

DRAFT – ISSUE 5

HACKNEY CARRIAGE VEHICLE – SPECIFICATION AND CONDITIONS OF LICENCE

Section 47(1) of the Local Government (Miscellaneous Provisions) Act 1976, (LGMPA 1976) states that “A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary”.

1. VEHICLE AGE, DESIGN, TYPE, COLOUR, SEATING AND APPEARANCE

- (a) All hackney carriage vehicles must meet the standards as laid down by the Council with regard to standard of appearance. Vehicles shall have a minimum of 4 doors and shall not have an engine capacity of less than 1250cc. Vehicles with any unrepaired accident, panels of a different colour to the rest of the vehicle, missing trims, dirty or damaged upholstery or generally shabby appearance will not be licensed.
- (b) Hackney carriage vehicles must not be over 8 years old on the date of the first application, with the following exceptions:
 - (i) Purpose-built London-style cabs (eg Austin FX4, TX1).
 - (ii) Other vehicles which are in an exceptionally well maintained condition, subject to their being inspected with regard to mechanical fitness and appearance at 6 monthly intervals.
 - (iii) An exceptionally well maintained vehicle is one that:-
 - 1) Is expected to pass its Council depot examination on the first occasion. However, if the vehicle fails it will be allowed one retest. Failure of the retest will preclude the vehicle from being licensed.
 - 2) The bodywork should have no signs of panel deterioration due to age. It should not have unrepaired damage, dents, scratches or chipped paintwork. Any paint resprays should be of good quality and match the remainder of the paintwork.
 - 3) The exterior trim should be as per the manufacturer's original specification. No trim will be missing and all 4 hub caps (if part of original specification) will be present, matching and scuff free.
 - 4) The interior trim, panels, seating and carpets should be clean, free from damage and discolouration. Fabric must not be frayed, torn or threadbare. Seat covers will be permitted but the underlying seat will not have any of the previously mentioned faults.
 - 5) The boot or luggage compartment must have no loose padding or plastic trim. It must be clean and undamaged and fit for the purpose of carrying luggage.
 - 6) Passenger areas should be free from damp and odours that may cause passenger discomfort.

Maxim: A vehicle of 'Exceptional Condition' must give the impression that it is being cared for by its owner. If an 8 year old vehicle looks like an 8 year old vehicle it will not be of an 'Exceptional Condition'.

- (c) The age of the vehicle is to be taken from the vehicle registration document. Where the age of a "Q" registered vehicle is not identifiable the age will be calculated as 3 years old at the date of "Q" registration in line with the policy of the DVLA and taken from the registration document.
- (d) With respect to seating, this should be padded. Slatted wooden seats are considered inadequate. Where seats are continuous, 1 foot 4 inches (approximately 41 centimetres) measured horizontally along the front of each seat, should be allowed for each passenger. Any vehicle which is constructed or adapted to seat more than 8 passengers cannot be licensed as a hackney carriage vehicle.
- (e) The vehicle must not be left hand drive.
- (f) The vehicle must not be a convertible.
- (g) The vehicle must have EU Type Approval.
- (f) If (g) cannot be satisfied then a Department for Transport Certificate of Single Vehicle Approval must be produced.

2. MAINTENANCE OF VEHICLE

The hackney carriage vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements shall be fully complied with.

3. ALTERATION OF VEHICLES

- (a) No material alteration or change in the specification, design, condition or appearance of the hackney carriage vehicle shall be made without the approval of the Council at any time while the licence is in force.
- (b) Any liquid petroleum gas (LPG) vehicle conversion must be carried out by an approved LPG installer. An LPG conversion certificate shall be supplied to the council. Details of approved UK vehicle conversion companies can be obtained from the LP Gas Association.

4. IDENTIFICATION PLATES

The identification plate showing the number of the licence and the number of passengers for which the vehicle is licensed and required to be exhibited under Section 52 of the Town Police Clauses Act 1847 (TPCA 1847) shall be securely fixed to the rear of the vehicle in a conspicuous position and in such a manner as to be easily removable by an authorised officer of the Council or a constable.

The proprietor or driver of the hackney carriage vehicle shall report the loss of the identification plate to the Council Offices as soon as the loss becomes known. A replacement plate shall be issued upon payment of the appropriate fee. On no account must a hackney carriage vehicle be used for hackney carriage purposes without displaying a hackney carriage identification plate (Section 52 TPCA 1847).

PLEASE NOTE: THE IDENTIFICATION PLATE REMAINS THE PROPERTY OF THE COUNCIL.

5. SECURITY

Where CCTV is installed in hackney carriage vehicles, the Council's CCTV Code of Practice in relation to licensed vehicles shall be followed. A copy can be obtained on request from the Council's Licensing Department.

6. SAFETY EQUIPMENT

Fire extinguisher.

- (a) The vehicle shall contain a fire extinguisher which shall meet the requirements of the European standard EN3, and be inside the vehicle when it is in use or available for hire.
- (b) Fire extinguisher shall be secured to the vehicle and be within reach of the driver. If the extinguisher is not so secured it must be located inside of the vehicle's boot compartment. A label shall be affixed inside of the vehicle indicating that a fire extinguisher is contained within.
- (c) The fire extinguisher shall be indelibly marked with the vehicle's hackney carriage plate number.
- (d) The fire extinguisher must be maintained in good working order, the operating instructions must be legible and the driver of the vehicle must be familiar with its use.

First aid kit

- (a) The proprietor of the vehicle shall provide a suitable first aid kit (see suggested list of contents below) in the vehicle at all times when it is in use or available for hire.
- (b) The first aid kit should be readily visible and available for immediate use in an emergency. If the design of the vehicle is such that a first aid kit cannot be carried in a position where it is easily visible, a sign shall be displayed on the vehicle dashboard indicating the position of the kit.
- (c) The first aid kit shall be indelibly marked with the vehicle's hackney carriage plate number.

THE COUNCIL'S HEALTH AND SAFETY OFFICER RECOMMENDS THAT A HACKNEY CARRIAGE VEHICLE'S FIRST AID KIT CONTAINS THE

FOLLOWING ITEMS WHICH ARE REQUIRED BY THE HEALTH AND SAFETY (FIRST AID) REGULATIONS 1981 FOR TRAVEL FIRST AID KITS.

- First aid guidance leaflet
- 6 adhesive plasters
- 2 triangular bandages
- 1 large wound dressing 18 x 18 centimetres
- 2 individually wrapped wipes
- 1 pair of disposable gloves
- 6 safety pins

PLEASE NOTE: IN ADDITION TO THE ABOVE , THE PROPRIETOR OF THE VEHICLE IS ASKED TO CONSIDER CARRYING THE FOLLOWING ITEMS IN CASE OF EMERGENCIES.

- A torch and spare batteries
- Warning triangle
- Shriek alarm to disorientate any aggressor
- Detailed maps of areas in which the vehicle is travelling

7. CONVICTIONS, CAUTIONS, AND FIXED PENALTY NOTICES

The proprietor shall within 7 days disclose to the Council in writing details of any interview, arrest, conviction or caution by the Police in respect of any offence AND any fixed penalty notice (motoring or otherwise) imposed on him (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the hackney carriage vehicle licence.

8. MOTOR INSURANCE CERTIFICATE

The proprietor must at all times ensure that the vehicle is adequately insured for use as a hackney carriage and a copy of the insurance certificate must be available for inspection inside the vehicle whilst it is licensed as a hackney carriage.

9. PRESENTATION OF VEHICLE FOR INSPECTION

The proprietor, on reasonable notice, must present the vehicle for inspection at any time and at any place required by the Council, provided that such requirements for inspection shall not exceed more than 3 occasions per year (Section 50 LGMPA 1976). Failure to present a vehicle for inspection is an offence under the 1976 Act and will normally lead to the immediate suspension/revocation of a vehicle licence.

The requirement to present for inspection is in addition to the powers of an authorised Licensing officer or Police Constable to test and inspect a private hire vehicle as to its fitness at any reasonable time. (Section 68 LGMPA 1976)

10. ROOF SIGNS

The proprietor shall comply with the following requirements on any vehicle used as a hackney carriage (with the exception of purpose built vehicles).

- (a) An illuminated sign of a type already approved must be fitted to or above the hackney carriage with the words "FOR HIRE" in block letters showing to the front and the words "CAB NO..." showing to the rear. At each end of the sign shall be the words "...SEATS".
- (b) The roof sign must be illuminated whilst plying for hire. Once hiring has commenced the roof sign must not be illuminated until the journey has ended.
- (c) The roof sign must be electronically connected so that its working is in conjunction with the fare meter, ie when the meter is not in use the sign is illuminated and when the meter is in use, the sign is not illuminated.

11. HACKNEY CARRIAGE TAXI METERS

- a) It will be the duty of the proprietor to ensure that an installed meter is of sufficient quality to display journey details to a high level of accuracy. The travelling public rely on the meter to show the precise cost of their journeys and to fit a defective meter would be a gross misconduct by the vehicle proprietor. It shall be fitted in such a position that the display is visible by the hirer and will be illuminated at all times.
- b) Any meter found to be defective by the proprietor must be removed from the vehicle immediately.
- c) On purchase a vehicle proprietor must arrange for the meter to be programmed with the current North West Leicestershire District Council Hackney Carriage tariff.
- d) Once programmed the proprietor shall ensure that the meter is sealed with a lead seal in a way that prevents the tariff being altered without the seal being destroyed (the Council does not have its own sealing equipment).
- e) The use of an unsealed meter is prohibited and the meter must be removed from the vehicle until the resealing process is completed.
- f) If the company sealing the meter can provide an authentication certificate it should be forwarded to the Licensing team as soon as possible and if accepted g) & h) below will not apply. If this is not possible the proprietor will contact the Council's Licensing Office and arrange for a licensing officer to test the machine. This will involve taking the officer on a short test drive which should take no longer than 30 minutes.
- g) If the officer is of the opinion that the meter is inaccurate, defective or programmed with the wrong tariff they will remove the lead seal. The proprietor will then be responsible for correcting any defects. Unless the defect is capable of being rectified immediately then the meter must be removed in accordance with paragraph (b) above. .
- h) A fee will be charged for the time spent by the officer checking the meter.

- i) A copy of the Council's fare chart must be clearly displayed in the vehicle so as to be plainly visible to passengers carried therein.
- j) If a meter is installed it will be used to determine the cost of the journey unless the cost has been agreed at the time of booking.
- (k) All hackney carriage vehicle taximeters shall be operated in accordance with the Council's Hackney Carriage Byelaws.

12. WINDSCREEN NOTICE

The proprietor of the vehicle shall cause the notice issued by the Council, and which gives details of the hackney carriage vehicle licence, to be affixed to the nearside of the windscreen in such a position that it shall be clearly readable at all times.

PLEASE NOTE: THE NOTICE REMAINS THE PROPERTY OF THE COUNCIL

13. USE OF TRAILERS

The proprietor shall comply with the following requirements in order for a hackney carriage to tow a trailer for the carriage of passengers' luggage.

- (a) The luggage trailer must be inspected and approved by the Council's authorised examiners.
- (b) The luggage trailer must meet the Construction and Use Regulations and where required the driver must hold the appropriate towing licence as issued by the DVLA.
- (c) No licensed vehicle may tow any trailer unless evidence of valid insurance to cover such use has been produced.
- (d) The identification plate, giving the hackney carriage vehicle licence number, must be clearly displayed on the rear of the trailer used in addition to the plate on the rear of the hackney carriage vehicle.
- (e) A spare wheel and tyre of the correct size shall be carried at all times when the trailer is in use.
- (f) The contents of such trailer must be secured and covered in a proper manner.

14. TINTED WINDOWS

The vehicle shall comply with the Construction and Use Regulations 1986 (as amended) with respect to the fitting of tinted, opaque, darkened or privacy glass windows.

15. ADVERTISEMENTS

Advertisements shall be allowed on hackney carriage vehicles without prior inspection, provided that:

- (a) They comply with the British Codes of Advertising and Sales Promotion.
- (b) The licence holder shall remove or amend any advertisement if the Advertising Standards Authority requests that this be done.
- (c) No advertisement shall be of a party political nature or advertise cigarettes or tobacco products.
- (d) Any advertisement must be below window level.
- (e) No advertisements are permitted on any glass areas of the vehicle.

16. CHANGE OF ADDRESS

The proprietor of the hackney carriage vehicle shall notify the Council in writing of any change of his address during the period of the licence within 7 days of such change. (Section 44 TPCA 1847) Upon receiving notification and relevant fees, an amended paper licence shall be issued by the Council.

17. DAMAGE TO VEHICLE

Any damage to the vehicle affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers carried therein shall be reported in writing to the Council as soon as is reasonably practical and in any event within 72 hours of the occurrence (Section 50(3) LGMPA 1976).

18. CHILD SAFETY

When any child is travelling in the vehicle the child lock on the doors if fitted should be used.

19. SIGNS AND NOTICES

- (a) Hackney carriage vehicles which can accommodate between 5 and 8 passengers should have suitable signage displayed in the vehicle directing passengers to and giving instruction in the operation and use of exit points i.e. slide door to open/push door to open.
- (b) A notice must be prominently displayed inside all hackney carriage vehicles and be visible to passengers in the rear of vehicles, stating the vehicle licence number and contact details of the Council's Licensing Section.

20. MINIBUSES

All mini-buses licensed by the Council as hackney carriage vehicles must comply with the MOT seat belt standards which apply to seat belts on mini-buses, buses and coaches (including those used for the transport of children).

21. RADIO EQUIPMENT

- (a) Any radio equipment fitted to the vehicle shall be kept in a safe condition and comply with statutory requirements.
- (b) Radio scanners are not permitted.

22. PASSENGER SAFETY

- (a) A proprietor or driver a hackney carriage vehicle shall not convey or permit to be conveyed in the hackney carriage vehicle a greater number of persons (regardless of the age or size of the passengers) than the number of persons prescribed in the licence for the vehicle and specified on the vehicle identification plate affixed to the rear of the vehicle.
- (b) The number of passengers must not exceed the number of restraints available in the vehicle.

PLEASE NOTE: IT IS THE DRIVER'S RESPONSIBILITY TO ENSURE THAT A PASSENGER IS USING THE CORRECT RESTRAINT.

It is acceptable to fit a customer's own child restraint provided that the restraint is of an approved design (i.e. BS Kite Mark) and in a serviceable condition.

23. ANIMALS

- (a) No animal belonging to the hackney carriage vehicle proprietor or the driver of the vehicle shall be conveyed in the vehicle.
- (b) Any animal belonging to or in the custody of a passenger, which in the driver's or proprietor's discretion may be conveyed in the hackney carriage vehicle must be conveyed in the rear of the vehicle and shall be contained so as not to present a nuisance or hazard to any occupants of the vehicle.
- (c) A proprietor or driver of a hackney carriage vehicle must carry a guide dog or assistance dog belonging to a passenger free of charge unless the driver has a proven medical condition that would preclude such action.

24. LUGGAGE

- (a) The proprietor of a vehicle shall provide the proper means for securing luggage if the vehicle is so constructed as to carry luggage. If the luggage is to be carried externally then the means for the carriage and securing of the luggage must provide adequate protection from inclement weather.

- (b) Any roof rack fitted to a vehicle must be the correct design and fitting for the type of vehicle and should be loaded in accordance with the manufacturer's instructions.
- (c) All vehicles shall be loaded with luggage in accordance with the vehicle manufacturer's weight and load specification.
- (d) Luggage shall not be carried or stored above the height of the rear seat or on the parcel shelf.

25. LOSS OF LICENCE

A replacement hackney carriage vehicle licence may be issued upon payment of the relevant fee.

26. RETURN OF IDENTIFICATION PLATE

On receipt of notice, the proprietor of a hackney carriage vehicle shall return the vehicle identification plate to the Council Offices in the event of the expiry (without immediate renewal), suspension or revocation of the licence (Section 58(2) LGMPA 1976).

27. TRANSFER OF VEHICLE

The proprietor of a hackney carriage vehicle must notify the Council in writing of any transfer in the ownership of a hackney carriage vehicle (Section 49 LGMPA 1976). Upon receiving written notification of transfer and relevant fee, an amended paper licence shall be issued by the Council.

28. PERMITTING OR EMPLOYING ANY OTHER PERSON TO DRIVE

Before a proprietor of a hackney carriage vehicle permits or employs a hackney carriage driver to drive the vehicle he shall ensure that the vehicle is adequately insured for that driver.

If you are aggrieved by any of the conditions attached to this licence you may appeal to a Magistrates' Court within 21 days of the service of the licence on you (Section 47(3) LGMPA 1976).

NOTES:

- (a) FAILURE TO COMPLY WITH ANY OF THE CONDITIONS ATTACHED TO THIS LICENCE MAY RESULT IN PROSECUTION AND THE SUSPENSION OR REVOCATION OF THE HACKNEY CARRIAGE VEHICLE LICENCE.**
- (b) IN ADDITION TO THE HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS, THE PROPRIETOR OF A HACKNEY CARRIAGE VEHICLE MUST HAVE REGARD TO ALL STATUTORY PROVISIONS WHICH RELATE TO HACKNEY CARRIAGE VEHICLES.**

- (c) This hackney carriage vehicle licence is not transferable to another vehicle.
- (d) No person must act as a driver of a licensed hackney carriage vehicle unless he holds a hackney carriage driver's licence issued by the District Council.
- (e) Application for renewal of this licence should be made to the Head of Community Services on the prescribed form which is available from the Council Offices, Coalville. All licence holders will be sent a reminder and the necessary forms for renewal in advance of the expiry of the licence. Please note, however, that the responsibility for renewal rests with the licence holder. Reminder letters are sent purely as a courtesy.

DOCUMENT HISTORY

Issue Number	Issue Date	Approved By	Nature of Amendment
1	1 August 2001	Executive Committee	Introduction of Policy
2	1 December 2009	Licensing Committee – 25 November 2009	Changes to safety equipment signage. Changes in requirement to install taxi meters. Changes to vehicle internal and external signage. Tinted window compliance.
3	18 January 2010	Commercial Services Manager	Minor amendment to wording of conditions 19 (b) and 12.
4	10 August 2011	Environmental Health Team Manager	Clarification of the term 'exceptionally well maintained vehicle' at condition 1(b)
5 DRAFT	October 2011	To be presented to Licensing Committee – 23 rd November 2011	Introduce requirement for all hackney carriage vehicles to have a taxi meter fitted

COUNCIL'S VISION

North West Leicestershire will be a place where people and businesses feel they belong and are proud to call home

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