

## **Appendix 4 Hackney Carriage & Private Hire proprietors (vehicle) licence policy and conditions**

This document contains the policy, conditions and legislation relating to your Hackney Carriage and Private Hire proprietors (vehicle) licences. The legislation refers to Hackney Carriage proprietors' licences, but as these are often referred to as Hackney Carriage vehicle licences, for the avoidance of doubt the term "Hackney Carriage vehicle" will be used throughout this policy.

The legislation uses both of the terms "vehicle" and "proprietor" in relation to Private Hire vehicle licences, but as these are often referred to as Private Hire vehicle licences, for the avoidance of doubt the term "Private Hire Vehicle" will be used throughout this policy.

As Hackney Carriage and Private Hire vehicle licences can be held by limited companies and partnerships as well as individuals, this policy must be read to give effect to that. Any reference to a "person", "you", "licensee" or "proprietor" is taken to mean the proprietor of the Hackney Carriage or Private Hire vehicle.

The Council has a power to attach conditions to Hackney Carriage vehicle licences, and the Council has standard conditions which attach to these licences and are contained within this document.

### **Section 1: Introduction**

- 1.1 The purpose of licensing Hackney Carriage and Private Hire vehicles is to protect the public, including passengers and others who may otherwise be placed at risk from unlicensed and potentially dangerous vehicles.
- 1.2 It is a privilege to hold a Hackney Carriage or Private Hire vehicle licence and licensees have responsibilities to their drivers, passengers and customers, other road users and the public generally. The Council has been satisfied that when you applied for your licence, your vehicle was safe and suitable for use as a Hackney Carriage or Private Hire vehicle and that you were a fit and proper person to have that licence granted (see Appendix 2 for the Council's previous convictions policy). In assessing that, the Council took into account the type of the vehicle, the condition of the vehicle and your character and behaviour.
- 1.3 As a vehicle proprietor this assessment of your character not only includes times when you are working within the Hackney Carriage trade, but at all other times as well. The requirement to satisfy the Council that

you are a fit and proper person continues throughout the duration of the licence. If at any time the standard of the vehicle or your behaviour falls below the standards expected for new applications, the Council will consider taking action against that licence. This could be suspension, revocation or refusal to renew that licence. In relation to your personal actions, it is no defence to argue that your actions took place when you were not working within the Hackney Carriage trade. You should appreciate that under the previous convictions policy (available at Appendix 2), if the unacceptable or criminal behaviour took place whilst you were working within the Hackney Carriage trade, that will be viewed as an aggravating feature by the Council.

- 1.4 The Council has decided to attach conditions to Hackney Carriage vehicle licences that it considers reasonably necessary under the powers contained in section 47(1) of the 1976 Act. The conditions are in addition to the statutory requirements of the legislation and are summarised in Appendix 4. Section 47(3) of the 1976 Act gives the right of appeal to the magistrates' court to any person aggrieved by any of the conditions attached to their licence within 21 days of receipt of the licence.
- 1.5 You must understand and comply with the legal requirements relating to the Hackney Carriage or Private Hire vehicle licensed in your name, a limited company in which you are a director or secretary, or in joint names when you are one of the named individuals. Failure to comply with the requirements may result in your Hackney Carriage or PH? vehicle licence being suspended or revoked.

## **Section 2: Sanctions against the Hackney Carriage and Private Hire vehicle licence**

- 2.1 Where a proprietor breaches any legislation or condition of the licence, they may be referred to the Regulatory Sub-committee.
- 2.2 The Council also runs its own Penalty Points Scheme as a method of enforcing the requirements for taxi licensees (see Appendix 1).
- 2.3 Whenever, and in what circumstances a proprietor is brought before the Regulatory Sub-committee, the Sub-committee will decide each case on its merits, after hearing the facts.
- 2.4 Licences cannot be surrendered if the licence holder is involved in any investigation by the Council for non-compliance against said licence. This is to ensure public safety, as it will be necessary to conclude the investigation, take appropriate action against the licence, such as revocation or suspension and where relevant share on NR3s.

### **Section 3: Power to take action against a Hackney Carriage or Private Hire vehicle licence**

- 3.1 Under section 60 of the 1976 Act, the Council may suspend, revoke or refuse to renew a Hackney Carriage or Private Hire vehicle licence on the following grounds –
  - (a) that the Hackney Carriage or Private Hire vehicle is unfit for the stated use;
  - (b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or
  - (c) any other reasonable cause.
- 3.2 An authorised officer of the Council or a police constable can immediately suspend a Hackney Carriage or Private Hire vehicle licence under S68 of the 1976 Act on the grounds of:
  - (a) the vehicle is unfit;
  - (b) the taximeter is inaccurate.
- 3.3 Failure to comply with any Hackney Carriage or Private Hire vehicle legislation, or other road traffic legislation is an offence and you may be liable to prosecution. In addition (irrespective of whether you were prosecuted or convicted of the offence(s)), the Council may take action against your licence which could lead to your Hackney Carriage or PH? vehicle licence being suspended revoked or the renewal refused.
- 3.4 Failure to comply with the Council's conditions may result in your Hackney Carriage or Private Hire vehicle licence being suspended, revoked or the renewal refused.
- 3.5 If any information given by you on the application form for this licence proves to be false, or you fail to disclose any relevant information on your application form, the licence may be revoked, and you may also be prosecuted under s57(3) of the 1976 Act.
- 3.6 The vehicle licence remains the property of the Council.
- 3.7 In the event that you lose your vehicle licence, vehicle licence plates or additional signage, or if they are damaged or defaced, you must get a replacement licence or plates on payment of a fee determined by the Council, and you cannot use the Hackney Carriage or Private Hire vehicle until such replacements are obtained and fitted.

- 3.8 It must be understood that a decision to grant a Hackney Carriage or Private Hire vehicle licence is made on the basis of the condition and suitability of the vehicle and the suitability of the proprietor(s) on the particular facts of the case on the day of the decision. That suitability can be lost at any time in the future and you must ensure that the condition of your vehicle and your behaviour remains of the highest standard to protect your vehicle licence and therefore your livelihood.

## **Section 4: Policy**

### **4.1 Applicants**

- 4.1.1 In all cases the applicant(s) must demonstrate that they have ownership of the vehicle, a financial interest in the vehicle or permission to use the vehicle on an extended basis (in the case of a lease or hire). A V5 registration document is not proof of ownership and other documentation will be required. This can include, but is not limited to:
- (a) Receipt for the purchase of the vehicle
  - (b) Lease/hire contract
  - (c) Partnership agreement between 2 or more individuals

### **4.2 Character of the applicant**

- 4.2.1 The licensee of a Hackney Carriage or Private Hire vehicle can exert control over those who drive that vehicle, and as a consequence it is essential that they satisfy the Council that they are a suitable person to hold a Hackney Carriage or Private Hire vehicle licence.
- 4.2.2 All applicants (new and on renewal) will be required to provide a Basic DBS check at their own expense, as part of the application process.
- 4.2.3 Where you hold a dual driver licence you are not required to submit a yearly basic disclosure, but the requirement will continue to apply to any partners or directors of a company who do not hold a driver's licence.
- 4.2.4 The application will then be considered in the light of the Council's previous convictions policy (see Appendix 2).
- 4.2.5 In addition, the Council will take into account the compliance and maintenance history of previous and existing vehicles licensed by the applicant. The Council does not regard licensees whose vehicles fail regular tests as being a fit and proper person to have responsibility for Hackney Carriages and PH vehicles. All vehicles must be maintained to a satisfactory standard at all times and should pass any test required under this policy at any time.

### **4.3 Convictions**

- 4.3.1 If you or anybody else with an interest in the vehicle or who is named on the licence is convicted of any offence, or accept a formal caution for an offence, or receive a fixed penalty notice for any offence or receive and accept an endorsable fixed penalty notice, or are made the subject of a Criminal Behaviour Orders or Community Protection Notice, are required to attend a speed awareness course, are made the subject on any injunction or restraining order, or you are arrested for any matter, you must give the Council details within **72 hours** of the event.

### **4.4 Vehicles**

- 4.4.1 It is the applicant's responsibility to ensure that any vehicle presented for licensing as a Hackney Carriage or Private Hire vehicle meets the Council's criteria which are detailed below.
- 4.4.2 As the Council will not be liable for any loss as a result of a vehicle not being licensed, it is vital that applicants ensure that any vehicle that they are considering purchasing meets these criteria.

### **4.5 Licensed Vehicle Age and Emissions Policy**

- 4.5.1 Vehicles are constantly being improved by manufacturers, and improved standards are imposed by the Government. Newer vehicles are often safer, less environmentally damaging and less likely to break down. Vehicles deteriorate due to a combination of age, use and maintenance.
- 4.5.2 In order to reduce emissions it is important to set standards that are common to all within the Hackney Carriage and Private Hire vehicle fleet, to ensure consistency and a level playing field for proprietors. The age of vehicles and the exhaust emissions are critical to the level of pollutants emitted. Consequently, to improve air quality and reduce emissions from the Hackney Carriage and Private Hire fleet, the following standard will apply:

	<b>Standard from September 2024</b>	<b>Standard from September 2027</b>	<b>Standard from September 2030</b>
<b>Vehicles on new application</b>	ULEZ compliant	ULEZ compliant	Zero emissions
<b>Vehicles on renewal application</b>	Acquired rights apply until September 2027	ULEZ compliant	ULEZ compliant

ULEZ compliance can be checked on the Transport for London website [Ultra Low Emission Zone - Transport for London \(tfl.gov.uk\)](https://tfl.gov.uk)

4.5.3 In the case of wheelchair access vehicles, the age of vehicle will not be a deciding factor. Licences may be issued if all other requirements, vehicle tests and inspections are passed.

#### **4.6 Duration and renewal of the licence**

4.6.1 The licence expires 12 months from the date of issue. Any application for renewal must be made at least 14 days before the licence expires. If you do not apply to renew the vehicle licence in time there may be a period when you will be unable to use the vehicle for licensed activities. If the renewal application is not received before the expiry of the current Hackney Carriage or Private Hire vehicle licence, it will be treated as a new application rather than a renewal and you will have to provide all the information that is required for a new application. In that case any grandfather rights will be lost.

4.6.2 Renewals are generally dealt with by Officers under delegated powers, and can be processed quite quickly. However, if there have been any changes since the last grant of the licence (e.g. if you or any of your joint proprietors (or directors or secretary in the case of a limited company) have been convicted of any offence, or there have been complaints or causes for concern about your behaviour) the renewal application may need to be considered by the Regulatory Sub-committee. If this is the case, then a 2 month temporary licence may be issued, without prejudice to any decision the Sub-committee might make.

4.6.3 The licence is issued to you but it can be transferred to another individual, partnership or limited company. Notification of any transfer must be made in writing and indicate the consent of all interested parties. The Council will then issue a revised licence identifying the new licensee(s).

## **4.7 Vehicle specification**

- 4.7.1 The following conditions for vehicle specification, in sections 4.7 through 4.15 inclusive are attached to your Hackney Carriage and Private Hire vehicle licence and must be complied with at all times. Failure to comply with conditions may lead to penalty points being imposed on your proprietors and/or drivers licence, suspension, revocation or refusal to renew the proprietors (vehicle) licence.
- 4.7.2 The following specifications detail the minimum requirements for all Hackney Carriages and Private Hire vehicles.
- 4.7.3 Be a right-hand drive vehicle.
- 4.7.4 Have at least 4 doors that can be opened from both inside and outside the vehicle. Each door (except the driver's door) must be capable of being opened by passengers.
- 4.7.5 For Hackney Carriages, have a minimum seating capacity for at least 4 adult passengers based on a width of not less than 400 mm per person across the rear seat.
- 4.7.6 For Private Hire vehicles, have a minimum seating capacity for one adult passenger, and vehicles that seat more passengers must provide at least 4 adult passengers based on a width of not less than 410 mm per person across the rear seat.
- 4.7.7 Where any seat is accessed by moving any part of another seat, the following requirements shall apply:
- (a) Drivers/operators should inform passengers, where possible, that some seats have restricted access, and therefore may be unsuitable for people with mobility difficulties.
  - (b) Licence holders must ensure that any seats that can be moved to allow access to other seats are maintained and kept in good working order (this includes any mechanisms used to move seats). Mechanisms used must move freely as intended and not require undue force to move.
  - (c) Retrofitted seats or those not to original specifications, will require confirmation of compliance with UK vehicle safety regulations.
- 4.7.8 The seating configuration and number of passengers that can be carried is subject to assessment by the Council.

- 4.7.9 Must be so constructed as to provide adequate space within its structure for the safe carriage of each passenger's luggage or any equipment. If that is not possible or practical then 4.7.9 below will apply.
- 4.7.10 Roof racks, towbars and trailers will be permitted. Any luggage carried on the roof rack must be protected from the elements by a waterproof cover and properly secured. A properly fitted roof box is an acceptable alternative.
- 4.7.11 Any Hackney Carriage vehicle using a roof rack must be fitted with a second roof sign, with one sign in front of the roof rack, and one behind, allowing the signs to be seen in the same way as a vehicle without a roof rack.
- 4.7.12 Passengers must be able to communicate with the driver.
- 4.7.13 The vehicle must be wind and water-tight.
- 4.7.14 The vehicle must have a floor properly covered with carpet or other suitable covering.
- 4.7.15 The vehicle must have an adequate internal light to enable passengers to enter and leave the vehicle safely.
- 4.7.16 The vehicle's bodywork and paintwork must be in good condition, free from dents or other damage or rust.
- 4.7.17 The vehicle must carry a spare wheel and tyre of the correct size to fit the vehicle, together with equipment to change the wheel including a spare wheel and tyre, jack and wheel brace, all of which must be securely stored. If the manufacturer's specification when the vehicle was new did not include a spare wheel, the manufacturer's alternative (e.g. spray can) will be acceptable.
- 4.7.18 The vehicle must be fitted with tyres which meet the specifications detailed by the manufacturer in terms of size and speed rating. They must have at least 2 mm of tread across the entire contact surface.
- 4.7.19 The vehicle must be fitted with nearside and offside exterior rear view mirrors.
- 4.7.20 The vehicle must have at least one window on each side of the passenger compartment which is capable of being opened and closed.



- 4.7.21 All seats must be permanently fixed to the vehicle and must be factory fitted with a 3-point seat belt or, where that was not a manufacturer's option when the vehicle was manufactured, a factory fitted lap belt. Any retrospectively fitted seat belts must be approved by the Council.
- 4.7.22 The vehicle must be fitted with glass which complies with current Road Vehicles (Construction and Use) Regulations. These Regulations require that the front windscreen allows 75% of light to be transmitted and the front door windows allow 70% of light to be transmitted. In addition the remaining glass within the vehicle must have a minimum light transmittance of not less than 70%. The rear of the vehicle must be fitted with at least one window (or one window per rear door fitted), the light transmission capacity of which must be a minimum of 70%.
- 4.7.23 No self-adhesive material (tinted or clear) can be affixed to any part of the glass without the approval of the Council.
- 4.7.24 The vehicle must not be fitted with any additional exterior lights other than those originally fitted by the manufacturer unless they have been approved by the Council.
- 4.7.25 The minimum unobstructed distance between the uncompressed seat cushion and the roof must be 0.9 metres (measured 0.25 metres from and parallel with the seat back) in relation to the front passenger and driver seats, and 0.84 metres in relation to any other passenger seats.
- 4.7.26 The minimum unobstructed distance between the seat back and the foot well bulkhead/facing seat back must be 0.95 metres in relation to the front passenger and driver seats, and 0.6 metres in relation to any other passenger seats.
- 4.7.27 The minimum unobstructed interior width of the vehicle must be 1.3 metres (excluding any armrests).
- 4.7.28 Any vehicle that has been converted to run on liquid petroleum gas (LPG) must be accompanied by a certificate stating that the conversion was undertaken in accordance with the LPG gas Association's code of practice, and if the conversion was undertaken more than one month before the application for the licence, an annual installation check which is not more than one month old.

## **4.8 Documents**

- 4.8.1 A new vehicle licence will only be issued where the vehicle has evidence of:

- (a) A valid vehicle insurance certificate specifically stating that the vehicle is to be used for public hire/hackney carriage use.
- (b) A certificate issued by a garage approved by the Council showing the vehicle has passed the relevant test which is less than 4 weeks old.
- (c) A V5 vehicle registration document. In case of a new vehicle the sales invoice which must show engine and chassis numbers, shall be produced at the time of application and the registration document when it is received from DVLA. The registration document must in all cases be produced within 6 weeks of the licence being issued.
- (d) For vehicles over 3 years old, a valid MOT certificate, which is checked online.

4.8.2 Before or on the date of expiry of any certificate, the certificate about to expire must be produced together with the relevant renewal certificate to the Council.

4.8.3 All documentation must be originals.

4.8.4 The Council provides an online platform for vehicle proprietors to upload details of their vehicles and associated documents. Instructions on how to access the system are provided to Licensees on grant of licence. The following documentation can be submitted through the Davis platform:

- (a) MOT certificate
- (b) Insurance certificate
- (c) Confirmation of vehicle tax

#### **4.9 Engine/Chassis Numbers**

4.9.1 The Chassis/Vehicle Identification Number Plates and engine numbers must match the numbers recorded with the DVLA as detailed on the V5 Document. Vehicle applications cannot be accepted without a copy of the vehicle registration document, or in the case of new vehicle purchase, the sales documentation indicating the engine and chassis numbers. In the event of a vehicle being presented with numbers that do not correspond to the paperwork the Council will inform the Police Vehicle Identification Section who may undertake checks to ensure the vehicle is not stolen. If the engine is changed at any time whilst the vehicle is a licensed Hackney Carriage or PH vehicle, the Council must be notified within **72 hours** of that change and the updated V5 must be produced as soon as it is received from DVLA.

## **4.10 Maintenance and servicing**

4.10.1 Vehicles must be maintained correctly and serviced in accordance with the manufacturer's recommendations.

## **4.11 Additional requirements for minibus and MPV type vehicles**

4.11.1 In order to be licensed as a Hackney Carriage or Private Hire vehicle, any Minibus/MPV-type vehicles must be fitted, in addition to the front driver and passenger doors, with at least: one other side loading door plus a rear door/doors or tailgate that can be opened from inside the vehicle OR 2 side loading doors that can be opened from the inside.

## **4.12 Stretched Limousines**

4.12.1 The term "stretched limousine" in this policy will be taken to mean any vehicle that has been modified after manufacture with an additional body section, extending the vehicle length.

4.12.2 Any vehicle, before it can be considered to be licensed as a stretched limousine, must have European Community Whole Vehicle Type Approval (ECWVTA), or Individual Vehicle Type Approval, including an inspection certificate issued by the Driver and Vehicle Standards Agency (DVSA) as a minimum standard<sup>1</sup>.

4.12.3 Applications for a Licence for stretched limousines will be considered on a case by case basis, as it is recognised that Council approved garages may not be equipped to conduct tests on these vehicles. Specialist garages may be utilised to provide evidence of suitability at the cost of the applicant.

4.12.4 Stretched limousines will only be licensed to carry a maximum of 8 passengers.

4.12.5 All passenger seats must be equipped with a 3 point seat belt.

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## 4.13 Wheelchair Accessible Vehicles (WAV)

4.13.1 For Hackney Carriage vehicles capable of carrying a wheelchair bound passenger, the vehicle must be purpose built and meet the specification at 4.13.3.

4.13.2 For Private Hire wheelchair accessible vehicles, the vehicle must be capable of carrying a wheelchair bound passenger which meets the specification at 4.13.3. It cannot look like a Hackney Carriage.

4.13.3 Any vehicle, before it can be considered to be licensed as a Wheelchair Accessible Vehicle, must have, European Community Whole Vehicle Type Approval (ECWVTA), or Individual Vehicle Type Approval, including an inspection certificate issued by the Driver and Vehicle Standards Agency (DVSA) as **a minimum standard**.

- (a) The interior of the vehicle must be able to accommodate a wheelchair and its user riding seated within the wheelchair itself.
- (b) The passenger compartment must have a minimum unobstructed available width of 0.74 metres (including at the point of entry).
- (c) The passenger compartment must have a minimum unobstructed available length of 1.2 metres for a wheelchair and user.
- (d) The passenger compartment must have a minimum unobstructed available height for a wheelchair and user of 1.3 metres at the point of entry and 1.4 metres when in the travelling position.
- (e) The passenger compartment must be fitted with suitable wheelchair anchorages, either chassis or floor linked.
- (f) The passenger compartment must be fitted with a suitable 3-point belt or harness, either chassis or floor linked, for a wheelchair and its user. The belt/harness must be independent of the wheelchair anchorages.
- (g) The vehicle must have suitable ramps for a wheelchair user. The vehicle must have a secure and safe place for the ramps to be stored when they are not being used. Alternatively, the vehicle may be fitted with a tail lift or some other mechanical means of access, approved by the Council.
- (h) Where the vehicle is a rear loading wheelchair accessible vehicle a suitable ramp will be carried in the vehicle to be used at the commencement and end of a journey to ensure that the passenger is delivered safely onto the pavement.
- (i) At least one door entrance must be designed and constructed to help elderly and disabled passengers get in and out of the vehicle.

The door entrance and any steps must be conspicuously marked where appropriate, to help visually impaired passengers.

- (j) All passenger door entrances must have grab handles or rails suitably located to help elderly and disabled passengers. All handles/rails must be conspicuously marked to help visually impaired passengers.

#### **4.14 Navigational devices**

- 4.14.1 Any electronic navigational device which is being used must be securely located within the vehicle and must not be operated by the driver while the vehicle is moving. No handheld devices can be used unless they are securely located in a suitable cradle or other mounting device.

#### **4.15 Radios and other equipment**

- 4.15.1 Any radio, booking systems/data heads and/or GPS equipment provided must be maintained in a safe condition and any defects must be repaired promptly. The licensed operator/booking agent must ensure that the licence issued by Ofcom for all radio equipment used is current and valid. All equipment must only be used on the frequencies stipulated in the Ofcom licence and the licensed operator/booking agent must allow the Council access to inspect all equipment and Ofcom licenses.

- 4.15.2 Any radio, booking systems/data heads and/or GPS equipment provided must not interfere with any other radio or telecommunication equipment.

- 4.15.3 Where apparatus for the operation of a two-way radio, booking system/data heads and/or GPS systems are fitted, no part of the apparatus can be situated in a way which could cause accident or injury to a passenger, nor can it be placed in the rear boot compartment if LPG tanks are situated in there.

#### **4.16 Vehicle tests**

- 4.16.1 A licence will be granted or renewed only if the vehicle is considered by the Council to be roadworthy, fit for purpose and meets the criteria specified.

- 4.16.2 With the exception of brand new vehicles (factory mileage), vehicles will be tested before the licence is initially granted, then at every renewal

for vehicles up to 3 years old, then every 6 months for vehicles older than 3 years.

4.16.3 Vehicle tests, other than MOTs, should be carried out at a Council approved garage, a list of which can be found on our website.

4.16.4 Vehicle tests will be conducted against the criteria set out in this policy, and in accordance with the Driver and Vehicle Standards Agency MOT requirements for cars and passenger vehicles.

4.16.5 Tests for existing licensed vehicles can be conducted and submitted a maximum of 28 days in advance of the vehicle test being due, preserving the original due date. It should be noted that if a vehicle test is completed more than 28 days before the due date, then the next test will be due 6 months (or if applicable, 12 months) following the date the test was completed. This is a similar system to MOT renewals.

#### **4.17 “Dual Plating”**

4.17.1 Once a vehicle has been licensed as a Hackney Carriage by the Council, it cannot be licensed as a Hackney Carriage (or Private Hire vehicle) by any other local authority or Transport for London during the duration of the Mid Devon licence.

4.17.2 The Council will not licence a vehicle that is licensed as a Hackney Carriage or Private Hire vehicle by another local authority or Transport for London.

#### **4.18 Insurance “write-offs”**

4.18.1 The Council will not licence any vehicle as a Hackney Carriage or Private Hire vehicle that has been written off by an insurance company.

#### **4.19 Vehicle Use**

4.19.1 You must maintain insurance for your licensed vehicle in accordance with Section 143 of the Road Traffic Act 1988.

4.19.2 If your vehicle has an accident which results in damage which may affect its safety, performance, appearance or the comfort or convenience of your passengers, you must report this to the Council within **72 hours**. (section 50)(3) of the 1976 Act).

- 4.19.3 You must not obstruct any Council Authorised Officer or Police Officer. You must provide any assistance or information they may reasonably require. (section 73) of the 1976 Act).
- 4.19.4 Any person driving a Hackney Carriage or Private Hire vehicle at any time, for any purpose and anywhere in the UK, must be licensed to drive the vehicle under section 46 of the 1847 Act, and section 51 of the 1976 Act respectively, even if the vehicle is not being used for Hackney Carriage or pre-booked purposes.
- 4.19.5 Any person driving a Hackney Carriage without the required licence will be committing an offence under section 47 of the 1847 Act, and section 51 of the 1976 Act respectively. The only exceptions to this are when the vehicle is being tested by the Council or a mechanic in connection with vehicle maintenance, and driving the vehicle to and from any such test.
- 4.19.6 If any Hackney Carriage or Private Hire vehicle proprietor permits a person who does not hold a Hackney Carriage or Private Hire driver's licence to drive the vehicle at any time (other than in accordance with the exceptions detailed above) the proprietor commits an offence and the Council will consider this a serious matter and action may be taken against the Hackney Carriage or Private Hire vehicle licence (whether or not a criminal prosecution or conviction ensued).
- 4.19.7 Once a vehicle has been licensed as a Hackney Carriage or Private Hire vehicle by the Council, it retains that status at all times for the duration of the licence (24 hours a day, 7 days a week). In addition to the requirement that it is only driven by a Hackney Carriage or Private Hire driver licensed by the Council (see above) the proprietor must ensure that at all times and wherever it may be located it complies with all requirements contained within the legislation and conditions. This includes the cleanliness of the vehicle, display of licence plates and additional signage.
- 4.19.8 If the vehicle licence is suspended, revoked or not renewed, the proprietor must return the licence plates to the Council. This must be done as soon as reasonably practicable after the end of the appeal period (21 days from the written notification of the decision, or after any such appeal is determined or abandoned). If the suspension is immediate (under section 68 of the 1976 Act) this requirement must be complied with immediately.
- 4.19.9 If you refuse to surrender the vehicle plates and additional signage, tamperproof "Vehicle Licence Suspended" stickers will be affixed to the vehicle plates. These will destroy the plates, and replacements.

Replacements must be purchased from the Council, at the proprietor's own expense, if and when the suspension is lifted.

#### **4.20 Warning notice**

4.20.1 If there is anything in the design, construction, form or working appearance of a vehicle which, in the opinion of the Council or its authorised officers or testers renders the vehicle unfit for Hackney Carriage or Private Hire use (which includes pre-booked work), then the Council will not licence that vehicle.

4.20.2 The Council is not liable for any expense incurred in preparing or testing a vehicle, which cannot be licensed for whatever reason.

4.20.3 Any unauthorised modifications made since a previous licence was issued may lead to the suspension, revocation or refusal to renew a licence.

#### **4.21 Vehicle substitution**

4.21.1 If you wish to change the vehicle that is licensed the following procedures must be followed:

- (a) You must complete an application form for the "replacement" vehicle.
- (b) You must surrender the original licence. Any refund against a licence will be calculated by the Council, taking into account the period of time for which the licence has been held and the administration costs incurred, and will be subject to a minimum level of £50, below which no refund will be made.
- (c) You must pay the stated fee for a 12-month period, minus any refund due for your surrendered licence.
- (d) Your replacement vehicle must be presented for test and subsequently pass.
- (e) Written proof of consent to the change of vehicle must be provided from all interested parties were relevant.
- (f) You must maintain and produce evidence of a continuous policy of insurance, which clearly states that the vehicle is to be used for public hire/as a Hackney Carriage. All such policies must be in the name of the licensee of the vehicle.



## **4.22 Letting/leasing of vehicles**

- 4.22.1 You must not lease or let or hire a licensed Hackney Carriage or Private Hire vehicle to any other person, other than a fare paying passenger, without first notifying the Council in writing. If you do enter into a leasing arrangement you will remain the licensee and will still be responsible for the vehicle.
- 4.22.2 You must notify the Council in writing of anyone no longer having an interest in the vehicle within **72 hours** of the event.

## **4.23 The taximeter and table of fares (Hackney Carriage vehicles only)**

- 4.23.1 The vehicle must be fitted with a taximeter. It must be mounted in such a way as to avoid injury to the driver or passengers in the case of any collision and where it is visible to passengers. This must be in a safe and practical position in the vehicle where all letters and figures displayed on the meter are clearly visible to any passenger. The letters and figures must therefore be illuminated when in use.
- 4.23.2 The Council may approve the location and fixing of, and test the meter before the vehicle can be used as a Hackney Carriage.
- 4.23.3 The meter must be set to ensure that the charge will never exceed the amount specified in the Council's Hackney Carriage Table of Fares.
- 4.23.4 The meter must be accurate, be capable of showing that the vehicle is or is not hired, it must be fitted with a key or other device that, when turned, will operate the meter and display the word "HIRED". This key or device must be capable of locking the meter so it does not work and no fare is recorded on it.
- 4.23.5 When the meter is in use, the fare must be clearly legible on the face of the meter. This fare must be unambiguous and must not exceed the fare permitted by the Council's Hackney Carriage Table of Fares.
- 4.23.6 The word "FARE" must be clearly printed on the meter so it clearly indicates the fare displayed.
- 4.23.7 A notice showing the current Table of Fares must be displayed inside the vehicle in a position where any passengers can easily read it.
- 4.23.8 There is no requirement for a Private Hire vehicle to be fitted with a taximeter. As there is equally no prohibition on meters being fitted to

Private Hire vehicles, any meter that is fitted may be approved and tested by the Council.

#### **4.24 Plates**

4.24.1 The licence plates and other additional signage required by the Council must be displayed on the vehicle at all times.

4.24.2 If you lose or damage the plates, replacements must be purchased from the Council.

#### **4.25 Signs and advertisements on Hackney Carriages**

4.25.1 No sign or advertisement is permitted on the vehicle unless required by law, or has been agreed by the Council in writing.

4.25.2 For Hackney Carriage vehicles only, the vehicle must be fitted with a sign with the word "TAXI" (minimum size 35 cm wide and 10 cm high) on its roof. This can be combined with a "For Hire" sign, but that can be a separate sign, in a conspicuous position on the vehicle. The sign(s) must be illuminated when the vehicle is available for hire and switch off automatically when the meter is operating.

4.25.3 You may display the name and telephone number of the company operating your vehicle in its front and rear windows. However, the display must be no more than 10 cm high, must not contravene the current Road Traffic (Construction and Use) Regulations, and must not be illuminated.

#### **4.26 Signs and advertisements on Private Hire vehicles**

4.26.1 No sign or advertisement is permitted on the vehicle, and no flag or other emblem can be flown from the vehicle, except as detailed below, unless required by law, or has been agreed by the Council in writing.

4.26.2 The vehicle must not be fitted with any sign on the roof of the vehicle.

4.26.3 You may display the name and telephone number of the company operating your vehicle in its front and rear windows. However, the display must be no more than 10 cm high, must not contravene the Road Traffic (Construction and Use) Regulations, and must not be illuminated.

## Section 5: Conditions

- 5.0.1 The following conditions are attached to your Hackney Carriage and Private Hire vehicle licence and must be complied with at all times. Failure to comply with conditions may lead to penalty points being imposed on your proprietors and/or drivers licence, suspension, revocation or refusal to renew the proprietors (vehicle) licence.
- 5.0.2 You must return your licence (and the plates if requested by the Council) to the Council as soon as reasonably practicable if;
- (a) You change your home or business address
  - (b) If the licence expires, or is suspended or revoked
  - (c) You wish to surrender your Hackney Carriage licence
  - (d) When required to do so by an Authorised Officer of the Council.
- 5.0.3 If you are convicted of any offence, or accept a formal caution for an offence, or receive a fixed penalty notice for any offence or receive and accept an endorsable fixed penalty notice, or are made the subject of a Criminal Behaviour Orders or Community Protection Notice, are required to attend a speed awareness course, are made the subject on any injunction or restraining order, or you are arrested for any matter, you must give the Council details within **72 hours** of the event.
- 5.0.4 If your vehicle has an accident which results in damage which may affect its safety, performance or appearance or the comfort or convenience of your passengers, you must report this to the Council within **72 hours** (including weekends and bank holidays). If you are in doubt as to whether the vehicle is affected you must notify the Council.
- 5.0.4 **Your vehicle must comply with the specification detailed within section 4.7 through 4.15 inclusive of this policy.** These standards must be maintained during the currency of a licence for a Hackney Carriage and Private Hire vehicle.

### 5.1 Conditions relating to Drivers

- 5.1.1 Before you allow anyone to drive your Hackney Carriage or Private Hire vehicle you must ask that person for their Hackney Carriage or Private Hire driver licence and keep it in your possession whilst that person is permitted to drive your vehicle. You must ensure that they understand and will observe the law that regulate their conduct and the conditions attached to the vehicle licence.

- 5.1.2 No person may drive a Hackney Carriage or Private Hire vehicle unless they hold a driver licence issued by the Council. Anyone found driving a Hackney Carriage or Private Hire vehicle without a driver licence, may be prosecuted.
- 5.1.3 You must ensure that a valid policy of comprehensive insurance for Hackney Carriage work/public hire is in place for the vehicle and covers anyone who drives your Hackney Carriage or Private Hire vehicle.
- 5.1.4 You must not obstruct any Authorised Officer or Police Officer. You must provide any assistance or information they may reasonably require.

## **5.2 Production of Documents**

- 5.2.1 You must not obstruct any Authorised Officer of the Council or Police Officer. You must provide any assistance or information they may reasonably require.
- 5.2.2 If an Authorised Officer of the Council (or a Police Officer asks you, you must produce:
  - (a) Your licence;
  - (b) The taxi driver licence of any person authorised to drive your Private Hire vehicle;
  - (c) The vehicle registration document;
  - (d) A valid certificate of insurance;

within 5 days of the request being made.

## **5.3 Licence Plates**

- 5.3.1 The licence plates remain the property of the Council and must be returned to the Council whenever the vehicle is not licensed as a Hackney Carriage or Private Hire vehicle.
- 5.3.2 You must secure and display the exterior licence plate permanently to the outmost rear part of the vehicle. The method of fixing must prevent the plates being removed without the need for tools. Both plates must at all times must be displayed so they can be clearly read by pedestrians and road users.
- 5.3.3 For Private Hire Vehicles an internal plate must be securely fixed inside the vehicle in the top left hand corner of the front windscreen.
- 5.3.4 You must report the theft or loss of the licence plates or additional signage to the Police immediately and as soon as possible, and in any

event within **24 hours** of becoming aware of the theft or loss, to the Council by email. You must also obtain a crime or lost property number from the Police and present this to the Council. You must then obtain duplicate licence plates and/or additional signage for which a charge will be made.

5.3.5 You must not wilfully or negligently cause or suffer any plates or additional signage on your vehicle to be concealed from public view at any time.

5.3.6 You must return the licence plates to the Council if the Hackney Carriage or Private Hire vehicle licence is suspended, revoked or not renewed.

#### **5.4 Vehicle inspection**

5.4.1 You must allow an Authorised Officer of the Council, or Police Officer, to inspect your vehicle at any reasonable time.

5.4.2 You must ensure the vehicle is presented for inspection in accordance with instructions from the Council.

#### **5.5 No Smoking**

5.5.1 The vehicle must have “no smoking” signs displayed inside the vehicle clearly visible to passengers.