



Ashfield

DISTRICT COUNCIL

**HACKNEY CARRIAGE AND PRIVATE HIRE
VEHICLE LICENSING APPLICATION PACK**

Commenced: 1st July 2023

HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE APPLICATION PACK

WITHIN THIS APPLICATION PACK, YOU WILL FIND THE FOLLOWING:

CONTENT	PAGE
INTRODUCTION (INCLUDING “VIRTUAL APPOINTMENTS”)	1
ASHFIELD DISTRICT COUNCIL LICENSING TEAM: CONTACT DETAILS	2
ASHFIELD DISTRICT COUNCIL TRANSPORT DEPARTMENT: CONTACT DETAILS	2
FEES & CHARGES	3
PROCEDURE: NEW HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE LICENCE	4
PROCEDURE: RENEWING AN EXISTING VEHICLE LICENCE	5
PROCEDURE: CHANGING AN EXISTING LICENCE TO A NEW VEHICLE	6
PROCEDURE: TRANSFER OF OWNERSHIP OF A LICENSED VEHICLE	7
PROCEDURE: INTERIM INSPECTION (6 MONTHLY MOT TEST)	7
PROCEDURE: LICENSING A REPLACEMENT VEHICLE COMPANYS VEHICLE FOLLOWING AN ACCIDENT TO A LICENSED VEHICLE	8
PROCEDURE: USING AN ALREADY LICENSED REPLACEMENT VEHICLE COMPANYS VEHICLE FOLLOWING AN ACCIDENT TO A LICENSED VEHICLE	9
CERTIFICATE OF COMPLIANCE REQUIREMENTS	10
CONDITIONS OF FITNESS RELATING TO HACKNEY CARRIAGE & PRIVATE HIRE VEHICLES	10
AGE LIMITS & SPECIFICATIONS FOR VEHICLES	12
CONDITIONS ATTACHED TO THE GRANT OF A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE LICENCE	19
ACCIDENTS TO BE REPORTED TO THE LICENSING AUTHORITY	26
SCHEDULE ONE: BYELAWS RELATING TO HACKNEY CARRIAGE VEHICLES	27
SCHEDULE TWO: STATEMENT OF FARES & CHARGES: HACKNEY CARRIAGES	31
SCHEDULE THREE: STANDS FOR HACKNEY CARRIAGES	32
AUDIO & VISUAL RECORDING EQUIPMENT IN LICENSED VEHICLES	33
EXEMPTION FROM DISPLAYING PLATES & LIVERY: PRIVATE HIRE VEHICLES	35
TRANSPORTING DISABLED PASSENGERS	37
APPENDIX ONE: VEHICLE LICENCE APPLICATION FORM	

INTRODUCTION

It is important that you read this application pack in full before applying to licence or renew a licence for a Hackney Carriage or Private Hire Vehicle. This application pack does not replace the Council's Hackney Carriage & Private Hire Licensing Policy, and should be read as an abbreviated version of the relevant Hackney Carriage and Private Hire Vehicle Licensing Policy content, in order to assist you in making any vehicle licence related application.

The Council licences Hackney Carriage vehicles and Private Hire vehicles. The authority for doing so was adoption of the Local Government (Miscellaneous Provisions) Act 1976, Part 2, together with the Town Police Clauses Act 1847 and 1889, and the Deregulation Act 2015.

Virtual Application Appointments

Due to the high volume of drivers, vehicles, and new applicants, all applications to obtain or renew a licence must be made by way of a **pre-booked "Virtual Application Appointment"** with the Licensing Team. You will be required to submit your application electronically, **you do not physically attend the "Virtual Application Appointment"**.

New Licence

Licences are issued for a duration of 12 months, subject to the Licensing Authority being satisfied that the vehicle meets with the guidelines, criteria, conditions and regulations as described within this Application Pack. Licensed vehicles are not permitted to be licensed to carry more than 8 passengers.

Renewal of Licence

It is the responsibility of the licence holder to apply for the renewal of the licence at the appropriate time. Licence renewals will not be granted until all of the relevant checks have been completed. **To avoid delay, applicants are advised to book a virtual appointment to submit their application to the Licensing Team approximately 2 to 4 weeks before the expiry of their current licence.**

Certificate of Compliance Test

Prior to booking your appointment with the Licensing Officer, you must contact the Council's Motor Transport Department in order to present your vehicle for a Certificate of Compliance Test. **For the purpose of licensing a vehicle, the Certificate of Compliance issued to you must be dated no more than 28 days old when you submit your application to the Licensing Team.** If you do not renew your vehicle licence before it expires, then your vehicle will need to meet with the criteria applicable to a new vehicle licence application.

Suitability

In order to assess every applicant for a vehicle licence, the applicant must submit either a Basic DBS Certificate issued no earlier than 28 days prior to the Licensing Authority receiving the vehicle licence application, or to provide consent to the Licensing Authority to access his / her record by way of the DBS Update Service.

The Licensing Authority may get information about you from third parties, or give information to them to check the accuracy of information. This is to prevent or detect crime, or to protect public funds in other ways, permitted by legislation. These third parties include other local authorities and government departments. **The Council reserves the right to require any applicant or existing licence holder to provide additional disclosures at any time during the period the licence is in force.**

Issuing / Suspending / Revoking / Withdrawing or Refusing to Renew a Licence

It must be clearly understood that the Hackney Carriage or Private Hire Vehicle Licence is issued in good faith, and should any information supplied by the applicant prove to be false or misleading, the licence may be suspended.

The Council reserves the right to consider other matters which it feels are likely to be relevant to whether or not the applicant is a fit and proper person. These considerations also apply when considering whether to renew a licence.

Transfers of Ownership – Registered Holder of Licence: You have a legal obligation under Section 49 of the Local Government (Miscellaneous Provisions Act) 1976 to notify the licensing authority of a transfer of ownership. The notification must be in writing sent within 14 days of the transfer. Failure to comply will result in an offence being committed.

Interpretation: For the purpose of the conditions detailed in this application pack, **The Licensing Officer** means an Officer of Ashfield District Council for the time being authorised in writing by the council for the purposes of part II of the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847, The Transport Act 1985 and the bye laws made thereunder.

NOTE: The Council being in possession of a certificate of exemption granted by the Secretary of State for Transport is required to issue a Certificate of Compliance in respect of each licensed vehicle operating within the district. By virtue of the said certificate of exemption, the council may not accept anything other than a Certificate of Compliance as evidence of the satisfactory condition of the vehicle which is to be licensed. The test may only be carried out at a testing station appointed by the council and authorised by the Department of Transport. The test must be at least to M.O.T. standard before the certificate can be issued. **When presenting the vehicle for licensing or re-licensing you must ensure that the date of issue of the Certificate of Compliance is not more than 28 days prior to the date of issue of the licence.**

The approved testing station is the **Council Motor Transport Department**, who can also provide further details to the compliance test carried out on the vehicle. Details of the testing station can be found elsewhere on this page.

Nothing in this document shall be interpreted as overriding the provisions of the Part II of the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847, The Transport Act 1985 and the byelaws made thereunder.

CONTACT DETAILS:

Licensing Team, Ashfield District Council, Council Offices, Urban Road, Kirkby-in-Ashfield, Nottinghamshire, NG17 8DA.

Telephone: 01623 457589 Email: licensing@ashfield.gov.uk

Ashfield District Council Transport Department, Northern Depot, Station Road, Sutton-in-Ashfield, Nottinghamshire, NG17 5HB.

Telephone: 01623 457411 or 0800 183 8484 (Choose Option 3)

FEES AND CHARGES

Fees once paid will on no account be refunded. Fees and charges may also be amended from time to time to meet the reasonable cost of issue and administration.

Payment for the Certificate of Compliance Test and the Vehicle Licence fee must be made before the Test can commence. Payment must be by way of Debit / Credit card only when booking the Compliance Test with the Motor Transport Depot.

The costs for both of the mandatory Certificate of Compliance Test is included within the overall Vehicle Licence fee shown in the table below.

VEHICLE LICENCE: FEES & CHARGES	
NEW / RENEWAL / CHANGE OF VEHICLE: HACKNEY CARRIAGE LICENCE	£255.00 *
NEW / RENEWAL / CHANGE OF VEHICLE: PRIVATE HIRE LICENCE	£235.00 *
* <i>LOW EMISSION / WHEELCHAIR ACCESSIBLE VEHICLE DISCOUNT</i>	<i>£30.00</i>
ADDITIONAL CHARGES	
REPLACEMENT PLATE (IF DAMAGED, LOST, STOLEN)	£29.00
PLATE HOLDING BRACKET	£10.00
PRIVATE HIRE VEHICLE: EXEMPTION NOTICE	£25.00
CHANGE OF NAME / ADDRESS ON LICENCE	£15.00
COPY OF PAPER VEHICLE LICENCE	£5.00
ADDITIONAL CERTIFICATE OF COMPLIANCE TESTS / RETESTS	£65.00
NON-SCHEDULED METER TESTING & SEALING	£15.00

Please note that the Vehicle Licence fee does not include the costs any livery, taximeter calibration, or "Taxi" roof sign (in the case of Hackney Carriages) required to be affixed for vehicles to meet with the Councils Conditions of Fitness (as described within this Application Pack). All required livery must be affixed to the vehicle prior to the Certificate of Compliance Test.

No vehicle will be deemed to meet with the criteria of the Certificate of Compliance unless it meets with the Councils Conditions of Fitness.

Whilst the costs of the Certificate of Compliance Test is included in the Vehicle Licence Fee, any necessary retest fees, or additional test fees must be paid separately.

All vehicles provided by "replacement vehicle companies" will be subject to the fees and charges as detailed above, as such vehicles will be licensed for a full 12 months.

PROCEDURE: NEW HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE LICENCE

All new applications for a Hackney Carriage Vehicle licence must be for Wheelchair Accessible Vehicles.

All vehicles (Hackney Carriage or Private Hire) should be aged less than 5 years old when making your application, however vehicles over 5 years of age at the time of the application being received by the Licensing Team will be considered (see additional criteria applicable to such vehicles on Pages 12 & 13 of this Pack).

Please note: The Certificate of Compliance submitted with your application and accompanying documents must not be dated any earlier than 28 days prior to the Virtual Appointment you have pre-booked with the Licensing Officer.

1. Contact the **Test Depot** by calling **01623 457411** or **0800 183 8484** (Choose Option 3) to **pre-book the Compliance Test** for your vehicle. Please make a note of the time and date of the Compliance Test. **When booking the Compliance Test please inform the Officer as to whether your vehicle is a low emission vehicle or wheelchair accessible vehicle** (the fee you must pay will be reduced by £30.00).
2. When booking the Compliance Test you must make your payment for the testing and licence fees (see Fees & Charges). Please ask for a receipt to be emailed to you, as you will need this when submitting your application to the Licensing Team.
3. Then contact the **Licensing Team** by calling **01623 457589** to **pre-book a “Virtual Application Appointment”** for your application to be processed. Please make a note of the time and date of the **“Virtual Application Appointment”**.
4. The Compliance Test will take place at the **Motor Transport Depot**, and you will receive your Certificate of Compliance from the Test Depot. Please keep this as you will need this when submitting your application to the Licensing Team.
5. Once you have received the Certificate of Compliance, you need to submit the following documents to the Licensing Team: licensing@ashfield.gov.uk in time for your **pre-booked “Virtual Appointment”** (please entitle your email **“NEW HCV / PHV APPLICATION – insert time & date of Virtual Application Appointment”**):
 - **The completed Vehicle Application Form – both pages;**
 - **Either a Basic DBS Disclosure (issued within 28 days of the date the application is submitted), or a copy of your Enhanced DBS Certificate (all pages) that is currently registered to the DBS Update Service (and evidence that it is registered to the DBS Update Service);**
 - **The Compliance Test Pass Sheet – both pages;**
 - **Your Vehicle Insurance Certificate / Insurance Cover Note;**
 - **Your current MOT Certificate (if vehicle aged 1 year or more);**
 - **Your Vehicle Ownership Document/Log Book (or V5 New Owner tear-off slip if vehicle recently purchased, or bill of sale) – all pages;**
 - **An Independent Auto-Engineer Report stating the vehicles is in “Exceptional Condition” (applicable to applications for vehicles aged 5 years old or more)**
 - **An HPI Report (to evidence that the vehicle has not been written-off by an Insurance Company previously);**
 - **Your receipt for your payment for the Licence Fee.**
6. If your application is deemed complete, and you have provided all of the documents as detailed above, we will grant the licence and post it and the Vehicle Identification Plate to you (with affixing studs). Should you need one, a **“Plate Holding Bracket”** can be obtained from the Motor Transport Depot.

PROCEDURE FOR RENEWING AN EXISTING VEHICLE LICENCE

Please note: When renewing your Hackney Carriage or Private Hire Vehicle licence, the Certificate of Compliance submitted with your application and accompanying documents must not be dated any earlier than 28 days prior to the expiry date of your current vehicle licence.

NOTE: No vehicle will be relicensed upon it reaching 12 years of age, but a licence will be issued for 12 months for vehicles that are less than 12 years of age at the time that the licence application is submitted to the Authority.

1. Contact the **Test Depot** by calling **01623 457411** or **0800 183 8484 (Choose Option 3)** to **pre-book the Compliance Test** for your vehicle. Please make a note of the time and date of the Compliance Test. When booking the appointment please inform the Officer as to whether your vehicle is a low emission vehicle or wheelchair accessible vehicle (the fee you must pay will be reduced by £30.00).
2. When booking the Compliance Test you must make your payment for the testing and licence fees (see Fees & Charges). Please ask for a receipt to be emailed to you, as you will need this when submitting your renewal application to the Licensing Team.
3. Then contact the **Licensing Team** by calling **01623 457589** to **pre-book a “Virtual Application Appointment”** for your application to be processed. Please make a note of the time and date of the **“Virtual Application Appointment”**.
4. The Compliance Test will take place at the **Motor Transport Depot**, and you will receive your Certificate of Compliance from the Test Depot. Please keep this as you will need this when submitting your application to the Licensing Team.
5. Once you have received the Certificate of Compliance, you need to submit the following documents to the Licensing Team: licensing@ashfield.gov.uk in time for your **pre-booked “Virtual Appointment”** (please entitle your email **“RENEWAL HCV / PHV INSERT LICENCE NO. – insert time & date of Virtual Application Appointment”**):
 - **The completed Vehicle Application Form – both pages;**
 - **Either a Basic DBS Disclosure (issued within 28 days of the date the application is submitted), or a copy of your Enhanced DBS Certificate (all pages) that is currently registered to the DBS Update Service (and evidence that it is registered to the DBS Update Service);**
 - **The Compliance Test Pass Sheet – both pages;**
 - **Your Vehicle Insurance Certificate / Insurance Cover Note;**
 - **Your current MOT Certificate (if vehicle aged 1 year or more);**
 - **Your Vehicle Ownership Document/Log Book (or V5 New Owner tear-off slip if vehicle recently purchased, or bill of sale) – all pages;**
 - **Your receipt for your payment for the Licence Fee.**
6. If your application is deemed complete, and you have provided all of the documents as detailed above, we will grant the licence and post it and the Vehicle Identification Plate to you (with affixing studs). Should you need one, a “Plate Holding Bracket” can be obtained from the Motor Transport Depot.

PROCEDURE FOR CHANGING AN EXISTING LICENCE TO A NEW VEHICLE

When seeking to change the vehicle that you currently have licensed, the new vehicle (Hackney Carriage or Private Hire) should be aged less than 5 years old when making your application, however vehicles over 5 years of age at the time of the application being received by the Licensing Team will be considered (see additional criteria applicable to such vehicles on Pages 12 & 13 of this Pack).

Please note: The Certificate of Compliance submitted with your application and accompanying documents must not be dated any earlier than 28 days prior to the Virtual Appointment you have pre-booked with the Licensing Officer

1. Contact the Test Depot by calling **01623 457411** or **0800 183 8484 (Choose Option 3)** to **pre-book the Compliance Test** for your vehicle. Please make a note of the time and date of the Compliance Test. When booking the appointment please inform the Officer as to whether your vehicle is a low emission vehicle or wheelchair accessible vehicle (the fee you must pay will be reduced by £30.00).
2. When booking the Compliance Test you must make your payment for the testing and licence fees (see Fees & Charges). Please ask for a receipt to be emailed to you, as you will need this when submitting your application to the Licensing Team.
3. Then contact the Licensing Team by calling **01623 457589** to **pre-book a “Virtual Application Appointment”** for your application to be processed. Please make a note of the time and date of the **“Virtual Application Appointment”**.
4. The Compliance Test will take place at the **Motor Transport Depot**, and you will receive your Certificate of Compliance from the Test Depot. Please keep this as you will need this when submitting your application to the Licensing Team.
5. Once you have received the Certificate of Compliance, you need to submit the following documents to the Licensing Team: **licensing@ashfield.gov.uk** in time for your **pre-booked “Virtual Application Appointment”** (please entitle your email **“CHANGE HCV / PHV INSERT YOUR LICENCE NO. – insert time & date of Virtual Application Appointment”**):
 - The completed Vehicle Application Form – both pages;
 - Either a Basic DBS Disclosure (issued within 28 days of the date the application is submitted), or a copy of your Enhanced DBS Certificate (all pages) that is currently registered to the DBS Update Service (and evidence that it is registered to the DBS Update Service);
 - The Compliance Test Pass Sheet – both pages;
 - Your Insurance Certificate / Insurance Cover Note;
 - Your current MOT Certificate (if vehicle aged 1 year or more);
 - Your Vehicle Ownership Document/Log Book (or V5 New Owner tear-off slip if vehicle recently purchased, or bill of sale) – all pages;
 - An Independent Auto-Engineer Report stating the vehicle is in “Exceptional Condition” (applicable to applications for vehicles aged 5 years old or more);
 - An HPI Report (to evidence that the vehicle has not been written-off by an Insurance Company previously);
 - Your receipt for your payment for the Licence Fee;
6. If your application is deemed complete, and you have provided all of the documents as detailed above, we will grant the licence and post it and the Vehicle Identification Plate to you (with affixing studs). Should you need one, a “Plate Holding Bracket” can be obtained from the Motor Transport Depot.

PROCEDURE FOR TRANSFER OF OWNERSHIP OF A LICENSED VEHICLE

The procedure below relates to the licensing of a vehicle when the proprietor sells a vehicle to another licensed driver for his / her use (the law only permits licensed drivers to drive licensed vehicles). The law requires all “transfers” to be completed within 14 days of the vehicle having been obtained by the new proprietor. Failure to notify the Licensing Authority of a “transfer” is an offence:

1. The seller of the vehicle must notify the Licensing Team by email: **licensing@ashfield.gov.uk** that he / she has sold the vehicle to you. This proves that consent has been given for the transfer to go ahead.
2. You (the new keeper of the vehicle) must contact the Licensing Team by calling **01623 457589** to **pre-book a “Virtual Application Appointment”** for your application to be processed. Please make a note of the time and date of the **“Virtual Application Appointment”**.
3. You must then ahead of the **“Virtual Application Appointment”** email the following documents to the Licensing Team: **licensing@ashfield.gov.uk** (please entitle your email: **“TRANSFER HCV / PHV INSERT LICENCE NO. – insert time and date of the Virtual Application Appointment”**).
 - **The completed Vehicle Application Form – both pages;**
 - **Either a Basic DBS Disclosure (issued within 28 days of the date the application is submitted), or a copy of your Enhanced DBS Certificate (all pages) that is currently registered to the DBS Update Service (and evidence that it is registered to the DBS Update Service);**
 - **The current Compliance Test Pass Sheet (given to you by the previous proprietor) – both pages;**
 - **Your Insurance Certificate / Insurance Cover Note;**
 - **The current MOT Certificate (if vehicle aged 1 year or more) (given to you by the previous proprietor);**
 - **Your Vehicle Ownership Document/Log Book (or V5 New Owner tear-off slip if vehicle recently purchased) – all pages;**
 - **The Bill of Sale (issued by the previous proprietor) that states upon it:**
 - **The make / model / colour / registration number / vehicle licence number**
 - **The date the vehicle was sold to you**
 - **To whom the vehicle was sold**
4. If all of the above documents are valid, you will be issued with a paper licence posted to your home address. The licence plate will not need to be changed.

PROCEDURE FOR INTERIM INSPECTION OF LICENSED VEHICLE

It is the responsibility of the vehicle licence holder to ensure that the vehicle at all times is proven to be road-worthy, **the date by which the Interim MOT Test must be taken is detailed on the actual paper licence**, but the Licensing Team do send “reminder letters” out 2 calendar months ahead of when the Interim Test is due.

1. Contact any DVSA/VOSA Approved MOT Test Station of your choice to book your Interim MOT Test.
2. Once your car passes the MOT Test – please send a copy of the new MOT Test Certificate to: **licensing@ashfield.gov.uk** – and quote **“My Interim MOT & Your Vehicle Registration Number”** (so we can quickly update your vehicle record).
3. Failure to undertake the Interim MOT Test by the necessary due date may result in the suspension of the Vehicle Licence until such time as an MOT Test is passed.

PROCEDURE FOR LICENSING A REPLACEMENT VEHICLE COMPANYS VEHICLE FOLLOWING AN ACCIDENT TO A LICENSED VEHICLE

Any vehicle not currently licensed by Ashfield District Council must conform to our requirements for a New Vehicle Licence.

Please note: The Certificate of Compliance submitted with your application and accompanying documents must not be dated any earlier than 28 days prior to the Virtual Appointment you have pre-booked with the Licensing Officer

1. The company providing the replacement vehicle (as they will be deemed to be the applicant) must contact the Test Depot by calling **01623 457411** or **0800 183 8484 (Choose Option 3)** to **pre-book the Compliance Test** for the vehicle. Please make a note of the time and date of the Compliance Test.
2. When booking the Compliance Test you will be required to make payment for the testing and licence fees (see Fees & Charges). Please ask for a receipt to be emailed to you, as you will need this when submitting the application to the Licensing Team.
3. Then contact the Licensing Team by calling **01623 457589** to **pre-book a “Virtual Application Appointment”** for your application to be processed. Please make a note of the time and date of the **“Virtual Application Appointment”**.
4. Upon taking the vehicle to the Test Depot for the Compliance Test, the vehicle will be tested, and a Certificate of Compliance will be given to the applicant by the Test Depot. Please keep this as it will be needed when submitting the application to the Licensing Team.
5. Following the vehicle passing the Compliance Test, the following documents need to be submitted to the Licensing Team: **licensing@ashfield.gov.uk** in time for the **pre-booked “Virtual Appointment”** (please entitle your email **“NEW HCV / PHV Paperwork – insert time and date of Virtual Application Appointment”**):
 - **The completed Vehicle Application Form – both pages**
 - **Either a Basic DBS Disclosure (issued within 28 days of the date the application is submitted), or provide consent for us to check on suitability of the company (this will be the Owner / Company Director) by way of the DBS Update Service (in which case please provide a copy of the DBS Certificate that is registered to your DBS Update Service account)**
 - **The Compliance Test Pass Sheet – both pages**
 - **The Insurance Certificate / Insurance Cover Note**
 - **The current MOT Certificate (if vehicle aged 1 year or more)**
 - **The Vehicle Ownership Document/Log Book (or V5 New Owner tear-off slip if vehicle recently purchased, or bill of sale) – all pages**
 - **An Independent Auto-Engineer Report stating the vehicles is in “Exceptional Condition” (applicable to applications for vehicles aged 5 years old or more)**
 - **An HPI Report (to evidence that the vehicle has not been written-off by an Insurance Company previously)**
 - **Your receipt for your payment for the Licence Fee**
6. If the application is deemed complete, we will grant the licence. A copy of the licence will be emailed to the applicant, and the Vehicle Identification Plate will be posted to the hirer of the vehicle (with affixing studs). Therefore please state the name and address of the hirer when submitting your application. Should you need one, a “Plate Holding Bracket” can be obtained from the Motor Transport Depot.

PROCEDURE FOR USING AN ALREADY LICENSED REPLACEMENT VEHICLE COMPANYS VEHICLE FOLLOWING AN ACCIDENT TO A LICENSED VEHICLE

The procedure below relates to the use of a vehicle supplied by a Replacement Vehicle Company that **is already licensed by Ashfield District Council** and will be used as a replacement vehicle should your current vehicle not be useable following an accident.

- 1.** The company providing the replacement vehicle that is already licensed by Ashfield District Council must send an email to the Licensing Team informing them of the Vehicle Licence Number and the name and address of the new hirer.
- 2.** The vehicle must be in possession of a valid Certificate of Compliance, this means that the Certificate is less than 6 months old. If the Certificate of Compliance is older than 6 months, then the vehicle will not be permitted to be used unless an Interim MOT Test has been submitted to the Licensing Team to ensure the vehicle is deemed road-worthy.
- 3.** If an Interim MOT Test is required, this can be carried out by any DVSA / VOSA Approved Testing Station of your choice.
- 4.** Failure to undertake the Interim MOT Test by the necessary due date may result in the suspension of the Vehicle Licence until such time as the MOT Test is passed.

CERTIFICATE OF COMPLIANCE REQUIREMENTS

All vehicles must first pass a **Certificate of Compliance Test** (at the Ashfield District Council Transport Department) before an application may be submitted; and **all licensed vehicles must pass an Interim MOT Test by a six-month due date** (such an Interim MOT Test may be carried out by any DVSA / VOSA Approved MOT Test Station). The Compliance Test must be paid for in advance.

The Compliance Test will include an assessment of the vehicle's mechanical and aesthetic condition (full details can be found on the Council website at the following link): <https://www.ashfield.gov.uk/taxipolicy>

The Compliance Test is intended to assess the vehicle for licensing suitability. The Council will not issue an MOT certificate for the vehicle that will be the responsibility of the applicant to obtain at his own cost. A Certificate of Compliance Test sheet will be issued identifying if the vehicle passed or failed, and what matter(s) the vehicle failed on (if applicable).

CONDITIONS OF FITNESS RELATING TO HACKNEY CARRIAGE & PRIVATE HIRE VEHICLES

GENERAL INFORMATION:

1. Vehicles may be licensed as Hackney Carriages or Private Hire Vehicles provided that the vehicles comply with the requirements contained in this guidance.
2. An Ashfield Private Hire Vehicle licence will not be issued to a vehicle which looks like a Hackney Carriage in any way.
3. An Ashfield licensed vehicle may only be driven by an Ashfield Hackney Carriage & Private Hire (Dual) Driver Licence holder. This applies to all vehicles including private use of the vehicle (e.g. shopping, etc.)
4. An M.O.T. certificate is required for all licensed vehicles acting as Hackney Carriages or Private Hire vehicles, where the vehicle is over 12 months old.
5. Attention should be given to the vehicle specification, age restrictions and the supplementary testing manual before purchasing a vehicle.
6. In order to operate (receive bookings direct from the public) an Ashfield Private Hire Vehicle you must hold a Private Hire Operators licence or work through a licensed operator.
7. A wheelchair accessible Hackney Carriage when working on any taxi rank must be able at all times to carry wheelchair users and be wheelchair accessible. All fastenings, ramps and equipment must be carried to accommodate wheelchair passengers and be configured with the necessary seating layout to accommodate wheelchair users.
8. A Hackney Carriage or Private Hire Vehicle licensed with Ashfield District Council cannot be licensed with any other Council (Dual Licensed). Should the owner or operator wish to licence the vehicle with another Council the Ashfield Licence must be surrendered and the licence plate returned to Ashfield District Council.

TAXI-METERS

All Hackney Carriages must be fitted with a taxi-meter. Meters used to calculate fares must be accurate, display the correct time and be capable of displaying:

- **In the case of Hackney Carriages, the various tariffs as approved by the Council (including extra charges recoverable under the approved Table of Fares). The meter shall be calibrated and set to the Council's agreed charging distances and tariffs currently in force.**
- **In the case of Private Hire Vehicles, any scale of charges provided by the Private Hire Operator for whom the vehicle is provided with bookings.**

Meters will be checked for accuracy by a measured by mile distance or by waiting time. Meters must be positioned in order that the fare must be clearly displayed to the passenger throughout the journey. Meters in use must not facilitate fraudulent use. Any signs of tampering including the breaking of any seals may result in suspension and/or revocation.

Private Hire Operators and/or Hackney Carriage Drivers may agree the cost for the journey with the customer prior to the journey commencing. In this situation, the price quoted must be the price charged – there is to be no deviation from this price without the agreement of the customer. On occasions where a price not been agreed prior to the journey commencing, the fare charged must be that which is reflected on the meter (where the vehicle is equipped with a meter).

The following companies are able to supply and fit and recalibrate taxi-meters, and able to carry out any amendments to the approved Hackney Carriage Tariffs:

- **Derby Electronics: 41 St Thomas Road, Derby, DE23 8RF. Tel: 01332 774825**
- **Nottingham Radio Communication's: 18 Hendon Rise, Nottingham, NG3 3AN. Tel: 0115 952 3322**
- **N J Pitt Taximeters: 9 Church Street, Old Basford, Nottingham, NG6 0GA. Tel: 0115 978 5861**

ADVERTISEMENTS AFFIXED TO VEHICLES

No advertisements shall be placed on any vehicle licensed without the applicant receiving prior written approval from the Licensing Authority (save for any livery required to be affixed to any vehicle as detailed within the Conditions of Fitness or Conditions attached the grant of a licence as detailed within this Application Pack). **Copies of any proposed advertisements must be submitted to the Licensing Manager for approval** (please send to licensing@ashfield.gov.uk).

WHEELCHAIR ACCESSIBILITY

All members of the public should have reasonable access to Hackney Carriage and Private Hire services. There are requirements placed on all wheelchair accessible Hackney Carriages that can be found detailed within this Application Pack. **Any vehicle presented for licensing as a Hackney Carriage for the first time must be a Wheelchair Accessible Vehicle.**

AGE LIMITS AND SPECIFICATIONS FOR VEHICLES

Licensed vehicles must comply with the following and also the Council's supplementary testing manual. Details of the supplementary testing manual are set out elsewhere in this Application Pack and in the Hackney Carriage & Private Hire Licensing Policy document.

HACKNEY CARRIAGES:

1. New Hackney Carriage Licences will **only be issued for wheelchair accessible vehicles**.
2. All new Hackney Carriages must be **less than 12 years old** from date of first registration on initial application.

However, if the vehicle is **5 years of age or more** from date of first registration, the application must also be accompanied by an **Independent Auto-Engineer Report** stating that the vehicle is in "**exceptional condition**".

3. The following upper age limits apply:
 - No vehicle licence will be **renewed** on any vehicle that is of 12 years of age or more.
 - Replacement vehicles shall meet with the requirements of a New Hackney Carriage Vehicle Licence, however the following criteria are applicable:
 - Existing Hackney Carriages that are **not** wheelchair accessible, when replaced, may be replaced with a non-wheelchair accessible vehicle (e.g. saloon) but must be less than **5 years old** from date of first registration on initial application.
 - Existing Hackney Carriages that are wheelchair accessible, when replaced, must be replaced with a vehicle meeting the requirements of a New Hackney Carriage Vehicle Licence (i.e. a wheelchair accessible vehicle).
4. All new or replacement vehicles to have M1 whole type approval except in exceptional circumstances. Those vehicles without M1 whole type approval will be considered individually.
5. Vehicles that do not conform to the above listed age limits may be considered on a case by case basis, however, it would be considered detrimental to the promotion of accessible transport/cleaner & greener transport for the Council to likely approve vehicles aged over 12 years.
6. A Hackney Carriage vehicle licence will not be granted in respect of a minibus (as detailed on the V5 Log Book) under any circumstances. Applications for other types of vehicle constructed or adapted to carry up to 8 passengers plus the driver will be considered on merit.
7. Date of first registration shall mean the date of first registration in the UK, or the date of manufacture in the case of vehicles first registered outside the UK.

PRIVATE HIRE VEHICLES:

1. All new Private Hire Vehicles must be less than **less than 12 years old** from date of first registration on initial application.

However, if the vehicle is **5 years of age or more** from date of first registration, the application must also be accompanied by an **Independent Auto-Engineer Report** stating that the vehicle is in “**exceptional condition**”, and the vehicle **must be either a Low Emission Vehicle or a Wheelchair Accessible Vehicle**. Low Emission vehicles are defined as having the following maximum emission levels:

- **For vehicles with a date of first registration of 31st March 2017 or older: 120 CO2.**
 - **For vehicles with a date of first registration of 1st April 2017 or newer (but still aged 5 years or more): 75 CO2.**
 - **For Executive Chauffeur Vehicles only, the above emission levels do not apply on application for a New Licence.**
2. The following upper age limits apply:
 - No vehicle licence will be **renewed** on any vehicle that is of 12 years of age or more.
 - Replacement vehicles shall meet with the requirements of a New Private Hire Vehicle Licence, however the following criteria are applicable:
 - Existing Private Hire Vehicles that are **not** wheelchair accessible, when replaced, may be replaced with a non-wheelchair accessible vehicle.
 - Existing Private Hire Vehicles that are wheelchair accessible, when replaced, must be replaced with a wheelchair accessible vehicle.
 - Existing Executive Chauffeur Vehicles when replaced by another Executive Chauffeur Vehicle (if aged 5 years or more), must be replaced with one meeting the above listed emission levels.
 3. All new or replacement vehicles to have M1 whole type approval except in exceptional circumstances. Those vehicles without M1 whole type approval will be considered individually.
 4. Vehicles that do not conform to the above listed age limits may be considered on a case by case basis, however, it would be considered detrimental to the promotion of accessible transport/cleaner & greener transport for the Council to likely approve vehicles aged over 12 years.
 5. Date of first registration shall mean the date of first registration in the UK, or the date of manufacture in the case of vehicles first registered outside the UK.

SPECIFICATION FOR BOTH HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

Each case will be assessed on its own merits. Applications for vehicles which fall outside the Council's policy, for example by age and type of vehicle, may be dealt by way of an exceptional condition.

1. The vehicle must comply with the Council's current age policy.
2. The vehicle must comply in all respects with the requirements of:
 - the Motor Vehicle (Type Approval) Regulations 1980
 - the Motor Vehicle (Type Approval) Regulations (Great Britain) 1984
 - the Road Vehicles (Construction and Use) Regulations 1986 (C and U).
 - British and European Vehicle Regulations
 - "type approved" to the requirements of the M or M1 category of European Whole Type Approval 70/156/EEC as amended.

Evidence must be produced to prove that the vehicle complies with M or M1 categories. Conversions which have not been "type approved" to M or M1 categories must be presented with approved certification that the specific vehicle meets the requirements of one of those (i.e. M or M1) categories.

3. All vehicles must be right hand drive.
4. The minimum engine capacity for the vehicle must be:
 - Petrol 1400cc
 - Diesel 1400cc
 - Dual fuel vehicles (Electric/Petrol or Electric/Diesel or Gas/Diesel, Gas/Petrol), Hybrid and Electric Vehicles will be considered on an individual basis on application
 - Engines less than 1400cc will be considered provided that they are at least 95bhp or 125ps or greater.
5. The vehicle must have four passenger doors which includes the driver's door, except purpose built vehicles.
6. Seating arrangements in vehicles:
 - seating should be for not more than eight passengers (in addition to the driver);
 - seating should be properly cushioned or covered;
 - rearward facing seats over or rearward of the rear wheels and axles having normal access only through a rear door will not be permitted;
 - folding or moving seats which are so constructed to provide access to other seats to which there is no direct access will not be permitted;
 - sideways mounted seats will not be permitted.
7. The vehicle must have at least one window on each side capable of being opened and closed.
8. The floor must be covered with a suitable carpet, mat or other floor covering.

9. The vehicle must have at least two doors for the use of passengers other than the drivers' door without the need to fold down or fold away other seats in order to gain access into or from the vehicle. An effective means must be provided whereby passengers being conveyed in the vehicle may open each door.
10. Manufacturers gross vehicle weight for the tyres and suspension actually fitted to the vehicle must be sufficient for a minimum payload equal to a full fuel tank, the driver and the number of passengers for which a licence is requested (at 70 kg per person) and luggage (at 20 kg per passenger); and where propane or Liquid Petroleum Gas is used as the vehicle fuel, the weight of extra equipment must be within the gross weight limit.
11. Wheels and Tyres:
 - Vehicles must have four road wheels fitted with manufacturers recommended size tyres.
 - A spare tyre of the same type as fitted to the road wheels, or a manufacturers space saver, (Emergency tyre inflation kits WILL NOT be accepted unless supplied by the vehicle manufacturer when first registered.)
 - The tread pattern shall be a minimum of 2mm in depth throughout the complete circumference and breadth of the tyre.
 - Jacking equipment and a wheel brace, as issued by the manufacturer or similar, must be provided. Trolley jacks are **not** acceptable.
12. A permanent roof which is watertight.
13. A separate locking luggage area (i.e. boot), or in the case, of an Estate or People carrier a protection grille or shelf must be fitted sufficient to prevent luggage being carried from coming into contact with persons travelling in the vehicle.
14. Seat belts must be fitted for all seats.
15. Nearside and offside exterior rear view mirrors.
16. Hackney Carriages must have an appropriate taxi sign bearing the word "TAXI" on the front and Ashfield District Council on the rear, unless a sign is manufactured into the body work of the vehicle, in which case Ashfield District Council must be displayed on the rear of the vehicle.
17. Hackney Carriages must have an appropriate taxi meter, positioned where it can clearly be seen by the passengers in the vehicle.
18. Hackney Carriages must also have sufficient means by which a passenger can communicate with the driver, and vice versa.
19. Where the vehicle is more than 1 year old a valid M.O.T certificate must be produced each year on renewal of licence.
20. The fittings and furniture shall be kept in a clean and well maintained condition fit for public service at all times.
21. Vehicles shall have a clean and smart appearance both externally and internally.

ADDITIONAL INFORMATION FOR WHEELCHAIR ACCESSIBLE VEHICLES

When assessing whether or not a vehicle is “wheelchair accessible”, as well as the vehicle meeting with all other requirements as detailed within this Application Pack, the following criteria must also be met:

1. Vehicles offered for approval must be so constructed as to facilitate the carriage of disabled persons and be capable of accommodating a disabled person in a wheelchair in the passenger compartment.
2. New or replacement vehicles may be either side or rear loading.
3. No fittings, other than those approved, may be attached to or carried on the inside or outside of the vehicle.
4. Tyres and equipment:
 - All tyres of purpose built vehicles must comply with the requirements of C & U Regulation.
 - Jacking equipment and a wheel brace, as issued by the manufacturer or similar, must be provided. Trolley jacks are **not** acceptable.
 - A spare tyre or factory fitted space saver must be carried, emergency tyre inflation kits are not acceptable unless supplied by the vehicle manufacturer when first registered.
5. All licensed Hackney Carriages that are Wheelchair Accessible Vehicles, when operating from a taxi rank or plying for hire **MUST** at all times be capable of carrying a passenger seated in a wheelchair, they must carry all ramps and seat harnesses and comply to the agreed seating layout (if appropriate) for that vehicle.
6. All licensed Hackney Carriages or Private Hire vehicles that are wheelchair accessible vehicles must display a printed notice on the inside of the windscreen at the bottom nearside corner, adjacent to the tax disc and clearly readable from outside of the vehicle, identifying the vehicle as being a Wheelchair Accessible Vehicle.
7. When a Wheelchair Accessible Vehicle is booked in to the Council workshop for its annual inspection or six month inspection, at the time of booking the vehicle in, the workshop must be informed that the vehicle is a Wheelchair Accessible Vehicle.

INSURANCE

A valid certificate of insurance or cover note confirming that insurance is in place for each driver of the vehicle and specifying use as either a Hackney Carriage or Private Hire Vehicle. The insurance document must show that the vehicle and those who will be driving it is active at the time that the vehicle application is submitted.

For a Hackney Carriage Vehicle the certificate of insurance must cover ‘public hire’.

For a Private Hire Vehicle the certificate of insurance must cover for ‘private hire/hire or reward’.

IDENTIFICATION OF VEHICLES AS HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

The Licensing Authority requires it to be clear to the public that a Hackney Carriage and Private Hire Vehicle is licensed. Consequently, the Licensing Authority requires vehicles to be clearly identifiable and as such the following will apply:

Hackney Carriages:

Must have an illuminated sign on the roof bearing the word TAXI on the front and Ashfield District Council on the rear; and must display their Licence Plate on the rear of the vehicle.

Private Hire Vehicles:

By law a Private Hire Vehicle cannot have the appearance of a Hackney Carriage, must not have a roof sign/light, must display livery on both front doors of the vehicle identifying the Private Hire Operator company (giving the name and contact number (including any means of electronic communication if applicable); and must display on both front doors livery stating '**Advanced Bookings Only**'.

SIGNAGE / LIVERY REQUIREMENTS

There are signage requirements that must be complied with for Hackney Carriage and Private Hire Vehicles (detailed within this Application Pack), that include:

- the permitted position of licence plates & top signs
- positioning of permanent door signs for vehicles
- required wording for door signs on vehicles
- requirements for the display of notices in vehicles
- other notices/markings that the Council will require licensed vehicles to display advertising restrictions

TYRES

Tyres are the vehicle's only point of contact with the road and as a result it is a requirement for them to be in a roadworthy condition. The following are applicable:

1. All tyres fitted to the vehicle must have at least 2.0 mm tread depth throughout complete circumference and breadth of the tyre.
2. Tyres fitted to the vehicle must be free from any defects which might damage the road or endanger any person and must be fit for purpose, including:
 - be compatible with the types of tyres fitted to the other wheels,
 - not have any lump, bulge or tear caused by separation or partial failure of the structure,
 - not have a cut or tear in excess of 25mm or 10% of the sectional width of the tyre, whichever is the greater, and which is deep enough to reach the ply or cord,
 - not have any part of the ply or cord exposed.
 - must be correctly inflated to the vehicle / tyre manufacturer's recommended pressure.

3. All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle) and have been fitted by a reputable vehicle maintenance company / contractor. Vehicle proprietors are required to retain invoices / receipts to show that any tyre that is purchased meets this requirement and the vehicle registration should be noted on the receipt.
4. The fitting of part worn tyres to licensed vehicles is not permitted.
5. 'Space saving' spare wheels must only be used in an emergency, and then only in accordance with the manufacturer's instructions. Should the use of a 'space saving' spare wheel become necessary during a period of hire then the journey may continue, but the wheel must be replaced before another journey commences.
6. Tyre inflation kits are not permitted to be used or carried, unless supplied by the vehicle manufacturer when the vehicle was first registered.

CONDITIONS ATTACHED TO THE GRANT OF A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE LICENCE

Hackney Carriage and Private Hire Vehicle Licences are issued subject to the following conditions. You are advised to study these carefully and you are warned that for non-compliance with any **one** condition, the licence may be revoked or suspended.

1. The vehicle licence shall be valid for a period of one year and shall be renewable on the anniversary of the original licence until the vehicle is either replaced or reaches the upper age limit.
2. a) The Proprietor of a licensed vehicle shall not cause or allow the vehicle to be used unless:
 - The Driver of the vehicle holds a Hackney Carriage & Private Hire (Dual) Driver Licence issued by Ashfield District Council, and is insured by the proprietor, to drive the vehicle.
 - The number of the vehicle licence is fixed and displayed on the vehicle at all times during which the vehicle is licensed, by means of the Licence Plate issued by the Council to the Proprietor.
 - The Licence Plate is fixed and displayed outside on the rear of the vehicle with the particulars thereon facing outwards, in such a position that the vehicle's registration mark is not obscured, and in such a way as the Plate can be easily removed. The Plate must not be fixed to the vehicle with any form of adhesive, nor within the rear windscreen area of the vehicle.
 - The Licence Plate is clearly visible in daylight from the road at the rear of the vehicle.
- b) The Licence Plate referred to in these Conditions shall remain the property of the Council and shall be returned forthwith to the Licensing Team, Ashfield District Council, Urban Road, Kirkby-in-Ashfield, Nottinghamshire, NG17 8DA, if the Proprietor no longer holds a vehicle licence issued by the Council which is in force in respect of the vehicle.
- c) The Proprietor of a licensed vehicle shall report the loss of any plate or licence to the Police and Licensing Team as soon as such loss becomes known. The Licensing Team must also be advised of the Crime Number issued by the Police.
- d) A replacement plate (and bracket) is obtainable on payment of a fee.
- e) A fee is charged for duplicate paper licences.
3. a) The Proprietor shall ensure that vehicles are maintained in a good mechanical and structural condition at all times and be capable of satisfying the Council's mechanical and structural inspection at any time whilst the vehicles are licensed with this Authority.
- b) The vehicle must be a single uniform colour.

- c) The interior and exterior of the vehicle shall be kept in a clean condition and maintained in a safe condition by the Proprietor.
 - d) The Proprietor of a licensed vehicle must not cause or permit the vehicle to be used unless it complies with the Council's vehicle specification and the conditions attached to the licence.
4. a) The Proprietor shall permit an Authorised Officer or any Police Constable to inspect the vehicle at all reasonable times.
- b) The Proprietor shall present the vehicle for inspection and testing, by an Authorised Officer, at any time and place within the District of Ashfield as specified in a notice, provided that the Council shall not under the provisions of this condition require the Proprietor to present the vehicle for inspection and testing on more than three separate occasions during any period of twelve months.
- c) If, upon completion of the inspection, the Authorised Officer or Police Constable is not satisfied as to the condition of the vehicle for use as a hire vehicle, the Proprietor shall be asked to remove and surrender the Licence Plate from the vehicle. This will be kept by the Authorised Officer or Police Constable until such time as the condition of the vehicle is satisfactory, when it will then be returned to the Proprietor.
5. All accidents must be reported to the Licensing Team, in writing, within 72 hours of the accident occurring. Such a responsibility is that of the **Vehicle Licence Holder** and **the Driver of the vehicle** at the time of the accident.
6. The proprietor of a Hackney Carriage or Private Hire Vehicle, in the event that following an accident, he or she does not believe that the vehicle requires taking out of service / replacing, and who wishes to continue to use the vehicle as a licensed Hackney Carriage or Private Hire Vehicle shall make the vehicle available to the Licensing Officer, who will inspect the vehicle and decide whether the vehicle is fit to continue in service.

If the Authorised Officer considers the damage to be such that the vehicle may continue in service until such time as a permanent repair is undertaken these must be undertaken within 28 days of the damage occurring and a letter authorising the use of the vehicle for a maximum period of 28 days will be issued by the Licensing Officer and shall be retained within the vehicle during the permitted period.

If any damage is considered by the Licensing Officer to be extensive enough to affect the safety or general appearance of the vehicle it must be immediately withdrawn from service and the plate removed.

The vehicle must be repaired before the plate is re-affixed and the vehicle returned to service. In the case of any dispute as to fitness for service the vehicle will be taken to the Council nominated testing station where a qualified mechanic will give a binding decision, which will be final. The owner will pay the fee for such examination.

7. a) Hackney Carriage Vehicle must have an illuminated sign on the roof of the vehicle bearing the word "TAXI" on the front and Ashfield District Council on the rear, unless a sign is manufactured into the body work of the vehicle, in which case Ashfield District Council must be displayed on the rear of the vehicle.
- b) A Private Hire Vehicle must display signs on the front doors of the vehicle identifying the Private Hire Firm, giving the name and telephone number and / indicating that the vehicle must be pre-booked. (i.e. 'Advanced Booking Only')
- c) A Private Hire Vehicle must **not** display any sign or notice:
- which consists of or includes the words 'TAXI', 'TAX' or 'CAB' whether in the singular or plural or as part of another word; or
 - which consists of the words 'FOR HIRE'; or
 - Where the form of wording is in any such way as to suggest that the vehicle on which it is displayed is presently available to pick up any passengers wishing to hire it or would be so available if not already hired.
8. a) General advertising is permitted on the rear door panels and rear screen of all licensed vehicles. This is in addition to the advertising of the company name and telephone number that is permitted on the front door panels of the licensed vehicle.
- b) All proposed advertisements must be submitted to the Licensing Team for consideration.
- c) Each advertisement will be considered on its merit and the Licensing Team will make their decision known to the applicant in writing, within 14 days.
- d) All advertisements must be approved in writing **prior** to affixing it to the hire vehicle.
- e) Advertisements must comply with the guidelines issued by the Advertising Standards Agency.
- f) Advertisements of the following nature will not be permitted: Alcohol products, Tobacco products, Religious references, Political references, Controversial references.
- g) All advertisements must be in good taste.
- h) Advertisements must be in a material that cannot be easily soiled and that can be firmly attached to the interior or exterior of the vehicle, as appropriate.
- i) The material used in the rear screen of the hire vehicle must not inhibit in any way the view through the rear screen.
- j) All advertising mediums must be kept in a clean and good condition.
- k) Any advertising that has become damaged, is peeling or has been defaced in any way must be removed from the hire vehicle immediately.
- l) Where an advertisement has been refused there is a right of appeal to the Service Director and /or Licensing Committee.

9. a) The Hackney Carriage and Private Hire vehicle must not be used to carry a greater number of passengers than the number prescribed in the licence.
- b) When the Hackney Carriage or Private Hire vehicle is used to carry children, the following requirements shall be adhered to:
- All passengers aged 12 years or more, or whose height is 135cm or more, wear a seat belt throughout the duration of the journey; and
 - For children aged under 12 years of age, or whose height is less than 135cm, that:
 - Children under 3 years of age, if carried in the front seat, are seated in the appropriate child car seat;
 - Children under 3 years of age, if carried in the rear seats, are secured by way of the appropriate child restraint;
 - Children under 3 years of age, if no child car seat is available, may travel unrestrained on the rear seats;
 - Children aged 3 years or more but under 12 years of age or up to 135cm tall, if carried in the front seat, are secured by way of the appropriate child restraint or seatbelt;
 - Children aged 3 years or more but under 12 years of age or up to 135cm tall, if carried in the rear seats, are secured by way of the appropriate restraints or seatbelts.
- c) Wheelchair Access Vehicles have space(s) reserved for the carrying of wheelchairs. The restraining mechanisms are designed purposely for the restraint of wheelchairs only. Pushchairs **MUST** be folded and secured in the luggage compartment of the vehicle, infants should be safely restrained in a passenger seat in compliance with the seat belt regulations. Infants **MUST NOT** be transported in a pushchair.
- d) Only items belonging to passengers may be carried in the luggage space of the vehicle, except a fire extinguisher and first aid kit (i.e. no cleaning products, oils etc. belonging to the vehicle or driver may be carried).
- e) Animals belonging to the Proprietor or the driver must not be allowed to ride in the vehicle when the vehicle is working. Any animal of the hirer is to be conveyed in the rear of the vehicle **with the exception of** guide or assistance dogs which will remain with the hirer at all times (even if they are in the front) and which must be carried free of charge.
10. a) The Proprietor of a licensed Hackney Carriage or Private Hire Vehicle in which a taximeter is installed shall not cause or permit the vehicle to be used unless the taximeter is so constructed, attached to the vehicle and maintained as to comply with the following requirements:
- The taximeter is fitted with a key or other device, so that the taximeter can be switched on and the word "hired" will appear;
 - Such key or device shall be capable of being locked so that the taximeter can be switched off and no fare recorded;
 - When the taximeter is in operation, the fare shall be recorded in figures clearly legible and free from ambiguity.

- The Hackney Carriage fare shall not exceed the rate of fares set by the Council;
 - The taximeter shall be placed so that all letters and figures on its face can be seen by passengers in the vehicle and for that purpose, the letters and figures shall be capable of being suitably illuminated during any period of hiring.
- b) The Proprietor of a licensed **Hackney Carriage** must not allow the vehicle to be used unless the table of fares fixed by this Council is displayed clearly inside the vehicle. Where other fares are programmed into the meter there must also be a table of fares displayed for the additional fares.
- c) The Proprietor of a licensed **Private Hire Vehicle** in which a taximeter is installed must not allow the vehicle to be used unless there is on display the table of fares fixed by him which he proposes to charge.
11. a) If the proprietor wishes to surrender the licence at any time, he or she must do so by way of written confirmation to the Licensing Team, and the vehicle licence and licence plate be returned to the Licensing Team within 7 days of the notification of surrender.
- b) Should the vehicle be sold or transferred in any other way, to continue as a licensed vehicle within the period of the licence, the vehicle licence holder shall notify the Licensing Team in writing of such a matter within 7 days of the date that he or she sold or transferred the ownership of the vehicle.
- c) Should the vehicle be sold or transferred in any other way, to continue as a licensed vehicle within the period of the licence, the new proprietor shall also be provided with the following:
- A signed letter stating:
 - The make / model / colour / registration number / vehicle licence number
 - The date of sale
 - To whom the vehicle was sold
 - A bill of sale for the vehicle
 - A valid Certificate of Compliance
 - A valid M.O.T. Certificate
 - The current vehicle licence
- d) Should the vehicle be sold or transferred in any other way, to continue as a licensed vehicle, the new proprietor shall arrange for an appointment with the Licensing Team in order to carry out the “transfer of ownership” of the vehicle licence, and submit to the Licensing Team his / her application and the documents referred to at c) above.
- e) The Proprietor of a licensed vehicle shall produce the vehicle licence for inspection, at the request of any Police Constable.
- f) The Proprietor of a licensed vehicle shall ensure that copies of the following documents are kept in the vehicle at all times whilst it carries out licensable duties, and that all Drivers are aware of the documents are located, should they be asked to produce it to an Authorised Officer:

- Vehicle Log Book
- Valid Certificate of Compliance
- Valid M.O.T. Certificate
- Valid Certificate of Insurance

And the Proprietor shall produce the following original documents at the request of an Authorised Officer of the Council (either forthwith or at the main Council Offices, within five days (including weekends) of the request being made):

- Current DVLA Driving Licence;
- Vehicle Log Book
- Valid Certificate of Compliance
- Valid M.O.T. Certificate
- Valid Certificate of Insurance

- g) At all times the proprietor of a licensed vehicle must keep in force in relation to the use of the vehicle, a Policy of Insurance complying with the requirements of Part VI of the Road Traffic Act 1988.
- h) Any change of vehicle on insurance must be notified to the Council on or before the change takes place.
- i) On changing address the Proprietor of a licensed vehicle shall return the licence, for amendment, to the Licensing Team within 14 days of the change, together with the appropriate fee.
- j) The licence shall be returned to the Licensing Team upon expiry, revocation or suspension, within 7 days.
- k) The Proprietor of a licensed vehicle shall maintain a list of names and addresses of all drivers of the vehicle, and maintain a record that provides information as to which driver has use of the vehicle at all times, and produce this information to the Licensing Team on request.
- l) Where the vehicle is licensed as a Private Hire Vehicle or Hackney Carriage with another Authority during the period of this licence, the Licensing Team must be notified and the licence with this Authority may be subject to revocation.
12. a) The Proprietor of a licensed vehicle who has agreed, undertaken, or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless prevented because of some unavoidable reason, cause the vehicle to attend at such appointed time and place.
- b) Only Ashfield Licensed Hackney Carriages may stand on a Taxi Rank or ply for hire within Ashfield District.
- c) Private Hire Vehicles may not ply for hire or stand on a taxi rank for any reason which includes the picking up or dropping off passengers.
- d) All bookings for Private Hire Vehicles must be made in advance.
- e) All Private Hire Vehicles must display door signs that state all bookings must be made in advance, i.e. '**ADVANCE BOOKINGS ONLY**'.

- 13.** The Proprietor shall ensure that any radio equipment fitted to the licensed vehicle is at all times kept in a safe and sound condition and maintained in proper working order.
- 14.** The Proprietor of a licensed vehicle shall ensure that:
 - a) There is no smoking (including the smoking of electronic cigarettes) within the vehicle at all times. This applies to both drivers and passengers; and
 - b) No smoking signs are displayed within the vehicle.
- 15.** The Proprietor of a Hackney Carriage and Private Hire Vehicle shall, within fourteen days of any offence, caution or conviction, disclose to the Council, in writing, details of the offence, caution or conviction and any penalties imposed on him during the term of his licence.
- 16.** The proprietor of a licensed vehicle shall within 7 days of any request made by an Authorised Officer, make available any records or other information that would reasonably assist with an investigation.
- 17.** The proprietor of a licensed vehicle shall not wilfully obstruct an Authorised Officer, or without reasonable excuse fail to comply with any requirement made by such a person, or without reasonable cause, fail to give any such person any other assistance or information such person may reasonably require in the performance of his or her duties.
- 18.** The proprietor of a Hackney Carriage or Private Hire vehicle shall provide the Private Hire Operator to whom he or she supplies the vehicle to undertake journeys with a copy of his or her Vehicle Licence during the period that the vehicle is utilised so.
- 19.** The proprietor of a Hackney Carriage or Private Hire vehicle shall notify the Council in advance, in writing, if he or she is to be away from the address shown of the licence, for a period of more than 28 days.
- 20.** The proprietor of a Hackney Carriage or Private Hire vehicle shall ensure that a copy of these conditions are retained within the vehicle and made available for inspection by the hirer or any passenger, or Authorised Officer upon request.

A licence holder has a right of appeal to a Magistrate's Court against the imposition of the Conditions attached to a licence, by virtue of Section 300 – 302 of the Public Health Act 1936.

ACCIDENTS TO BE REPORTED TO THE LICENSING AUTHORITY

If at any time the vehicle is involved in an accident/incident, however minor (this includes any damage to the vehicle not simply the vehicle being involved in an accident), the driver must inform the Licensing Authority as soon as possible and in any event **within 72 hours** of the incident/accident in writing or by email.

The vehicle must be presented for inspection to the Council as soon as possible after the accident has taken place – an appointment will be arranged upon notification to the Licensing Authority. Failure to present the vehicle could result in the vehicle's licence being suspended and/or revoked.

The Licensing Authority may, at any time, request that a vehicle be tested. The vehicle should not be used for hire or reward until the Licensing Authority has confirmed it is satisfied that the vehicle is fit for use. The licence may be suspended in the interim. If, following an inspection, it is deemed that the vehicle is not, fit for use and/or, roadworthy then the vehicle licence may be suspended.

If the vehicle is significantly damaged/not roadworthy, or is being assessed by an insurance company, then the vehicle proprietor must inform the Licensing Authority as soon as possible and in any event within 72 hours. In these cases the proprietor should provide photographic or other evidence to justify why the vehicle is unable to be presented for examination. Failure to do so may result in the licence being suspended and/or revoked.

The Licensing Manager has the discretion to assess the damage (including damaged / missing advertising livery) to a vehicle following an accident/incident, and decide whether the vehicle is fit to continue in service or not. If the Licensing Manager considers the damage to be such that the vehicle may continue in service until such time as a permanent repair is undertaken, such repairs must be undertaken within 28 days of the Licensing Manager's decision.

If any damage is considered by the Licensing Manager to be sufficient to affect the safety or general appearance of the vehicle, it must be immediately withdrawn from service and the plate removed.

The vehicle must be repaired before the plate is re-affixed and the vehicle returned to service. In the case of any dispute as to fitness for service the vehicle will be taken to the Council's nominated testing station where a qualified mechanic will give a binding decision, which will be final.

The owner will pay the fee for such examination.

FIRST SCHEDULE: BYELAWS RELATING TO HACKNEY CARRIAGE VEHICLES

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875, by the District Council of Ashfield with respect to Hackney Carriages in the District of Ashfield.

INTERPRETATION

1. Throughout these byelaws “the Council” means the District Council of Ashfield, and “the district” means the District of Ashfield.

PROVISIONS REGULATING THE MANNER IN WHICH THE NUMBER OF EACH HACKNEY CARRIAGE CORRESPONDING WITH THE NUMBER OF ITS LICENCE SHALL BE DISPLAYED

2. a. The proprietor of a Hackney Carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.
 - a. A proprietor or driver of a Hackney Carriage shall:
 - i. Not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - ii. Not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figures or material particular is illegible.

PROVISIONS REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED

3. The proprietor of a Hackney Carriage shall:
 - a. Provide sufficient means by which any person in the carriage may communicate with the driver;
 - b. Cause the roof or covering to be kept water-tight;
 - 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 or 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 public service;
 - g. Provide means for securing luggage if the carriage is so constructed as to carry luggage;
 - h. Provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use; and
 - i. Provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a Hackney Carriage shall cause the same to be provided with a taximeter so constructed, attached, and maintained as to comply with the following requirements, that is to say:
 - a. The taximeter shall be fitted with a key, flag, or other device the turning of which will bring the machinery of the taximeter into action and cause the word “HIRED” to appear on the face of the taximeter;

- b. Any such flag, or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- c. When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in pursuance of the byelaw in that behalf;
- d. The word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- e. The taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
- f. The taximeter and all of the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

PROVISIONS REGULATING THE CONDUCT OF THE PROPRIETORS AND DRIVERS OF HACKNEY CARRIAGES PLYING WITHIN THE DISTRICT IN THEIR SEVERAL EMPLOYMENTS, AND DETERMINING WHETHER SUCH DRIVERS SHALL WEAR ANY AND WHAT BADGES

- 5. The driver of a Hackney Carriage provided with a taximeter shall:
 - a. When standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
 - b. As soon as the carriage is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device, 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.
 - c. 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, and also at any other time at the request of the hirer.
- 6. A proprietor or driver of a Hackney Carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided with the fittings thereof, or with the seals affixed thereto.
- 7. A proprietor or driver of a Hackney Carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
- 8. The driver of a Hackney Carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

9. The proprietor or the driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
10. The driver of a Hackney Carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
11. The proprietor or driver of a Hackney Carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
12. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage he shall, when standing or plying for hire, and when hired, wear that badge in such a position and manner as to be plainly visible.
13. The driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:
 - a. Convey a reasonable quantity of luggage;
 - b. Afford reasonable assistance in loading and unloading; and
 - c. Afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

PROVISIONS FIXING THE RATES OR FARES TO BE PAID FOR HACKNEY CARRIAGES WITHIN THE DISTRICT, AND SECURING THE DUE PUBLICATION OF SUCH FARES

14. The proprietor or driver of a Hackney Carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council at **Schedule Two: Hackney Carriage Statement of Fares & Charges**, the rate or fare being calculated by distance unless the hirer express at the commencement of the hiring his desire to engage by time.

Provided always that where a Hackney Carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter save for any extra charges authorised within **Schedule Two: Hackney Carriage Statement of Fares & Charges** which it may not be possible to record on the face of the taximeter.

15. a. The proprietor of a Hackney Carriage shall cause a statement of the fares fixed by the byelaw in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.
 - b. The proprietor or driver of a Hackney Carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

PROVISIONS SECURING THE SAFE CUSTODY AND REDELIVERY OF ANY PROPERTY ACCIDENTLY LEFT IN HACKNEY CARRIAGES, AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF

16. The proprietor or driver of a Hackney Carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
17. The proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found or handed in by him:
 - a. Carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council and leave it in the custody of the Officer in charge of the office on his giving receipt for it;
 - b. Be entitled to receive from any person to whom the property be redelivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever is the greater) but not more than five pounds.

PENALTIES

18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding twenty pounds and in the case of a continuing offence to a further fine not exceeding five pounds for each day during which the offence continues after conviction therefor.

REPEAL OF BYELAWS

19. The byelaws relating to Hackney Carriages which were made by the Hucknall Urban District Council on the fifth day of May 1958 and the twenty-fifth day of January 1971, and which were confirmed by Her Majesty's Principal Secretaries of State on the eighth day of August 1958 and the twenty-ninth day of October 1971, respectively, and the byelaws relating to Hackney Carriages which were made by the Sutton-in-Ashfield Urban District Council on the ninth day of January 1950, and on the thirteenth day of November 1950, and which were confirmed by one of the Principal Secretaries of State of His Late Majesty King George VI on the twenty-second day of March 1950, and the sixteenth day of January 1951, respectively, are hereby repealed.

Note: From time to time Byelaw 14 of the series of byelaws made by the District Council of Ashfield, and confirmed by the Secretary of State has been repealed and replaced, following any variation to Schedule Two: Hackney Carriages Statement of Fares & Charges.

SCHEDULE TWO: STATEMENT OF FARES & CHARGES: HACKNEY CARRIAGES

MAXIMUM FARES SET BY ASHFIELD DISTRICT COUNCIL FOR LICENSED HACKNEY CARRIAGE VEHICLES: OPERATIVE FROM 03.10.2022

The driver must, unless he has reasonable excuse, accept any hiring within the Ashfield District boundary if the destination is also within the Ashfield District boundary. The fare for such a journey, shown below, will be calculated by the taxi meter.

The driver does not have to accept journeys that end outside the Ashfield District boundary; the fare or rate of fare must be by agreement between the hirer and driver before the journey commences. The fare is likely to be higher than within the Ashfield District as drivers cannot accept a return hiring until back within the Ashfield District.

Where no such agreement exists then the scale of charges applicable to journeys within the Ashfield District shown below will apply.

FARES: FOR DISTANCE TRAVELLED & TIME

TARIFF 1	For the first mile (1760 yards) or part thereof	£3.60
06.00 - 23.00: Monday - Sunday	each subsequent 176 yards or uncompleted part thereof	£0.20
MULTI-PASSENGER VEHICLE SURCHARGE	5 or more passengers	25%
WAITING TIME:	For each period of 60 seconds or part thereof	£0.25
TARIFF 2	For the first mile (1760 yards) or part thereof	£4.80
23.00 - 06.00: Monday – Sunday		
18:00 – 24:00: Christmas Eve and New Year’s Eve	each subsequent 146.66 yards or uncompleted part thereof	£0.20
00:00 – 24:00: All Bank Holidays (save for Christmas Day and New Year’s Day)		
MULTI-PASSENGER VEHICLE SURCHARGE	5 or more passengers	25%
WAITING TIME:	For each period of 60 seconds or part thereof	£0.25
TARIFF 3	For the first mile (1760 yards) or part thereof	£6.00
00:00 – 24:00: Christmas Day and New Year’s Day	each subsequent 146.66 yards or uncompleted part thereof	£0.30
MULTI-PASSENGER VEHICLE SURCHARGE	5 or more passengers	25%
WAITING TIME:	For each period of 60 seconds or part thereof	£0.25
SOILING CHARGE:	To cover cleaning and loss of income, where the interior of the vehicle is soiled due to the excessive consumption of alcohol, etc. or, by the carriage of an animal, excluding guide dogs.	£80.00

SCHEDULE THREE: STANDS FOR HACKNEY CARRIAGES IN THE ASHFIELD DISTRICT

Unless otherwise stated, the following taxi ranks are in force 24 hours each day, 7 days each week.

SUTTON-IN-ASHFIELD

Market Street;
Forest Street;
Fox Street; and
Iceland Car Park.

KIRKBY-IN-ASHFIELD

Morley Street;
Ellis Street; and
Co-operative Store Car Park.

HUCKNALL

Ogle Street; and
Market Place (Saturday – Wednesday 00:00 hours – 24:00 hours; Friday 18:00 hours – 24:00 hours)

RANK ETIQUETTE

Hackney Carriage proprietors must take steps to actively encourage drivers on arriving at a rank/stand where the rank is not already fully occupied by other Hackney Carriages must:

- Park the vehicle immediately behind the last vehicle on the stand and face in the same direction; and
- Occupy the space previously occupied when the vehicle(s) immediately in front move on;

When waiting on a rank/stand, drivers must:

- Turn off their engines whilst stationary on the rank in order to reduce any potential pollution.

When arriving at a rank/stand that is fully occupied by other Hackney Carriages the driver must not:

- Park / position the vehicle in an illegal manner behind the existing rank/stand that is full; and
- Should immediately proceed to another rank elsewhere within the District.

AUDIO AND VISUAL RECORDING EQUIPMENT IN LICENSED VEHICLES

Should you wish to fit Audio and Visual Recording Equipment in your licensed vehicle, such a decision will be of your own choice. Ashfield District Council has no mandatory scheme in relation to such equipment.

If you do fit such a system to your vehicle, please notify the Licensing Authority (either in writing or by email to licensing@ashfield.gov.uk) in order that we can update our records. The information provided below is simply to assist you should you consider fitting any system to your vehicle.

Should you wish to fit such equipment, you should ensure that any system fitted to your vehicle complies with the Information Commissioners Office "CCTV Code of Practice", which states that:

CCTV must not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified. You should choose a system without this facility if possible. If your system comes equipped with a sound recording facility then you should turn this off or disable it in some other way. There are limited circumstances in which audio recording may be justified, subject to sufficient safeguards. These could include:

- **Audio based alert systems (such as those triggered by changes in noise patterns such as sudden shouting). Conversations must not be recorded, and operators should not listen in.**
- **Two-way audio feeds from 'help points' covered by CCTV cameras, where these are activated by the person requiring assistance.**
- **Conversations between staff and particular individuals where a reliable record is needed of what was said, such as in the charging area of a police custody suite.**
- **Where recording is triggered due to a specific threat, e.g. a 'panic button' in a taxi cab.**
- **In the limited circumstances where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.**

Transport for London have adopted the ICO's advice in relation to audio recording in its Guidelines for CCTV Systems in Licensed London Taxis and Private Hire Vehicles, and we recommend that should you wish to fit such a system with audio recording enabled, that you follow the Transport for London model which states that:

- **Where recording is triggered due to a specific threat, e.g. a 'panic button' is utilised. Where this audio recording facility is utilised a reset function must be installed which automatically disables audio recording and returns the system to normal default operation after a specified time period has elapsed.**
- **The time period that audio recording may be active should be the minimum possible and should be declared at the time of submission for approval of the equipment.**

NOTIFICATION TO THE INFORMATION COMMISSIONER'S OFFICE

The Information Commissioner's Office (ICO) is the official regulator for all matters relating to the use of personal data.

The ICO defines a "data controller" as the body which has legal responsibility under the Data Protection Act (DPA) 1998 for all matters concerning the use of personal data. For the purpose of the installation and operation of in-vehicle CCTV, **the "data controller" is the specified company, organisation or individual which has decided to have CCTV installed.** The data controller has the final decision on how the images are stored and used and determines in what circumstances the images should be disclosed.

Notification is the process by which a data controller informs the ICO of certain details about their processing of personal information. These details are used to make an entry in the public register of data controllers.

This means that any specified company, organisation or individual vehicle owner who has a CCTV system installed in a TPH licensed vehicle must register with the ICO (Notification) and obtain documented evidence of that registration. This documentary evidence may be required to be presented to an official of the TPH at any time during the term of the TPH vehicle licence. The Notification requires renewal on an annual basis, and payment of the appropriate fee.

USING A THIRD PARTY SERVICE PROVIDER (DATA PROCESSOR)

Where a service provider is used for the remote storage of CCTV data they will act as a 'data processor'. A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions. The data controller retains full responsibility for the actions of the data processor.

SIGNAGE FOR INTERNAL AUDIO AND VISUAL RECORDING EQUIPMENT

All Taxis and Private Hire Vehicles fitted with Audio and Visual Recording Equipment must display signage informing passengers that the vehicle is equipped with such a system. The driver may also wish to verbally bring to the attention of the passengers that such equipment is in operation within the vehicle, if it is felt appropriate.

The signage must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle. In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out. **The name and the contact telephone number of the Data Controller must be included on the sign.**

SIGNAGE FOR EXTERNAL FACING AUDIO AND VISUAL RECORDING SYSTEMS

Where a system is installed in order to record incidents *outside* the vehicle, it will not be practical to display a sign. Instead, when the system is activated in response to an incident, the driver of the vehicle must inform the person(s) recorded that their personal data was captured - as soon as practicable after the incident. They should also be informed the purpose for which the device has been installed, for example to facilitate their insurance company's investigation of insurance claims.

EXEMPTION FROM DISPLAYING PLATES & STICKERS: PRIVATE HIRE VEHICLES

Some customers prefer to be driven in executive vehicles that are low profile and represent their organisation - especially when meeting a client. Many chauffer companies and some Private Hire Operators employ section 75(3) of the Act. Using this section of the law, allows for specific vehicles to be granted dispensation from displaying their Private Hire plate and door stickers.

Criteria: The work undertaken must not be conventional Private Hire work but regarded as specific 'chauffeur-driven' work, and that the vehicle to be used for such work is an "executive and prestigious" type vehicle of a higher standard than that of a 'normal' vehicle used for private hire work. This must be proved through the procedures detailed below.

Renewal of Exemption: Such an exemption **must be reapplied for at the time of each vehicle licence renewal application.** This exemption does not include school contracts or similar work for which a fully signed vehicle must be used.

Revocation of Exemption: Exempt vehicles that undertake standard private hire work without an invoiced contract in place may have their Exempt status withdrawn.

PROCEDURE TO OBTAIN EXEMPTION FROM DISPLAYING PLATES & STICKERS

The procedure below relates to the application for Private Hire Vehicle licence holders seeking to be granted exemption from displaying livery and licence plates; and the procedure for the renewal of the exemption:

1. You will need to submit to the Licensing Team the following:
 - **A letter from the vehicle proprietor detailing the following information:**
 - **The Private Hire Vehicle licence number issued by the Council**
 - **Make, model, colour, registration number, passenger seating capacity of the vehicle**
 - **that the nature of the work to be carried out will be solely by way of "Contracted Account" with the business users**
 - **The name of the Private Hire Operator through whom the bookings are provided**
2. The decision to grant or refuse an exemption for the display of identification plates and any Council required livery will be delegated to the Licensing Manager.
3. If granted, an Exemption Notice will be sent to the proprietor granting the exemption request, detailing the proprietor and vehicle to which the exemption is granted. This letter must be kept in the vehicle at all times, and produced at the request of an Authorised Officer.

CONDITIONS APPLICABLE TO THE GRANT OF AN EXEMPTION NOTICE

- a) The vehicle shall not undertake standard private hire bookings.
- b) All bookings undertaken by the vehicle shall be by means of a written contract between the Private Hire Operator and the business user.
- c) The vehicle shall be of an “executive and prestigious” type of a higher standard than that of a ‘normal’ vehicle used for private hire work.

CONDITIONS ATTACHED TO AN EXEMPTION NOTICE

- 1. A copy of the Exemption Notice is kept in the vehicle at all times
- 2. The standard rear bumper fitted licence plate once issued is to be kept inside the vehicle and must be produced on demand to an Authorised Officer.
- 3. The vehicle is not used on conventional private hire work but is operated only on ‘chauffeur-driven’ work
- 4. There is no change as to who the proprietor of the vehicle is.
- 5. The vehicle is only operated through the Private Hire Operator named at the time of application.
- 6. Exempt vehicles shall not display any Operators details in the vehicle.
- 7. The display of ‘No Smoking’ stickers inside the vehicle is still a condition of any exemption granted.

TRANSPORTING DISABLED PASSENGERS

Customer Care starts from the moment that the customer hires the vehicle. There should be good customer relations between the driver and the customer. Talking to the customer to check what they require will make it quick and easy to give them a better service. Many disabled people have at some time experienced well-intentioned but clumsy assistance that has caused them discomfort and pain.

The way a driver gives the best possible service to each customer will vary for each customer and the type of disability that they have. **Always** ask what help (if any) a customer may need. Make sure you are familiar with any access and safety equipment in your vehicle. **Ask the customer if they are all right before you start the journey.**

If the passenger is in a wheelchair you should always:-

- Pull up as close as possible to the kerb;
- Always use the ramps;
- If necessary, tip up the back seat to give more space to manoeuvre the wheelchair;
- Insist that the passenger travels in the correct position as recommended by the vehicle manufacture. In the case of a London type cab this position will be facing the rear of the vehicle. **The wrong travelling position is unsafe;**
- Always make sure that the brakes of the wheelchair are on;
- Be polite and ask before touching or moving a passenger;
- **Always secure** the wheelchair and ask if the passenger needs help to fasten the seat belt provided;
- If it has been raised, lower the back seat if the passenger would prefer it;
- Avoid sudden braking or acceleration;
- Bring the wheelchair out of the vehicle backwards down the ramp and ask if the passenger would like the brakes on once they have been unloaded;
- Leave the passenger in a safe and convenient place, which enables them to move away independently.

When taking a person in a wheelchair up a kerb you should place your foot on one of the tipping levers (which project from the back of the wheelchair at ankle height) and pull the wheelchair onto its back wheels. Pull the wheelchair onto its back wheels so that its front wheels are level with the kerb and follow with the back.

When taking a person in a wheelchair down a kerb, again place your foot on the tipping lever and pull the wheelchair onto its back wheels. Gently lower the wheelchair down the kerb so that both of the rear wheels touch the ground at the same time, then lower the front wheels.

This method should only be used for kerbs and single steps; where there is a flight of steps; two people are needed for safety.

There are a number of wheelchair designs that are either too large for the ramps and to fit through the doorway or are unable to be manoeuvred when inside the vehicle. There are also some passengers whose size and build, or nature of disability (i.e. those passengers requiring extended leg rests) that precludes them from safely using a licensed vehicle.

However you cannot refuse to take a passenger in a wheelchair if your vehicle can safely take it. It is against the law and the conditions attached to a Hire Driver licence to refuse a wheelchair passenger. It could lead to prosecution and your Hire Driver licence being revoked.

HOW TO ENSURE THE SAFETY OF WHEELCHAIR USERS

Both the restraint system for the wheelchair and the safety belt for the passenger **must be used on every occasion**. Failure to do so may render you liable in the event of an accident and could affect your insurance cover.

- In the interest of the comfort and safety of both the passenger and yourself, the ramps must be used to board a passenger using a wheelchair.
- Passengers using wheelchairs must **never** travel facing sideways or forward. It is not possible to secure the wheelchair or adequately protect the passenger in either position. They should always travel in the recess of the passenger bulkhead, facing towards the rear of the vehicle.
- The wheelchair restraint mechanism must always be attached to the rearmost main upright tubes on opposite sides of the wheelchair frame in a position that does not allow it to fall off or slide down. The restraint must never be attached to wheels, spokes or footplates.
- The brakes on the wheelchair must always be applied during the journey. You should remember that the brakes alone are not sufficient for wheelchair restraint. They do however give a little lateral stability during the journey, which provides reassurance for passengers.
- The wheelchair restraint mechanism isolating switch must always be in the “off” position before the journey begins. If it is left in the “on” position the wheelchair is still unrestrained.
- It is important to remember that the wheelchair restraint mechanism offers no security to the passenger. It is a legal requirement for passengers to wear seatbelts provided. Unless they hold a medical exemption certificate.
- Wheelchairs must always be taken out of the vehicle backwards.

APPENDIX ONE

APPLICATION FORM: HACKNEY CARRIAGE / PRIVATE HIRE VEHICLE LICENCE

*When completing this Application Form – please “Tick” the relevant box applicable to your application, and please manually type in your other entries where a “Tick Box” is not available to choose.
This Application Form must be signed by the person / company to whom this licence application applies.*

VEHICLE TYPE: HACKNEY CARRIAGE PRIVATE HIRE (tick relevant box)

APPLICATION TYPE: NEW LICENCE
(tick relevant box) **RENEWAL OF EXISTING LICENCE**
CHANGE OF EXISTING VEHICLE
TRANSFER OWNERSHIP OF VEHICLE LICENCE
TEMPORARY REPLACEMENT VEHICLE LICENCE

APPLICANT DETAILS (please complete all sections)

NAME: _____
ADDRESS: _____

_____ **POSTCODE:** _____
TELEPHONE: _____ **EMAIL:** _____

VEHICLE DETAILS (please complete all sections)

CURRENT ASHFIELD DISTRICT COUNCIL LICENCE PLATE NUMBER (if applicable): _____
MAKE: _____ **MODEL:** _____
COLOUR: _____ **REGISTRATION NUMBER:** _____
NUMBER OF PERMITTED PASSENGERS: _____ **DATE OF FIRST REGISTRATION:** _____
CO2 EMISSIONS (g/km as stated on V5): _____ **ENGINE CAPACITY (CC):** _____
FUEL TYPE (tick relevant box): **DIESEL** **PETROL** **HYBRID** **ELECTRIC** **OTHER**
WHEELCHAIR ACCESSIBLEVEHICLE (tick relevant box): **YES** **NO**
CCTV / AUDIO VISUAL RECORDING SYSTEM FITTED (tick relevant box): **YES** **NO**

OPERATOR DETAILS (the company with whom the vehicle is / will be provided with bookings)

NAME: _____
ADDRESS: _____

POSTCODE: _____ **TELEPHONE:** _____



General Data Protection Regulation 2016 (GDPR) / Data Protection Act 2018 (DPA) - Privacy Notice.

Under the GDPR and DPA, Ashfield District Council, Urban Road, Kirkby in Ashfield, Nottingham. NG17 8DA is a Data Controller for the information it holds about you. The Council will hold the information above provided by you for assessing your application. The lawful basis under which the Council uses personal data for this purpose is Public Task.

The information provided by you includes the following special categories of personal data:

- **Physical or Mental Health**
- **Genetic / Biometric data**
- **Criminal History (including motoring offences)**

Information in these categories is used by the Council on the basis that such use is necessary for reasons of substantial public interest, and in accordance with the provisions of the Data Protection Act 2018.

Your data will be held for a period of 6 years. Subject to some legal exceptions, you have the right to request a copy of the personal information the Council holds about you; to have any inaccuracies corrected; to have your personal data erased; to place a restriction on our processing of your data; to object to processing; and to request your data to be ported (data portability). The information provided by you may also be used for other functions carried out by the Council in accordance with GDPR and DPA. For more information about how the Council may use your data and to learn more about your rights please see the Council's Privacy Statement: www.ashfield.gov.uk/privacy

If you have any concerns or questions about how your personal data is processed, please contact the Council's Data Protection Officer at the address at the bottom of this form or by email to dpo@ashfield.gov.uk . If you are dissatisfied with the Council's response you can complain to the Information Commissioner's Office in writing to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF or by telephone 0303 123 1113 (local rate) or 01625 545 745.

Declaration

I have read the conditions subject to which this application will be considered and confirm that the vehicle meets the requirements set out therein.

I, the undersigned, hereby declare that the information contained in this application is true and accurate to the best of my knowledge.

I understand that if I knowingly or recklessly make a false statement or omit any material particularly in giving information as part of this application I shall be committing an offence and will be liable for prosecution.

I confirm I have read the General Data Protection Regulation 2016 (GDPR) / Data Protection Act 2018 (DPA) - Privacy Notice above.

Signature of Applicant: _____

Date: _____