



**DRAFT v.3**

**HACKNEY CARRIAGE  
and  
PRIVATE HIRE LICENSING**

**Statement of Policy, Including Guidance Notes and  
Conditions for Hackney Carriage and Private Hire  
Owners, Operators, and Drivers  
March 2009**

**HART DISTRICT COUNCIL**  
**POLICY STATEMENT**  
**MARCH 2009**  
**HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING**

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## **1. The Purpose of this Document**

- 1.1 To set out how Hart District Council intends to carry out the licensing and control of the Hackney Carriage and Private Hire trade within its district.

## **2. Legitimate Aims**

- 2.1 The aim of the Council is to ensure the safety of the public. The public should be able to use the local services and have confidence that they will reach the end of their journey safely. Safety is paramount to all our decisions.
- 2.2 Other legitimate aims are:
- a) The prevention of public nuisance; and
  - b) The prevention of crime and disorder.

## **3. Achieving the Legitimate Aims**

- 3.1 The following legislation allows Hart District Council to fulfil its Legitimate Aims in this respect:
- a) Section 37 of the Town Police Clauses Act 1847
  - b) Section 45 of the Local Government (Miscellaneous Provisions) Act 1976
- 3.2 In addition, bylaws which apply to the district of Hart have been made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875

## **4. Licensing**

- 4.1 Operators, Drivers and Vehicles suitability will be checked before being licensed and if necessary conditions may be added to achieve the Legitimate Aims.

## **5. Enforcement**

- 5.1 The Council shall ensure that there is enough staff time to check up on compliance with Licence Conditions so that the Legitimate Aims of the Council (see paragraph 3) are achieved.
- 5.2 Enforcement will be carried out in accordance with the Council's Enforcement Policy, which in turn adopts the principles of the Cabinet Office's Enforcement Concordat of 1998, to which Hart is a signatory.
- 5.3 The Council shall carry out enforcement duties openly and impartially. The Council recognise that the need for enforcement action to be taken against those who deliberately flout or ignore statutory requirements has to be balanced against a lighter touch for those that do comply with the burdens imposed upon them.
- 5.4 All Licence holders will:
- a) receive clear explanations of what they need to do;
  - b) be given opportunities to resolve differences before enforcement action is taken;
  - c) be told how to appeal against any decisions; and
  - d) be told the reasons for particular decisions.
- 5.5 The following people will do the job:
- a) Officers employed to deal with the licensing process and enforcement; and
  - b) A Licensing Panel of three elected Members who will hear appeals against officers' decisions and decide on the outcome.

### The Involvement of other Parties in the process

- 5.6 We will consult with interested parties where appropriate on any issue encompassed by this policy. Interested Parties include the "taxi trade", the Police, Highways Department and others as thought appropriate.

5.7 This consultation will be an ongoing process and will help form our future decisions.

## **6. Detailed Considerations**

### Purpose built vehicles

6.1 At present in Hart purpose-built vehicles i.e. London style taxis, are **not** compulsory.

6.2 Where purpose-built vehicles are licensed, a different vehicle age policy will be considered because of their construction and design. This is detailed at paragraph 6.3.

### Vehicle Age policies

6.3 Any new application or replacement vehicle for a hackney carriage or private hire vehicle will **ONLY** be considered if the vehicle is less than three years old from the date of first registration for non purpose built vehicles, or less than four years from the date of first registration for a purpose built vehicle. The vehicle must also have a full service history. The vehicle may only continue to be licensed until it is seven years from its date of first registration for non purpose built vehicles and ten years from the date of registration for a purpose built vehicle.

6.4 The age of imported vehicles will be judged from the date of manufacture.

6.5 The exception to the above being Private Hire vehicles in exceptional condition used exclusively for executive type chauffer work. 'Exceptional condition' is defined as a vehicle which is without damage or wear to the interior and the exterior. The age limit for new application or replacement vehicle will be less than five years old from the date of manufacture. The vehicle may continue to be licensed until eight years from its date of manufacture.

### Fees and charges

6.6 Fees and charges are set with the intention of covering the Council's costs in administering the whole service. They will generally be reviewed as part of the normal budget process and come into force from the 1<sup>st</sup> April each year. Any additional increases required mid year will only be introduced following full consultation with the trade.

6.7 If the demands on the service make it necessary, then fees may be amended during the financial year.

6.8 All amendments to fees and charges will have to be approved by the Licensing Committee.

#### Disabled access

6.9 Currently there is no known date for the introduction of legislation concerning minimum requirements for disabled access. We will inform interested parties at the earliest opportunity when details are known so as to enable policy changes to be made and give time for planned vehicle replacements as necessary.

#### Legislative changes

6.10 Full consultation with the trade will take place concerning any other legislative changes imposed by Government.

#### Different treatment of Hackney Carriages and Private Hire Vehicles

6.11 The two types of vehicle provide different services for the public and certain differences in treatment can be appropriate. However the Legitimate Aims of Council remain the same.

6.12 Separate conditions (attached at Appendix One) have been produced for the two types of vehicle.

#### Vehicle Safety checks

6.13 All vehicles are required to be examined at an MOT issuing garage and comply with the standard for the Hart District Council inspection report. This is required to ensure the vehicle is safe and in a road worthy condition to operate as a Hackney Carriage or Private Hire vehicle. The annual MOT test is not sufficiently detailed for this purpose.

6.14 An annual Hackney Carriage/Private Hire Hart District Council vehicle inspection report test will therefore be required in addition to the annual MOT test. Any vehicle aged seven or more years from the date of first registration which continues to be licensed shall require two Hart District Council examinations a year. This test will be carried out by an MOT registered garage within the Hart District Council area.

- 6.15 Vehicles over seven years may also require a full independent vehicle examination carried out by the RAC or AA.

#### Insurance requirements

- 6.16 Part VI Basic Road Traffic Act 1998 is the minimum requirement but fully comprehensive insurance is recommended. Insurance cover documentation shall clearly state that cover is provided for the carriage of passengers for hire or reward.

#### Duration of Drivers licences

- 6.17 The Council will consider issuing driver's licence for 3 years providing this period coincides with the duration of medical reports and Criminal Records Bureau disclosures. This will save time for all involved.

#### Taxi rank provision

- 6.18 The provision of taxi-rank space will be reviewed throughout the District every three years in line with the policy review. Consideration will be given to new areas where necessary and appropriate. Consultation with interested parties will take place.

#### Knowledge test

- 6.19 Applicants will need to display a thorough knowledge of the area within the borders of Hart District Council and knowledge of rules and regulations required to be granted a licence. The test will comprise of an oral test. The cost of the test will be included in the initial fee paid for a driver's licence. There will however be a separate fee to re-take the test.
- 6.20 Satellite Navigation and other similar aids will not be considered as a suitable substitute for this knowledge, as they can malfunction or breakdown.

#### Communication skills

- 6.21 It is important that drivers can communicate effectively with their customers and others. Applicants will be expected to show good competence in the English language. This will be tested during the knowledge test (see paragraph 6.19 above).

## Medicals

- 6.22 All applicants are required to pass a medical examination which complies with the Group two standard set by DVLA before a licence is granted. The medical may be conducted by the applicants own Doctor or at Fleet Medical Centre or Park Road Surgery, Camberley using Hart District Council's appropriate medical examination form. The applicant will make the appropriate payment to the doctor for this examination at the time the examination takes place.
- 6.23 Medicals are required every three years, unless indicated by the Doctor. In these cases this will become a condition on issuing the licence.
- 6.24 Annual medicals are required for drivers from the age of 65 years and those deemed to be diabetic or for any other reason as prescribed by the Doctor
- 6.25 If there are any concerns on the medical examination, the applicant may be referred to the Council's Doctor at Fleet Medical Centre for a second opinion. The applicant will be expected to pay for this second examination.

## Driving Standards Agency

- 6.26 All new driver applicants are required to pass the DSA taxi driving test before a licence will be issued.

## **7 Administration Procedures**

- 7.1 We shall review our administrative procedures to improve the record keeping and administration of the issuance of licences. Service levels will be agreed and published by means of a Service Charter.
- 7.2 This policy will be reviewed every three years or sooner if a major change is required.

## **8 Appeals Procedures**

- 8.1 In matters where there is a right of appeal to the Magistrates' Court, the applicant or licence holder shall have a right to appeal in the first instance to the Council's Licensing Panel against an officer's decision. An appeal to either the Licensing Panel or the Magistrates Court must be lodged in writing within 21 days of notification of the Council's decision. The one exception is an appeal against the refusal to grant a proprietor's taxi licence. In this case the appeal is to the Crown Court.

**HART DISTRICT COUNCIL**

**LICENSING CONDITIONS FOR THE OPERATION OF  
HACKNEY CARRIAGE'S, PRIVATE HIRE VEHICLES  
STRETCHED LIMOUSINES & SPECIAL EVENT VEHICLES**

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## **PART I**

### **Introduction**

- 1) These conditions apply to licences for:
  - Vehicles; either Hackney Carriages or Private Hire Vehicles
  - Drivers;
  - Operators.
- 2) Although a vehicle may comply with these conditions, approval may be withheld if the Council is of the opinion that the particular vehicle is unsuitable for public use.
- 3) Unless the context otherwise requires it, any reference to “Licensed Vehicles” includes both Hackney Carriages and Private Hire Vehicles.
- 4) Attention is drawn to the policy of the Council which provides that applications for vehicle licences shall be conditional on the vehicle being tested as follows:
  - a) Vehicles from three years of age, (Paragraph 6.3 Hackney Carriage and Private Hire Licensing Policy), up to seven years of age are to be tested once a year.
  - b) Vehicles over seven years which are deemed to be in exceptional condition by the Licensing Authority are to be tested twice a year
- 5) The age of the vehicle will be calculated from the day of its first registration at the D.V.L.A.
- 6) Before any application is considered, the vehicle to be licensed must have been inspected and approved by Hart District Council’s appointed tester. The Council will also require a completed Hart District Council’s Vehicle Inspection Report and an application form together with the appropriate fee.
- 7) Whilst a policy of comprehensive insurance is recommended, this will not be insisted upon, provided that there is in force in relation to the use of the vehicle a policy of insurance or such security as complied with the requirements of Part VI of the Road Traffic Act 1988, covering the use of the vehicle to carry passengers for hire or reward.

## **PART II**

### **General Specifications of Fitness and Design for both Hackney Carriage and Private Hire Vehicles**

#### **1. General**

- 1.1 All Licensed Vehicles must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in general or in particular and in force at the time of licensing, and with any retrospective changes introduced during the life of the licence.

#### **2. Wheels**

- 2.1 All Licensed Vehicles must have a minimum of four road wheels. In addition, at all times, the Licensed Vehicles must carry a spare wheel or other substitutes for a spare wheel as recommended by the manufacturer. The spare wheel must be fitted with a tyre in accordance with the manufacturers' specification for road wheels. Spare wheels should only be used in an emergency.

#### **3. Doors**

- 3.1 All vehicles must have at least four doors that can be opened from inside the vehicle (designed for the purpose of permitting persons access to and from the interior). Tailgates are excluded unless they are full width and height.

#### **4. Seating Capacities**

- 4.1 Vehicles shall have seating capacities of not less than four passengers and the number of seat belts fixed therein or calculated on the basis of a passenger unit seat width of 16 inches (40cm) measured laterally across the middle of any continuous seat, whichever is the least. No seat may be side facing. Subject to the further considerations of vehicle wheelbase and engine size as follows:-

- a) Any vehicle with a wheelbase of 96" (2.438m) or more shall be licensed to carry 4 (or more to a maximum of 8) passengers subject to engine size of 1.6 litres and seat measurement criteria as at paragraph 8.

#### **5. Steering**

- 5.1 The steering wheel must be on the offside (right hand drive only) of the vehicle.

## **6. Tyres**

6.1 All tyres must be kept at the correct pressure and be suitable for use on the vehicle.

## **7. Suspension**

7.1 Every vehicle must be fitted with an efficient suspension system so designed and constructed that there is no excessive roll or pitch.

## **8. Transmission**

8.1 Vehicles using automatic or semiautomatic transmission must be fitted with a device to prevent the engine starting with the transmission selector in a DRIVE or REVERSE position.

## **9. Fuel Tanks**

9.1 In the case of any engine powered by Liquid Petroleum Gas (“LPG”), a device must be fitted by which the supply of fuel to the engine may be immediately cut off. Its situation, together with the means of operation and “OFF” position must be clearly marked on the outside of the vehicle. Prior to a licence being issued, a certificate issued by a member of the LPG Association confirming that the LPG installation conforms with the Association’s Code of Practice and is therefore considered safe must be produced.

9.2 If an LPG conversion involves installation of an LPG fuel tank in a vehicle’s boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.

## **10 Electrical Equipment**

10.1 All electrical leads and cables must be adequately insulated and where liable to be affected by exposure to water, diesel, petrol or oil must be adequately protected.

10.2 All electrical circuits must be protected by suitable fuses.

10.3 Batteries must be placed and protected so that they cannot be a source of danger.

## **11 First Aid Kit and Fire Extinguisher**

- 11.1 A suitable first aid kit of a type or standard approved by the AA or R.A.C. shall be carried in the vehicle, together with an efficient fire extinguisher. The fire extinguisher shall be kept in a safe position in the boot and both the extinguisher and the first aid kit shall have the registration number of the vehicle and the Council's licence number affixed thereon. The fire extinguisher must be a minimum of 1kg dry powder type and comply with BS/ENS Standards.

## **12 Exhaust Pipes**

- 12.1 The exhaust pipe must be so fixed or shielded so that no inflammable material can fall or be thrown upon it from any other part of the vehicle and that it is not likely to cause a fire through proximity to any inflammable material on the vehicle. The outlet must be placed at the rear of the vehicle and in such a position as to prevent fumes from entering the vehicle.

## **13 Body**

- 13.1 The body must be of the fixed head type. An approved sunroof may be fitted.

## **14 Driver's Compartment**

- 14.1 The driver's seat must be designed to accommodate the driver only and be adjustable for reach.

## **15 Windows**

- 15.1 Windows must be provided at the sides and at the rear to enable passengers to see and be seen.
- 15.2 All passenger door windows must be capable of being opened easily by passengers when seated.
- 15.3 A windscreen that is cracked to an extent in excess of 1/4" shall be immediately replaced.

15.4 Tinted windows: All windows must have a visible light transmission of not less than 75%.

## **16 Heating and Ventilation**

16.1 An adequate heating and ventilation system must be fitted for the driver and passengers.

## **17 Glass**

17.1 The windscreen and all windows must be of safety glass in accordance with the latest British Standard/ENS at the time of the vehicle manufacture. Note that the use of tinted glass beyond a certain obscurity level is not allowed, as per paragraph 15.4 page 14.

## **18 Door Fittings**

18.1 Passenger doors must be capable of being readily opened from inside and outside the vehicle by one operation of the latch mechanism.

18.2 Approved central locking systems are permitted.

18.3 Double catches of approved types must be fitted to all doors.

## **19 Floor Coverings**

19.1 The floor of the vehicle must be suitably covered and kept in good repair.

## **20 Luggage**

20.1 Provision must be made for carrying luggage sufficient for the number of persons for which the vehicle is licensed.

20.2 If it is intended to carry luggage on the roof, the carrier must be of an approved type fitted to the roof guttering. It must not be used to carry weight in excess of the manufacturer's recommendation.

20.3 Estate cars must have sufficient luggage space for the number of passengers the vehicle is licensed to carry without having to fold any seat. A secure guard to the manufacturer's recommendation must be fitted between luggage and passengers.

20.4 Trailers may be used for the carriage of luggage in connection with private hire bookings ONLY and cannot be used for plying for hire on a rank. If a trailer is used it must at all times comply with all requirements of Road Traffic legislation in particular those laid down in the Road Vehicles (construction and use) Regulations 1986. The vehicle insurance certificate MUST include cover for towing a trailer. A suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.

## **21 Taximeter**

21.1 A Taximeter must be fitted to all Hackney Carriages and must be of an approved type and tested by or on behalf of the Council and sealed by the Council. It must be clearly visible to passengers. The extra facility for charging for passengers over four will be limited to those vehicles licensed to carry four or more passengers.

## **22 Radio Apparatus and Mobile Phones**

22.1 Where apparatus for the operation of a two-way radio system is fitted no part of the apparatus may be fitted in the rear boot compartment if LPG tanks or equipment are situated therein.

22.2 Any other radio receiver fitting must be of an approved type. Mobile phones if used must be of the approved hands free device as required by legislation.

## **23 Registration Marks**

23.1 Must comply with the latest specifications.

## **24 Maintenance**

24.1 Vehicles, including all fittings etc, must be well maintained and kept clean and in good working order. The vehicles will at all times be subject to test and inspection and should it be found that a vehicle is not being properly maintained or that any part or fitting is not in good working order, a notice will be served on the owner prohibiting him from using the vehicle until the defect has been remedied.

24.2 Condition of The Vehicle – The interior and exterior of the vehicle shall be maintained in a clean and proper manner to the reasonable satisfaction of the Council and without prejudice to the foregoing; in particular the exterior of the vehicle shall be free of large

dents, rust or un-repaired accident damage and shall at all times have uniform paintwork equivalent to that applied by the manufacture. The interior shall be free of all stains, splits, tears to the same and the seats shall be required to function in accordance with the original manufacturer's specification.

## **25 Advertising**

25.1 The Council will allow advertisements to be placed upon a vehicle subject to the following conditions:

- a) Advertising, not relating to the vehicle's proprietor or company, may, under certain circumstances be allowed on a hackney carriage vehicle on submission of a written request and details of the advertisement to the Council. Each request will be considered entirely on its own merits and if approved the written authority must be carried in the vehicle. No such advertising is permitted on a private hire vehicle.
- b) For saloons and estate cars all advertising /graphics etc must be confined to the sides, roof, rear or bonnet and must NOT obscure the lights, windows and plates.
- c) For mini-bus and people carrier type vehicles all advertising /graphics etc must be confined to the sides, roof, rear and bonnet and must NOT obscure the lights, windows or plates.
- d) Subject to the above a proprietor may have simple lettering and numbers on a vehicle in order to display a company name, address, telephone/fax number, e-mail address or web site or advisory notices to do with smoking, but lettering height must be a minimum of 75mm and a maximum of 150mm.
- e) No graphics/artworks or slogans or other displays of any kind are permitted without the consent of the Council.
- f) In the case of private hire vehicles advertising is subject to the specific **exclusion of the words** "TAXI", "CAB" or "HIRE", the use of which is not permitted.

## **PART III**

### **Additional Specifications Relating to Mini-Buses**

#### **I. Sliding Doors**

- 1.1 A minimum of four doors is required. Slide doors, whether sliding or hinged, must be fitted with an audible warning device not connected to the horn, to indicate when they are open.

#### **2. Safety Rails**

- 2.1 Vehicles converted or adapted for luggage storage by the removal of passenger seats must be fitted with safety rails constructed in such a manner:
- a) as to prevent passengers from entering the space in the event of an accident;
  - b) so as not to obstruct the driver's view to the nearside;
  - c) that any luggage loaded must not interfere with the driver's controls;
  - d) so as to prevent any luggage loaded from moving into the passenger compartment in the event of an accident.

#### **3 Number of Passengers**

- 3.1 A mini-bus which is licensed as either a Hackney Carriage or a Private Hire Vehicle which has seating for no more than 8 passengers shall be so constructed or adapted that no additional seats can be fitted.

## **PART IV**

### **Additional Conditions Relating to Hackney Carriage Vehicles**

1. At all times the proprietor shall during the currency of the licence keep in force in relation to the use of the vehicle a policy of insurance that complies with the requirements of the Road Traffic Act 1988 or any re-enactment thereof. The proprietor shall NOT use the vehicle without there being in force such a policy of insurance. The policy /certificate of insurance must be readily available to be inspected by one of the Licensing Enforcement Officers if required to do so.
2. The identification plate provided by the Council bearing the number of the licence, the vehicle registration number, the maximum number of passengers to be carried, the make and model of the vehicle and expiry date shall be securely fixed, to the satisfaction of the Council, to the outside of the rear of the vehicle in such a position that it shall be clearly visible from the rear of the vehicle and shall not be less than 12” nor more than 30” to the bottom edge of the plate from the ground when the vehicle is fully laden and shall not be willfully or negligently concealed from public view while the vehicle is being used for hire. In any event, the licence plate shall not be fixed below the level of the rear bumper. The licence plate shall remain the property of the Council and may be removed at any time by the Council’s Inspector if he is of the opinion that the vehicle contains a fault of a serious nature and that the licence should be temporarily suspended or can be retained by the Council where the vehicle is not currently licensed by the Council.
3. The proprietor of the Hackney Carriage Vehicle shall not convey or permit to convey in such vehicle any greater number of persons than the number of persons specified in the vehicle registration document and indicated on the vehicle licence plate.
4. The Council shall be notified of all accidents or incidents affecting safety, performance or appearance of the vehicle or the comfort or convenience of passengers as soon as is reasonably practicable and in any event within 72 hours of the occurrence of the accident or incident.

5. The proprietor of the Hackney Carriage shall comply with the provisions of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and the Transport Act 1985 as far as these provisions apply to Hackney Carriages.
6. Vehicles over seven years which are deemed to be in exceptional condition will be required to be tested twice a year and may also require a full independent vehicle examination carried out by the RAC or AA.
7. Purpose built hackney carriages will normally only be licensed if they are less than four years old at the time the licence is issued and they have no material exterior or interior defects. The purpose built hackney carriage may be licensed up to 10 years of age. In exceptional circumstances and providing that safety is not prejudiced, licences may be issued for limited periods after this time subject to a full independent vehicle examination being carried out by the RAC or AA.
8. The vehicle may be inspected by the Council Inspector at any time. If a serious fault is discovered the licence may be temporarily suspended, and the Council's Licence Plate removed in accordance with paragraph 2 above.
9. The Council may decide to suspend, revoke or refuse to renew any licence in respect of a Hackney Carriage Vehicle:
  - a) for any reasonable cause, including;
  - b) That the Hackney Carriage Vehicle is unfit for use as a Hackney Carriage, or
  - c) any offence under, or non-compliance with, the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976, or any re-enactment thereof on the part of the proprietor.
10. If a London style taxi is converted to give wheelchair accessibility then:
  - a) The nearside rear door must be capable of opening as wide as the aperture;
  - b) There must be sufficient space between the front of the rear seat and the partition for a wheelchair to turn;
  - c) There must be sufficient space for a wheelchair to travel facing rearwards;

- d) A means to secure both the chair and the wheelchair occupant must be provided;
- e) Ramps must be carried with the vehicle;
- f) Sufficient additional handholds and an additional step must be provided for elderly and disabled people who can walk;
- g) A side mirror shall be provided on the nearside and on the offside of any vehicle licensed as a Hackney Carriage or Private Hire Vehicle;
- h) For the convenience of subsequent passengers the consumption of food in a Hackney Carriage or a Private Hire Vehicle shall be discouraged;

## **11. Hackney Carriages**

- 11.1 The vehicle must carry a roof sign, capable of illumination, which must conform to a specification approved and adopted by the Council from time to time. The sign shall display "TAXI" to the front. An exception to this is purpose built vehicles fitted with permanently mounted signs.
- 11.2 The roof sign shall be illuminated when the vehicle is plying for hire.

## **12. Guide and Assistance Dogs**

- 12.1 Legislation has now been in force concerning the carriage of Guide and Assistance Dogs in Hackney Carriages and Private Hire Vehicles for sometime. It will be an offence for a licensed driver to refuse to carry guide and assistance dogs unless they have a medical exemption certificate. The dog should be carried in the foot well of the vehicle.
- 12.2 An operator may also commit an offence if they:
  - a) Do not accept bookings by or on behalf of a disabled person who is accompanied by a guide, hearing or other assistance dog;
  - b) Make an additional charge for carrying the dog.

If found guilty of these offences, a fine of up to £1000 can be imposed.

- 12.3 Drivers, in making an application for exemption will need to provide medical evidence in support. A medical practitioner other than the applicants General Practitioner must provide this. If the exemption is being applied for on the grounds of a chronic phobia to dogs the report must be provided by a psychiatrist or clinical psychologist.

### **13 Supervision**

- 13.1 The Hackney Carriage Licensing Enforcement Officer or other authorised officer of the council has the power at all reasonable times to inspect and test for fitness, any Hackney Carriage or Private Hire vehicle licensed by the Council or any taximeter affixed to the vehicle. If he/she is not satisfied as to the fitness of the vehicle or as to the accuracy of the taximeter he/she may, by notice, require the proprietor or driver to make the vehicle or taximeter available for further inspection and testing and may suspend the vehicle licence until such time as he/she is satisfied as to its fitness.
- 13.2 If the vehicle is not made fit within two months, the vehicle licence will be revoked. (S.68 of the LGMP 1976 Act)
- 13.3 A licensed vehicle hailed by a duly authorised officer shall stop to allow such examination but account will be taken of a fare being carried.
- 13.4 It is an offence to obstruct an authorised officer or fail to give such assistance or information as may be required or to comply with any reasonable requirement. It is also an offence to give false information.
- 13.5 When requested to do so by the Licensing Enforcement Officer, the Hackney Carriage or Private Hire vehicle proprietor will produce the certificate of insurance issued to the vehicle covering the use of hire and reward to the officer.

### **14 Responsibility of Proprietor or Operator**

- 14.1 The council will hold the owner or proprietor of a licensed Hackney Carriage or the Operator of a Private Hire vehicle responsible for the general condition and roadworthiness of his vehicle and for ensuring that his drivers are familiar with all conditions, legislation and by-laws regulating the operation of vehicles.
- 14.2 In certain instances therefore the proprietor or operator may be subject to enforcement action as a result of an offence committed by their driver. The council will however take

into account the circumstances of such offence and how far the proprietor has carried out his/her obligations in deciding whether to take any action.

## **15 Tariff Cards.**

- 15.1 Hackney Carriage vehicles are required to have the current tariff rate card displayed inside the vehicle for the guidance of passengers.

## **PART V**

### **Additional Conditions Relating To Private Hire Vehicles**

1. The identification plate provided by the Council bearing the number of the licence, the vehicle registration number, the maximum number of passengers to be carried, the make and model of the vehicle and expiry date shall be securely fixed, to the satisfaction of the Council, to the outside of the rear of the vehicle in such a position that it shall be clearly visible from the rear of the vehicle and shall not be less than 12” nor more than 30” to the bottom edge of the plate from the ground when the vehicle is fully laden and shall not be willfully or negligently concealed from public view while the vehicle is being used for hire (subject to certain exemptions paragraph 59 refers). In any event, the licence plate shall not be fixed below the level of the rear bumper. The licence plate shall remain the property of the Council and may be removed at any time by the Council’s Inspector if he is of the opinion that the vehicle contains a fault of a serious nature and that the licence should be temporarily suspended or where the vehicle is not currently licensed by the Council.
2. The Council shall be notified of all accidents or incidents affecting safety, performance or appearance of the vehicle or the comfort or convenience of passengers as soon as is reasonably practicable and in any event within 72 hours of the occurrence of the accident or incident.
3. The proprietor of a licensed vehicle shall comply with the provisions of the Local Government (Miscellaneous Provisions) Act 1976 so far as the provisions thereof relate to the operation and control of Private Hire vehicles.
4. The vehicle may be required for inspection by the Council Inspector at any time. If a serious fault is discovered the licence may be temporarily suspended, and the Council’s Licence Plate removed in accordance with paragraph 1 above.
5. The operator shall not assign or in any way part with the benefit of the licence without the prior written consent of the Council.

6. The Council may decide to suspend, revoke or refuse to renew any Licence in respect of a Private Hire Vehicle for any reasonable cause including:
  - a) that the Private Hire Vehicle is unfit for use as a Private Hire Vehicle, or
  - b) any offence under, or non-compliance with, the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or any re-enactments thereof on the part of the operator.
7. Plate exempt vehicles (used exclusively for executive type of work) will be exempt from displaying the mandatory licence plate but must carry licence plate in the vehicle together with the exemption certificate relating to the vehicle.

## **PART VI**

### **Additional Conditions Relating To Imported American Stretched Limousines Licensed as Private Hire Vehicles.**

1. All vehicles must be less than 10 years old when first registered.
2. Vehicles may be either left or right hand drive providing that they have proof of full DETR Vehicle Type Approval, and must be fitted with at least 4 doors and 4 wheels.
3. The interior and exterior of the vehicle must be maintained in a clean and proper manner to the reasonable satisfaction of the council.
4. There shall be no passengers carried in the front compartment.
5. Every seat shall have fitted a suitable seat belt or restraint.
6. Every seat, including those which are side facing, shall be at least 40cm in width measured along the seat base.
7. The VIN plate shall display 'ILI' to confirm conversion completed by an authorised dealer.
8. The applicant shall confirm, by a badge or other appropriate documentation the conversion dealer.
9. A plate on the door pillar shall confirm the total weight of the vehicle.
10. Fitted tyres to the vehicle must be either 235/75R-15 108S (BF Load) or 225/70R-16 107T Town Car Limo Tyre (Reinforced).
11. DVLA V5 or equivalent shall be produced to authenticate registration.
12. SVA (Single Vehicle Approval) documentation shall be produced to prove vehicle compliance with EC Type Approval Standards.
13. No intoxicating liquor shall be provided in the vehicle unless there is in force an appropriate licence permitting the sale or supply of the same.

14. All operators will be required to sign a declaration stating that the vehicle will not carry more than 8 passengers and at the time of booking the vehicle, this restriction shall be explained to the hirer.
15. A stretched limousine vehicle will be subject to twice-yearly mechanical examination at intervals to be specified by the council, at its authorised testing station.
16. Tinted glass shall conform to the legal requirements as laid down by the Vehicle Operators Services Agency (VOSA).
17. The proprietor shall not use the vehicle, nor permit it to be used when there is not in force for the vehicle a policy of insurance or such security which complies with the requirements of Part VI of the Road Traffic Act 1998 for hire and reward.

## **PART VII**

### **Driver's Licence Conditions**

#### **Hackney Carriage, Private Hire and Combined Licence Holders**

1. The Licensed Driver shall when driving any Hackney Carriage or Private Hire Vehicle observe and comply with the requirements of the provisions of any Orders, Regulations or Bylaws made under any Act of Parliament as if the provisions of such bylaws etc with respect to the regulation of Hackney Carriage Vehicle applies throughout the whole of the area now administered by the Council.
2. The licensed driver shall, at all times when driving a Hackney Carriage or Private Hire Vehicle, wear in a conspicuous position, the driver's badge issued to the Licensee by the Council bearing the number corresponding with the number assigned to the licensee in the register maintained by the Council for that purpose. The badge remains the property of the Council and must be returned to the Council immediately the driver ceases to be licensed by the Council.
3. On expiry, revocation or suspension of this licence, the licensed driver shall return the licence and badge in good condition to the Council within seven days.
4. The licensed driver shall at all times be suitably attired to the satisfaction of the Council and at all times behave in a civil, courteous and orderly manner, and shall take all reasonable precautions to ensure the comfort and safety of persons conveyed in or entering or alighting from Hackney Carriage or Private Hire Vehicles.
5. The licensed driver shall not convey in a vehicle used as a Hackney Carriage a greater number of persons than the number of persons specified in the vehicle registration document and indicated on the vehicle licence plate.
6. These conditions are without prejudice to the provisions of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, or any Order made there under or the requirements of any others Act of Parliament or Order made there under and nothing in these licence conditions shall relieve the licensed driver from any duty to observe and carry out any obligation made there under.

7. The Council shall be notified of all accidents or incidents affecting safety, performance or appearance of the vehicle or the comfort or convenience of passengers as soon as is reasonably practicable and in any event within 72 hours of the occurrence of the accident or incident.
8. The driver of a licensed vehicle who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.
9. The driver of a licensed vehicle so constructed as to carry luggage shall when requested by any person hiring the vehicle:
  - a) convey a reasonable quantity of luggage;
  - b) render reasonable assistance in loading and unloading the luggage.
10. The Council may vary any or all of the Conditions herein contained at any time.
11. A licence may be suspended, revoked or not renewed by the Council:-
  - a) if the driver has, since the grant of the Licence, been convicted of an offence involving dishonesty, indecency or violence; or
  - b) if the driver commits an offence or otherwise fails to comply with the provisions of the Town Police Clauses Act 1847, The Local Government (Miscellaneous Provisions) Act 1976 or the Transport Act 1985 or any re-enactments thereof;
  - c) if the driver has accrued 9 or more penalty points for convictions within the last three years. This should merit refusal. More than one conviction for more major traffic offences (reckless, careless driving etc, as defined in Endorsements and Disqualification Guide from DVLA) within the last two years should merit refusal and no further applications should be considered until a period of two years free from conviction has elapsed.
  - d) If the driver becomes disqualified from driving under any of the Road Traffic Acts or re-enactments thereof, the Licence shall be automatically revoked;

- e) if the driver is suffering, or has suffered, from any illness or disability and medical opinion has been received advising the Council he/she unfit to continue to act as a licensed driver;
- f) any other reasonable grounds
- g) THE DRIVER SHALL INFORM THE LICENSING OFFICER OF ANY CONVICTION IN ANY COURT AT ANY LEVEL WITHIN FOURTEEN DAYS OF THE COURT HEARING TAKING PLACE AND FAILURE TO COMPLY WITH THIS CONDITON MAY RESULT IN ANY LICENCE BEING SUSPENDED OR REVOKED

## **12 Knowledge Test**

- 12.1 All drivers will be required to take a knowledge test. This is designed to test the driver on their geographical knowledge of the area and conditions and responsibilities. If the applicant fails the test they may re-take the test after two weeks but will be charged for any subsequent test.
- 12.2 All new drivers (and existing drivers who accrue 9 or more points on their driving licence or other justifiable complaints about their driving), will be required to take and pass the Driving Standards Agency (DSA) Private Hire and Hackney Carriage drivers assessment test. The test is designed to improve road safety and to ensure that passengers have a safe and comfortable journey.

## **IMPORTANT NOTE CONCERNING HACKNEY CARRIAGE DRIVERS**

1. If the hackney carriage is standing at a rank or in a street the driver must not without reasonable excuse refuse to drive to any place within Hart District Council area. (Section 53 of the Town Police Clauses Act 1847).
2. The authorised fare scale must be used at all times for journeys within Hart District Council area, and may only be dispensed with for journeys ending outside Hart District Council area IF the hirer agrees BEFORE the journey commences. (Section 58 Town Police Clauses Act 1847)
3. If a hackney carriage is used for a private hire contract the fare is calculated from the point at which the hirer starts his journey. A private hire contract for this purpose is one made either with some person other than the driver, or when the hackney carriage is not at a rank or plying for hire. (Section 67 Local Government (Miscellaneous Provisions) Act 1976).
4. A hackney carriage must not be left unattended in a street or place of public resort or entertainment. (Section 62 Town Police Clauses Act 1847).
5. Drivers shall be courteous, this includes the requirement that they shall afford reasonable assistance with passengers' luggage.
6. Taxi Tokens; Hart District Council issue taxi tokens to enable persons to travel around within the District. Drivers are required to take these tokens in lieu of cash. These tokens may be redeemed for cash at the Council offices. Refusal to accept these tokens is an offence (Section 53 Town and Police Clauses Act 1847) and any person committing such an offence may have their licence revoked.
7. It is an offence under the Health Act 2006 to smoke in a Hackney Carriage or Private Hire Vehicle at any time.

## **PART VIII**

### **Private Hire Operator's Licence Conditions**

1. The licensed operator shall maintain a record book in a form satisfactory to the Council and enter into it before the commencement of each journey the particulars of every booking of a private hire vehicle invited or accepted by him whether by accepting the same from the hirer or by undertaking it at the request of another operator, as the Council may prescribe and shall produce such record on request to any "authorised officer" of the Council or any Police Officer for inspection.
2. The driver of a licensed vehicle shall keep a daily record in respect of the vehicle and hiring undertaken therein and in any record shall be entered:
  - a) licence number,
  - b) date,
  - c) name of the Licensed Operator of the vehicle,
  - d) name of the driver,
  - e) number of hours worked by the driver,
  - f) full details of every hiring undertaken,
  - g) this record shall be supplied on request to any authorised Officer of the Council for inspection.
3. The licensed operator shall not allow a greater number of Private Hire Vehicles to operate from his premises than the number for which planning permission has been granted by the Council.
4. The licensed operator shall submit to the Licensing Officer a decision notice from the Planning Officer that he approves and is aware of the use of the premises for the purpose of Private Hire at the address shown on the application for an operators licence.

5. No advertisement on or near such premises indicating that motor vehicles can be hired at those premises shall include the words “Taxi” or “Cab” (or any corruption thereof), whether in the singular or plural and whether alone or as part of another word unless the vehicles offered for hire are Licensed Hackney Carriages or the advertisement makes it clear that they are not.
6. The operator shall not cause or permit a vehicle to be used for the purposes of private hire other than in accordance with the licence granted in respect of the vehicle pursuant to the Local Government (Miscellaneous Provisions) Act 1976.
7. Licence holders who fail to renew their licences prior to the expiry of the existing licence will be treated for all purposes as a new applicant.
8. The Council may suspend, revoke or refuse to renew an Operator’s Licence for any reasonable cause including:
  - a) any offence under or non-compliance with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or the Transport Act 1985 or any re-enactments thereof;
  - b) any conduct on the part of the Operator which renders him unfit to hold an Operator’s Licence;
  - c) a material change in the circumstances of the Operator or the basis on which the Licence was granted.
  - d) Any other reasonable grounds e.g. failure to disclose on an application detail of convictions, including spent convictions.
9. The operator of the Private Hire Vehicle:
  - a) Shall not convey or permit to be conveyed in such vehicle any greater number of persons than the number of persons specified in the vehicle registration document.
  - b) Shall not display on any Private Hire Vehicle licensed by the Council any sign or notice:

- i. which consists of or includes the word 'taxi' or 'cab' (or any corruption thereof) whether in the singular or plural and whether alone or as part of another word;
- ii. which consist of any telephone number or address, or any words which appear to be or resemble a telephone number or address other than the name and/or telephone number of the operator or the trade name and/or telephone number of the operator providing that the trade name does not conflict with paragraph i) which sign may be displayed on the sides or the rear of the vehicle in letters not exceeding 5cm in height;
- iii. which consists of the words 'for hire' or the form or wording of which is in any way such as to suggest that the vehicle on which it is displayed is presently available to carry any passenger wishing to hire it or would be so available if not already hired.

10. Before a private hire operator's licence may be granted, the Applicant must:-

- a) Complete and give to the Council an application form ;
- b) Satisfy the Council that the Applicant is a fit and proper person to hold a private hire operator's licence;
- c) Pay to the Council the current fee.

## **PART IX**

### **Private Hire Driver's Licence Conditions**

1. The driver of a licensed private hire vehicle shall not ply for hire whether from a hackney carriage stand or anywhere else and shall allow no indication to be given that the private hire vehicle could be mistaken for a hackney carriage.
2. A Licence may be suspended, revoked, or not renewed by the Council:-
  - a) if the driver has, since the grant of the Licence, been convicted of an offence involving dishonesty, indecency or violence;
  - b) if the driver commits an offence or otherwise fails to comply with the provisions of the Local Government (Miscellaneous Provisions) Act 1876 or any re-enactment

**GUIDANCE ON THE RELEVANCE OF CRIMINAL RECORDS IN RESPECT OF APPLICANTS FOR A LICENCE TO DRIVE A HACKNEY CARRIAGE, COMBINED OR PRIVATE HIRE VEHICLE**

1. Unless otherwise specified, all applicants for new Hackney Carriage /Private Hire drivers must complete a Criminal Records Bureau check form prior to the granting of a licence and resubmit the same every three years.

**2 Refusal to complete the form will mean that a licence will not be issued.**

2.1 On completing the form all convictions (whether spent or not) must be declared:

2.2 All past convictions will be considered against the Guidelines. In every case the individual facts will be considered with the overriding consideration being the protection of the public.

2.3 Examples of the relevance of past convictions in relation to the issue, revocation or refusal to grant a licence are detailed below:

**3 Minor Traffic Offences**

3.1 Convictions for minor traffic offences e.g. obstruction, waiting in a restricted street, speeding etc should not prevent a person from proceeding with an application. However, if sufficient penalty points have been accrued to require a period of disqualification of the applicants DVLA driving licence then a licence may be granted after its restoration but a warning will be issued as to future conduct.

**4 Major Traffic Offences**

4.1 An isolated conviction for reckless driving or driving without due care and attention etc will normally merit a warning as to future driving and advice on the standard expected of licensed drivers. More than one conviction for this type of offence within the previous two years should merit a refusal on application. No further application should be considered until a period of three years from conviction has elapsed.

## **5 Drunkenness**

### **5.1 With a Motor Vehicle**

- 5.2 A serious view is taken of convictions of driving or being in charge of a vehicle whilst under the influence of alcohol.
- 5.3 More than one conviction for this type of offence will be a refusal to the applicant. At least three years should elapse (after restoration of DVLA driving licence) before the applicant will be considered for a licence. Any suggestion that the applicant is an alcoholic will require a special medical which will include a depletion liver test before the application is entertained. If an applicant is found to be an alcoholic, a period of five years from completion of treatment should elapse before further application is considered.
- 5.4 An isolated conviction for drunkenness need not bar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating a critical medical examination (see above). In some cases, a warning may be sufficient.

## **6. Drugs**

- 6.1 Any applicant with a history of drug misuse will be required to undergo an appropriate medical examination to provide confirmation they are no longer an addict.

## **7. Indecency offences**

- 7.1 Applicants with convictions for indecent exposure, indecent assault, importuning or any of the more serious sexual offences will be refused a licence until they can show a substantial period (at least five years) free of such offences.

## **8. Violence**

- 8.1 Following any convictions for violence related offences such as: grievous bodily harm, wounding or assault, a period of three years free of such convictions is required to be shown before an application can be entertained and even then a strict warning will be administered. Where more than one conviction for any other act of violence, a period of five years free from convictions is required.

## **9. Dishonesty**

- 9.1 Single conviction for minor incident refusal for a period of one year free from conviction
- 9.2 Two convictions for minor incidents – refusal for a period of three years free from conviction.
- 9.3 More than two convictions for minor incidents or one or more convictions for significant act of dishonesty - refusal for a period of five years free from conviction.

## **10. Information**

- 10.1 In clarification of the above the recorded date of the court conviction is to be taken as the period to remain free of conviction from, unless a sentence of imprisonment or corrective training exceeding thirty months has been imposed, whence the period is to commence from the date of release from imprisonment.

## **11. Refusal/ Revocation of Licences**

- 11.1 Where an application is refused or a licence revoked a statutory appeal to the Magistrates Court may be made within 21 days of that notice.
- 11.2 Where the authorised officer is minded to refuse an application the applicant may be offered and may accept the opportunity for the application to be determined by the Licensing panel.

## **12. Licence Conditions**

- 12.1 Where new licence conditions are being considered the council will look to discuss these with the taxi trade through the annual trade meetings. Where conditions are revised in line with new legislation, every effort will be made to advise the trade through the same meetings.
- 12.2 Where a new condition is applied to a licence, the licence holder is entitled to appeal to either a Magistrates' Court or Crown Court, as appropriate, within 21 days of the application of the condition.