffic Act 1972 or subsequent relevant legislation..

14. **PRODUCTION OF DOCUMENTS**

- 14.1 The proprietor shall on being so required by an authorised officer, produce for inspection the licence and/or the certificate of insurance in relation to the use of the vehicle as a private hire vehicle. Provided that, if the proprietor fails to produce such licence and/or certificate of insurance on request, he shall produce it within five days of such request to an authorised officer at the office of the Service Manager for Licensing.

15. **SEATING CAPACITY**

15.1 Every private hire vehicle shall have sufficient seating capacity to carry not less than four nor more than eight passengers in comfort in addition to the driver.

16. **NUMBER OF PASSENGERS**

16.1 The licensee shall not convey, or cause or permit to be conveyed in the vehicle a greater number of persons, exclusive of the driver, than specified in the licence. In addition, children under three years will not be conveyed in the front seat of a vehicle whether restrained or unrestrained. Children and babies in arms are included in the calculation.

17. **TAXIMETER**

17.1 Should a taximeter be installed in a private hire vehicle, it must be electronically designed and of the type and model approved by the Council. It must be fitted in a position satisfactory to the Council.

17.2 No operator, proprietor or driver may tamper with the mechanism of the Taximeter or its seals provided that, should the meter become defective it may be replaced by a service meter.

17.3 Any tariff set in the meter must correspond to the tariff approved by the operator the vehicle is licensed with.

18. **TRANSFER OF LICENCE**

18.1 If the proprietor of a private hire vehicle transfers his licence and vehicle, he shall within fourteen days give notice to the Head of Legal Services and Data Protection Officer for Licensing details of the name and address of the person to whom he has transferred the licence.

19. **ADHERENCE TO BOOKINGS**

19.1 The holder of a licence who has agreed, or whose vehicle has been hired to be in attendance at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.

20. **WEDDINGS AND FUNERALS**

20.1 Private hire vehicles being used to carry passengers to, from or in connection with any wedding ceremony or funeral will not be required to display a private hire vehicle plate during such journeys.

21. **SPECIALIST VEHICLES**

21.1 In exceptional circumstances, the Service Manager for Licensing may determine that a vehicle is a specialist vehicle, such as, but not exclusively, stretched limousines, classic cars and other unusual vehicles to be used for private hire. The council shall maintain a separate policy for specialist vehicles.

21.2 Where the Service Manager for Licensing determines that a vehicle is a specialist vehicle, and that it is intended to be used in the circumstances described in section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976, a notice may be issued of the suspending the requirement for the display of the rear licence plate in those circumstances, as required by condition 9.1 above.

- 21.3 Additionally, in the case of a specialist vehicle, the Service Manager for Licensing may, at his absolute discretion, suspend or amend all or some of the provisions of the following conditions:
- 3.3.5 (doors) as long as at least two doors open onto the nearside (pavement) of the vehicle;
 - 3.3.8 (right hand drive);
 - 4. (age of vehicle);
 - 8.2 (no booking no ride and identification stickers)

22. **VEHICLE SPECIFICATION**

- 22.1 All licensed private hire vehicles shall be maintained to their original specification whilst the licence remains in force. This includes all supporting systems such as air conditioning, heated screens etc..
- 22.2 All vehicles will meet the relevant type approval for passenger vehicles able to carry 8 or less passengers excluding the driver. Any adapted vehicles will need to provide appropriate government certification demonstrating compliance.
- 22.3 All licensed vehicles will be kept clean both internally and externally, all furniture and fittings must be well maintained.

23. **CCTV**

- 23.1 Proprietors may fit cameras to record either external or internal images, however they must ensure appropriate signage is exhibited on the vehicle and the proprietor has provided evidence of registration with the Information Commissioners Office.
- 23.2 Any evidence of inappropriate use of data from such equipment may be used in the consideration of the continuance of any licence issued by the authority.

24. **OPERATOR**

- 24.1 When private hire operator signs are displayed, to prevent confusion, that vehicle should only carry out bookings for that same operator. These signs should be displayed on the front doors of the vehicle to the satisfaction of the Head of Legal Services & Data Protection Officer. Magnetic signs are not permitted.

25. **CONVICTIONS**

- 25.1 Any person who has an interest in the licence must notify the Licensing team at the Council within 2 working days of any arrest or conviction.

26. **SMOKING**

- 26.1 Smoking, including the use of electronic smoking devices/vaping, is not permitted in a licensed vehicle. (See additional information)

Note: For the avoidance of doubt all of the above requirements shall be deemed to form both the Council's policy (i.e. pre requisite to the grant of the licence) as well as conditions subject to which the licence is granted (which will continue to apply throughout the duration of the licence, as appropriate. As a result, any requirement

which requires action or implementation prior to the grant of the licence is to be considered the Council's policy and any requirement to be complied with after the grant of the licence is a condition and compliance is required for the duration of the licence.

ADDITIONAL INFORMATION

Please note that this information does not form part of Eastleigh Borough Council's licence policy or conditions

Drivers, proprietors and operators of licensed hackney carriages and private hire vehicles are reminded of the other statutory duties and restriction placed on them, amongst which are the following:

Smoking

The Health Act 2006 prohibits the smoking of tobacco or any other substance by anyone in a licensed hackney carriage or private hire vehicle. The legislation applies at all times whilst the vehicle remains licensed.

The smoking of e-cigarettes/vaping in a licensed vehicle is also prohibited at any time.

Every licensed vehicle is required to carry appropriate signage under the Smoke-free (Signs) Regulations 2007. Guidance and signs are available from:

<http://www.smokefreeengland.co.uk/resources/guidance-and-signage.html>



Assistance Dogs

The Equality Act 2010 imposes a duty on licensed drivers and operators to convey any guide, hearing or other assistance dog in a licensed hackney carriage or private hire vehicle.

Drivers must:

- carry assistance dogs accompanying disabled people;
- do so without additional charge; and
- allow the dog to remain with the passenger

Operators must:

- accept bookings made by or on behalf of a disabled person who is accompanied by an assistance dog;
- accept bookings made by a person who will be accompanied in a PHV by such a disabled person; and
- not make an additional charge for carrying the assistance dog

If a driver has a medical condition, such as severe asthma, which is aggravated by contact with dogs, or is allergic or has an acute phobia to dogs, it may be possible for them to qualify for an exemption. Please discuss this with the licensing team in the first instance, to whom application for exemption must be made. The driver will be required to produce conclusive medical evidence in support of his application.

Please note that the law does not allow for an exemption to be granted on religious grounds.



Additional information is available from:
<http://www.dft.gov.uk/transportforyou/access/taxis/>

Identification Signs

For the purpose of condition 8 (identification) and in order to avoid doubt, an example of the identity stickers appear below.

All private hire vehicles shall display two "Borough Identity Stickers" of the prescribed type. One sticker must be clearly displayed on both the near and off sides of the vehicle, either on the rear passenger doors or rear quarter panel, to the satisfaction of the Head of Legal Services & Data Protection officer.

The Borough Identity sticker shall be to the satisfaction of Eastleigh Borough Council & supplied with your plate by the licensing team and of A4 in size (27.7cm x 19.0cm). Signs are to be fixed with an adhesive. Magnetic Signs are not acceptable.



EXAMPLE SIGN