

## APPENDIX A

### **PROPOSED – LICENCE CONDITIONS**

- A. Hackney Carriages
- B. Private Hire Vehicles

#### **A. HACKNEY CARRIAGES**

**Please note that further conditions may be added following determination of the draft policy.**

In these conditions, unless the subject or context otherwise requires:-

- ‘The Council’ means the Caerphilly County Borough Council.
  - ‘Authorised Officer’ means an Officer of the Council authorised by the Head of Public Protection of the Council for the purposes of these conditions.
  - ‘Hackney Carriage’ has the same meaning as in the Town Police Clauses Act 1847.
  - ‘The Vehicle’ means the hackney carriage in respect of which the licence is issued.
  - ‘Proprietor’ means any interested party or parties named in the licence who is concerned in the keeping, employing or letting on hire of the hackney carriage.
  - ‘Licence Plate’ means the plate issued by the Council for the purposes of identifying the vehicle as a licensed Hackney Carriage.
  - The Proprietor shall observe and perform the following terms and conditions in respect of hackney carriage licences.
1. The proprietor shall ensure that the fire extinguisher and first aid kit are maintained in good working order at all times and are readily available for use, they shall be permanently marked with the registration mark of the vehicle or the licence number.
  2. Any luggage carried in the vehicle must be stored in such a way as to prevent it from coming into contact with any passenger. (Such as provision of grilles / tonneau covers or other appropriate devices where access to the luggage area is not restricted such as in estate cars)
  3. The vehicle shall be fitted with a roof sign that has been wired to the taxi meter so as to enable it to be illuminated when available for hire and extinguished during the carriage of a fare for which the meter is in operation.
  4. The roof sign (or Top Light) shall be securely mounted on the roof, or just above the windscreen so as to be clearly visible at all times when the vehicle is available for hire. The sign shall have the word “Taksi” facing toward the front of the vehicle and “Taxi” facing towards the rear of the vehicle. The sign must be maintained and in good working order at all times.

5. There shall be adequate internal light to enable passengers to enter and exit the vehicle. Interior lights for the use of passengers shall be maintained in proper working order.
6. The exterior of the vehicle shall be maintained and kept in a good and clean condition which includes the quality of paintwork, physical condition including doors, wings and bumpers. It shall be free from rust, holes, damaged metalwork or any other visible damage.
7. The interior of the vehicle shall be kept in good condition, clean and free from any damage and contamination. The upholstery, door and head linings shall be kept in a clean condition without any tears, holes or other damage. Seats shall be properly cushioned and be undamaged. Floor coverings shall be regularly cleaned so as to prevent any accumulations of dirt or rubbish.
8. There shall be sufficient space for passenger luggage which shall be kept in a clean condition and shall not be used for storage/carriage of the driver's or proprietor's personal property other than that which may be required for the maintenance and cleaning of the vehicle.
9. Wheelchair accessible vehicles only, shall carry and maintain in good condition securing straps, ramps and steps, and any other relevant equipment complying with current British Standards to enable a person in a wheelchair to gain entry to and egress from the vehicle and to be properly secured when travelling.
10. The proprietor shall ensure that the driver complies with any reasonable request by the passenger in respect of reducing the volume or terminating any music or radio transmissions in the vehicle.
11. The proprietor shall not allow a greater number of persons, exclusive of the driver, to be carried in the vehicle, than the number of persons specified in the licence and the licence plate provided;
12. The proprietor of a hackney carriage shall cause the table of fares fixed by the Council to be exhibited inside the carriage, being clearly distinguishable letters and figures, together with a notice displaying the limitations on the fare rates and charges to be made;
13. The proprietor shall not tamper with or permit any person to tamper with the roof sign and the taxi meter with which the carriage is provided with the fitting thereof, or with any seals affixed thereto;
14. The proprietor 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;

15. The proprietor shall, during the period of the licence, keep in force an appropriate policy of insurance for hackney carriage purposes issued in accordance with the requirements of Part VI of the Road Traffic Act 1972;
16. The proprietor shall provide proof that the vehicle is insured during the period of the licence on request of an authorised officer of the Council.
17. The proprietor shall, following the expiry of an insurance certificate/cover note, produce a current insurance policy to the Licensing Section of the Council;
18. The proprietor shall, during the period of the licence, keep in force the vehicle excise duty, unless an exemption is held.
19. The proprietor shall report to the Council within 72 hours, any accident to the vehicle, causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. The Council will require any vehicle, which has been involved in an accident, to be inspected and tested by the Council's Approved Examiner.
20. The proprietor shall permit an authorised Officer of the Council or Police Officer to inspect and test a vehicle or any taxi meter affixed to such vehicle at all reasonable times.
21. Any alteration in the design of the vehicle, whether to the machinery or to the body, shall be reported to the Licensing Section of the Council.

### **Issue and Display Licence Plates**

22. The external licence plate to be fixed and displayed on the rear of the vehicle immediately above or below the bumper or in such a position as agreed by the licensing authority, with the details of the licence plate facing outwards, and in such a place that the licence plate and vehicle registration mark is clearly visible.
23. The licence plates shall remain the property of the Council and shall be returned to the Licensing Section if the licence is suspended, revoked or expires.

### **Towing Trailers**

24. The proprietor shall notify the Council in writing of any intention to use the vehicle for the towing of trailers and shall provide a copy of the vehicle's insurance, covering towing of trailers. The proprietor shall ensure that the driver has the appropriate category listed on their DVLA driving licence for this purpose.

25. The trailer shall at all times comply with all Road Traffic legislation requirements in particular those as laid down in the Road Vehicles (Construction and Use) Regulations 1986.
26. The trailer shall be inspected by the Council's Approved Examiner's and a satisfactory inspection sheet lodged with the council prior to the trailer being used in conjunction with a licensed vehicle.
27. The proprietor shall obtain at their own cost from the Council a duplicate licence plate for display on the rear of the trailer in addition to the licence plate on the rear of the hackney carriage/private hire vehicle.

**CCTV (Please refer to guidance on CCTV contained in the Council's policy)**

The following conditions in respect of CCTV shall apply only if a CCTV system is installed in the vehicle.

28. The installation and operation of in-vehicle CCTV shall comply with the requirements of the Information Commissioner's CCTV Code of Practice.
29. All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear.
30. CCTV equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle.
31. CCTV equipment shall be e-marked or CE-marked and be confirmed by the equipment manufacturer as being suitable for use in motor vehicles.
32. All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. The camera must be attached by means of a permanent method; i.e. screw fixings or a specifically designed permanent adhesive pad supplied by the CCTV system supplier.
33. All equipment must be protected from the elements, secure from tampering and located such as to have the minimum intrusion into any passenger area or impact on the luggage carrying capacity of the vehicle.
34. CCTV equipment shall not obscure the view of the road through the windscreen.
35. CCTV equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, i.e. not mounted on or adjacent to

air bags or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems.

36. Screens for the purposes of viewing captured images in the vehicle are not permitted.
37. Camera Activation Methods - may be via a number and combination of options, such as – door switches, time delay and drivers' panic button. Direct wired links to a taximeter is not permitted.
38. Audio recording is not permitted.
39. Image Security - Images captured must remain secure at all times. Captured images must be protected using approved encryption software which is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen. [Advisory - It is recommended by the Information Commissioner's Office (ICO) that "data controllers" ensure any encryption software used meets or exceeds the current FIPS 140-2 standard or equivalent.]
40. Retention of CCTV images - In-vehicle CCTV equipment must have the capacity of retaining images either:-
  - Within its own hard drive;
  - Using a fully secured and appropriately encrypted detachable mass storage device, for example, a compact flash solid state card;
  - Or where a service provider is providing storage facilities, transferred in real time using fully secured and appropriately encrypted GPRS (GSM telephone) signalling to a secure server within the service provider's monitoring centre

Images must not be downloaded onto any kind of portable media device (e.g. CDs or memory sticks) for the purpose of general storage outside the vehicle.

41. In-vehicle CCTV equipment must include an automatic overwriting function, so that images are only retained within the installed system storage device for a maximum period of 31 days from the date of capture. Where a service provider is used to store images on a secure server, the specified retention period must also only be for a maximum period of 31 days from the date of capture.
42. Signage - All licensed vehicles with in-vehicle CCTV must display clear and prominent signs advertising the use of in-vehicle CCTV. 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.  
Signs should:-
  - Be clearly visible and readable

- Contain details of the organisation/company/individual operating the system, the purpose for using CCTV and who to contact about the scheme
  - Be an appropriate size depending on context
43. Recording devices (often referred to as 'dashboard cams') used to record traffic and motoring incidents and telephones, or any other equipment which doesn't comply with the ICO guidance shall not be used to record the interior of the vehicle whilst carrying fare paying passengers (this includes passengers being carried as part of any contract).

## **Advertising**

44. A wheelchair accessible sign may be displayed on a wheelchair accessible vehicle without authorisation but must not exceed 300mm x 210mm in size.
45. The advertisement of the Hackney Carriage/Private Hire company name and details, which the licence refers to for that vehicle can be displayed without authorisation, providing they follow the basic principles below.
- All advertising shall be uncluttered so as not to cause confusion.
  - Approval will not be given for advertising that may obstruct the windows of the vehicle.
46. Advertising approval is not transferable between vehicles. Where a vehicle is changed new approval must be obtained and all decisions will be based on the criteria laid down in this Policy.
47. A screen displaying scrolling or moving advertisements may be securely fitted within the vehicle, provided that the screen shall not be within the vision of the driver of the vehicle, and the Council has previously approved in writing the content of any material shown. A notice must be fitted within view of the rear seat passengers stating that the screen will be switched off at the request of the passenger.
48. All advertisements must conform with the standards of the Advertising Standards Authority in all matters relating to good taste, both in content and appearance and must not relate to matters concerning the following:
- Alcohol, sale or consumption
  - Tobacco, sale or use of
  - Illegal substances - drugs
  - Any sexual content (which includes nudity and venues offering sales of adult items and adult sexual entertainment)
  - Gambling (which includes, gaming machines, lotteries, gambling premises, etc.)
  - New psychoactive substance – NPS (commonly referred to as legal highs)
  - Nicotine inhaling devices – NIDs (commonly referred to as e-cigarettes)
  - Recruitment of new drivers
  - Vehicle for sale

- Credit services
- Any other material as notified by the Council in writing.

## **B. PRIVATE HIRE VEHICLES**

**Please note that further conditions may be added following determination of the draft policy.**

In these conditions, unless the subject or context otherwise requires:-

- 'The Council' means the Caerphilly County Borough Council.
  - 'Authorised Officer' means an Officer of the Council authorised by the Head of Public Protection of the Council for the purposes of these conditions.
  - 'The Vehicle' means the private hire vehicle in respect of which the licence is issued.
  - 'Proprietor' means any interested party or parties named in the licence who is concerned in the keeping, employment or letting on hire of the private hire vehicle.
  - 'Licence Plate' means the plate issued by the Council for the purposes of identifying the vehicle as a licensed private hire vehicle.
  - The Proprietor shall observe and perform the following terms and conditions in respect of the private hire vehicle licence.
1. The proprietor shall ensure that the fire extinguisher and first aid kit are maintained in good working order at all times and are readily available for use, they shall be permanently marked with the registration mark of the vehicle or the licence number.
  2. Any luggage carried in the vehicle must be stored in such a way as to prevent it from coming into contact with any passenger. (Such as provision of grilles / tonneau covers or other appropriate devices where access to the luggage area is not restricted such as in estate cars)
  3. There shall be adequate internal light to enable passengers to enter and exit the vehicle. Interior lights for the use of passengers shall be maintained in proper working order.
  4. The exterior of the vehicle shall be maintained and kept in a good and clean condition which includes the quality of paintwork, physical condition including doors, wings and bumpers. It shall be free from rust, holes, damaged metalwork or any other visible damage.
  5. The interior of the vehicle shall be kept in good condition, clean and free from any damage and contamination. The upholstery, door and head linings shall be kept in a clean condition without any tears, holes or other damage. Seats shall be properly

cushioned and be undamaged. Floor coverings shall be regularly cleaned so as to prevent any accumulations of dirt or rubbish.

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8. The proprietor shall ensure that the driver complies with any reasonable request by the passenger in respect of reducing the volume or terminating any music or radio transmissions in the vehicle.
9. The proprietor shall not allow a greater number of persons, exclusive of the driver, to be carried in the vehicle, than the number of persons specified in the licence and the licence plate provided;
10. The proprietor shall, during the period of the licence, keep in force an appropriate policy of insurance for private hire vehicle purposes issued in accordance with the requirements of Part VI of the Road Traffic Act 1972;
11. The proprietor shall provide proof that the vehicle is insured during the period of the licence on request of an authorised officer of the Council.
12. The proprietor shall, following the expiry of an insurance certificate/cover note, produce a current insurance policy to the Licensing Section of the Council;
13. The proprietor shall, during the period of the licence, keep in force the vehicle excise duty, unless an exemption is held.
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