



New Forest
DISTRICT COUNCIL

**HACKNEY CARRIAGE
AND
PRIVATE HIRE
LICENSING**

**STATEMENT OF
PRINCIPLES**

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PART A

Overview

Introduction

The content of this document is provided as information on the policy and principles of New Forest District Council (NFDC) in carrying out its functions in relation to the regulation of hackney carriages, private hire vehicles and driver licensing. The document is not a full and authoritative statement of the law and does not constitute professional or legal advice.

This statement of principles will be kept under regular review. NFDC will consult with all interested parties before making such revisions to it, at such times as it considers appropriate.

Principle Aims

- Public safety;
- The protection of children and other vulnerable persons.

Methodology

NFDC will check and where appropriate test the suitability of Operators, Drivers and Vehicles and only issue licences if satisfied that the Principle Aims above will be met. Conditions will apply to licences to ensure that these aims are achieved. Applicants are not authorised to operate prior to the appropriate licences being issued or renewed and may be committing criminal offences should they do so.

Legislation

- Town Police Clauses Act 1847 & 1889
- Local Government (Miscellaneous Provisions) Act 1976
- Public Health Act 1875 & 1936
- Local Government Act 1972
- Rehabilitation of Offenders Act 1974
- Transport Act 1980, 1981 & 1985
- Disability Discrimination Act 1995
- Equality Act 2010

Licences

Conditions apply to licences for:

- Vehicles as either hackney carriage or private hire;
- Drivers of licensed vehicles;
- Operators of private hire vehicles.

NFDC will maintain a database of licensed vehicles and drivers and applications.

General Conditions for Drivers

Before applying for a combined hackney carriage and private hire drivers licence issued by NFDC all applicants must satisfy the pre-qualifying conditions set out in Part J.

Knowledge Tests – are required to be undertaken and passed by applicants for a combined hackney carriage and private hire driver's licence. It will comprise both written and oral test covering four main elements consisting of; geographical knowledge, driving standards, licence conditions and communication skills.

Satellite navigation and other similar aids will not be considered a substitute for the geographical knowledge component as they can malfunction or breakdown.

It is important that drivers can communicate effectively with their customers and others. Applicants will be expected to show good competence in the English language and this will be tested in the communications skills part of the test.

If the applicant fails the test or any section, they may re-take the relevant section or the test within two weeks but will be charged for the re-take and any other subsequent test.

Applicants are only able to take 3 tests in total in any one rolling calendar year.

A successful pass of the driver's awareness test is only valid for a period of 6 months.

Previous convictions – all applicants for the combined hackney carriage and private hire driver's licence must obtain a satisfactory Enhanced Certificate from the Disclosure and Barring Service (DBS), prior to the granting of the initial licence. This process must be repeated for all subsequent licence applications. Refusal to complete the DBS form will mean that no licence will be issued.

On completing the driver licence application form all convictions and motoring offences (whether spent or not) must be declared.

All past convictions will be considered against the NFDC guidelines (see Part J). In every case the individual facts will be considered with the overriding consideration being the Principle Aims of the statement of principles policy.

General Conditions for Vehicles

Applications for vehicle licences will be conditional on the vehicle being tested as follows:-

- Vehicles up to eight years of age – Tested once a year;
- Vehicle over eight years of age which have been deemed to be in satisfactory condition by the Licensing Authority – Tested twice a year;

Normally the age of the vehicle will be calculated from the day of its first registration at the DVLA.

Before any licence is granted the vehicle must have been inspected and approved by NFDC appointed vehicle tester, together with the completion and submission of the NFDC vehicle inspection report.

New technology that makes a contribution to achieving the aims of the licensing principles will be considered as and when it becomes available.

This licensing authority will allow advertisements to be placed upon hackney carriages and private hire vehicles for both self and third party advertising with no restrictions providing that no possible road or passenger safety is compromised. All advertising is subject to the approval of NFDC licensing officer.

Although a vehicle may comply with conditions, approval may be withheld if NFDC is of the opinion that the particular vehicle is unsuitable for public use.

Vehicles aged over 8 years will need to be in suitable condition and approved by NFDC licensing officer.

All new hackney carriage licence numbers (nos.89 and above) issued on or after 1 April 2006 and which were not in existence prior to that date will be wheelchair accessible vehicles (WAV).

All types of vehicle which conform to NFDC specification and requirements will be licensed where application is made to change a vehicle on a licence number which was issued on or prior to 31 March 2006 (nos. 1 to 88) whether or not the vehicle is a WAV.

Responsibility of Proprietors or Operators

NFDC will hold the owner or proprietor of a licensed hackney carriage or the operators of a private hire vehicles responsible for the general condition and roadworthiness of the vehicle and for ensuring that their drivers are familiar with all conditions, legislation and by-laws regulating the operation of vehicles.

In certain instances therefore the proprietor or operator may be subject to enforcement action as a result of an offence committed by their driver. NFDC will however take into account the circumstances of the offence and how far the proprietor or operator is also culpable.

Guide and Assistance Dogs

It is an offence for a licensed driver to refuse to carry guide and assistance dogs unless the driver has a medical exemption certificate.

Private hire operators may also commit an offence if they do not accept bookings by or on behalf of a disabled person who is accompanied by a guide, hearing or other assistance dog. Or make an additional charge for carrying the dog.

Drivers in making an application for a medical exemption will need to provide supporting medical evidence. An independent medical practitioner, other than their General Practitioner must provide this. If the exemption is being applied for on the grounds of a chronic phobia to dogs the report must be provided by a psychiatrist or clinical psychologist.

Enforcement

Enforcement will be applied in accordance with NFDC enforcement policy which adopts a reasonable, impartial and proportionate approach to enforcement. NFDC will attempt to balance the rights of all parties and in particular have regards to:

- Human Rights
- Discrimination
- Other legislation which covers the way in which investigations are conducted

NFDC will carry out enforcement duties in line with the principles that business should:

- Receive clear explanations of what they need to do
- Have opportunities to resolve differences before enforcement action is taken
- Be told how to appeal against any decisions
- Be told the reasons for particular decisions

An authorised officer of NFDC has the power at all reasonable times to inspect and test for fitness any hackney carriage or private hire vehicle licensed by the Council or any taximeter affixed to the vehicle. If they are not satisfied as to the fitness of the vehicle or as to the accuracy of the taximeter they may, by notice, require the proprietor or driver to make the vehicle or taximeter available for further inspection and testing and may suspend the vehicle licence until such time as they are satisfied as to its fitness.

If the vehicle is not made fit within two months, the vehicle licence can be automatically revoked.

It is an offence to obstruct an authorised officer or fail to give such assistance or information as may be required or to comply with any reasonable requirement. It is also an offence to give false information.

Taxi Rank Provision

The provision of taxi rank stands will be reviewed at the request of the trade and representation will be made to NFDC Transportation to consider new areas where necessary and appropriate.

Fees and Charges

Fees and charges will be set with the intention of covering NFDC costs in administering the whole service. They will generally be reviewed as part of the normal budget process and come into force from the 1 April each year. If the demands on the service make it necessary, then fees may be amended during the financial year.

Appeals Procedures

Where a licence application is refused, or an existing licence is suspended or revoked, the applicant or licence holder may have a right to appeal in the first instance to NFDC Licensing Committee and also to the local Magistrates Court. An appeal to either the Licensing Committee or the Magistrates Court must be lodged in writing within 21 days of notification of the refusal, suspension or revocation.

PART B

General Conditions of Fitness and Design of Vehicles

General

All licensed vehicles must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in general or in particular and in force at the time of licensing and with any retrospective changes introduced during the life of the licence.

Hackney Carriage & Private Hire Vehicles

A vehicle licence will be granted or renewed only where:

- If a hackney carriage, the vehicle is a purpose built London FX4 taxi or any four or five door saloon, estate car or mini-bus type vehicle with an engine capacity as set out below;
- If a private hire vehicle, the vehicle is a 4 or 5 door family saloon, estate car or mini-bus type vehicle with an engine capacity as set out below;
- Where a vehicle is licensed to carry a maximum of 4 passengers an engine capacity of not less than 1200cc in respect of a petrol engine and not less than 1400cc in respect of a diesel engine shall apply;
- Where a vehicle is licensed to carry 5 to 8 passengers an engine capacity of not less than 1500cc in respect of a petrol engine and not less than 1695cc in respect of a diesel engine shall apply;
- **Provided:** - the Licensing Officer is satisfied in relation to the size, design and safety standards of the vehicle.

The following conditions for both taxis and private hire vehicles shall apply:-

- **Steering** – the steering wheel should be on the offside (however see additional conditions relating to Stretch Limousines).
- **Doors** – a minimum of four doors, two on each side of saloon and estate cars. A rear door only counting on mini-buses and only used as a direct exit for a row of seats. Converted van type vehicles are not acceptable, nor are vehicles with exits which are sited over petrol tanks. Door should open to an angle of 80° to the body of the vehicle, except in the case of sliding doors.
- **Seat Dimensions** – the length of the rear seat measured in a straight line lengthwise on the front of the seat must be such as will allow adequate sitting accommodation to the extent of at least sixteen inches per person. The width of the back seat from the squab to the front edge must not be less than 18 inches.
- **Seated Headroom** – from the top of the seat cushions to the roof at the lowest part must not be less than 32 inches.

- **Rear Knee Space** – the measurement from the back of the front seat to the front of the rear seat must not be less than 7 inches when the front seat is fully pushed back.
- **Luggage** – suitable dedicated provision for the secure carriage of luggage must be made, separate from the passenger compartment and proportionate in size to the number of passengers carried.
- **MOT Examinations** – are required for:

PHV over three years old

HCV over one year old

- **Age Policy** – vehicles over eight years old are subjected to inspections by the Council twice each year and will need to be in suitable condition and approved by the Licensing Officer.

PART C

The Examination & Assessment of Vehicles

Vehicle Assessment

This part of the document has been produced in order to assist licensed drivers, hackney carriage proprietors and private hire operators. It sets out in clear and simple terms the items which are assessed and tested and the minimum standards which must be reached for licensed vehicles to pass the mandatory NFDC vehicle inspection(s).

Licensed vehicles are working vehicles which are liable to cover large mileages over short periods whilst carrying fare paying passengers. As a consequence the Council sets high standards for those vehicles which it does licence and it expects vehicle owners to ensure that the standards are maintained throughout the licensed period. Vehicles eight years and older are tested on application and thereafter at six monthly intervals.

The items marked with an asterisk (*) are also examined during the MOT test and further requirements for assessment can be found in the current MOT Testers Manual. Where items are not subject to MOT examination then NFDC requirements are set out in the following document.

Inevitable some check items will be open to subjective judgement on the part of the NFDC examiner. NFDC will whenever possible minimise any possible variances by using the same, usually two, experienced and qualified technicians.

The vehicles test fee is included in the licence fee; therefore, providing the vehicle is in satisfactory condition and passes the test no further payment is necessary. However should the vehicle fail the test then a re-test fee will be charged at the current published rate. This fee must be paid before a re-test is carried out. The garage will require sight of the re-test fee payment prior to examining the vehicle. Re-tests are not encouraged as the vehicle should be presented in a satisfactory condition at the initial test.

Taxi Meter

The meter should accurately record the time and distance covered. It should be set to charge at the prevailing rate and this should be accurately reflected by way of charges. The meter should be sealed.

Interior

- **Trim** – clean, properly fixed in place with no rough or jagged edges. Window and door handles properly fixed in place and working effectively.
- **Seat Belts** – clean, not stretched, ripped, torn or worn. Properly fixed to allowable anchorage points with locks and buckles that operate smoothly and effectively. Belts must be available for the driver and front passenger, and in vehicles first registered from 1987 onwards, for passengers in rear seats.
- **Seats** – properly and securely bolted in place, on smoothly operating runners as applicable. Coverings should be clean and not worn, damaged or split.

- **Carpets** – clean and properly fitted. No holes or loose flapping ends or edges.
- **Cleanliness** – clean and polished interior and glasswork.

Electrical Equipment and Accessories

- **Obligatory Front Lights** – working with constant, appropriate and even brightness. Lenses and reflectors to be clean with no rust and no cracks or holes in the lenses. White light to be shown at front.
- **Headlamps Dipped** – working and properly adjusted with constant, appropriate and even brightness. Lenses and reflectors to be clean with no rust and no cracks or holes in the lenses.
- **Headlamps Main** – working with constant, appropriate and even brightness. Lenses and reflectors to be clean with no rust and no cracks or holes in the lenses.
- **Indicators Front** – working with constant, appropriate and even brightness. Lenses and reflectors to be clean with no rust and no cracks or holes in the lenses. White or amber light to be shown with a flashing rate of approximately 1-2 flashes per second.
- **Horn** – must function and be audible to another road user. The horn control must be accessible to the driver.
- **Screen Washers** – delivers sufficient water to the windscreen to enable the windscreen to be cleared in conjunction with the windscreen wipers. All jets to be operative. Where rear washers are fitted the same requirements will apply.
- **Screen Wipers** – must work on demand and move over an adequate area of the windscreen. The rubbers must cover the whole length of the blade and not be cracked, perished or have solidified.
- **Instrument Controls etc** – all work to manufacturer's specification.
- **Obligatory Rear Lights** – working with constant, appropriate and even brightness. Lenses and reflectors to be clean with no rust and no cracks or holes in the lenses. Red lights to be shown at rear with no white light to be visible.
- **Brake Lights** – work when footbrake applied with ignition switched on. With a constant, appropriate and even brightness. Red light to be showing with no white light visible.
- **Indicators Rear** – working with constant, appropriate and even brightness. Lenses and reflectors to be clean with no rust and no cracks or holes in the lenses. Amber or red lights to be shown with a flashing rate of approximately 1-2 flashes per second. No white light to be visible.
- **Reversing Lights** – working with a constant, appropriate and even brightness. Lenses and reflectors to be clean with no rust and no cracks or holes in the lenses. Lights to work only when ignition is switched on and reverse gear selected.

- **High Density Rear Fog Lamps** – working with constant, appropriate and even brightness. Lenses and reflectors to be clean with no rust and no cracks or holes in the lenses. To be wired so as to operate only when dipped headlights or main beam selected. Red light to be showing with no white light visible.
- **Number Plate Illumination** – working with constant, appropriate and even brightness. Lenses and reflectors to be clean with no rust and no cracks or holes in the lenses.

Engine

- **Performance** – should be such that the vehicle is able to perform to manufacturer's specification on pulling power, whilst carrying a full complement of passengers.
- **Excess Wear** – components of the engine should not be excessively worn, causing knocks, rattles etc.
- **Oil Burning** – must not be smoking from exhaust.
- **Emissions** – must be discharging a clear emission.

Steering

- **Box & Idler** – units should be securely mounted to the chassis frame or body shell with no free play or oil leaks.
- **Racks** – units should be securely mounted to the chassis frame or body shell with no free play or oil leaks.
- **Power Assisted Steering** – units should be securely mounted to the chassis frame or body shell with no free play or oil leaks. Hydraulic lines and unions should be free from leaks and generally be in good condition.
- **Joints & Couplings** – should be secure with no excessive play.
- **Swivel Assemblies** – should be secure with no excessive play.
- **Gaiters** – must be fitted as appropriate and in good condition. Not split, cracked, perished or rendered inoperative by some other method.
- **Radius Arms & Tie Rods** – should be in good, sound condition and not excessively worn. Rubbers and seals should not be oil contaminated, split, perished or badly cracked.
- **Steering Wheel** – should be in good sound condition and securely mounted to the steering column with no free play.
- **Steering Column** – should be no movement whatsoever, in any direction, other than that due to the design of the mechanism.
- **Wheel Bearings** – there should be no excessive wear or play.

- **Bias (Left/Right)** – vehicle should drive in a straight line and not pull or veer to the left or to the right.

Exhaust System

- **Silencer** – the exhaust system should be complete and in good, sound condition. It should be effective so as to reduce the exhaust noise to a level considered to be average for the vehicle.
- **Mounting Points** – should be secure and in good condition so as to fully support the exhaust system.
- **Leaks** – there must be no sign of exhaust leaks from any part of the system.

Bodywork

- **Cleanliness & Condition** – exterior should be clean and polished. It must not have any bad dents or tears. Bumpers, number plates and vehicle ID plates should be securely fixed to the rear of the vehicle (not displayed in window).
- **Chassis** – must be of sound condition with no undue corrosion or visible distortions.

Suspension

- **Coil Springs** – should be complete and not fractured or with a cross section so reduced by wear or corrosion that its strength is seriously reduced. They should be properly seated giving adequate clearance of the axle or suspension with the bump stop or chassis.
- **Damper Struts** – should be securely fixed and show no damage or corrosion of the casing to the extent that the unit does not function. Should have an adequate damping effect on the suspension and not give excessive bounce.
- **Mounting Rubbers** – should be in place and in good condition, not cracked, distorted or perished. Should not show signs of excessive wear.
- **Anti Roll Bushes** – should be in place and in good condition, not cracked, distorted or perished. Should not show signs of excessive wear.
- **Trailing Arms** – should be in place and in good condition, not cracked, distorted or perished. Should not show signs of excessive wear.
- **Trapezoidal Links** – should be in place and in good condition, not cracked, distorted or perished. Should not show signs of excessive wear.
- **Elliptical Springs & Shackles** – should be securely fixed and in good serviceable condition with no broken or cracked spring leaves. Shackles, pins and bushes should not show signs of excessive wear.
- **Hydro-Lastic Units** – should be securely fixed and in good serviceable condition, functioning normally and with no fluid leaks or cracked, perished pipes.

Gearbox & Transmission

- **Clutch** – well adjusted with no judder or slipping. Pedal rubber must be in place and not excessively worn.
- **Gearbox Selection** – all gears attainable at first attempt with smooth changes.
- **Transmission Noise** – must not be excessive.
- **Syncromesh** – must work on all gears, where fitted, with no crunching.
- **Prop Shaft Universal Joints** – must be in good condition with no play in either the universal joints or the central bearing.
- **Front Wheel Drive Shafts** – must be in good condition with no play or excessive wear, with no knocking on full lock.
- **Final Drive** – must not be excessively noisy or suffer from bad oil leaks.
- **Automatic Transmission Inhibitor Switch** – must only be able to start vehicle when Park or Neutral has been selected.

Braking System

- **Hydraulic Fluid** – filled to correct level and with no air bubbles when footbrake operated.
- **Master Cylinder** – firmly fixed to vehicle and in good working order with no leaks or excessive corrosion.
- **Pipelines & Unions** – properly fixed to vehicle with correct clips and hangers. Should be soundly constructed with no corrosion or leaks.
- **Flexible Hoses** – should be correctly fitted and protected as appropriate, be in good condition with no sign of perishing, cracking, bulging or leaking.
- **Discs & Callipers** – discs should not be excessively worn or contaminated by oil, brake fluid or grease. Callipers to be securely mounted and in good working order.
- **Wheel Cylinders** – should be firmly mounted and in good working condition. Seals and rubbers should not be perished, cracked or split. There should be no leaks and the pistons should not be seized.
- **Foot Pedal** – the fulcrum and clevis pin must not show signs of undue wear or play and the pedal rubber must be in place and not badly worn. The pedal travel should not be excessive. It must have adequate reserve travel and not be subject to creep under sustained pressure.
- **Handbrake Adjustment** – must be securely mounted and not be subject to excessive travel. As a general rule, three notches to full on covers the majority of vehicles.

- **Servo Equipment** – should be securely fixed to the vehicle and be in good working condition.
- **Mechanical Linkages** – should be in good condition, not suffer from excessive wear or intermittent operation and be properly lubricated as necessary.
- **Primary Brake Efficiency %** - minimum acceptable level is 65%.
- **Secondary Brake Efficiency %** - minimum acceptable level is 25%.
- **Brake Bias Left** – should not pull to left when brakes operate.
- **Brake Bias Right** – should not pull to right when brakes operate.
- **Brake Straight** – when brakes are applied, vehicle should brake in a straight line.

Tyres

- **Tyres** – all tyres must be ‘first life’, not retreaded or remoulded. It must be of the correct size, in good condition with no bulges, cracks or cuts and not have any steel showing. The tread depth should be a minimum of 2mm over the whole of the tread area. The pressure of which must be as per manufacturer’s instructions.
- **Spare Tyre** – the tyre must be ‘first life’, not retreaded or remoulded. It must be of the correct size, in good condition with no bulges, cracks or cuts and not have any steel showing. The tread depth should be a minimum of 2mm over the whole of the tread area. The pressure of which must be as per manufacturer’s instructions.
- **Spare Wheel** – must be the original option as designed and delivered by the vehicle manufacturer. In the event of the need arising for the fitting of a space saver tyre or the use of a run flat tyre or an inflation kit then the appropriate remedial action to replace with ‘new’, as per original specification, must be undertaken upon completion of the journey.

General

- **Door Locks & Handles** – should all operate to specification and be secure. Hinge pins not to be excessively worn and there should not be any cracks around hinges, locks or striker plates.
- **Windows** – should operate to specification. Windscreens should not be cracked or starred so as to impair driver vision.
- **Oil Leaks** – vehicle must not suffer from serious oil leaks.
- **Fire Extinguisher** – should conform to the current recognised standard and minimum rating for a public service vehicle. It must be located and fixed in an appropriate position within the vehicle.
- **Mirrors** – minimum requirement is for one centrally mounted interior mirror and an exterior mirror on both off and near side. They must be in good condition with no cracks in the glass nor have reflectors badly corroded.

PART D

Licence Conditions Relating to Hackney Carriage Vehicles

1. In this licence and in these conditions, unless the subject or context otherwise requires:-
 - "the Council" means the New Forest District Council
 - "authorised officer" means an officer of the Council authorised in writing by the Head of Public Health & Community Safety of the Council for the purposes of these conditions
 - "Hackney Carriage" has the same meaning as in the Town Police Clauses Act 1847
 - "licence plate" means the plate issued by the Council for the purposes of identifying the vehicle as a Hackney Carriage duly licensed by the Council
 - "proprietor" means the person or persons or body named in this licence as the proprietor of the vehicle, includes a part proprietor and, in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement, means the person in possession of the vehicle under that agreement
 - "the vehicle" means the Hackney Carriage in respect of which this licence is issued
 - "Table of fares" means the table issued by the Council.

2. The Hackney Carriage shall be subject to the Council's byelaws made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 with respect to Hackney Carriages in the district of New Forest in so far as they do not conflict with these conditions in which case these conditions shall prevail.

3. The proprietor shall observe and perform the following terms and conditions in respect of Hackney Carriages:-
 - 3.1 the proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position and in a manner as issued by the Council so as to be visible at all times to persons conveyed therein the number of this licence and the number of passengers prescribed in this licence;
 - 3.2 the licence plate shall be fixed and displayed outside and on the rear of the Hackney Carriage in a position which shall be approved by an authorised officer, so as to ensure that the Hackney Carriage's registration mark is not obscured, with the particulars thereon facing outwards and in such a manner and place that the licence plate is clearly visible by daylight from the road at the rear of the Hackney Carriage;
 - 3.3 the licence plate shall remain the property of the Council and shall be returned to the Council by the proprietor within seven days after the service on him of an appropriate notice by the Head of Public Health & Community Safety in the event of the Hackney Carriage licence ceasing to be in force in respect of the vehicle;
 - 3.4 the proprietor shall permit an authorised officer of the Council or a police officer to inspect and test a Hackney Carriage or any taximeter affixed to such Hackney Carriage at all reasonable times. If the authorised officer or police officer is not satisfied as to the fitness of the Hackney Carriage or as to the accuracy of the taximeter he shall give notice in writing to the proprietor and the proprietor shall make the Hackney Carriage or taximeter available for further inspection and testing at such reasonable time and place as specified in the notice, and the licence shall be suspended until such time as the officer is satisfied with the vehicle or the meter; provided that if the authorised officer is not so satisfied within a period of two months, the said licence shall be revoked. The licence plate shall on suspension of the licence be handed to the authorised officer but will be returned upon re-instatement of the licence
 - 3.5 without prejudice to the aforementioned provisions, on receipt of a notice in writing from the Head of Public Health & Community Safety, the proprietor shall present the Hackney Carriage for inspection and testing by or on behalf of the Council

- within such period and at such place as specified by the Council. Such inspections and tests shall not exceed three in number in any one period of 12 months and a test shall not be required within two months of a previous test when the Hackney Carriage was found to be satisfactory, except in the case of vehicular damage or alteration under condition 3.13 hereof;
- 3.6 the vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations) shall be fully complied with;
 - 3.7 the proprietor shall, at all times during the currency of the licence, keep in force in relation to the use of the Hackney Carriage a policy of insurance issued by an approved insurance company or such security as complies with the requirements of Part VI of the Road Traffic Act 1972 and he shall at all times comply with the conditions thereof;
 - 3.8 on being required by an authorised officer, the proprietor shall produce to that authorised officer for examination such certificate of insurance as is required under condition 3.7 hereof, provided that if the proprietor fails to produce such certificate to the authorised officer on request, the proprietor shall within five days produce it to that officer or to any other authorised officer at the Council Offices, Appletree Court, Lyndhurst;
 - 3.9 the proprietor shall not cause or suffer or permit to be conveyed in the vehicle a greater number of persons exclusive of the driver than the number of persons specified in the licence ;
 - 3.10 the proprietor shall cause to be carried in the Hackney Carriage a B.C.F. Fire Extinguisher conforming and maintained to BS.5423, at least 1.5kg, suitable for use on a motor vehicle, must be fixed inside the passenger/driver compartment of the vehicle in such a position as to be readily available for use. The glove compartment is acceptable provided the extinguisher is fixed and its location is clearly marked in a prominent position on the dashboard;
 - 3.11 the proprietor of a Hackney Carriage shall cause the Table of Fares provided by the Council to be exhibited inside the carriage in such a manner and place that the particulars thereon are clear and visible to any passenger being conveyed in the Hackney Carriage;
 - 3.12 the proprietor shall not assign or in any way part with the benefit of the licence, without the prior consent in writing of the Council and such consent will not be binding on the Council in respect of the renewal of the licence;
 - 3.13 no material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force;
 - 3.14 the proprietor shall inform the Council within 48 hours of any occasion of more than 24 hours when the Hackney Carriage is not available for hire;
 - 3.15 the licence plate shall be returned to the Council by the proprietor if, for any reason, the Hackney Carriage is not available for hire for a period of more than 14 days. The plate will be returned to the proprietor within 48 hours of notice being received by the Council of the vehicle's availability for hire;
 - 3.16 (1) advertisements for both self and third parties is permitted on hackney carriage vehicles, subject to approval by the Licensing Officer. Also permitted is the indication on a taximeter fitted to the vehicle or to a sign which contains the name of the hirer or passenger or passengers to be carried in the vehicle and is displayed in pursuance of a prior arrangement made for the carriage of a passenger or passengers named in the sign;
 - (2) the proprietor shall cause to be affixed and maintained a sign so constructed as to comply with the following requirements, that is to say:-
 - (a) the sign shall bear the words "FOR HIRE" in plain letters at least 1.5 inches in height;

- (b) the sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire;
 - 3.17 the proprietor shall within seven days disclose to the Council in writing details of any conviction imposed on him (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence;
 - 3.18 Sub-sections (2) to (5) of Section 233 of the Local Government Act 1972 shall have effect and are incorporated in these conditions in relation to any notices required or authorised by these conditions to be given or served on the proprietor or on behalf of the Council by an authorised officer;
 - 3.19 The Proprietor shall ensure that any roof sign fitted to the vehicle which is capable of being illuminated is wired through the taxi meter so that the illumination of the roof sign is controlled by the taximeter and by no other method.
4. The Council may suspend, revoke or refuse any licence in respect of a Hackney Carriage for any reasonable cause, including that the Hackney Carriage is unfit for use as a Hackney Carriage.

NOTE: Licensees are advised to acquaint themselves with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, and the Town Police Clauses Act 1847.

PART E

Licence Conditions Relating to Private Hire Vehicles

1. In this licence and in these conditions, unless the subject or context otherwise requires:-
 - "the Council" means the New Forest District Council
 - "authorised officer" means an officer of the Council authorised in writing by the Head of Public Health & Community Safety of the Council for the purposes of these conditions
 - "Private Hire Vehicle" means a motor vehicle constructed or adapted 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 purposes of carrying passengers
 - "Hackney Carriage" has the same meaning as in the Town Police Clauses Act 1847
 - "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
 - "proprietor" means the person or persons or body named in this licence as the proprietor of the vehicle and includes a part proprietor and, in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement, means the person in possession of the vehicle under that agreement
 - "the vehicle" means the Private Hire Vehicle in respect of which this licence is issued

2. The proprietor shall observe and perform the following terms and conditions in respect of Private Hire vehicles:-
 - 2.1 the proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position and in a manner as issued by the Council so as to be visible at all times to persons conveyed therein the number of this licence and the number of passengers prescribed in this licence;
 - 2.2 the licence plate shall be fixed and displayed outside and on the rear of the vehicle in a position which shall be approved by an authorised officer, so as to ensure that the vehicle's registration mark is not obscured, with the particulars thereon facing outwards and in such a manner and place that the licence plate is clearly visible by daylight from the road at the rear of the vehicle;
 - 2.3 the licence plate shall remain the property of the Council and shall be returned to the Council by the proprietor within seven days after the service on him of an appropriate notice by the Head of Public Health & Community Safety in the event of the Private Hire Vehicle licence ceasing to be in force in respect of the vehicle;
 - 2.4 the proprietor shall permit an authorised officer of the Council or a police officer to inspect and test the vehicle at all reasonable times. If the authorised officer or police officer is not satisfied as to the fitness or condition of the Private Hire Vehicle he shall give notice in writing to the proprietor and the proprietor shall make the Private Hire Vehicle available for further inspection and testing at such reasonable time and place as specified in the notice, and the licence shall be suspended until such time as the authorised officer is so satisfied; provided that if the authorised officer is not so satisfied before the expiration of a period of two months, the licence shall be revoked. The licence plate shall on suspension of the licence be handed to the authorised officer but will be returned upon reinstatement of the licence;
 - 2.5 without prejudice to the aforementioned provisions, on receipt of a notice in writing from the Head of Public Health & Community Safety, the proprietor shall present the Private Hire Vehicle for inspection and testing by or on behalf of the Council within such period and at such place as specified by the Council. Such inspections and tests shall not exceed three in number in any one period of 12 months and a test shall not be required within two months of a previous test

- when the vehicle was found to be satisfactory, except in the case of vehicular damage or alteration under condition 2.12 hereof;
- 2.6 the vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations shall be fully complied with;
 - 2.7 the proprietor shall, at all times during the currency of the licence, keep in force in relation to the use of the vehicle as a Private Hire Vehicle a policy of insurance issued by an approved insurance company or such security as complies with the requirement of Part VI of the Road Traffic Act 1972 and he shall at all times comply with the conditions thereof;
 - 2.8 on being so required by an authorised officer, the proprietor shall produce to that authorised officer for examination such certificate of insurance as is required under condition 2.7 hereof, provided that if the proprietor fails to produce such certificate to the authorised officer on request, the proprietor shall within five days produce it to that officer or to any other authorised officer at the Council Offices, Appletree Court, Lyndhurst;
 - 2.9 the proprietor shall not display or permit to be displayed on or from a Private Hire Vehicle any sign or notice which consists of or includes:
 - 2.9.1 the word "Taxi" or "Cab" whether in the singular or plural or "For Hire" or any word of similar meaning or appearance to any of these words, whether alone or as part of another word;
 - 2.10 without prejudice to the preceding condition 2.9 and conditions 2.11 and 2.12 below, the proprietor shall not display or suffer or permit to be displayed on or from the Private Hire Vehicle, any sign, notice, mark, illumination or other feature which, having regard to the time and place at which it is displayed and to any other circumstances, may suggest to a person seeking to hire a Hackney Carriage that the vehicle is used for the purpose of carrying passengers for hire and reward;
 - 2.11 no signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed conspicuously on, in or from the vehicle except as may be required by any statutory provision (including byelaws) or required or permitted by these conditions provided however that this condition shall not apply to a sign which contains the name of the hirer or a passenger or passengers to be carried in the vehicle and is displayed in pursuance of a prior arrangement made for the carriage of a passenger or passengers named in the sign;
 - 2.12 advertisements for both self and third parties is permitted on Private Hire Vehicles, subject to approved by the Licensing Officer;
 - 2.13 no material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force;
 - 2.14 the proprietor shall cause to be carried in the Private Hire Vehicle a B.C.F. Fire Extinguisher conforming and maintained to BS.5423, at least 1.5kg, suitable for use on a motor vehicle, must be fixed inside the passenger/driver compartment of the vehicle in such a position as to be readily available for use. The glove compartment is acceptable provided the extinguisher is fixed and its location is clearly marked in a prominent position on the dashboard;
 - 2.15 the proprietor shall not cause or suffer or permit to be conveyed in the vehicle a greater number of persons exclusive of the driver than the number of persons specified in the licence;
 - 2.16 the proprietor shall notify the Council in writing of any change of his address during the period of the licence within seven days of such change taking place;
 - 2.17 the proprietor shall within seven days disclose to the Council in writing details of any conviction imposed on him (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence;
 - 2.18 if the proprietor permits or employs any other persons to drive the vehicle as a private hire vehicle, he shall before that person commences to drive the vehicle

- cause the driver to deliver to him his private hire driver's licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his;
- 2.19 the proprietor shall not assign or in any way part with the benefit of the licence without the prior written consent of the Council and such consent shall not be binding on the Council in respect of the renewal of the licence;
- 2.20 the licence plate shall be returned to the Council by the proprietor if, for any reason, the vehicle is not available for hire for a period of more than 14 days. The plate will be returned within 48 hours of notice being received by the Council of the vehicle's availability for hire;
- 2.21 Sub-sections (2) to (5) of Section 233 of the Local Government Act 1972 shall have effect and are incorporated in these conditions in relation to any notices required or authorised by these conditions to be given or served on the proprietor or on behalf of the Council by an authorised officer;
3. The Council may suspend, revoke or refuse to renew any licence in respect of a Private Hire Vehicle for any reasonable cause, including that the Private Hire Vehicle is unfit for use as a Private Hire Vehicle.

NOTE: Licensees are advised to acquaint themselves with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

PART F

Additional Conditions Relating to Multi Purpose Vehicles (MPV's)

In respect of multipurpose vehicles (MPV's), all passengers should have direct access to a door without the need to climb over the rear of any seat or the need to lower the back of the seat. Unless the vehicle has in place a quick release mechanism, which allows suitable access and egress, of a type approved by the Licensing Officer.

Seats should not be sideways to the direction of travel and should all comply with the seat belt regulations.

PART G

Additional Conditions Relating to Mini Buses

In respect of mini buses, all passengers should have direct access to a door without the need to climb over the rear of any seat or the need to lower the back of the seat. Unless the vehicle has in place a quick release mechanism, which allows suitable access and egress, of a type approved by the Licensing Officer.

Seats should not be sideways to the direction of travel and should all comply with the seat belt regulations.

PART H

Additional Conditions relating to Stretched Limousines

Definition

A stretch limousine is defined as a motor vehicle that has been lengthened by the insertion of an additional body section and modified by a coachbuilder to contain luxury facilities and fixtures that is capable of carrying up to but not exceeding 8 passengers; and that prior to the introduction of this policy could not currently be licensed by the Council as a Private Hire Vehicle”.

Additional Licensing Requirements for Stretched Limousines

1. The general conditions imposed by New Forest District Council for PHV Operators, PHV Drivers, and PHV Vehicles will be applicable to the PHV licensing of stretched limousines unless amended by the below provisions.
2. **PHV Operators Licence**
 - 2.1 No changes to standard PHV policy. Persons taking bookings for private hire work using a stretched limousine will be required to hold a private hire operators’ licence with the Authority.
 - 2.2 All bookings for a limousine as a private hire vehicle must be booked through the licensed private hire operator. Any stretch limousine licensed by New Forest District Council will only be used for hire under the terms of a private hire operator’s licence either already issued or granted to an operator within the District or to any new licensed operator.
3. **PHV Drivers Licence**
 - 3.1 Any person driving a stretch limousine for PHV work will be required to be licensed as a PHV driver with New Forest District Council.
4. **PHV Stretched Limousine Vehicles**
 - 4.1 A stretched limousine will be defined as a motor vehicle that has been lengthened by the insertion of an additional body section and modified by an authorised coachbuilder to contain luxury fixtures and facilities that is capable of carrying up to but not exceeding 8 passengers. This will apply to authentic Ford & Cadillac stretch limousines only converted by an authorised company. All other specialist vehicles will be individually considered against the policies of New Forest District Council.
 - 4.2 Once licensed as a private hire vehicle, the limousine will be subject to any other statutory requirements imposed by Part II of the Local Government (Miscellaneous Provisions) Act 1976
 - 4.3 Stretch limousines will be regarded as luxury vehicles used for special events. The use of such vehicles for standard PHV work is not considered to be appropriate. Therefore the type of work undertaken by a licensed private hire stretch limousine will differ **significantly** from that of regular private hire work in that the vehicle will only

be licensed for the carriage of passengers for special events. Examples of special events are:

- Prom Nights
- Theatre trips
- Hen Nights
- Stag Nights
- Party Trips
- Race Days

Or any other similar event considered by NFDC to be special by its nature.

- 4.4 A stretched limousine vehicle will be subject to twice-yearly mechanical examination at intervals to be specified by the licensing authority and at its authorised testing station(s) to determine its safety and suitability for the type of work for which it is licensed. This will apply to all stretch limousines regardless of age, date of import or date of registration.
- 4.5 Full proof of Department for Transport (DfT) Single Vehicle Type Approval (SVA) will be required at the time of testing
- 4.6 Where applicable, the Vehicle Identification Number (VIN) plate shall display '1L1' to confirm conversion completed by an authorised dealer.
- 4.7 Where applicable, the applicant shall confirm, by a badge or other appropriate documentation the conversion dealer.
- 4.8 A plate on the door pillar shall confirm the total weight of the vehicle
- 4.9 DVLA V5 or equivalent shall be produced to authenticate registration.
- 4.10 Given the increased weight of the vehicle, tyres of the correct weight and size rating must be used at all times. The limousine must be fitted with tyres that meet the appropriate specification for both the size and weight of the vehicle, such as 235/75R-15 108D (BF Load) or 225/70R-16 107T Town Car Limo Tyre (Reinforced).
- 4.11 Vehicles may either be left or right hand drive
- 4.12 Vehicles must be fitted with at least 4 doors
- 4.13 The limousine's seating capacity must have been reduced where necessary to a maximum of 8 passengers.
- 4.14 The vehicle must not carry more than 8 passengers at any time and for this purpose a babe in arms will be classed as a passenger no matter what their age
- 4.15 There shall be no passengers carried in the front compartment
- 4.16 Lap and diagonal seatbelts must be fitted to all forward and rear facing seats and must be worn at all times by passengers whilst the vehicle is in motion.
- 4.17 Every other seat e.g. sideways facing seats shall have fitted a suitable seat belt or restraint and must be worn at all times by passengers whilst the vehicle is in motion.

- 4.18 Stretched limousines with heavily tinted glass in the windows behind the driver's cockpit will be considered for licensing. Glass in the driver cockpit must satisfy the current legal requirements. Tinted glass shall conform to the legal requirements as laid down by the Vehicle Operators Services Agency (VOSA).
- 4.19 An appropriate insurance policy must be in place which covers use of the vehicle for hire and reward.
- 4.20 No intoxicating liquor shall be provided in the vehicle unless there is in force an appropriate licence under the Licensing Act 2003 permitting the sale or supply of the same.
- 4.21 Alcohol shall only be served while the vehicle is stationary and afterwards, all bottles shall be placed in a secure receptacle.
- 4.22 If any passenger is below the age of 18, there shall be no alcohol on the vehicle.
- 4.23 The driver shall not play or permit the performance of any media which, because of its age restricted classification or its content, is unsuitable for the age of the passengers in the vehicle (based on the age of the youngest passenger).
- 4.24 No signs, notices or any other markings will be displayed on or in the vehicle without the written permission of the Council.
- 4.25 In any advertisement publicising their limousine service, the operator must state that the vehicle is only licensed to carry 8 passengers and such a sign must be displayed within the passenger compartment of the vehicle.

PART I

Additional Policy for the Determination of Applications for Private Hire Vehicle Plate Exemption

Applications should be made on the appropriate form. Each application will be considered on its individual merits by an appropriately authorised officer of the Council. Each vehicle will be inspected by the officer determining the application.

Vehicles

In view of the vast numbers of makes and models of vehicles available it is preferred not to produce a definitive list of vehicle makes and models that might be approved has not been prepared. The granting of an exemption will be based on the cost, reputation, specification, appearance, perception and superior comfort levels of a vehicle. However, the following will be minimum requirements in relation to any vehicle in respect of which an exemption is sought:

1. Executive saloon, hatchback or estate vehicles designed to be licensed for 4 passengers, allowing sufficient space for adult passengers to travel comfortably.
2. Engine size 1900cc or greater.
3. A range of vehicles capable of carrying in excess of 4 passengers will be considered provided they meet a higher specification for that make and model.
4. An exemption will only be considered for a vehicle that can seat more than 4 passengers only where this is provided with comfort. Each seat must be of adequate dimensions and must permit direct access into and out of the vehicle without the need to move, remove, fold down, pass over or slide any seat. No vehicle modifications from the manufacturer's specification are acceptable.
5. The vehicle must have a minimum specification of at least air conditioning, climate control, electric windows, central locking and headrests for each passenger.
6. The vehicle must be in immaculate condition, without damage, dents, defects or blemishes to the external bodywork, trim or seating.

Type of work

Applications will only be considered from the proprietors of vehicles which undertake exclusively "executive" type work, with all bookings to be of an executive nature and made under written contract (which may include bookings made electronically and by email). For example:

1. Corporate bookings to transport employees and/or clients on corporate business journeys; and/or
2. Airport and other 'special' journeys where the client specifically requests a vehicle of a prestige specification at the time of booking and pays a recognisable higher fee for that service compared to that charged for a non exempt vehicle.

Additional Conditions Relating to Private Hire Vehicles with a Plate Exemption

The following conditions will apply to any private hire vehicle which is granted an exemption from the requirement to display the rear licence plate, and are in addition to the standard private hire vehicle licensing conditions applying at the time:

1. The vehicle will only be used for “executive” work, where the booking has been made by written contract and not for any other type of private hire work.
2. The following must be carried in the vehicle at all times and must be produced upon request to an authorised officer of the Council or a police officer:
 - A) The exemption notice.
 - B) The private hire vehicle licence plate.
 - C) The vehicle licence conditions.
3. The (small) internal vehicle identification badge will be displayed in the front window of the vehicle at all times.
4. The vehicle will NOT have a meter fitted.
5. The vehicle will not display any company or third party numbers, adverts or promotional material of any type.

Additional Conditions for Drivers of Exempted Private Hire Vehicles

1. Male drivers are required to wear a suit or jacket and trousers plus shirt and a tie at all times. Female drivers must follow an equivalent dress code, generally recognised as ‘smart office’. This dress code must be followed at all times the vehicle is used to undertake a booking or contract. Jackets may be removed where weather conditions require it.
2. The driver of an exempted vehicle is not required to wear their driver’s identification badge, but must carry their badge with them at all times.

Please Note: Drivers of private hire vehicles that do not display a private hire vehicle plate are not exempt from the seat belt legislation and MUST wear a seat belt while driving the vehicle at all times.

PART J

Licence Conditions Relating to Private Hire Operators

1.
 - 1.1 The record required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book, the pages of which are numbered consecutively, and the operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him:-
 - (a) The time and date of the booking.
 - (b) The name and address of the hirer.
 - (c) How the booking was made (i.e. by telephone, personal call etc).
 - (d) The time of pick-up.
 - (e) The point of pick-up.
 - (f) The destination.
 - (g) The time at which a driver was allocated to the booking.
 - (h) The registration number of the vehicle allocated for the booking.
 - (i) Remarks (including details of any sub-contract).
 - 1.2 The operator shall also keep records of the particulars of all private hire vehicles operated by him, which particulars shall include details of the owners, registration numbers and drivers of such vehicles, together with any radio call sign used.
 - 1.3 All records kept by the operator shall be preserved for a period of not less than six months following the date of the last entry.
 - 1.4 The operator shall also inform the hirer when their booking has been sub-contracted to another operator. The (original) operator is required to provide the name and contact details of the sub-contracted operator to the hirer.
2. The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:-
 - 2.1 Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.

- 2.2 Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
 - 2.3 Ensure that any waiting area provided by the operator has adequate seating facilities.
3. The operator shall not cause or knowingly permit there to be displayed:-
- 3.1 In and from his premises or on or from any Private Hire Vehicle operated by him or on any advertising material provided by him or on his behalf the word "Taxi" or "Cab" whether in the singular or plural, or any word of similar meaning or appearance whether alone or as part of another word, unless that operator is also the proprietor of a Hackney Carriage licensed by the Council, or;
 - 3.2 In respect of any Private Hire Vehicle operated by him the words "For Hire" or any words of similar meaning or appearance or any telephone number or address, or any numbers or words which appear to be or resemble a telephone number or address.

PART K

Pre-Qualifying Conditions for a Combined Hackney Carriage & Private Hire Drivers Licence

Before applying for a combined hackney carriage and private hire drivers licence the applicant must:

- Be 21 years of age or over;
- Applicants who are 70 years of age or over will have to undertake a driving assessment at their own expense with a NFDC approved assessor;
- Be a holder of a licence (not provisional) for at least 2 years prior to the date of application, granted under Part III of the Road Traffic 1972. The DVLA licence must show your current name and address. It is an offence not to have updated your licence which may jeopardise its issue or continuity;
- A non UK licence should be registered with the DVLA;
- Be able to produce evidence of eligibility to work in this country;
- British Citizens have to produce evidence of 'Good Conduct' for any country other than the UK that they have lived during the past 5 years;
- Non British Citizens have to produce evidence of 'Good Conduct' for all the countries in which they have lived;
- **PASS** – the Council's Driver Awareness Test (DAT). A successful pass of the driver's awareness test is only valid for a period of 6 months;

On application NFDC will request that the following are completed in addition to the above:

- **Application form** – fully completed and signed;
- **Character Reference form** – requires the details of two persons of standing in the community who have been known to the applicant for a minimum period of two years. They should not be a relative and whenever possible one should be a previous employer.
- **DVLA Mandate form** – to enable NFDC to undertake a full check of the applicants driving licence;
- **Photograph** – a passport style and size (45mm x 35mm), in colour, taken recently and being a true likeness. It should show the full face, with no hat, helmet or sunglasses;
- **Photograph Certification form** – (only required) if the applicant is unable to provide a DVLA photo-card driving licence or a valid current passport;

- **Medical Examination form** – which must be signed by the applicants own General Practitioner or another Doctor from the same practise, to confirm that the applicant has attained DVLA Group 2 driving standard of fitness. Alternatively the applicant may provide an HGV or PCV licence as proof of medical fitness. The requirement to produce a medical certificate shall be repeated at the age of 45 years and every 5 years thereafter becoming annually at the age of 65. A suitable medical is only valid for a period of 3 months;
- **DBS disclosure certificate form** – which must be correctly completed along with the necessary documentation to support the application. The applicant must satisfy NFDC that they are a 'fit & proper' person to hold a driver's licence. A DBS disclosure certificate is only valid for 1 calendar month;
- **Fees** – as current when the application is received by NFDC;
- **Original documents** – must be produced. Photocopies, faxes or other types of copying will not be accepted.
- **Timeframe** – if any part of the application is incomplete the entire application will be rejected. It is the sole responsibility of the applicant to comply with the timeframe for the completion of the application.
- **Incomplete information** – NFDC may suspend, revoke or refuse a licence where false, misleading or omitted information is made. NFDC is entitled to make further enquiries relating to an application if it thinks that it is necessary;
- **Duration** – all combined drivers licences are issued for 3 years.
- **Limitations** – when working as a driver licensed by NFDC the driver must only drive vehicles which are also licensed with NFDC. An NFDC licensed driver of a private hire vehicle cannot take private hire bookings unless they are also an NFDC licensed operator.
- **Definitions** – a **private hire vehicle** is a vehicle that can carry passengers for hire and reward, but only by being pre-booked. It is not allowed to stand or ply for hire on a taxi rank stand or in the streets of the New Forest District. A **hackney carriage** is a vehicle that can stand on the taxi ranks or ply for hire in the street of the New Forest District.

PART K (cont.)

Licence Conditions to be Observed by all Drivers Licensed by New Forest District Council

1. In these Conditions:
'Authorised Officer' means any officer of the Council authorised in writing by the Head of Public Health and Community Safety for the purposes of these Conditions.
'The Council' means the New Forest District Council.
'Wireless Telegraphy' has the meaning assigned to it in Section 19 of the Wireless Telegraphy Act 1949.
'Road' means any highway and any other road to which the public has access, and includes bridges over which a road passes.
2. The Licensee shall observe and perform the following Conditions:-
 - 2.1 The Licensee shall not assign or in any way part with the benefit of the Licence, which is personal to the Licensee.
3. The Licensee shall:-
 - 3.1 Afford all reasonable assistance with passengers' luggage.
 - 3.2 At all times be clean and respectable in his dress and person and behave in a civil and orderly manner.
 - 3.3 Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him.
 - 3.4 Not without the express consent of the hirer whilst he is being conveyed in the vehicle drink or eat in the vehicle.
 - 3.5 Not without the express consent of the hirer whilst he is being conveyed in the vehicle play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
 - 3.6 At no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any person whether inside or outside the vehicle.
4. The Licensee shall not:-
 - 4.1 Convey or permit to be conveyed in the vehicle a greater number of persons than that prescribed in the licence for the vehicle.
 - 4.2 Allow there to be conveyed in the front seat of the vehicle:
 - (a) more than one child below the age of ten years; or
 - (b) more than one person above that age.
 - 4.3 Without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle.
5. Lost Property:-
 - 5.1 The Licensee shall immediately after the termination of any hiring of a licensed vehicle, or as soon as practicable thereafter, carefully search the vehicle for any property which may have been accidentally left there; and
 - 5.2 If any property accidentally left in a licensed vehicle by any person who may have been conveyed therein is found by or handed to the Licensee, take the same to any Police Station.
6. The Licensee shall if requested by the hirer of a licensed vehicle provide him with a written receipt for the fare paid.

7. The Licensee of a licensed vehicle shall, if he is aware that the vehicle has been hired to be in attendance at an appointed time and place or he has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.
8. The Licensee shall at all times when driving a licensed vehicle carry with him a copy of these conditions and shall make it available for inspection by the hirer or any other passenger on request.
9. If the Licensee is permitted or employed to drive a licensed vehicle of which the proprietor is someone other than himself, he shall before commencing to drive that vehicle deposit this licence with that proprietor for retention by him until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.
10. The Licensee shall notify the Council in writing of any change of his address during the period of the licence within seven days of such change taking place.
11. The Licensee shall, when driving a licensed vehicle wear in a conspicuous position the driver's identity licence badge issued to the Licensee by the Council bearing the number corresponding with the number assigned to the Licensee in the register kept by the Council for that purpose. The identity licence badge which is provided by the Council, must be returned to the Council immediately the driver ceases to be licensed by the Council.
12. The driver's identity licence badge referred to in Condition 11 shall remain the property of the Council and if the driver's licence is not renewed, or is otherwise revoked or suspended such badge shall be returned by the Licensee to the Council within seven days of a notice by the Head of Public Health & Community Safety requesting the Licensee so to do.
13. The Licensee shall at the request of any authorised officer of the Council or any police officer produce for inspection his driver's licence either forthwith or before the expiration of 5 days beginning with the day following the date of request:-
 - (a) in the case of a request of an authorised officer, at the Council Offices, Lyndhurst;
 - (b) in the case of a request of a police officer at any Police Station within the Council's area.
14. The Licensee shall within seven days disclose to the Council in writing details of any conviction, police caution, or fixed penalties, imposed or issued on him during the period of the licence.

PART K (cont.)

Additional Licence Conditions to be observed when driving a Hackney Carriage Vehicle

15. The driver of a Hackney Carriage Vehicle shall:-
- 15.1 If the taximeter is fitted with a flag or device bearing the words 'FOR HIRE':-
- (a) when standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible;
 - (b) as soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter in action by moving the flag or other device so that the words are not conveniently legible and keep the machinery of the taximeter in action until the termination of the hiring;
- 15.2 If the taximeter is not fitted with a flag or other device bearing the words 'FOR HIRE':-
- (a) when standing or plying for hire keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter and operate the sign provided in pursuance of byelaw 5 so that the words 'FOR HIRE' are clearly and conveniently legible by persons outside the carriage;
 - (b) as soon as the carriage is hired whether by distance or by time operate the said sign so that the words 'FOR HIRE' are not conveniently legible by persons outside the carriage;
 - (c) as soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the key or other device fitted for the purpose so that the word 'HIRED' is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring.
- 15.3 Cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972, and also at any other time at the request of the hirer.
16. The Licensee shall not demand from any hirer of a Hackney Carriage vehicle a fare in excess of that shown on the taximeter and there has been no previous agreement as to the fare.

PART K (cont.)

Additional Licence Conditions to be observed when driving a Private Hire Vehicle

17. The Licensee shall observe and perform the following Conditions:-
 - 17.1 The Licensee shall not while driving or in charge of a Private Hire Vehicle:-
 - (a) offer that vehicle for immediate hire while the Licensee of that vehicle is on a road or other public place provided that merely parking that vehicle on a road or other public place shall not of itself be deemed to be a breach of this condition, or
 - (b) accept an offer for the immediate hire of that vehicle while the Licensee of that vehicle is on a road or other public place except where such offer is first communicated to the Licensee by telephone or by apparatus for wireless telegraphy fitted to that vehicle.
18. The Licensee shall not demand from any hirer of a Private Hire Vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.
19. The Licensee shall not while driving or in charge of a Private Hire licensed vehicle:-
 - (a) tout or solicit on a road or other public place any person to hire or be carried for hire in any Private Hire licensed vehicle, or
 - (b) cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried for hire in any Private Hire licensed vehicle.

PART K (cont.)

Additional Licence Conditions that apply to all licensed drivers when driving a Wheel Chair Accessible Vehicle (WAV)

From September 2013:

All new and existing drivers in charge of wheelchair accessible vehicles {Private Hire Vehicle or Hackney Carriage Vehicle} are required to undertake a minimum competency certificate from a recognised training provider which has been approved by the Council.

The course must include the following elements:

- Disability awareness;
- Types of wheelchairs;
- Vehicle restraint techniques for wheelchairs;
- Practical session.

Please Note: Where any reference has been made in these conditions to gender the masculine shall include the feminine and neuter genders and vice versa.

PART L

Guideline Relating to the Relevance of Convictions

Each case will be decided on its own merits. A person with a current conviction for serious crime need not be permanently barred from holding/obtaining a licence but will be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration will be the protection of the public. The following is a general guide where convictions are admitted. This guidance applies where applications for a new private hire or hackney carriage vehicle driver's licence and revoking an existing licence are considered.

(a) Minor Traffic Offences

Convictions for minor traffic offences, e.g. obstruction, waiting in a restricted street, speeding etc., should not prevent a person from proceeding with an application and should not normally lead to the revocation of an existing licence. If sufficient points have been accrued to lead to a period of disqualification of the applicant's/licence-holder's driving licence then a licence may be granted after its restoration, but a warning will be issued as to future conduct.

(b) Major Traffic Offences

An isolated conviction for reckless driving without due care and attention etc. will normally merit a warning as to future driving and advice on the standard expected of HCV and PHV drivers. More than one conviction for this type of offence within the last two years will usually merit refusal/revocation and no further application will be considered until a period of 1 to 3 years free from convictions has elapsed.

(c) Drunkenness/Intoxication/Alcohol Abuse

A serious view will be taken of convictions for driving a motor vehicle with excess alcohol, being in charge of a vehicle with excess alcohol, failing to provide a specimen of blood, breath or urine as required, causing death by dangerous driving under the influence of alcohol, or any similar offence (referred to in this guidance as "drink driving offences").

Where an existing licence holder is convicted of a drink driving offence, they can expect to have their licence revoked.

An applicant with a conviction for a drink driving offence shall not normally be granted a licence: -

- (i) When the applicant has been disqualified for any period, until at least three years have elapsed from the date of conviction, or from restoration to him/her of a full United Kingdom driving licence, whichever is the longer period;
- (ii) Where the applicant was not disqualified from driving, until at least three years from the date of conviction.

Any alcohol related conviction (whether or not for a drink driving offence) may be deemed prima facie evidence of an alcohol problem and the Licensing Committee may require the applicant or existing licence-holder to provide medical or other evidence to enable the Committee to determine whether or not it is appropriate to issue a licence, or to revoke an existing licence.

Where an existing licence holder is convicted of an alcohol-related offence, the licence may be suspended pending a final decision about whether to revoke the licence.

(NOTE: Applicants/existing licence-holders who have been medically diagnosed as having an alcohol related problem cannot ordinarily expect to be licensed without medical evidence supporting their fitness)

(d) Drugs

A serious view will be taken of convictions of driving or attempting to drive a motor vehicle while under the influence of drugs, being in charge of a motor vehicle whilst unfit, failing to provide an evidential specimen, or causing death by dangerous driving under the influence of drugs (referred to in this guidance as “drug driving offences”).

Where an existing licence holder is convicted of a drug driving offence they can expect to have their licence revoked.

In the event of a conviction for a drug driving offence, an applicant should normally be able to show a period of at least three years free from conviction before an application is granted.

Any drug related conviction (whether or not for a drug driving offence) may be deemed prima facie evidence of a drug problem and the Committee may require the applicant or existing licence-holder to provide medical or other evidence to enable the Committee to determine whether or not it is appropriate to issue a licence, or to revoke an existing licence.

Where an existing licence holder is convicted of a drug related offence, the licence may be suspended pending a final decision about whether to revoke the licence.

(NOTE: Applicants who have been medically diagnosed as addicts cannot ordinarily expect to be licensed within five years of completion of treatment).

(e) Indecency Offences

As hackney carriage and PHV drivers often carry unaccompanied passengers, applicants with convictions for any sexual offence, will be refused until they can show a substantial period (at least 3 to 5 years from the date of conviction) free of such offences. Existing licence holders who are convicted of any sexual offence can expect their licence to be revoked. More than one conviction for a sexual offence will preclude consideration for a licence for at least 5 years. In either case if a licence is granted a strict warning as to future conduct will be issued.

(f) Violence

As hackney carriage and PHV drivers maintain close contact with the public, a firm line will be taken with applicants who have convictions for violent offences. An applicant should normally be able to show a period of at least three years free from conviction for a violent offence before an application is granted. An existing licence-holder convicted of a violent offence can expect to have their licence revoked.

(g) Dishonesty

Hackney carriage and PHV drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become “fair game” for an unscrupulous driver. For these reasons a serious view will be taken of any conviction involving dishonesty. In general, a period of 3 to 5 years free of conviction will be required before entertaining an application. An existing licence holder, who is convicted of an offence involving dishonesty, can expect to have their licence revoked.