



Private Hire Vehicles, Drivers and Operators

February 2018



Licensing of hire operators, private hire vehicles and private hire drivers

Local Government

(Miscellaneous Provisions) Act 1976

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Borough of Reigate & Banstead licensing of private hire operators, private hire vehicles and private hire drivers

Local Government (Miscellaneous Provisions) Act 1976

The provisions of Part II of the above Act are in force in the Borough of Reigate & Banstead. Except in circumstances described hereafter, it is an offence to permit a private hire vehicle to be hired without having first obtained the necessary licences from the Council.

Licences

The Act requires that each private hire booking in this Borough must involve 3 licences issued by Reigate & Banstead Borough Council:

1. Private hire operator licence – the operator will accept bookings and keep records. See page 2 for details of what is required to obtain a licence and pages 8-10 for private hire operator licence conditions.
2. Private hire vehicle licence – see pages 2-6 for details of vehicle requirements and pages 11-16 for private hire vehicle licence conditions.
3. Private hire driver licence – see pages 6-7 for details of what is required to obtain a licence and pages 17-19 for private hire driver licence conditions.

Private hire operator

A private hire operator is a person (or a limited company) who, in the course of business, makes arrangements for the invitation or acceptance of bookings for a private hire vehicle. He/she need not own any cars or drive them himself/herself.

The Council must be satisfied that the applicant is a fit and proper person to hold an operator's licence. A licence will only be issued if the applicant has supplied all such relevant information respecting trade or business activities before making the application, convictions recorded and such other information, as is authorised by the Act, to enable the Council to determine whether to grant such a licence.

Licence conditions

A licensed private hire operator must comply with the licence conditions given on pages 8-10.

Application

A private hire operator application form must be completed and licence fee paid annually. The initial licence fee is greater than that for subsequent renewals and increases with the number of vehicles operated.

Criminal record

As a private hire operator applicant, unless you have already obtained a Disclosure & Barring Service (DBS) Enhanced or Standard Disclosure (which must be less than 6 months old), you will be asked to complete an application for a DBS Basic Disclosure or equivalent and to declare any convictions and cautions you may have. The information you give will be treated in confidence and will only be taken into account in relation to your application - see Taxi and PHV Criminal Conviction Policy available online. If you would like to discuss what effect a conviction might have on your application you may telephone the Licensing Officer on 01737 276672.

Private hire vehicle

Definition of a private hire vehicle

A private hire vehicle is a motor vehicle constructed or adapted to seat fewer than nine passengers, (other than a hackney carriage, public service vehicle or a London cab) which is provided for hire with the services of a driver for the purpose of carrying passengers.

The following classes of vehicle are not required to be licensed:

- a) Vehicles whilst used in connection with a funeral or vehicles used wholly or mainly, by a funeral director, for the purpose of funerals.
- b) The Act does not apply to a vehicle whilst it is being used in connection with a wedding. (The vehicle and driver would of course need to be licensed if the vehicle is used at other times for private hire purposes).

Type of vehicle

See private hire vehicle licence conditions pages 11-16 in addition to the vehicle requirements below.

The Act provides that the Council shall not grant a licence in respect of a private hire vehicle unless satisfied that the vehicle is suitable in type, size and design for use as a private hire vehicle, not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage, is in a suitable mechanical condition, and is safe and comfortable.

The Council has therefore specified that a private hire vehicle shall not be similar to any vehicle specified by the Transport for London (TFL) as a hackney carriage, e.g. TX1, TX2, Fairway or Metrocab.

Vehicle requirements:

Age of vehicle

The age of a vehicle when licensed for the first time must be less than 7 years from date of first registration.

Continuous licensing

An application to re-license a vehicle over 7 years old, which is made after the current licence has expired, will be considered as a first application and will not be granted.

Maximum age of vehicle:

- a) The age of a vehicle when relicensed should be less than 7 years from the date of first registration. An application to relicense an exceptional vehicle beyond 7 years of age will be considered on its merits. An “exceptional” vehicle may be any make/model/type of vehicle which should be in showroom condition and will be assessed taking account of its exterior and interior condition, paintwork, maintenance, cleanliness and comfort. Such vehicles could include wheelchair accessible vehicles or high specification executive vehicles.
- b) Purpose-built wheelchair accessible vehicles, which received European Whole Vehicle Type Approval (ECWVTA):

The age of a purpose built wheelchair accessible vehicle with ECWVTA when re-licensed, must be less than 9 years from the date of first registration. An application to re-license an exceptional vehicle beyond 9 years of age will be considered on its merits. An “exceptional” vehicle may be any vehicle which should be in showroom condition and will be assessed taking account of its exterior and interior condition, paintwork, maintenance, cleanliness and comfort. Such vehicles could include London-type taxis, wheelchair accessible vehicles or high specification executive vehicles.

Engine capacity

Minimum 1600cc or 75 BHP (55KW) from one engine source if less.

Passenger seats

Minimum of 4, maximum of 8. Individual seats must be at least 41cm wide. A seat for 3 passengers must be at least 127cm wide.

Taximeter

Unlike Hackney Carriages the Council does not fix a scale of fares and the Act does not require a private hire vehicle to be equipped with a taximeter. However, if a taximeter is fitted then it must have been tested and approved by or on behalf of the Council. It is an offence for any person to tamper with any seal on any taximeter without lawful excuse, or alter any taximeter, with intent to mislead, or knowingly cause or permit a vehicle of which he/she is the proprietor to be used in a controlled district, with a taximeter which has not been tested and approved.

If a meter is fitted in a private hire vehicle, then the meter shall be a Transport for London (TFL) approved clock-calendar meter, tested and approved by or on behalf of the Council.

Mirrors

Two external driving mirrors.

Roof

Solid roof which must be kept watertight. Convertibles or soft-tops will not be allowed but sunroofs may be permitted if not in excess of 50% of the roof area.

Identification plate (see also private hire vehicle licence condition No. 4)

A licence identification plate will be issued by the Council in respect of every licensed private hire vehicle. The plate is the property of the Council and must not be sold, hired or otherwise disposed of. In the event of any loss or damage to a plate the Council must be informed at once to enable a replacement plate to be issued. A charge will be made for a replacement plate. The plate shall be fixed in a vertical place at the exterior of the rear of the vehicle, by the vehicle inspector (Council officer) at the time of licensing, either to a bracket (to be provided by the proprietor) or direct to the vehicle's bodywork.

On revocation or expiry of a vehicle licence or the suspension of a licence the Council may serve notice on the proprietor requiring him to return the plate within seven days after service of the notice.

Interior light

Interior light must be in working order.

Right-hand drive

The steering wheel of the vehicle must be on the right-hand or offside of the vehicle, although exceptions will be considered, e.g. stretch limousines.

Inspection of vehicle

Otherwise than by prior arrangement, all vehicles must be examined by a competent motor engineer or approved Department of Transport examiner at the Council depot.

Where examination is given other than by a Department of Transport Test Certificate, the examination of the vehicle must have been carried out to the statutory requirements prescribed by the regulation for the issue of test certificates.

The Council's Officers will inspect the vehicle, by appointment, to ensure that it is furnished or provided to the Council's requirements and specifications set out above.

In addition, the Act empowers any authorised officer of the Council or any constable at all reasonable times to inspect and test, for the purpose of ascertaining its fitness, any licensed private hire vehicle and any taximeter fitted therein and, if he/she is not satisfied as to the fitness of the vehicle or accuracy of the taximeter, he/she may, by notice in writing, require the proprietor to make it or its taximeter available for further inspection and testing and suspend the vehicle licence until such time as such authorised officer or constable is so satisfied.

Vehicles aged 0 - 2 years

A test certificate (MOT or certificate of mechanical fitness) from the council's Earlswood Depot is required at licence application and licence renewal. No certificate is required if a vehicle has less than 1,000 miles on the clock.)

Vehicles aged 3 - 6 years

Two test certificates per year (MOTs or certificates of mechanical fitness) from the council's Earlswood Depot are required when the vehicle is licensed or relicensed if it is more than 3 years old and less than 7 years old from date of first registration. Inspections are to be 6 months apart.

Vehicles aged 7 years and over

If a vehicle aged 7 years or older from date of first registration is accepted for licensing, three test certificates per year (MOTs or certificates of mechanical fitness) from the council's Earlswood Depot are required when the vehicle is licensed or relicensed. Inspections are to be 4 months apart.

Insurance

The vehicle must be insured for the carriage of passengers for hire and reward and at least third party risks. The certificate of insurance or cover note must be provided at licence application and when requested by an authorised officer. The certificate/cover note must clearly show that the vehicle is insured for public or private hire and clearly show the vehicle registration number and the names of all persons entitled to drive the vehicle.

The current valid certificate of insurance or cover note must be provided to the Council within 2 working days of the expiry of the previous certificate/cover note. Failure to comply with this requirement will lead to the immediate suspension of the vehicle's licence until the Council is satisfied that the vehicle and driver(s) have correct insurance cover.

Vehicle registration document

The vehicle registration document V5 must be provided at licence application.

Vehicle excise licence

The vehicle must hold a valid vehicle excise licence.

Proof of ownership

The Council will only grant a licence to the true proprietor (owner) of the vehicle. Proof of ownership (not the registration document) must be provided. A hire purchase agreement, whereby the hirer will become the legal proprietor on completion of payment, will be accepted if the 'hirer' is the applicant for the licence.

Change of address

The proprietor must notify the Council within 14 days of any change of address in writing.

Transfer of licence

If the proprietor of a licensed private hire vehicle transfers his/her interest in the private hire vehicle to another person he/she shall within fourteen days after such transfer give notice in writing to the Council, specifying the name and address of the person to whom the private hire vehicle has been transferred.

Damaged vehicle

The proprietor of the vehicle involved in an accident affecting the safety, performance or appearance of the vehicle or the comfort or convenience of its passengers shall report the accident to the Council as soon as soon as possible and, in any case, within 72 hours. This is in addition to the normal obligation to notify the Police.

Convictions

The proprietor shall within seven days disclose to the Council in writing details of any conviction imposed on him/her, or if the proprietor is a company or partnership, any conviction imposed on the secretary of the company and any of the directors or partners, during the period of the licence.

Private hire driver

The Council is empowered to seek such information as it may require to determine whether an applicant is a fit and proper person to hold a licence, and will not issue a licence until such enquiries are complete.

Age

Minimum age 21 years.

Medical

Medical standard

The Council requires all drivers to meet a high medical standard which is the same as the current DVLA Group 2 medical standard for vocational drivers.

Medical report

When you apply for your first licence you will provide a medical report completed by a doctor at your registered practice who has access to your medical records, on the Council form (at your own expense). A medical report must be less than 6 months old. If you are over 45 years old you will provide a medical report every 3 years, and if you are over 65 years old you will provide a medical report every year.

Medical fitness

The Council reserves the right to require any driver to submit to a medical examination at any time where circumstances may demand evidence of the fitness of a person to act as a driver of a Hackney Carriage or private hire vehicle.

Criminal record

You will complete an application for an Enhanced Disclosure and Barring Service (DBS) check (this can take 6 weeks or more). You must declare any convictions and cautions you may have, including 'spent' convictions. When considering applications the Council will have regard to the Council's Taxi and PHV Criminal Convictions Policy - available online.

The information you give will be treated in confidence and will only be taken into account in relation to your application. If you would like to discuss what effect a conviction might have on your application you may telephone the Licensing Officer on 01737 276672.

Driving licence

You must have held a full Driver and Vehicle Licensing Agency (DVLA) driving licence (or a driving licence issued by a country in the European Union) for 12 months. Your driving licence must have

your current address. You will sign a form authorising the DVLA to supply the Council with information held on the DVLA computer.

Photographs

You will provide one passport-size photograph, which will be used on the driver identity badge.

Identity badge

When a licence is granted a driver will be issued with two badges. One badge must be worn at all times that the driver acts as the driver of a private hire vehicle in such a manner and position as to be plainly and distinctly visible. It will be an offence to fail to do so without reasonable excuse. The second badge must be displayed on the dashboard, again to be plainly and distinctly visible to passengers.

Knowledge test

You will need a reasonable knowledge of the Borough and surrounding areas and be able to find streets using the Ordnance Survey Surrey Street Atlas. You will be provided with a list of places and you may be asked questions on the location and routes between schools, place of worship, hospitals, airports, hotels, leisure and entertainment venues, railway stations, shopping and residential areas and other places of interest.

Safeguard training

All drivers must successfully complete the online awareness training. New drivers must do this before their licence is granted.

Dress code

Private hire drivers are advised at all times to be dressed in smart clothing which could include the following examples (or other smart clothing appropriate for a professional driver):

1. Men: Shirt with collar (long/short sleeve, sports or polo), smart trousers or tailored shorts, dark jacket/jersey.
2. Women: Shirt/blouse, smart trousers skirt or tailored shorts, dark jacket/jersey.

Hackney Carriage driver licence

A Hackney Carriage driver licence also authorises the driving of a private hire vehicle, therefore, a holder of a Reigate & Banstead taxi driver (Hackney Carriage) licence will not need to apply for a further licence to drive a private hire vehicle.

True and complete information

If you give false information or fail to provide any relevant information (including details of convictions or offences), the licence may be refused, or if issued it may be revoked, and you may be prosecuted.

Refusal, revocation and suspension of licence

If your application is refused or your licence is revoked or suspended you may appeal to the Magistrates' Court and we will advise you of your rights and procedures for an appeal.

Private hire operator licence conditions

Local Government (Miscellaneous Provisions) Act 1976

Records

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 either electronically or 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) Date and time of the booking
 - b) Date and time of journey
 - c) The name of the hirer
 - d) Place passengers collected
 - e) Place passengers set down
 - f) Private hire vehicle licence number
 - g) Name and licence number of the driver
 - h) Fare charged whether or not on meter

Records of bookings must be kept for a period of twelve months from the date of the journey.

Vehicles

2. The record required to be kept by the operator under section 56(3) shall contain the following details of every vehicle used:
 - a) make, model and colour
 - b) registration number
 - c) registered keeper (e.g. name and address or registration document)
 - d) date when vehicle became available to operator
 - e) copy of current MoT certificate
 - f) copy of current valid certificate of insurance
 - g) date vehicle ceased to be available to the operator
 - h) copy of private hire vehicle licence

Records of a private hire vehicle must be kept for a period of twelve months from the date the private hire vehicle ceased to be available to the operator.

Drivers

3. The record required to be kept by the operator under section 55(3) shall contain the following details:
 - a) name
 - b) current address
 - c) telephone number, including mobile phone numbers
 - d) copy of current private hire driver licence
 - e) date driver ceased to be available to the operator

Records of a private hire driver must be kept for a period of twelve months from the date the driver ceased to be available to the operator.

Dismissal of Driver

Operators must provide details to the Council of any licensed driver whose services are dispensed with by the operator, where the circumstances of the driver's dismissal related to the driver's unsatisfactory conduct.

Property

4. Operators must establish a procedure for dealing with clients' property lost and found in a private hire vehicle operated by them or under contract to them. This shall include evidence that an attempt has been made to return the property to the owner, and a system for recording and storing property found.

Records of all property lost or found in a private hire vehicle must be kept for a minimum period of twelve months from the date the item was reported lost or found.

Standards of service

5. 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:
 - a) 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.
 - b) 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.
 - c) Ensure that any waiting area provided by the operator has adequate seating facilities.
 - d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
 - e) Operators must indicate clearly at the operating centre or within any advertising or promotion of their services that the service provided is in respect of pre-booked journeys only.
 - f) Display licence.
 - g) Display public liability insurance.
 - h) Details of the fare for a particular hiring should be given to the hirer by the operator when the booking is being made, if requested by the hirer.
 - i) Operators must establish a complaints procedure, ensuring that all complaints include the driver's name, licence number, nature of complaint, details of complainant and action taken.
 - j) Records of all complaints must be kept for a minimum period of twelve months from the date of complaint.
 - k) Operators have a duty to accept bookings from or on behalf of disabled people accompanied by guide, hearing or prescribed assistance dogs without extra charge.

Suitability of premises

6. The running of a private hire business shall not cause nuisance or disturbance to occupants or residents of premises in the vicinity of the operating base.

Change of address

7. The operator shall notify the Council in writing of any change of his/her address (including any address from which he/she operates or otherwise conducts his/her business as an operator) during the period of the licence within seven days of such change taking place.

Convictions

8. The operator shall within seven days disclose to the Council in writing details of any conviction imposed on him/her (or, if the operator is a company or partnership, any secretary of the company and any of the directors or partners) during the period of the licence.

THE ABOVE CONDITIONS ARE ADDITIONAL TO THE REQUIREMENTS OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, THE MORE IMPORTANT OF WHICH ARE SUMMARISED BELOW.

9. a) No operator shall operate any vehicle in a controlled district as a private hire vehicle unless both vehicle and driver are correctly licensed under the Act (section 46).
b) An operator who accepts a booking for a private hire vehicle is liable under the contract for its hire whether or not he himself provides the vehicle (section 56(1)).
c) The particulars required to be kept under conditions 1 and 2 must be produced to an authorised officer of the Council or to a Police Officer when required (section 56(2) and (3)), as must this licence (section 56(4)).

In addition, note:

- d) To 'operate' a private hire vehicle is to make provision in the course of business for the invitation or acceptance of bookings for it.
- e) This licence is granted to a particular person and cannot be sold or transferred. Therefore, for example, a new owner of the business must apply for a new licence.
- f) The carrying on of a business may need planning permission. Operators must comply with all relevant legislation.
- g) The operator shall notify the Council of any material change in the circumstances on the basis of which the licence was granted. In particular the operator must inform the Council of:
 - (i) any change in the nature of the business carried on by him.
 - (ii) any changes of director or company secretary, if a company.
 - (iii) any other change in the information given by the operator to the Council at the time of granting the current licence.

Appeals

Any person aggrieved by any condition attached to the licence may appeal to a Magistrates' Court within 21 days of receipt of the licence.

Private hire vehicle licence conditions

Local Government (Miscellaneous Provisions) Act 1976

Furnishings and fittings

The proprietor of a private hire vehicle shall:

- a) provide sufficient means by which any person in the vehicle may communicate with the driver,
- b) cause the roof or covering to be kept watertight,
- c) provide any necessary windows and a means of opening and closing not less than one window on each side,
- d) cause the seats to be properly cushioned and covered,
- e) cause the floor to be provided with a proper carpet, mat or other suitable covering,
- f) cause the fittings and furniture generally to be kept in a clean condition well maintained and in every way fit for service,
- g) provide means for securing luggage if the vehicle is so constructed as to carry luggage,
- h) If a taximeter is fitted then it must have been tested and approved by or on behalf of the Council. At grant or renewal of licence on or after 1 July 2007 any taximeter fitted in a private hire vehicle must be a Public Carriage Office (PCO) approved clock-calendar meter, tested and approved by or on behalf of the Council.

Maintenance of vehicle

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 shall be fully complied with.

Alteration of vehicle

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.

Identification plate

The plate identifying the vehicle as a private hire vehicle and required to be exhibited on the vehicle pursuant to section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 shall be securely fixed to the rear of the vehicle in a conspicuous position as specified by the Council and in such manner as to be easily removable by an authorised officer of the Council or a constable. The licence plate shall be fixed to the vehicle by the vehicle inspector at the time of licensing, either to a bracket (to be provided by the proprietor) or direct to the vehicle's bodywork.

Safety equipment

Fire extinguisher

- a) There shall be provided and maintained in the vehicle at all times when it is in use or available for hire a suitable and efficient dry powder fire extinguisher (approximately 1kg).
- b) The fire extinguisher must be visible and available for immediate use or a sign should be visible stating where it is stored.

First aid kit

- a) A suitable motorist's first aid kit should be retained in the vehicle, as approved by a Council officer.
- b) It must be carried in such a position as to be readily visible and available for immediate use in an emergency or a sign must be visible stating where it is stored.

Signs and notices

No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed 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 any indication on a taximeter fitted to a vehicle.

The following signs are permitted:

a) Interior identification signs

The proprietor shall cause to be clearly marked and maintained inside the vehicle in such a position 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.

A double-sided small version of the licence plate must be placed inside the windscreen or nearside front window, as directed.

b) Pre-booking identification sign

While the vehicle is stationary a sign may be displayed giving the name and address of the operator of the vehicle or the name under which he/she carries on his/her business and its address and, in either case, the name of a passenger or passengers to be carried in the vehicle, but the sign must be displayed in pursuance of a prior arrangement made for the carriage of a passenger or passengers named in the sign.

c) Sign for school children

A sign may be displayed which is required to be exhibited whilst carrying school children under a Contract for the hire of the vehicle. Any such sign shall be removed at the termination of the journey.

d) Commercial advertisements

Approved commercial advertisements may be displayed on the outside of doors in accordance with the Council's directions.

e) 'No smoking' and 'No food and drink' signs

Approved signs may be displayed in side windows prohibiting smoking and/or the consumption of food and drink. The maximum size of signs shall be 76mm x 76mm (3ins x 3ins).

f) Emergency door sign

The rear emergency door, where fitted, shall have a sign displayed on the inside and outside of the door indicating the means of operation, e.g. 'pull', 'turn clockwise'.

Operator identification

a) Advance approval of sign

A sign which has been approved by the Council before use may be displayed from vehicles to distinguish private hire cars from hackney carriages and to enable the hirer to ascertain that it has been provided in response to a pre-booked call.

b) Wording on sign

The sign may contain the operator's name or trading name, town, e-mail address, website address and telephone number.

c) Sizes of letters and figures on signs

In the case of vehicles licensed to carry 4, 5 or 6 passengers the letters or figures shall not be more than 50mm high (2ins). In the case of vehicles licensed to carry 7 or 8 passengers the letters or figures shall not be more than 76mm high (3ins).

d) Size of signs

In the case of vehicles licensed to carry 4, 5 or 6 passengers the maximum size of the sign shall be approximately 36cm wide x 26cm deep (approximately 14ins x 10ins). In the case of vehicles licensed to carry 7 or 8 passengers a larger sign may be permitted (with Council approval) to allow the letters and figures to be in keeping with the size of the sign.

Doors and windows

a) The rear emergency door, where fitted, shall have the means of operation (e.g. 'pull', 'turn clockwise') marked on the inside and outside. The emergency door shall be openable from both outside and inside. No vehicle shall be fitted with an emergency door, which can be locked from the outside unless, when so locked, it is capable of being opened from inside the vehicle when stationary.

b) The vehicle must have the appropriate number of doors to allow safe access and egress for the number of passengers it is licensed to carry.

- c) Where only one side door is fitted to a vehicle, that door is to be fitted to the nearside of the vehicle.
- d) Passengers must have free access to any device designed to release door locks or open windows, except where the vehicle is designed for doors to be locked when the brake is off. Child locks may only be used in appropriate circumstances when children are being carried.

Spare wheel

The vehicle must safety carry a spare wheel or temporary spare wheel in good working order and tools to change a wheel in the event of a puncture (with the equipment meeting the manufacturer's approved specification). A temporary spare wheel shall only be used to complete the current journey and shall be replaced with a standard wheel before a subsequent hiring.

Liquid Petroleum Gas (LPG) installation

Evidence must be provided that the LPG installation has been properly carried out by an approved installer or vehicle manufacturer.

Tinted windows

Where fitted, the degree of tint or silvering must comply with Regulation 32(1) of the Road Vehicles (Construction and Use) Regulations 1986, which defines the acceptable standard.

Towing devices

Any towing bracket or towing device must be manufactured and maintained to either BSI or EC standards and a trailer which is used when the vehicle is hired or available for hire must be fitted with a duplicate licence plate at the expense of the proprietor.

In-cab surveillance system

- a) Any in-cab audio-video surveillance apparatus must be Transport for London (TFL) approved.
- b) Apparatus must be approved by a Council officer before it is installed.
- c) Where an audio-video surveillance system is operated within a vehicle, outward-facing signs must be placed on all passenger windows advising of its presence. The signs must be approved by a Council officer before use.

Change of address

The proprietor shall notify the Council in writing of any change of his/her address during the period of the licence within seven days of such change taking place.

Convictions

The proprietor shall within seven days disclose to the Council in writing details of any conviction imposed on him/her (or, if the proprietor is a company or partnership, any secretary of the company and any of the directors or partners) during the period of the licence.

Deposit of drivers' licences

If the proprietor permits or employs any other person to drive the vehicle as a private hire vehicle, he/she shall before that person commences to drive the vehicle cause the driver to deliver to him a copy of his/her 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/hers.

IMPORTANT NOTE

The above conditions are additional to the relevant requirements of the Local Government (Miscellaneous Provisions) Act 1976, the more important of which are summarised as follows:

- (i) No proprietor of a private hire vehicle may employ for the purpose of any hiring a person who does not hold a private hire driver's licence, and no bookings may be invited or accepted for a private hire vehicle in the course of business unless the person inviting or accepting the bookings has an operator's licence (section 46).
- (ii) If the proprietor of a private hire vehicle transfers his interest in it to another person he must within fourteen days give to the Council written notice of the name and address of the new proprietor (section 49).
- (iii) The proprietor must present the vehicle for mechanical inspection within such period and at such place as the Council by notice reasonably requires (section 50).
- (iv) The proprietor of the vehicle involved in an accident affecting the safety, performance or appearance of the vehicle or the comfort or convenience of its passengers shall report the accident to the Council as soon as possible and, in any case, within 72 hours. This is in addition to the normal obligation to notify the Police (section 50).
- (v) Vehicle licence & insurance certificate must be produced to an authorised Officer of the Council on request (section 50).
- (vi) Authorised Officers of the Council (or Police Officers) may carry out 'spot checks' and may require further examination of the vehicle (section 68).
- (vii) If a taximeter is fitted it must be tested by the Council (section 71).

In addition it should be noted that it is unlawful to stand or ply for hire in any street without a Hackney Carriage licence.

The licence holder shall ensure that neither he nor any person employed by him does anything which might lead members of the public to believe that the vehicle is standing or plying for hire in a street.

If the vehicle is fitted with a taximeter:

- a) the taximeter shall not be altered or tampered with except with the approval of the Council, and must be retested by the Council if it is altered or if the seals affixed by the Council are broken,
- b) the fare shall be recorded on the taximeter in plainly legible figures, and the word 'FARE' shall be clearly displayed as so to apply to such figures,

- c) the taximeter shall be kept securely fixed in such a position that the fare recorded is visible to all passengers within the vehicle at all times, and the figures shall be illuminated for this purpose whenever necessary.

Vehicle licence and plates

1. The vehicle licence must be kept by the person to whom it is issued in respect of a stated vehicle. Should the vehicle be sold or replaced, this licence must be returned to the issuing authority.
2. If the vehicle is hired or sold and it is intended to continue its use as a private hire vehicle it must be hired or sold complete with its plate and the licensing authority informed.
3. The plate is the property of the Borough of Reigate & Banstead and cannot be hired or sold other than as in 2 above.
4. The plate shall be fixed in a vertical plane on the rear of the vehicle either to the car itself or on a bracket as specified by the Council.
5. Should a plate become lost or damaged the licensing authority shall be advised forthwith. A charge will be made for a replacement plate.

Appeals

Any person aggrieved by any condition attached to the licence may appeal to a Magistrates' Court within 21 days of receipt of the licence.

Private hire driver licence conditions

Local Government (Miscellaneous Provisions) Act 1976

Conduct of driver

The driver shall:

- a) afford all reasonable assistance with passengers' luggage,
- b) at all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner,
- c) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him/her,
- d) not drink or eat in the vehicle,
- e) not without the express consent of the hirer 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,
- f) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he/she is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.

Passengers

- a) The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- b) The driver shall not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle.

Lost and found property

The driver shall immediately after the termination of any hiring of a private hire vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there. All found property is to be dealt with according to the Operator's established procedure.

Written receipts

The driver shall if requested by the hirer of a private hire vehicle provide him with a written receipt for the fare paid.

Animals

The driver shall not convey in a private hire vehicle any animal belonging to or in the custody of himself/ herself or the proprietor or operator of the vehicle. Any animal, other than a guide, hearing or prescribed assistance dog, belonging to or in the custody of any passenger which at the driver's discretion may be conveyed in the vehicle, shall only be conveyed in the rear of the vehicle.

The driver has a duty to carry a disabled passenger with their guide, hearing or assistance dog, allow the dog to remain with the passenger, and not make any additional charge for doing so. The driver may apply to the Council for an exemption certificate on medical grounds (1995 Act section 37A). A driver who has been issued a Certificate of Exemption must exhibit a Notice of Exemption in his/her vehicle.

Prompt attendance

The driver of a private hire vehicle shall, if he/she 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.

Deposit of licence

If the driver is permitted or employed to drive a private hire vehicle of which the proprietor is someone other than himself/herself, he/she shall before commencing to drive that vehicle deposit a copy of this licence with that proprietor for retention by him/her until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his/hers.

Taximeter

If a private hire vehicle being driven by the driver is fitted with a taximeter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given).

Fare to be demanded

The driver 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 in previous agreement as to the fare, the fare shown on the face of the taximeter.

Change of address

The driver shall notify the Council in writing of any change of address during the period of the licence within seven days of such change taking place.

Convictions

The driver shall within seven days disclose to the Council in writing details of any conviction imposed on him during the period of the licence.

Return of badge

The driver shall upon the expiry (without immediate renewal), revocation or suspension of this licence forthwith return to the Council the driver's badges issued to him by the Council when granting this licence.

Important note

The above conditions are additional to the requirement of the Local Government (Miscellaneous Provisions) Act 1976, the more important of which are summarised below:

- (i) A vehicle may not be used as a private hire vehicle unless there is a vehicle licence in force for it and the person inviting or accepting hirings has an operator's licence (section 46).
- (ii) This licence must be produced within five days at the request of an authorised Officer of the Council or of a Police Officer (section 53).
- (iii) The driver must at all times when acting under this licence wear the driver's badge issued by the Council in such position and manner as to be plainly visible (section 54).
- (iv) The driver shall not without reasonable cause unnecessarily prolong, in distance or in time, any journey for which the vehicle has been hired (section 69).

Appeals

Any person aggrieved by any condition attached to the licence may appeal to a Magistrates' Court within 21 days of receipt of the licence.