

North West Leicestershire District Council

Hackney Carriage Vehicle Licence Policy

Hackney Carriage Vehicle Conditions of Licence

Issue 9 DRAFT

HACKNEY CARRIAGE VEHICLE LICENCE LICENSING POLICY

1.0 INTRODUCTION

North West Leicestershire District Council is committed to achieving the highest standards with regards to the vehicles it licenses as hackney carriages. The District's travelling public should be confident that licensed vehicles are safe and comfortable and will not breakdown. The Council expects licence holders to regularly check and maintain their vehicles to the highest standards. It should be presumed that all vehicles presented to the Council's depot for inspection will pass first time without the need for any retests. Any repeated failure by licence holders to maintain their vehicles to that required standard may result in a vehicle licence being revoked or not being renewed.

2.0 VEHICLE DESIGN, TYPE AND SEATING

Hackney carriage vehicles shall be of the following type and specification:

The vehicle must be right hand drive.

The vehicle must not be a convertible. The vehicle must have a permanent roof that is watertight.

The vehicle must have EU Type Approval but if not then a Department for Transport Certificate of Single Vehicle Approval must be produced.

~~A~~ minimum engine capacity ~~of exceeding~~ 1250cc or equivalent powered electric vehicle. Engines less than 1250cc will be considered provided that they are at least 105bhp or 106ps.

A minimum of 4 ~~doors~~ doors including the driver's door, except for purpose built vehicles.

Seating must be padded or covered. 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.

The vehicle must have at least one window on each side capable of being opened and closed.

The floor must be covered with a suitable carpet, mat or other floor covering.

Wheels and tyres:

Vehicles must have four road wheels fitted with tyres of the same size as were originally fitted to the vehicle when new.

A spare tyre of the same type as fitted to the road wheels, or a manufacturer's space saver (emergency tyre inflation kits WILL NOT be accepted, unless supplied by the vehicle manufacturer when first registered or supplied as a result of an LPG conversion

Seat belts must be fitted for all seats.

Nearside and offside exterior rear view mirrors.

3.0 VEHICLE EMISSIONS

~~The policy below applies to new vehicle applications granted on and after 1 January 2017. Any vehicle with a licence issued by NWLDC before 1 January 2017 is exempt.~~

- ~~• From 1 January 2018 all hackney carriage vehicles must be fitted with at least a Euro 4 compliant engine (registered since January 2005). Euro 3 compliant engines or older will not be permitted.~~
- From 1 ~~September~~January 2020,² all hackney carriage vehicles must be fitted with at least a Euro 5 compliant engine or equivalent using retrofit technology (registered since September 2009). Euro 4 compliant engines or older will not be permitted. Any vehicle with a Euro 4 compliant engine or older will not be licensed at the time of renewal.
- From 1 January ~~2022~~2025,⁶ all hackney carriage vehicles must be fitted with at least a Euro 6 compliant engine or equivalent using retrofit technology (registered since September 2014). Euro 5 compliant engines or older will not be permitted. Any vehicle with a Euro 5 compliant engine or older will not be licensed at the time of renewal.

Applicants will be required to prove that the engine is suitable. Any vehicle with an engine older than the required euro emissions standard will not be licensed at the time of renewal unless it can be verified that the emissions have been suitably lowered using approved retrofit technology.

The fee for a licence for an ultra low emission vehicle (both new and renewal application) is discounted by 15% (compared with a standard vehicle licence (new application and renewal) ~~Commencement Date: 1 April 2017~~

4.0 VEHICLE AGE AND CONDITION

A policy relating to vehicle age was introduced with the aim of improving the condition of licensed vehicles. Since introducing the policy, the percentage of vehicles passing an inspection at the first attempt has increased.

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.

Definitions:

Vehicle inspection: An inspection of a vehicle carried out by NWLDC appointed mechanics, relating to: (a) 12 monthly check; (b) 6 monthly check; (c) spot check at any point during the term of the licence

Visual inspection: A visual inspection of a vehicle carried out by NWLDC appointed officers, relating to: (a) new applications; (b) renewal applications; (c) spot checks at any point during the term of the licence

Safety critical areas: All areas of a vehicle inspected during a vehicle inspection except the following items: bulbs, windscreen wipers, customer feedback notice, condition of luggage / load space, jack, fire extinguisher, first-aid kit, taximeter, roof sign

Vehicle Age Policy

~~Hackney carriage vehicles must be less than 6 years old.~~

New applications

~~All new Hackney Carriage vehicles must be less than ten years old from the date of first registration on initial application. No exceptions apply.~~

Renewals

~~No Hackney Carriage vehicle licence will be renewed on any vehicle that is 6 years of age or more. The following exceptions apply:~~

- (a) Vehicles which are in an exceptionally well maintained condition, (defined below), or
- (b) Ultra low emission vehicles (emissions of less than 75 grams of CO2 per km)

4.1 Definition - Exceptionally Well Maintained Condition

Visual Inspection

Should a vehicle fail a visual inspection a second inspection will be permitted. Any vehicle failing a second visual inspection will be deemed not to be of exceptionally well maintained condition.

Vehicle Inspection (mechanical)

~~Where a vehicle of 6 years or older fails a vehicle inspection a second inspection (retest) will be permitted.~~

~~Where a vehicle fails the second vehicle inspection (retest) with any defect relating to a safety critical area, the vehicle will not be deemed to be in an exceptionally well maintained condition, resulting in either the application being refused or licence being revoked.~~

~~Where a vehicle of 6 years or older fails 3 consecutive mechanical inspections, the vehicle will not be deemed to be in an exceptionally well-maintained condition, resulting in either the application being refused or licence being revoked. Mechanical inspections include annual, 6 monthly and on the spot checks (full inspection).~~

~~For new and renewal applications this will result in the application being refused. For inspections carried out at any other point during the term of the licence, the licence will be revoked.~~

~~Mechanical inspections are defined as include annual, 6 monthly and spot checks.~~

Where a vehicle fails an inspection a second inspection (retest) will be permitted.

If the vehicle fails its retest on a safety critical ground the vehicle will be deemed to not be exceptionally well maintained. The licence will be refused / revoked.

If a vehicle fails 3 consecutive **mechanical inspections** (see definition of mechanical inspection above) the vehicle will be deemed to not be exceptionally well maintained. The licence will be refused / revoked.

4.2 Mechanical Inspection (frequency)

Vehicles less than 6 years of age at the time of a first application or, if currently licensed, at the date of the expiry of their current licence will undergo **one** depot inspection per year. Normally this will be just prior to the renewal of the vehicle licence or if a new application shortly after the submission of the application documentation.

Vehicles 6 years or older will be required to undergo **two** depot inspections per year. Normally this will be just prior to the renewal of the vehicle licence and 6 months after the renewal or if a new application shortly after the submission of the application documentation and if the licence is granted 6 months thereafter. Vehicles within this age group will have to be of exceptionally well-maintained condition defined at 4.1

The licensing authority requires the licence holder to undertake a regular regime of daily, weekly and monthly checks with an in depth inspection by a trained mechanic at regular intervals.

4.3 Visual Inspection

All vehicles will undergo a visual inspection at the time of an initial (first) application.

Vehicles 6 years or older will be required to undergo a visual inspection at the time of the renewal of the licence.

The visual inspection will have one of two outcomes:-

- (i) Pass - the vehicle will be given an appointment for the Council's depot inspection. A successful visual examination is no guarantee that the vehicle will be licensed.
- (ii) Fail - there will be a requirement to have repairs completed to the bodywork or interior. Any work carried out will have to be completed to the satisfaction of the licensing authority otherwise, the application may be refused.

4.4 Visual Inspection

Officers do look for evidence that the vehicle is well maintained and in good condition. The inspection will include the following:

- Bodywork - damage, dents, scratches, fading, chipped or poor quality paintwork.
- Exterior trim, hub caps, alloy wheels
- Interior trim, panels, seating, carpets, cleanliness, damp, odour

- Boot or luggage compartment
- Passenger notices – customer feedback and no smoking signage

5.0 RE-TEST FEES

Any retest fee that applies will be payable by the driver or vehicle owner. The full fee must be received before a retest is carried out.

A vehicle inspection retest fee will apply when:

A vehicle (of any age) fails a vehicle inspection with more than one defect relating to a safety critical area.

Any vehicle failing a vehicle inspection with either one critical safety defect or minor defects (not requiring a further full inspection) will not attract a retest fee.

6.0 SECURITY & CCTV SYSTEMS IN LICENSED PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLES

Where CCTV is installed in private hire or hackney carriage vehicles, the following shall be followed.

6.1 Introduction

This policy has been written for the purpose of regulating the use of CCTV systems including event recorders in both Private Hire vehicles and Hackney Carriages in North West Leicestershire.

This ~~policy~~code of practice sets out to ensure that in-car camera systems in hackney carriages and private hire vehicles licensed by North West Leicestershire District Council are properly managed whilst being used to prevent crime, identify the perpetrators of crime enhance the health and safety of drivers and passengers and reduce the fear of crime.

Any CCTV system to be fitted must, as a minimum, meet the requirements set out in this policy. Only CCTV systems meeting these requirements can be installed into licensed vehicles.

Vehicle owners, who may also be the driver and/or operator, installing CCTV systems must fully comply with the requirements set out in this policy.

6.2 The purpose of in-car camera systems

The purpose of in-car camera systems shall be to provide a safer environment for the benefit of hire vehicle drivers and passengers by:

- Deterring and preventing the occurrence of crime;
- Reducing the fear of crime;
- Assisting the police in investigating incidents of crime;
- Assisting insurance companies in investigating motor vehicle accidents~~the police in identifying missing persons.~~

6.3 Installation and ~~maintenance operation~~ of in-car camera systems in Private Hire and Hackney Carriage vehicles

The installation and operation of CCTV must comply with the requirements of the <https://ico.org.uk/media/for-organisations/documents/1542/cctv-code-of-practice.pdf>

All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations.

All equipment must meet all requirements as regards safety, technical acceptability and operational/data integrity.

All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear.

An approved installer shall carry out the installation in accordance with the manufacturer's instructions. A certificate of installation shall be provided to the Licensing Authority within 7 days of installation.

~~All private hire and hackney carriage vehicles with in-car camera systems installed shall display prominent notices visible from outside the vehicle and also within the vehicle at a point readily visible to passengers, declaring that there is an in-car camera system in operation within the vehicle. Signage is to be in accordance with Hackney Carriage and Private Hire conditions.~~

All cameras shall be installed above the level of the dashboard within the hire vehicle.

It is contrary to the Motor Vehicle (Construction and Use) Regulations, 1986, for equipment to obscure the view of the road through the windscreen.

Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, i.e. not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems, such as autonomous braking systems, which may cause degradation in performance or functionality of such safety systems. Viewing screens within the vehicle for the purposes of viewing captured images are not permitted. Live feed may only be displayed in accordance with ICO regulations.

Any proprietor-owner wishing to install additional cameras or make changes to the installation shall obtain consent from the Licensing Enforcement Officer of North West Leicestershire District Council prior to doing so. The location of a camera must be specific for purpose i.e. to provide a safer environment for the benefit of the driver and passengers.

Maintenance shall be carried out on the CCTV system and a certificate of maintenance shall be provided to the Licensing Authority at the time of the renewal of a vehicle licence.

6.4 Activation of in-car camera systems in Private Hire and Hackney Carriage vehicles

Continuous operation of CCTV is not permitted.

Activation of the equipment (camera) may be via a number and combination of options, including:

- o door switches;
- o time delay;
- o drivers' panic button;
- o or, in the case of an incident/event recorder, predetermined G-Force parameters set on one or more axis (i.e. braking, acceleration, lateral forces)
- o ignition supply

The CCTV system may be configured to record images for a short period of time before the trigger event, during the related incident and a short period following the related incident.

A direct wired link to the vehicle's taximeter, in the case of a Taxi, will not be acceptable.

6.5 Audio Recording

CCTV systems must not be used to record conversations between members of the public, as this is highly intrusive and unlikely to be justified except in very exceptional circumstances. You must choose a system without this facility wherever possible; however, if the system comes equipped with sound recording facility then this functionality should be permanently disabled.

There are limited circumstances in which audio recording may be justified due to a specific threat to an individual's personal safety, e.g. when a 'panic button' is utilised in response to a threat of physical violence. Where this audio recording facility is utilised it must only be used where there is a specific threat and deactivated once that threat is no longer present (the ICO have no preference as to which type of panic switch is used, merely that there must be one.

In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.

~~6.4 Use of information recorded on in-car camera systems~~

~~It is important that any person, who suspects that a crime has been committed and that an in-car camera system may contain relevant information to the crime, should report that suspected crime to the police as soon as possible.~~

~~Maintenance shall be carried out on the CCTV system and a certificate of maintenance shall be provided to the Licensing Authority at the time of the renewal of a vehicle licence.~~

6.65 Data Protection LawsAct (1998) and Codes of Practice

The owner/proprietor shall ensure that the storage and use of images complies with the requirements of the Data Protection legislationAct (1998) and the information Commissioners Codes of Practice at all times.

6.7 Image Security

Images captured must remain secure at all times.

The system must be capable of storing images in a manner, which prevents them being removed, downloaded or viewed by the driver or any other person travelling in the vehicle.

The system must provide that images are only capable of being downloaded by the registered data controller.

The captured images must be protected using approved encryption software that is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen. All storage devices must be encrypted to the camera device. All images may only be reviewed via a secure network or decryption software i.e. images should not be available to view via an MP3/MP4 player or equivalent.

The Information Commissioner's Office has published guidance on how to keep personal data secure (including personal data contained in CCTV images), on their website.

6.8 Retention of CCTV images

The CCTV equipment selected for installation must have the capability of retaining images either:

- o within its own secure, encrypted hard drive;
- o using a fully secured and appropriately encrypted detachable mass storage device, for example, a compact flash solid state card;
- o or, where a service provider is providing additional storage facilities, transferred in real time using fully secured and appropriately encrypted GPRS (GSM telephone) signalling to a secure server within the service provider's monitoring centre.

Images must not be downloaded onto any kind of portable media device (e.g. CDs or memory sticks) for the purpose of general storage outside the vehicle.

CCTV equipment selected for installation must include an automatic overwriting function, so that images are only retained within the installed system storage device for an average period of 28 days from the date of capture. Where a service provider is used to store images on a secure server, the specified retention period must also only be for a maximum period of 28 days from the date of capture. Data may be retained for longer periods in exceptional circumstances, i.e. insurance claims, criminal investigations etc. However, once a relevant case is concluded all data must be deleted.

Where applicable, these provisions shall also apply to audio recordings.

6.9 Payment of the data protection fee to the Information Commissioner's Office

The Information Commissioner's Office (ICO) is the official regulatory body responsible for enforcing compliance with privacy and data protection legislation.

The law defines a "data controller" as the individual or organisation that has ultimate responsibility for how personal data is collected and processed. For the purpose of

the installation and operation of in-vehicle CCTV, the “data controller” is the company, organisation or individual that has decided to have a CCTV system installed and operating within the vehicle. The data controller is ultimately responsible for how the images are stored and used and determines in what circumstances the images should be disclosed. If a third party is nominated for this role as opposed to the vehicle owner, then the data must not be accessible by anyone other than the registered data controller.

It is a legal requirement for organisations and businesses that process personal information to pay a data protection fee to the ICO every year whilst data is being stored, failure to maintain this registration is a criminal offence. The ICO publishes an online register of the organisations and businesses that have paid the fee.

You can find out more about the process by reading the ICO guide to the data protection fee here <https://ico.org.uk/registration/new->. The level of fee you have to pay varies according to the turnover of your business and the number of employees you have.

Documentary evidence such as a certificate of registration with the ICO that the data protection fee has been paid must be presented to the licensing team.

6.10 Using a third party service provider (data processor)

Where a service provider is used for the remote storage and/or management of CCTV data they will act as a ‘data processor’. A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions. The data controller retains full responsibility for the actions of the data processor.

There must be a formal written contract between the data controller and data processor (service provider). The contract must contain provisions covering security arrangements, retention/deletion instructions, access requests and termination arrangements.

Documentary evidence of the contractual arrangements may be required to be presented to the Licensing Authority at any time during the term of the vehicle licence.

6.11 Using recorded CCTV images

The data controller is responsible for complying with all relevant data protection legislation, as well as being legally responsible for the use of all images including any breaches of privacy and data protection legislation.

Any images and/or audio recordings should only be used for the purposes described earlier in these guidelines

Requests to view captured images may be submitted to the data controller by the Police or other statutory law enforcement agencies; North West Leicestershire District Council; insurance companies/brokers/loss adjusters; or exceptionally other appropriate bodies. The data controller is responsible for responding to these requests in accordance with the law. Police or other law enforcement agencies

should produce a standard template request form, setting out the reasons why the disclosure is required. Alternatively, a signed statement may be accepted.

All requests should only be accepted where they are in writing, and specify the reasons why disclosure is required.

Under the data protection legislation, members of the public may also make a request for the disclosure of images, but only where they have been the subject of a recording. This is known as a 'Subject Access request'. Such requests must only be accepted where they are in writing and include sufficient proof of identity (which may include a photograph to confirm they are in fact the person in the recording). Data Controllers are no longer entitled to charge a fee for a subject access request and must process the request for free.

More guidance on handling Subject Access requests can be found in the ICO's code of practice <https://ico.org.uk/media/2259722/subject-access-code-of-practice.pdf>, which is available on their website.

6.12 Signage

All Taxis and PHVs fitted with a CCTV system must display signage in prominent positions. The driver may also verbally bring to the attention of the passengers that CCTV equipment is in operation within the vehicle, if it is felt necessary or appropriate.

The signage must be displayed in such positions to minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle.

The name and contact details of the Data Controller where it is not obvious must be provided within the design of the sign, where it is not obvious. The contact details can be in the form of either telephone number, email address or website URL.

Signage for external facing dashcams

Where a dashcam is installed in order to record incidents outside the vehicle it must NOT record audio, you should also display a warning sign wherever practical. In addition, when the device is activated in response to an incident, the driver of the vehicle must inform the person(s) recorded that their personal data was captured - as soon as practicable after the incident. They should also be informed the purpose for which the device has been installed, for example to facilitate their insurance company's investigation of insurance claims.

6.6—Monitoring the use of in-car camera equipment

~~Any duly authorised Officer of North West Leicestershire District Councils Environmental Health and Licensing team can at any reasonable time and on the production of a warrant card, if requested, examine any in-car camera installation for the purpose of monitoring compliance with the law.~~

~~In the event of any potential breach being identified, the relevant authority will be informed.~~

~~Failure to comply with this code of practice may result in the suspension or revocation of a hackney carriage or private hire vehicle licence.~~

7.0 MOTOR INSURANCE CERTIFICATE

At the time of the grant of a hackney carriage licence evidence of adequate insurance is required. A valid certificate of insurance or cover note confirming that insurance is on place for each driver of the vehicles and specifying use as a hackney carriage vehicle.

Cover Notes

In the event that a short-term cover is in place at the time of grant, the licence holder must present a further insurance certificate to the licensing team before the expiry of the cover note. Weekly cover notes will only be accepted for a maximum of eight concurrent weeks, after which a cover note only for a longer period will be accepted in the event that a full motor insurance certificate cannot be provided. Failure to present an insurance certificate before the expiry of the cover note will result in the licence being suspended until evidence of insurance is produced.

The Licensing Authority will undertake periodic audits of licensed vehicles to ensure that the vehicle is insured.

For a hackney carriage vehicle, the certificate of insurance must cover for hire or reward.

8.0 IDENTIFICATION OF VEHICLES AS HACKNEY CARRIAGE VEHICLES

The Licensing Authority requires it to be clear to the public that a hackney carriage vehicle is licensed. Consequently, a hackney carriage vehicle cannot have the appearance of a private hire vehicle. The vehicle must have:

An illuminated taximeter of an approved type.

- (a) All Hackney Carriages must be fitted with a working meter, which is programmed with the current North West Leicestershire District Council Hackney Carriage tariff.
- (b) The proprietor must ensure that the meter displays the journey details to a high level of accuracy. The meter shall be fitted in such a position that the display is visible and will be illuminated at all times.
- (c) Once programmed the proprietor shall ensure that the meter is sealed with a tamper-evident seal in a way that prevents the tariff being altered without the seal being destroyed (the Council does not have its own sealing equipment).

If the company sealing the meter can provide an authentication certificate, it should be forwarded to the Licensing team as soon as possible. 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 that should take no longer than 30 minutes. A fee will apply.

- (d) If the officer is of the opinion that the meter is inaccurate, defective or programmed with wrong tariff prices they will remove the lead seal. The proprietor will then be responsible for correcting any defects

- (e) A fee will be charged for the time spent by the officer checking the meter.
- (f) A copy of the Council's fare chart must be clearly displayed in the vehicle so as to be plainly visible to passengers.
- (g) 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.
- (h) All hackney carriage vehicle taximeters shall be operated in accordance with the Council's Hackney Carriage Byelaws.

An illuminated "Taxi" sign

- a) An illuminated sign of a type already approved must be fitted to or above the hackney carriage with the words "TAXI" or "FOR HIRE" in block letters showing to the front and the words "CAB NO..." showing to the rear.
- 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 operation is linked to the fare meter, so that when the meter is not in use the sign is illuminated and when the meter is in use, the sign is not illuminated.

A current fare table available

9.0 REPORTING ACCIDENTS / DAMAGE / REPLACEMENT VEHICLES

If at any time the vehicle is involved in an accident/incident, however minor, the proprietor/driver must inform the Licensing Authority as soon as possible and in any event within 72 hours in writing or by email to licensing@nwleicestershire.gov.uk

Minor visual damage may not preclude the vehicle from remaining in service, however this will be at the discretion of the Licensing Officer. Vehicle proprietors are advised to contact the Licensing team to arrange a visual inspection of any damage before continuing to use the vehicle to carry fare-paying passengers.

The vehicle must be presented for mechanical inspection at the council depot as soon as possible after the accident, and in any event within 5 days. The vehicle should not be used for hire or reward until the garage has confirmed that the vehicle is safe. The licence may be suspended in the interim. If, following an inspection, it is deemed that the vehicle is not fit/roadworthy then the vehicle licence may be suspended.

If the vehicle is significantly damaged/not roadworthy, or is being assessed by an insurance company/third party, then the vehicle proprietor must provide photographic or other evidence to justify why the vehicle is unable to be presented for examination. Failure to do so may result in the licence being suspended and/or revoked.

Applications from hire companies

A hire management company can only licence a vehicle if the accident vehicle is not roadworthy and has been suspended by the licensing team or the vehicle is off the road due to accident repair work being carried out (proof from the garage will be required).

The application and all necessary documents must be in the name of the vehicle proprietor (hire management company). The licence and plate will only be issued for a maximum period of 8 weeks. The vehicle licence will lapse once the vehicle is handed back to the hire management company.

A replacement vehicle will only be issued on a like to like basis i.e. the number of seats.

Insurance 'Write-Off' Vehicles and Damaged Vehicles

Vehicles that have been declared to be an insurance 'write-off' will not normally be licensed. Vehicles that have been written off under Category A and B for insurance purposes will not be considered for licensing.

Vehicles that have been written off under Category S (structural) and Category N (non-structural) would not be considered for hackney carriage or private hire work unless they have been inspected by a member of the Institute of Automotive Engineer Assessors (IAEA) and that their report which must accompany the application indicates that the repairs to the vehicle have been undertaken satisfactorily and that the vehicle is safe. Any inspection and report carried out will be at the proprietor's expense.

Notes:

- (a) Failure to comply with any of the policies and/or conditions specified may result in the suspension and/or revocation of the hackney carriage vehicle licence.**
- (b) Any breach of a specific provision of the Local Government (Miscellaneous Provisions) Act 1976 may result in prosecution.**
- (c) In addition to the hackney carriage vehicle licence conditions, the proprietor of a hackney carriage vehicle must have regard to all statutory provisions that relate to private hire vehicles.**
- (d) This hackney carriage vehicle licence is not transferable to another vehicle.**
- (e) No person can drive a hackney carriage vehicle unless he holds a hackney carriage or dual driver's licence issued by the District Council.**
- (f) A vehicle that stands or plies for hire in a street or at a railway station or railway premises requires a hackney carriage licence.**
- (g) Application for renewal of this licence should be made to the Head of Community Services using the prescribed process and form. 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.

HACKNEY CARRIAGE VEHICLE – 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. 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. If vehicles are not kept in a sound condition internally as well as externally, the vehicle proprietor may be issued with a warning.

2. 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.

3. IDENTIFICATION PLATES

A vehicle is issued with two identification plates, 1 external and 1 internal. Both~~The~~ identification plates showing the number of the licence and the number of passengers for which the vehicle is licensed ~~are~~ required to be exhibited under Section 52 of the Town Police Clauses Act 1847 (TPCA 1847).

The external identification plate 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 police officer.

The internal identification plate shall be securely fixed to the front windscreen of the vehicle with the vehicle identification information facing outwards.

The proprietor or driver of the hackney carriage vehicle shall report the loss of the identification plates 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 PLATES ~~S~~ REMAINS ~~S~~ THE PROPERTY OF THE COUNCIL.

4. CCTV SYSTEMS SECURITY

Where CCTV is installed in hackney carriage vehicles, the Council's CCTV policy in relation to licensed vehicles shall be followed.

Advisory signage shall be displayed inside the vehicle on the front windscreen and on each of the rear side passenger windows. The proprietor shall ensure that the notices are maintained in a clean and legible condition.

The proprietor shall ensure that the system is properly and regularly maintained in accordance with the manufacturer's instructions by a suitably qualified person.

Upon request for image retrieval by an officer of the Council or a police officer the proprietor shall ensure that the CCTV system is made available to the system administrator data controller, as soon as reasonably practicable, and in any event within 7 days of the request.

The proprietor of the vehicle shall take all reasonable steps to ensure that any driver of the vehicle is made aware of every condition in relation to any installed CCTV system and has been given adequate instruction regarding the need for the system to be made available as soon as reasonably practicable, and in any event within 7 days of any authorised request for any image retrieval.

The proprietor shall ensure that there is a data controller registered with notification is lodged with the Information Commissioner to cover the purposes for which the use of CCTV system is used.

5. SAFETY EQUIPMENT

Fire extinguisher.

- (a) When the vehicle is in use or available for hire a suitable and efficient The vehicle shall contain a fire extinguisher must be provided and maintained at all times. 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 or. If the extinguisher is not so secured it must be located inside of the vehicle's boot compartment. The fire extinguisher must not be located within easy reach of a passenger. 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.

(d) The contents of the first aid kit shall be replenished as required.

(e) In addition to the above a warning triangle must be carried within the vehicle in case of emergencies.—

THE COUNCIL RECOMMENDS THAT A HACKNEY CARRIAGE VEHICLE'S FIRST AID KIT CONTAIN AT LEAST THE FOLLOWING ITEMS WHICH ARE REQUIRED BY THE HEALTH AND SAFETY (FIRST AID) REGULATIONS 1981 (APPROVED CODE OF PRACTICE) FOR TRAVEL FIRST AID KITS

First aid guidance leaflet

6 individually wrapped sterile adhesive plasters

2 individually wrapped sterile triangle bandages

1 large, sterile, individually wrapped unmedicated large-wound dressing—18 x 18 centimetres

2-individually wrapped moist cleaning wipes

24 pairs of disposable gloves

26 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~~

6. ABSENCE OF PROPRIETOR / 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.

The proprietor must ensure that if they intend to be absent i.e. leaving the country, go on holiday etc. they appoint someone who will take responsibility for the vehicle or ensure the vehicle is kept off the road. Failure to comply with this condition will result in the vehicle automatically being suspended.

76. CONVICTIONS, CAUTIONS, AND FIXED PENALTY NOTICES

The proprietor shall without delay notify the Council of any interview under caution, arrest, charge, summons, single justice procedure note, conviction, caution and/or fixed penalty notice by the Police or any other agency in respect of any offence 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.

87. 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.

98. 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 hackney carriage as to its fitness at any reasonable time. (Section 68 LGMPA 1976)

109. 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 "TAXI" or "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 operation is linked to the fare meter, so that when the meter is not in use the sign is illuminated and when the meter is in use, the sign is not illuminated.

110. HACKNEY CARRIAGE TAXI METERS

- a. All Hackney Carriages must be fitted with a working meter, which is programmed with the current North West Leicestershire District Council Hackney Carriage tariff.
- b. The proprietor must ensure that the meter displays the journey details to a high level of accuracy. The meter shall be fitted in such a position that the display is visible and will be illuminated at all times.
- c. Once programmed the proprietor shall ensure that the meter is sealed with a tamper-evident seal in a way that prevents the tariff being altered without the seal being destroyed (the Council does not have its own sealing equipment). If the company sealing the meter can provide an authentication certificate it

should be forwarded to the Licensing team as soon as possible. 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. A fee will apply.

- d. If the officer is of the opinion that the meter is inaccurate, defective or programmed with wrong tariff prices they will remove the lead seal. The proprietor will then be responsible for correcting any defects
- e. A fee will be charged for the time spent by the officer checking the meter.
- f. A copy of the Council's fare chart must be clearly displayed in the vehicle so as to be plainly visible to passengers.
- g. 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.
- h. All hackney carriage vehicle taximeters shall be operated in accordance with the Council's Hackney Carriage Byelaws.

121. 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.

132. TINTED WINDOWS

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

Windows must not be tinted to the extent that the passengers cannot be seen clearly from the outside of the vehicle. No vehicle shall be fitted with any form of additional film to darken or tint the glass on any part of the vehicle.

143. 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 (including e-cigarettes) or tobacco products.
- (d) Any advertisement must be below window level.
- (e) No advertisements are permitted on any glass areas of the vehicle.

~~14. 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.~~

15. DAMAGE TO VEHICLE

Any damage to the vehicle, including any resulting from a road traffic collision, 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).

The matter must be reported on a Council form provided for that purpose.

16. CHILD SAFETY

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

17. SIGNS AND NOTICES

- (a) Hackney carriage vehicles that 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 sign(s)/notice(s) showing the number of the licence and 01530 454545 the contact number for the council must be displayed inside the vehicle. The sign(s)/notice(s) must be displayed in a conspicuous position visible to passengers in the front and rear of the vehicle. These details are provided on the reverse of the internal vehicle plate.

18. MINIBUSES

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

19. 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.

20. 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.

21. 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 – exemption certificate

22. 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.

23. LOSS OF LICENCE

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

24. RETURN OF IDENTIFICATION PLATE

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

25. 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.

26. 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 policies and/or conditions specified may result in the suspension and/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 that relate to private hire 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 or dual 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 and process. All licence**

holders will be sent a reminder 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 taximeters. 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	24 November 2011	Licensing Committee – 23 November 2011	Introduce requirement for all hackney carriage vehicles to have a taxi meter fitted
6	1 April 2013	Licensing Committee – 21 March 2012	Reduction of vehicle age from 8 years to 7.
7	1 April 2014	Licensing Committee – 21 March 2012 Environmental Health Team Manager	Reduction of vehicle age from 7 years to 6. Amendment to para 1(b)(ii) (addition of word 'continuing').
8	1 January 2017	Licensing Committee – 23 November 2016	Vehicle Age and Condition Vehicle Emissions Re-test fee Customer feedback notice
<u>9</u>	<u>1 March 2020</u>	<u>Licensing Committee – 19 February 2020</u>	<u>Vehicle age and condition</u> <u>Vehicle Emissions</u> <u>Internal identification plate</u> <u>Tinted windows</u> <u>Absence of proprietor</u> <u>Accident reporting</u> <u>Applications from hire companies</u> <u>Insurance 'write-offs'</u> <u>Exemption from displaying plates</u> <u>CCTV</u>

