



THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**CONDITIONS ATTACHED TO MOTORISED TUK TUK VEHICLES AS
HACKNEY CARRIAGE VEHICLES LICENCE**

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CONDITIONS ATTACHED TO PRIVATE HIRE/HACKNEY CARRIAGE VEHICLE LICENCE

Herefordshire Council licenses both Hackney Carriage and Private Hire Vehicles under the provisions of Part 11 of the Local Government Miscellaneous Provisions Act 1976 and the Town and Police Clauses Act 1847.

These conditions will remain in place until such time the regulatory committee approve any amendments or review the conditions. These conditions apply exclusively to Tuk Tuks.

All applications received which fall outside the Licensing Authority's Conditions or Policy will be referred to Regulatory Committee for determination and will incur additional costs to be paid by the applicant.

(Herefordshire Council will use Government Guidance and Herefordshire Council's Hackney Carriage and Private Hire Licensing Policy to base its decisions)

1.0 DRIVERS OF TUK TUKs

1.1 The licence holder shall ensure that all drivers of Tuk Tuks have both the categories of driving licence as detailed below and as shown on their licence:-

Category	Age	Minimum length of time licence required to be held
A (full large motor cycle)	21	2 years
C (full car)	21	1 year

2.0 TUK TUK ROUTE/APPROVED STOPS

2.1 The driver of a Tuk Tuk shall operate the vehicle only on an approved route, as submitted to the Licensing Section of the Council.

3.0 SEAT BELTS

3.1 Seat belts shall be fitted to all seats in all Licensed Vehicles. They shall be readily accessible for use by all passengers and shall be maintained in good condition and shall be maintained in a useable safe state of repair at all times.

3.2 The driver of a Tuk Tuk shall ensure that passengers are offered the safety/lap belt before commencing a journey. If the passenger is a child they must use the belt provided.

4.0 ALTERATIONS

4.1 No alterations to any equipment, dimensions or other specifications shall be undertaken without the prior consent of any Authorised Officer of the Licensing Authority.

4.2 For the avoidance of doubt alterations includes both additions to and the removal of any existing equipment in, or on, Licensed Vehicles.

5.0 LICENCE PLATES AND BADGES

- 5.1 For all licensed vehicles the licence plate must be securely fixed to the rear of the vehicle.
- 5.2 The licence plate/disc shall remain the property of the Council and shall be returned forthwith to the Herefordshire Council Environmental Health and Trading Standards Licensing Section, if the proprietor no longer holds a licence issued by the Council, which is in force in respect of the vehicle (whether by reason of expiry or revocation). After the expiry date on any hackney carriage or private hire licence, that licence is no longer valid and any badge or vehicle plate must be returned to the Council immediately. All licence plates must be returned before a new plate is issued.
- 5.3 The loss of, damage to or illegibility of a plate or badge shall be reported to the Council as soon as the loss, damage, or illegibility becomes known and a duplicate will be issued at the expense of the Licence Holder. The vehicle shall not be used for hire until the Plate or Badge has been replaced.
- 5.4 The holder of this licence is strictly prohibited from transferring or purporting to transfer any interest in the licensed vehicle (hiring or leasing the vehicle). If at any time during the period of the vehicle licence the proprietor for any reason does not wish to retain the vehicle licence they must immediately surrender and return the vehicle licence and the licence plates to the Council. This condition shall not preclude the transfer of any interest in the licensed vehicle as part of the transfer/sale of the business to a new owner.
- 5.5 All applications received after the date of expiry will be treated as 'grants' and not renewals and the appropriate conditions and fees will apply.

6.0 ADVERTISING

- 6.1 Position and content of advertising must be inspected and written authorisation received from the Licensing Unit before any advertising is placed on the vehicle.
- 6.2 The advertisements will be assessed against the following criteria:
 - Non sexual
 - Non discriminatory
 - Not to cause public offence
 - Not misleading
 - Location does not distract from council vehicle signs
 - Not to obscure vision of the driver

7.0 VEHICLE DAMAGE

- 7.1 The proprietor of the vehicle shall report to the Licensing Section as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence thereof, any accident to the vehicle causing damage affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. Until the damage is repaired to the satisfaction of the

Licensing Authority (or inspected by them and written consent is received to continue to use the vehicle), the vehicle must not be used.

8.0 INSURANCE

- 8.1 Before the licensed vehicle is used, such insurance or securities as are required under Part V1 of the Road Traffic Act 1972 shall be obtained in respect of the vehicle and the certificate in respect of the policy of insurance shall be produced to the Licensing Section for inspection. The policy must show that the vehicles are suitably insured for 'hire and reward' purposes.
- 8.2 On the expiry of the insurance a cover note or Certificate of Insurance renewing the cover must be produced to the Licensing Section prior to or on the day of expiry of the previous certificate. Photocopies of the original can only be made by Licensing Section staff and faxed copies will only be accepted if received from the Insurance Company/Broker direct.
- 8.3 The licence holder shall notify the Council of any change of insurer or any change to the insurance particulars and shall provide full details thereof within two working days of such change.
- 8.4 There must be in place Third Party Public Liability Insurance (minimum one million pounds for any one event).

9.0 NOTIFICATIONS

- 9.1 The proprietor of a licence shall produce details of the drivers permitted to drive by him to the Licensing Authority.
- 9.2 The proprietor shall notify the Council of any change in the list of Drivers within seven days of the change.
- 9.3 The licence holder shall, within seven days, notify the Council in writing of any change of address and produce the vehicle licence to the Licensing Section so that the new address may be endorsed there.

10.0 TUK TUK SAFETY, INSPECTIONS AND LEGISLATION

- 10.1 Should a vehicle fail to pass an inspection, the vehicle inspector or authorised officer of the council will notify the licensee that the licence has been suspended. The vehicle shall be required to be resubmitted within seven calendar days and a re-test fee will be applicable. This seven-day limit shall also apply to any instruction issued for a vehicle to be presented for inspection.
- 10.2 An authorised Officer, or any police constable shall have the power at all reasonable times to inspect and test any Vehicle licensed by the Council for the purpose of ascertaining its fitness.
- 10.3 The licence holder shall ensure that all Tuk Tuks are maintained regularly and kept in a safe condition. A basic check must be carried out before each occasion it is used. The Licence holder shall retain records of all maintenance work carried out on each vehicle.

Approved at Regulatory Committee on 2 November 2010

10.4 The licence holder shall ensure that Tuk Tuks comply with the Pedal Cycle (Construction and Use) Regulations 1983, and the Road Vehicle Lighting Regulations 1989 and any other legislation that affects the construction/lighting of Tuk Tuks.

10.5 The driver of a Tuk Tuk shall comply with national and local legislation and the Highway Code relating to the use of such vehicles.

11.0 GENERAL CONDITIONS

11.1 The proprietor of a licensed vehicle shall not convey or permit to be conveyed in such vehicle any greater number of persons than the number specified in the licence issued to that particular vehicle.

11.2 All vehicle proprietors must maintain a reasonable standard of behaviour in their dealings with the general public, other licensed operators, proprietors, and drivers of licensed vehicles and Authorised Officers of the council.

11.3 The proprietor or driver of a licensed vehicle licensed by the Council shall furnish the Authorised Officers such information relating to either the drivers or vehicles as is necessary to enable them to undertake their duties.

11.4 The proprietor or driver of a licensed vehicle licensed by the Council shall provide assistance necessary for carrying out the functions of the appropriate legislation to an authorised officer and any person accompanying the authorised officer.

11.5 The authorised officer will show their authorisation if required.

12.0 ACCIDENTS

12.1 Without prejudice to the provisions of The Road Traffic Act 1972, the owner of the vehicle shall report to the Licensing Section as soon as reasonably practicable, and in any case within seventy-two hours of the occurrence thereof, any accident to the vehicle causing damage affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. Until the damage is repaired to the satisfaction of an Authorised Officer, the vehicle must not be used for hire unless written consent is received.

12.2 Accidents involving personal injury to passengers must be notified to the Police and Licensing unit as soon as possible but in any case within forty-eight hours.

13.0 TAXI METER

13.1 Standard Hackney Carriage or Private Hire Vehicle conditions shall apply, depending on mode of operation. Full details are available from the taxi licensing team via 01432 260105.

14.0 RADIO

14.1 Any radio equipment fitted to the vehicle shall:

- a) be kept in a safe condition and proper working order
- b) comply with the requirements issued by OFCOM or other Government Department
- c) not interfere with any radio or telecommunication equipment

15.0 ANIMALS

15.1 The vehicle is not suitable to convey animals.

APPENDIX 1

LICENSED TUK TUK TESTING STANDARD – MECHANICAL AND STRUCTURAL

Items for test in addition to the annual safety check.

The item numbers refer to the item codes on the test sheet.

1	Seat Belts	All seat belts must conform to legal requirements and be operational
2	Vehicle Structure	The structure must be in a sound condition with no signs of excessive corrosion or damage.
3	Speedometer	The speedometer shall work in a normal manner.
4	Mirrors	All mirrors must be securely mounted and not cracked, broken or corroded so as to distort any view to the rear. Where a mirror is intended to be adjustable it must be capable of being adjusted.
5	Road Test	The vehicle must be capable of manoeuvring safely and 'handles' correctly without any undue drift or pull etc
6	Other	Any item, defect or fault which in the opinion of the Licensing Officer or the mechanical tester which renders the vehicle in their opinion, to be unfit for use as a hackney carriage or private hire vehicle will be noted as a fail.
7	First Aid Kit	The kit must comply with the standard required by the Hackney Carriage and Private Hire conditions.
8	Fire Extinguisher	A working BCF or dry powder fire extinguisher manufactured to British Standard BS5306, of minimum weight 1 kg and maximum of 2 kg.
9	Spare wheel	A suitable spare wheel must be provided and be readily available for use, together with the tools and equipment required to carry out any emergency replacement or repairs required to the vehicle

APPENDIX 2

TUK TUKS **TESTING STANDARD – APPEARANCE / SAFETY / COMFORT / COMPLIANCE WITH** **LICENCE CONDITIONS**

Items considered in addition to the annual safety check: -

1.0 External Bodywork

The body work shall have no damage which materially affects the safety or appearance of the vehicle, shall not have signs of corrosion or have any sharp edges which may cause injury to passengers. The paintwork shall be clean, consistent and uniform over the whole vehicle. The paintwork shall be of a professional standard. All fitments shall be intact and free from any damage, stains or corrosion of any kind.

2.0 Seats and Upholstery

All seats, upholstery and, trim must be clean and free from stains, holes, tears and damage of any form. There must be no sharp edges, which would be likely to cause injury or damage. Seat coverings must be sound, intact, fitted snugly to seats and be clean. There shall be no loose rugs, blankets, cushions or other articles on the passenger seats.

3.0 Floor

The floor must be sound. If furnished with rubber mats they must be in a clean and undamaged condition. The floor coverings must not be so worn as to cause danger to passengers.

4.0 Hood

The hood shall be intact, clean and free from holes, tears, stains or any other damage.

5.0 First Aid Kits

First Aid kits shall be available to PSV standard. The kit shall be marked with the number of the licence when granted, in a manner acceptable to Officers of the Licensing Unit.

6.0 Internal Plate Sticker

The internal plate sticker shall be displayed in such a position as to be easily seen by the passengers.

7.0 Exterior Plate

The external identification plate issued by the Council shall be securely fixed to the vehicle in such a position as to be clearly visible from the rear of the vehicle, or, centrally on the rear of the vehicle, where a bracket behind the registration number plate is used.

8.0 Cables and fittings

The condition, fixing and routing or positioning of electric cables and fittings, if any, are such that there is no risk of electrical fire or other accident.

9.0 Audible warning

The vehicle must be provided with an audible warning device such as a bell or a horn.

10.0 Door hinges, locks and hand/grab rails

Any door hinges, locks and hand/grab rails fitted to the vehicle are secure and sound, and not liable to injure any passengers or damage or soil their clothing or luggage,

Please note: - This list is not exhaustive and additional items may be included as deemed appropriate by Officers of the Licensing Unit.

Data Protection Act 1998

This policy covers the treatment of personal data that Herefordshire Council may collect when you e-mail us, complete an application form, or when you complete and submit an online form on our web site.

When completing forms you may be asked for personal information such as name, address, postcode etc. It is only when you supply this type of information that you can be personally identified.

Herefordshire Council is registered with the Data Protection Act 1998 for the purpose of processing personal data in the performance of its legitimate business. Any information held by the Council will be processed in compliance with the principles set out in the Act.

Further information relating to the Data Protection Act 1998 can be sent to you on request.

If you have concerns about the processing of your personal data by the Council you may contact the Council's Data Protection Officer:

County Secretary and Solicitor
Herefordshire Council
Brockington
35 Hafod Road
Hereford HR1 1SH