

## **GENERAL PROVISIONS FOR HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES**

### **Vehicles General**

The maximum duration of a vehicle licence is one year, this is a requirement of legislation. However, a vehicle licence can be renewed up to the age at which it will be de-licensed as specified in the relevant appendices.

If a renewal application has not been received at the end of the vehicle's licensed period, the vehicle cannot be used for hire and reward purposes. Any vehicle which has not renewed before the expiry of the licence will be classed as de-licensed, and will be required to apply as a new vehicle and meet the required age and specification criteria for a new vehicle. Exceptions may be made, if the vehicle is undergoing major repair work and evidence can be provided of this.

It is the responsibility of the vehicle owner to ensure that renewal applications, paperwork and mechanical tests are carried out in a timely manner and before the expiry of the licence to avoid the unnecessary burden of a vehicle being de-licensed.

Once a vehicle is licensed as either a private hire vehicle or a hackney carriage vehicle it remains a licensed vehicle until it is de-licensed. This means that these vehicles can only be driven by licensed drivers. The only exception to this is where an applicant is undertaking a test, or the vehicle is being tested e.g. driven by a garage mechanic.

Therefore any other person who is not a licensed driver themselves, are not permitted to drive licensed vehicles, even when the vehicle is considered 'off duty'. Any insurance policy which provides insurance for a licensed vehicle to an unlicensed person, is likely to be invalid. Insurance policies are usually invalid if the insured is knowingly breaking the law by driving the vehicle.

Vehicles which accommodate more than 8 passengers cannot be licensed as a hackney carriage or private hire vehicle.

The council is introducing vehicle age and emission standards for licensed vehicles. These should be referred to before obtaining a new vehicle. Please refer to Appendix A

The council has set conditions applicable to the testing requirements, internal and external specifications, of the vehicles it will licence. These can be found on the appendices attached, Appendix D for private hire vehicles and Appendix B for hackney carriage vehicles.

There is a separate set of conditions applicable for Limousine and speciality vehicles, licensed as private hire vehicles, which can be found at Appendix G. These appendices also provide detail on vehicle specification, design, vehicle age limits, types of vehicles etc. that may be licensed.

The council has set these conditions to ensure that the public travel in safe, comfortable and roadworthy vehicles. All vehicles must also conform to the type approval and construction and use regulations.

Whilst each application will be determined on its own merits, it is unlikely that the council would licence a vehicle which did not meet the licensing standards and specifications. Details on exceptional conditions of vehicle can be found included within Appendix A.

All vehicles must provide adequate heating and ventilation systems for the driver and passengers. Passengers must be able to operate the windows independently.

All expired plates must be returned to the council or retained by the appointed testing station upon renewal.

All licensed vehicles must comply with the requirements of the Health Act 2006 and display a no smoking sign. Drivers are reminded that it is against the law to smoke or allow someone to smoke in a licensed vehicle at any time. For the avoidance of doubt, the council also forbids the smoking of electronic cigarettes, vaping and electronic nicotine delivery systems (ENDS) in licensed vehicles, whether by the driver or passengers.

## **Appearance**

Vehicles must be safe, comfortable, the passenger compartments must be clean and dry including upholstery, without rips or tears or sharp protrusions. Proprietors, drivers and operators must ensure that the vehicles they utilise, meet the expectations of this council and the travelling public.

The exterior of the vehicle must be reasonably clean to ensure that passengers can get in and out of the vehicle without fear of getting their clothing dirty with dust, oil, mud and other road debris. Drivers are also reminded to ensure that the licence plate and registration plate remain clean and visible.

Any vehicle damage that materially affects the safety, performance, appearance, or the comfort of the passenger must not be used for hire and reward purposes, until the vehicle has been suitably repaired.

All licensed vehicles must display the licence plate on the outside at the rear of the vehicle, unless it is a private hire vehicle and has been granted a plate exemption certificate.

The licence plate must be securely fixed to the outside of the vehicle, in such a manner that the plate is not obscured from view by fixtures or fittings, and the plate does not obscure the vehicle registration plate. The plate must also be able to be easily removed by an authorised council officer or police officer.

Private hire vehicles must display on the rear passenger doors in a prominent location, permanently affixed (not magnetic) door signage. The signage will be provided by the council.

## **Advertising**

A private hire vehicle may display advertising but any form of advertising so displayed shall not be of such appearance or design as to lead any person to believe it to be a hackney carriage.

Whilst there are no specific restrictions to advertising on hackney carriage or private hire licensed vehicles, operators/ drivers should not place any form of advertising on windows which may impede the drivers or passengers visual line of sight or cause discomfort. Similarly operators/drivers are expected to ensure that any advertising material displayed on or in the vehicle is decent, non-controversial or non-offensive to any person or organisation.

## **Insurance**

It is the responsibility of proprietors, operators and drivers to ensure that they are properly insured at all times. Insurance provided by operators to cover their fleet and drivers is usually only valid when drivers are driving for that company. If drivers work for multiple operators, all parties must ensure that appropriate and valid insurance is in place to avoid an inadvertent criminal offence.

Applications for new or renewal of a vehicle licence will require submission of proof of valid insurance which covers the vehicle and driver for hire and reward purposes. The vehicle proprietor and the driver must ensure that valid insurance is maintained at all times. It is considered best practice for proprietors and or drivers to keep copies of expired insurance policies for a reasonable period of time in case of any retrospective claims.

## **Safety equipment**

All licensed vehicles must have a suitable and efficient fire extinguisher and first aid kit containing appropriate first aid dressings and appliances. Such equipment must be in date and carried in such a position in the vehicle as to be readily available and visible for immediate use in an emergency.

The fire extinguisher must be a 1kg or 2kg Multi-Purpose dry power fire extinguisher to BS EN3 standard. It should be readily accessible without delay and the responsibility of the driver to ensure that they are able to use the fire extinguisher in their vehicle.

The vehicle must have emergency equipment within the vehicle which is available to the driver that is maintained and working. This must include as a minimum requirement:

- a torch
- a warning triangle that meets European Standards
- Florescent and reflective tabards which are for use at night and in poor visibility which meets European Standards, one must be available for the driver and one for each passenger the vehicle is permitted to carry.

The vehicle and all its fittings and equipment must, 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 must be fully complied with.

## **CCTV in licensed vehicles**

The installation of CCTV in licensed vehicles can be both a deterrent and a source of evidence in the case of disputes between drivers and passengers, other incidents and accidents. If fitted correctly, it can assist the police and insurance companies with their investigations.

The installation of CCTV in licensed vehicles is not imposed as a condition. Whilst the council understands the benefits to the trade, as well as to passengers, and encourages its use in licensed vehicles, it is left to the judgement of the proprietors, drivers and operators to determine.

Where drivers, proprietors and operators have considered it appropriate to install CCTV in their vehicles as a safeguarding measure, they must notify the council prior to installation. They must be registered with the ICO and comply with all aspects of data protection and CCTV codes of practice.

CCTV must be professionally installed to ensure no interference with other equipment, in such a manner that it does not increase the risk of injury or discomfort to the driver and passengers, or affect any other safety system or in any way breach the motor vehicle construction and use regulations. It must be regularly checked and maintained, be openly overt and the vehicle must display the required signage.

CCTV must not be used to record conversations of the travelling public as it is highly intrusive. Some systems have a driver panic button which if activated does record sound, this should only be used in extreme circumstances, such as in response to a threat of physical violence.

The CCTV specifications for hackney carriage and private hire vehicles can be found at Appendix L.

### **Maintenance of vehicles**

Licensed vehicles have high usage and mileage and it is in the public interest, as well as the drivers, to ensure that vehicles are properly maintained.

Maintenance is a key factor with any vehicle and its good practice for all licensed vehicles to be part of a planned preventative maintenance programme, where all vehicles are routinely serviced to ensure safety and quality. The council expects this level of commitment from drivers and operators. It should be noted that the 12 monthly and 6 monthly tests carried out by the approved vehicle testing stations is to confirm a level of safety and quality, rather than highlight to the driver what maintenance needs to be carried out.

### **Vehicle Testing**

The law requires all vehicles to have a yearly MOT test. However, as licensed vehicles provide a service to the public and have more usage, wear and tear, it is appropriate to subject these vehicles to a more stringent and enhanced test than the standard MOT test. Prior to licensing any vehicle, it must have passed this enhanced test at the council's appointed testing station.

The vehicle, unless it is less than 12 months old, must have an MOT that is no more than two months old at the time the application is made.

The vehicle, unless it is less than 12 months old, must have passed the council's enhanced vehicle test at one of the councils approved vehicle testing stations.

When the vehicle becomes 12 months old it must undergo an MOT and have passed the council's enhanced vehicle test at one of the council's approved vehicle testing stations.

The council considers it appropriate to require all vehicles over 5 years old, to be subject to a six monthly enhanced vehicle test at the approved vehicle testing station. This is to ensure that, as the vehicle gets older, it still meets the required standards applied by this council, and the law regarding vehicle emissions.

Vehicles must be presented for vehicle testing at one of the councils approved vehicle testing stations. A list of the councils approved testing stations can be found at Appendix L. Proprietors/drivers must make sure that they organise the tests sufficiently in advance to ensure that the vehicle remains compliant with the vehicle testing requirements set out in the conditions (i.e. yearly or six monthly).

### **Retesting of licensed vehicles**

A vehicle that fails an enhanced vehicle test / inspection during the currency of a licence will have the fault(s) rectified and the vehicle re-inspected within 2 months of the original inspection. Failure to do so will lead to the automatic revocation of the vehicle licence.

Where a licensed vehicle has failed an enhanced test at one of the councils approved vehicle testing stations the vehicle is required to be retested at the same garage to ensure that all faults identified have been rectified and the vehicle is confirmed as compliant.

## **Accidents**

Any accident that causes damage which materially affects the safety, performance, appearance, or the comfort or convenience of the persons carried therein, must be reported to the council as soon as reasonably practicable, and in any case within 72 hours. Failure to report an accident within the given timeframe is an offence.

The driver involved in the accident must provide details to the licensing department of how, where and when the accident occurred and complete a vehicle accident form. Where the vehicle is not capable of being driven, photos must be taken and given to the licensing department with the accident form and vehicle's licence plate and a vehicle suspension notice will be issued.

Drivers, proprietors and operators are advised that the council may be contacted by insurance companies to verify an accident damage report and details provided.

A replacement vehicle may be used until an accident vehicle has been fully repaired and passed the relevant requirements. Replacement vehicles must first be passed as fit for service by a council's approved vehicle testing station and must meet all the other requirements and standards applicable. They will be required to apply as a new licensed vehicle. Vehicle licence plates and the licence must be returned once the vehicle is no longer in use.

## **Requirements to undertake additional tests**

A licensed vehicle which attracts a vehicle suspension notice (VOR) for serious defects may be required at the discretion of an Authorised Officer of the Council, to undertake a further test to demonstrate that the vehicle is roadworthy before the suspension will be lifted. The cost of such a test is to be borne by the operator/driver.

## **Unfit Vehicle Notices**

A notice can be issued by an Authorised officer or Police officer where a vehicles defects give cause for concern.

Immediate Unfit Notices will be given if the vehicle appears to be unsafe to carry members of the public. Once a notice is issued the vehicle must not be used for hire with immediate effect. The vehicle must be presented to either an officer or one of the councils approved vehicle testing stations with the faults rectified. Only after this will the notice be lifted and the vehicle can then be used for hire.

If the authorised officer or police officer is not satisfied within 2 months of the initial inspection the vehicle licence shall be deemed revoked. An authorised officer or police officer may permit other persons to examine the vehicle on their behalf.

## **Taximeters**

All hackney carriages licensed by this authority are required to have a working taximeter fitted in the vehicle, some private hire vehicles are also fitted with a taximeter. Where a taximeter is fitted, it must be calendar controlled, must not be set at a higher fare than the current maximum fare as agreed by the council. The taximeter must be sealed and approved by one of the councils approved vehicle testing stations.

Within district, if a vehicle is fitted with a taximeter it must be used when conveying passengers, the fare demanded cannot be more than that shown on the taximeter. If a fare has been quoted and agreed and is less than the fare shown on the taximeter, the quoted lesser fare must be charged.

Taxi meters are required to be fully tested for the following reasons:

- When a vehicle is first licensed as a taxi or private hire vehicle
- When a taxi meter is changed
- When the Table of Fares is changed
- When the seal is found to be broken/ irregular during a check
- When an irregularity is reported/found as a result of a customer complaint or enforcement spot check

### **Transfer of ownership of the vehicle**

If a proprietor wishes to transfer ownership of a licensed vehicle, they must complete the required application, providing full details of the new owner of the vehicle as soon as practically possible, and in any case within 14 days. A proprietor who fails to give such notice, without reasonable excuse, is guilty of an offence.

### **Accessibility of vehicles**

An accessible public transport system where people with disabilities have the same opportunities to travel as other members of society is the aim of this council. The council expects that proprietors, drivers and operators give full consideration to the service they provide to ensure they provide service to all members of society without discrimination.

The council is required to ensure that a wide variety of opportunity is available to all residents to enjoy a high quality of life. It is recognised that making door to door journeys easily and on-demand is crucial to social inclusion for disabled people.

All hackney carriages licensed by this council are required to be designated wheelchair accessible vehicles (WAV). This is to ensure that people with disabilities are able to hire the vehicle on the spot with the minimum delay or inconvenience.

All licensed drivers must ensure that no extra charges are applied for conveying persons with disabilities.

All licensed vehicles must convey assistance dogs for no additional charge. It is a breach of the Equality Act to refuse to carry an assistance dog, unless the driver has applied for and been issued an exemption certificate. Further information can be found under *Obligations of a Taxi Driver to Carry Disabled Persons using Wheelchairs* in the *General Provisions for Hackney Carriage & Private Hire Drivers* section.

The council encourages all private hire operators to include wheelchair accessible vehicles amongst their fleet and to ensure that no additional costs are levied by them or their drivers, for conveying disabled passengers or assistance dogs.

Private hire vehicles fitted with a tail lift for wheelchairs, must provide a valid LOLER (Lifting Operations Lifting Equipment Regulations) certificate of compliance to prove that the tail lift has been tested and checked to the required standards and must be retested every six months as per HSE (Health and Safety Executive) requirements.

### **Trailers, roof and bike carriers**

The use of trailers is permitted provided that they are only utilised for pre-booked journeys when excess luggage is to be carried and not for general use. Trailers will therefore be required to be presented for test by an approved vehicle testing station. The trailer will also need to display and make clearly visible an additional registration plate and a licence plate which will be provided by the Council on payment of the appropriate fee.

The trailer must be tested prior to its first use and again at each inspection of any vehicle on which the trailer is authorised to be used. If found to be satisfactory a permission by the garage will be allowed for one year.

The trailer must comply with all aspects of current legislation and is of a type recommended by the vehicle manufacturer as being suitable for the intended towing vehicle.

The trailer must be purpose built and manufactured for the purpose of which it was intended.

The tow bar and fitting should be of a type approved by the manufacturer of the vehicle and fitted by an approved agent.

No advertising will be permitted on any part of the trailer.

The trailer shall carry an appropriate spare wheel and correctly inflated spare tyre at all times that it is in use.

The trailer must be of a design that when coupled to the vehicle it does not interfere with the operation of any rear door, emergency exits or wheelchair access ramps.

The trailer must be hard bodied and be fitted with securely fastening covers, which can be hard top or canvas tarpaulin type, to prevent the ingress of liquid on to any luggage being carried. The trailer shall be covered at all times whilst in transit.

The trailer must be plated by the manufacturer specifying the maximum load to be carried.

The kerbside weight of the trailer when fully laden should not exceed that determined by the vehicle manufacturer as being the safe towing weight limit.

A trailer is not permitted on a hackney carriage rank.

It is the driver's responsibility to ensure that he/she holds the appropriate category DVLA licence.

If a roof carrier is to be used for luggage or goods, in addition to normal luggage, it must be a type fitted to the guttering or to the roof rails provided by the vehicle's manufacturer. The roof carrier to be used must be provided with the vehicle when it is tested by one of the Council's appointed testing stations.

The use of bicycle carriers is prohibited on a licensed vehicle.

### **Funeral and wedding vehicles**

There is no requirement for a vehicle to be licensed as a private hire if it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a funeral director for the purpose of funerals.

There is no requirement for a vehicle to be licensed as a private hire while it is being used in connection with a wedding.

### **Limousine and Speciality Vehicles**

Limousine and speciality vehicles are generally used for special occasions such as anniversaries, stag and hen parties, prom nights, etc. and may be vintage, specialist, or stretched vehicles.

Limousine and speciality vehicles used for the purpose of hire and reward are required to be licensed as private hire vehicles and all bookings must be made via a licensed operator.

These are specialist types of vehicles with their own set of conditions, in addition to the standard conditions. Where there is any inconsistency between the standard conditions and these specialist conditions, then these specialist conditions shall prevail. The conditions can be found at Appendix G.

The council strongly recommends that anyone wishing to purchase and licence a speciality vehicle or limousine, contacts the licensing team prior to purchase, to ensure that the vehicle will meet the conditions applied. Each application will be determined on its own merits.

### **Carrying Children and Babies in Hackney Carriage and Private Hire Vehicles**

Hackney Carriages and Private Hire vehicles are not required by law to carry child car seats. A child aged 3 or over can travel on a rear seat and wear an adult seat belt. Children under 3 must also travel on a rear seat but without a seat belt.

The council makes a recommendation that where a journey is prebooked and children will be expected to travel that a safe and suitable car seat is made available for the child.

### **Private hire exemption to display licence plate etc.**

The council recognises that there is a specialist market for the use of unmarked hire and reward vehicles. For example, executives who wish to give the appearance of using a chauffeur driven car, or who require an unmarked vehicle for security reasons. Such customers will expect these vehicles to be prestige high specification vehicles and will also

expect the driver to be smartly dressed either as a chauffeur or in a business suit with collared shirt and tie.

The ability to exempt a vehicle from displaying the licence plate only applies to private hire vehicles, it does not extend to hackney carriages which must display their plates at all times.

Prestige high specification private hire vehicles which carry out contract work such as executive bookings etc. may apply for an exemption certificate, which exempts that vehicle from the requirement to display the rear licence plate and door signage. It also exempts the licensed driver from wearing his badge, however the driver must carry his badge with him so that it is immediately available. The vehicle will still be issued with an exemption internal licence plate. Insurance which covers the driver and vehicle for hire and reward purposes must still be maintained.

Vehicles which have been issued with an exemption certificate must not be used for general daily private hire work. Exempted vehicles found to be carrying out standard private hire work will be subject to enforcement action and the exemption certificate may be revoked.

Exempted vehicles must not display any advertisements, signage, logos, or insignias advertising the operating company inside or outside the vehicle.

Operators and proprietors who wish to apply for an exemption certificate must complete the application form, pay the required fee and provide sufficient supporting documentation to establish the vehicle will be solely used for executive bookings. Where issued, an exemption certificate renewal date will coincide with the renewal of the private hire vehicle licence.

There are extra conditions applicable to exempted vehicles, in addition to the standard conditions. Where there is any inconsistency between the standard conditions and these extra conditions, then these extra conditions shall prevail. The extra conditions can be found at Appendix I.

If an exemption certificate has been issued and the vehicle will no longer be utilised solely for executive type bookings, the certificate must be surrendered and returned to the council. If the vehicle is still licensed, it must then display a private hire internal plate and rear plate and door stickers as required by the conditions for private hire vehicles.

### **Right of Appeal**

The council may suspend, revoke or refuse to renew a Hackney Carriage vehicle licence on the following grounds:

- a) The vehicle is unfit for use as a licensed hackney carriage/private hire vehicle.
- b) The proprietor or driver has committed an offence under, or failed to comply with the provisions of the relevant Acts.
- c) Any other reasonable cause.

The council must give notice of the grounds for doing so within 14 days.

Any person aggrieved by the refusal of the council to grant a vehicle licence has the right of appeal. An applicant appealing a hackney carriage vehicle licence has a right of appeal to the Crown Court only. An applicant appealing a private hire vehicle licence has a right of appeal to a Magistrates' Court. An appeal must be implemented within 21 days of receipt of the notice.

Please note that failure to comply with any of the vehicle licence conditions including the general conditions relating to licensed vehicles may result in the commencement of criminal proceedings, and/or in the suspension or revocation of an existing licence, or in the refusal to issue a new licence

## **CAUTIONARY ADVICE**

You are strongly advised not to purchase a vehicle or any equipment or fittings, without first reading the Council's policy and preconditions to the grant of a licence and also these conditions. If in doubt about any aspect you should make an appointment with the vehicle examiner at one of the Councils appointed testing centres. The Licensing team are not qualified to make technical assessments and are under instruction not to offer such advice. If a vehicle does not meet the conditions and specifications it is unlikely that a licence will not be granted.