

APPENDIX 2(c)

TUK TUK LICENCE CONDITIONS

Tuk tuk licences are issued subject to the following conditions:

You are advised to study these carefully as you are warned that for non-compliance with any one condition the licence may be suspended or revoked.

1. Definitions

"The Council"	means the DERBY CITY COUNCIL.
"The District"	means the area of the Council.
"Hackney Carriage"	has the same meaning as in the Town Police Clauses Act 1847.
"Vehicle"	means the Tuk tuk in respect of which the licence is issued.
"Authorised Officer"	means any officer of the Council authorised in writing by the Council for the purpose of regulating licensed vehicles.
"Proprietor"	means the person or persons or body named in the licence as the proprietor of the vehicle.
"Taxi-meter"	means any device for calculating the fare to be charged in respect of any journey in a licensed vehicle by reference to the distance travelled or time elapsed since the start of the journey or a combination of both.
"Plate" and "Card"	means the plate and card issued by the Council for the purpose of identifying the vehicle as a licensed Tuk tuk.
"Byelaws"	means the byelaws made by the Council in respect of vehicles.

2. Licence

This Licence shall remain the property of the Council and shall be renewed annually or as otherwise directed by the Council.

3. Maintenance of Vehicle

The proprietor shall ensure:

- a) that the vehicle is maintained in a sound, mechanical and structural condition at all times and that the vehicle complies with the Road Vehicle Lighting Regulations 1989 and any other legislation that affects the construction/lighting of Tuk tuks.
- b) that the body-work of the vehicle is in good condition and the paint work is clean and well maintained
- c) that any roof covering is water tight
- d) that the condition, fixing and routing or positioning of electric cables and fittings are such that there is no risk of electrical fire or other incident
- e) the vehicle is provided with an audible warning device such as a bell or a horn
- f) any door hinges, locks and hand rails and any grab handles fitted to the vehicle are secure and sound, and not liable to injure any passengers or damage or soil their clothing
- g) that a suitable spare wheel is provided, readily available for use, together with the tools and equipment required to carry out any emergency repairs required
- h) that the fittings and furniture of the vehicle are kept clean and well maintained in every way fit and safe for public use
- i) that any internal linings of the vehicle are sound, clean and not liable to damage or soil passengers clothing and the floor is provided with a proper carpet, mat or other suitable floor covering which is sound and clean
- j) that the seats are properly cushioned and covered by a water resistant material and the covers are in a sound and clean condition, which may be easily dried
- k) that seat belts are fitted to all seats. The seat belts shall be readily accessible for use by all passengers and must be maintained in good condition at all times.
- l) that proper and efficient external lighting is fixed to the vehicle and is functioning properly

4. Alteration of Vehicle

No alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the written approval of the Council.

5. Damage to Vehicle

- a) Any damage to vehicle materially affecting the safety, appearance or performance of the vehicle or the comfort or convenience of passengers shall be reported to the Council as soon as reasonably practical and in any event within 72 hours of the occurrence of the damage.
- b) Immediately upon sustaining any damage which materially affects the safety or performance of the vehicle or comfort or convenience of passengers, the vehicle must be withdrawn from service until the damage has been inspected by an authorised officer.

6. Inspection and Testing

The proprietor shall:

- a) *upon request from the Council, present the vehicle for inspection at a suitable vehicle testing station.*
- b) *take all reasonable steps to ensure that the vehicle is presented for testing to the Council's approved testing station on the date and time requested by the Council. Should it fail to be so presented a charge may be levied against the proprietor by the testing station unless 24 hours clear notice of cancellation has been received by that testing station from the proprietor.*

7. Inspection by Authorised Officer etc

- a) *The proprietor of the vehicle shall at reasonable times permit an authorised officer or police constable in uniform to inspect the vehicle for the purpose of ascertaining its fitness.*
- b) Should the authorised officer or police constable not be satisfied as to the fitness of the vehicle the proprietor shall make the vehicle available for further inspection and testing at such reasonable time and place as is specified by notice in writing given by the authorised officer or police constable.
- c) The proprietor shall comply with any notice given by an authorised officer or police constable suspending the vehicle licence until such time as they are satisfied as to its fitness.

8. Safety Equipment

There shall be provided and maintained in the vehicle at all times when it is in use or available for hire:

- a) a working BCF or dry powder fire extinguisher manufactured to British Standard BS5306, of minimum weight 1 kg and maximum weight 2 kg, and*
- b) a suitable first aid kit containing the following items:*
 - (i) six individually wrapped adhesive dressings;*
 - (ii) one medium sized un-medicated dressing approximately 100 mm by 80 mm (e.g. standard dressing No 8 or No 13 BPC);*
 - (iii) one triangular bandage (sterile), and*
 - (iv) six safety pins.*

Such equipment to be carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency provided that if the design of the vehicle is such that a first aid kit cannot be carried in a position where it is easily visible a sign shall be displayed on the vehicle dashboard indicating the position of the kit.

9. Interior Markings

None proposed

10. Display of Plate and Card

- a) *The plate shall be securely affixed to the exterior rear side of the vehicle in such a position that the particulars are clearly visible.*
- b) *The plate shall be kept in such a position that the information carried on it is clearly visible to public view.*
- c) *The plate shall remain the property of the Council at all times and shall be returned to the Council on the sale of the vehicle or in the event of surrender, suspension or revocation of the licence.*
- d) *The card shall be securely affixed so that the particulars are clearly visible to the exterior of the vehicle for inspection by a police constable or an authorised officer.*
- e) *The card shall remain the property of the Council at all times and shall be returned to the Council on the sale of the vehicle or in the event of surrender, suspension or revocation of the licence.*
- f) *The proprietor shall report in writing to the Council the loss of or damage to the plate as soon as the loss or damage becomes known.*

A replacement will be available upon payment of a fee.

11. Other Signs/Notices/Advertisements etc

Standard Hackney Carriage or Private Hire Vehicle condition shall apply, depending on mode of operation.

12. Taxi-meter

Standard Hackney Carriage or Private Hire Vehicle condition shall apply, depending on mode of operation.

13. Radio

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.*

14. Mobile Telephones

A vehicle shall not be fitted with any mobile telephone kit and no calls shall be made by the driver from any portable mobile telephone carried in the Tuk tuk whilst the vehicle is in motion or passengers are being carried.

15. Passengers

- a) No greater number of passengers than that specified in the licence shall be carried in the vehicle;
- b) The safety of passengers shall be ensured at all times when entering or leaving the vehicle.

16. Animals

- a) No animal belonging to the proprietor or driver of the vehicle shall be conveyed in the vehicle;
- b) Any animal belonging to a passenger must be conveyed in the rear seating area of the vehicle and shall when necessary be contained so as not to present a nuisance or hazard to the occupants of the vehicle;
- c) Notwithstanding anything in (b) a visually impaired or otherwise disabled passenger shall be entitled as of right to be accompanied by an assistance dog in the vehicle.

17. Carrying Luggage

Any area for storing luggage must be kept clean and unobstructed, with adequate provision for securing such luggage and protecting it from damage.

18. Documents

The proprietor of the vehicle shall at the request of an authorised officer produce for their inspection:

The current vehicle insurance certificate.

19. Change of Address

The proprietor shall:

- a) notify the Council in writing of any change of their address within 7 days of such change;
- b) notify the Council in writing of any change of the address from which they carry on the business in connection with the vehicle if different from their home address;
- c) within 7 days of a change of either of the addresses referred to in (a) or (b) above return the vehicle licence to the Council for endorsement.

20. Convictions

The proprietor shall within 14 days disclose to the Council in writing details of any convictions imposed on them (or, if the proprietor is a company, on the company or directors of the company or if a partnership, on any of the partners) during the period of the licence.

21. Loss of Licence

The proprietor shall report the loss of the vehicle licence to the Council in writing as soon as the loss becomes known. A duplicate may be issued upon payment of a fee.

22. Return of Licence

The Proprietor shall immediately return the licence to the Council in the event of the surrender, suspension or revocation of the licence.

23. Licence Renewal

The proprietor of the vehicle may apply to the Council in writing with the specified renewal form and associated documentation up to 28 days before the expiry date of the current licence if they require the licence to be renewed for a further period. A licence cannot be renewed after it has expired; a new application will be required in this instance.

24. Payment by Cheque/Credit/Debit Card

A licence in respect of which the fee has been paid either in part or in full by cheque or credit/debit card shall be of no effect in the event of that payment being subsequently dishonoured.

25. Driver's Details

The proprietor shall record the following details of any driver who is engaged in driving their vehicle.

- a) the driver's name, address and telephone number
- b) *the driver's licence number*
- c) *the driver's licence expiry date*
- d) the dates and times that the driver has use of the vehicle.

26 Transfer of Licence

The proprietor shall in the event they transfer their interest in the vehicle:

- a) notify the Council in writing within 14 days of the name and address of the person to whom the interest has been transferred
- b) complete any documentation required by the Council.

27. Insurance

The proprietor shall ensure that at all times there is in force a Certificate of Insurance for the Tuk tuk which covers public/private hire use (depending on use) and on which:

- a) *the proprietor is the policy holder*
- b) *any other persons who ride the Tuk tuk are clearly covered*
- c) *the proprietor shall produce the said insurance document to the Council within 5 days of any request by an authorised officer. If the proprietor fails to comply with such a request the vehicle licence will be suspended.*