

CONDITIONS OF LICENCE (HACKNEY CARRIAGE VEHICLES) INTRODUCTION

The Hackney Carriage Vehicle Licence is granted to you subject to you complying with the following conditions of licence.

Failure to comply with any of these conditions may lead to a prosecution or could lead to your licence being suspended, revoked or not renewed by a Licensing Sub Committee.

The introduction has been amended to include the note from last page and a reminder of the need to still comply with all legislation.

CONDITIONS

1. If you are convicted or cautioned for any offence, or you receive an endorsement for a motoring offence, including a fixed penalty, you must report the details, in writing, to the Licensing Section, Aston Cross Business Village, Crystal Court, 50 Rocky Lane, Aston, Birmingham, B6 5RQ, within 7 days. In the case of a motoring endorsement, please do not wait for your licence to be returned from DVLA, Swansea.

Address for notification removed. Further reporting requirements added which the authority considers could call in to question a driver's fitness, including condition 2 below.

2. If you change your address at any time, please inform the Licensing Office, in writing, within 14 days.

This is now included as part of condition 1.

3. If you let the vehicle to a driver you must ensure that the driver's licence is deposited with you first. The vehicle cannot ply for hire in Birmingham unless it is driven by a Birmingham licensed Hackney Carriage Driver.

This remains as Condition 3, but has been merged with condition 5. Retention of documents requirement has been added as Condition 4.

4. You must ensure that there is a current certificate or policy of insurance in force for the vehicle throughout the duration of the licence, whether it is being driven or not at the time.

This remains unchanged but is now condition 6.

5. If you propose to let the vehicle to a driver, or to allow someone else to drive. The vehicle at any time, before doing so you must obtain from the driver, a copy of the Hackney Carriage Driver's Licence entitling that person to drive the vehicle.

This has been merged with Condition 3.

6. If the driver(s) details change at any time from the details notified at the time of application, in addition to the preceding condition, you must notify the Licensing Section, in writing within 7 days and forward a copy of the revised insurance documentation at the same time.

This remains unchanged but is now Condition 5.

7. You must also retain, at all times during the term of the licence, the following documents for the vehicle: -

Current Mot Certificate
Current Insurance Certificate or Policy of Insurance

You must retain these documents for a period of 12 months following expiry of Insurance cover. These documents must be available for production at any time to an authorised officer.

This remains unchanged but is now Condition 4.

8. You are required to notify the Licensing Section in writing, within 7 days, of any change in Insurance circumstances, and forward a copy of any revised documents at the same time.

This remains unchanged but is now Condition 5.

9. If there are exceptional reasons which prevent you from maintaining or ensuring "continuous" Insurance cover, FOR WHAT EVER REASON, throughout the duration of the licence, you must notify the Licensing Section immediately, and in any event, not later than 72 hours, in writing, following the Insurance cover expiring or lapsing.

This remains unchanged but is now Condition 7.

You are requested, at the same time to return the vehicle identification plates as the vehicle will be liable to suspension until Insurance cover is produced.

This has been included as part of the condition above.

10. Any property accidentally left in a Hackney Carriage Vehicle must be handed in to the nearest West Midlands Police Station as soon as possible, and, in any event, within 3 days of the property being found.

This remains unchanged but is now Condition 9, with an extra condition added at Condition 8 to check the vehicle for any lost property.

11. Please note that should your Hackney Carriage Vehicle Licence expire, you must return the vehicle identification plate to the Licensing Office within 7 days.

This remains unchanged.

12. No front seat passengers are permitted to travel in any Hackney Carriage Vehicle.

This condition has been removed as there is Council Policy regarding the front seat of HCV's – see Policy HVCSpec 3

13. Vehicle Identification Plates

The vehicle identification plate issued to you remains the property of the Council and must not be sold or transferred separately from the Hackney Carriage.

Typing errors removed and is now Condition 10.

14. The Hackney Carriage Vehicle can only be of an approved type, i.e., Metropolitan

FX4, TX1 type, Metrocab, Mercedes Eurocab, Peugeot Euro 7 Taxi, Fiat Eurocab and any other approved Hackney Carriage Vehicle. No other vehicle may be licensed as a Hackney Carriage without the written approval of the Council.

This condition has been removed as there is Council Policy regarding the type of vehicles that can be licensed – see Policy HVCSpec 1 & 2

15. You must ensure that the vehicle licence number and a copy of the approved fare table are displayed in a prominent position within the vehicle so as to be clearly visible to passengers at all times.

This remains unchanged but is now Condition 14.

16. Advertising

- i) No advertisement shall be displayed upon the interior or exterior of a Hackney Carriage which contains, promotes or involves drugs, alcoholic drinks, politics, nudity (partial or otherwise) or sex (including articles or products associated with birth control) without the permission of the City Council.

This remains unchanged but is now Condition 15.

- ii) No advertisement which has been prohibited by the Advertising Standards Agency shall be displayed upon the exterior or interior of any Hackney Carriage.

This remains unchanged but is now Condition 16.

- c) No advertisement shall be displayed in such a manner as to contravene the Road Traffic Acts or Road Vehicle (Construction and Use) Regulations for the time being in force.

This remains unchanged but is now Condition 17.

- iv) Any advertisement displayed upon the exterior of a Hackney Carriage shall be located either upon:-
- a) The whole vehicle (whole livery) except in the case of Mercedes Eurocab, Peugeot Euro 7 Taxi or Fiat Eurocab vehicles;
 - b) Each side of the vehicle;
 - c) The rear windscreen, provided that an advertisement shall only be displayed upon the rear windscreen if the advertisement is printed upon a transparent screen which does not obscure the driver's view and, further, that the vehicle is fitted with side or wing mirrors.

This remains unchanged but is now Condition 18.

- d) On the Hub Caps of the vehicle.

This part of the Condition has been removed

NB, - Only one advertisement is allowed in any one location on the vehicle. For this purpose, both doors on each side of the vehicle constitute one location.

This remains unchanged.

- v) The proprietor shall maintain the advertisement in a clean and tidy condition and shall further remove any advertisement, which is damaged, defaced or out-dated.

This remains unchanged but is now Condition 19.

- vi) No advertisement shall be displayed within the interior of the vehicle unless it is located upon the underside of the tip-up seat within the vehicle or displayed via an electronic media system with prior consultation with the Licensing Committee.

This remains unchanged but is now Condition 20.

- Vii) Any advertisement, which, in the absolute discretion of the City Council, is considered to contravene these conditions shall be removed forthwith.

This remains unchanged but is now Condition 21.

The following condition only relates to licences issued in respect of Mercedes Eurocab, Peugeot Euro 7 Taxi and Fiat Eurocab:

This remains unchanged.

- vii) The licence is granted on condition that the vehicle will not be allowed to carry whole livery advertisements and that the colour of the vehicle must remain black throughout the period of the licence.

This remains unchanged but is now Condition 22.

17. **Taximeters**

The taximeter fitted to the vehicle shall be of an approved type, and shall be subject to an annual test to be carried out by the Council to ensure that it is calibrated to the fare table currently in force at the time.

This remains unchanged but is now Condition 23.

The seal on the taximeter will not be tampered with at any time.

This remains unchanged but is now Condition 24.

- 18. The Licence is granted on condition that all fees are due to the City Council in respect of its grant are payable in full prior to commencement of the licence.

This Condition has been removed as we would not grant a licence without payment.

- 19. The vehicle proprietor shall not be permitted at any time to replace a vehicle or renew the licence with a vehicle older than that shown on the licence to which these conditions are attached.

This Condition has been removed as there is Council policy regarding the replacement of vehicles – see Policy HCVRep 1

20. The interior of the vehicle shall be kept clean and tidy at all times when in use as a Hackney Carriage Vehicle. The exterior of the vehicle to be clean at all such times, having due regard to the weather conditions on the day.

This Condition has been split into Condition 25 for the interior and condition 26 for the exterior of the vehicle

Conditions 27 – 30 have been added requiring interior fittings to be maintained so as to protect anyone from injury; No modifications to vehicles; Only manufacturer fitted tinted windows are allowed; and a copy of the conditions to be kept in the vehicle.

NOTE

If you have any difficulty in understanding the implications of any of the above conditions, please let the Licensing Office know immediately so that arrangements can be made to assist you.

This note has been moved to the introduction at the beginning of the conditions.

ADVISORY

The Equality Act 2010 brings together a number of existing laws into one place so that it is easier to use. It sets out the personal characteristics that are protected by the law and the behaviour that is unlawful.

Under the Act people are not allowed to discriminate, harass or victimise another person because they have any of the protected characteristics including disability. The act gives examples of unacceptable behaviour whilst the Equality Commission web site (www.equalityhumanrights.com) gives examples of best practice.

Smoke Free Legislation

Private Hire Vehicles and 'Taxis' are smoke free vehicles and nobody may smoke within these vehicles. Appropriate 'No Smoking' signage must be displayed in the vehicle. Furthermore, any enclosed premise that is used as a workplace or is used by the public, for example, making bookings, must be smoke-free. Failing to prevent smoking in a smoke free place can lead to prosecution and a maximum fine of £2,500 being imposed on whoever manages or controls the smoke-free premises or vehicle. For further advice and guidance on this matter please go to www.smokefreengland.co.uk

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