

## **APPENDIX 5 – SLTDA Submission - Hackney Carriage Vehicle Licence Conditions**

### **1 INTRODUCTION**

1.1 These conditions form the pre-licensing and licensing conditions for hackney carriage vehicles. Failure to comply with any of these conditions could result in a hackney carriage vehicle licence being refused, suspended or revoked.

1.2 The Council may attach to the grant of a hackney carriage vehicle licence any such conditions as it may consider reasonable or necessary and accordingly may, at any time, vary, alter or impose new conditions.

1.3 A person being considered for a hackney carriage vehicle licence shall be over 21 years of age and be vetted by the Criminal Records Bureau, provide two character referees who are not related to the applicant and are known to them personally.

1.4 A proprietor's requisition form must be completed for any application for a hackney carriage vehicle licence and must state the forename, surname, and place of abode of the applicant applying for such a licence and all persons with an interest in the vehicle. A company will not be accepted as a proprietor for a licensed vehicle.

1.5 On initial application if the vehicle is more than one year old, a current Vehicle Inspectorate MOT Test Certificate is required of no more than four weeks old.

1.6 Proof of ownership of the vehicle is required by way of a bill of sale, hire purchase agreement or lease agreement.

1.7 A vehicle registration document must be produced showing the applicants current name and address.

1.8 A valid certificate of insurance is required for hackney carriage use (public hire).

1.9 All vehicles submitted for licensing must be right-hand drive.

1.10 The vehicle specifications are dependent on the classification of the vehicle and are headed under standard vehicle, minibus and MPV or wheelchair accessible vehicle. All vehicles must comply with the general vehicle specifications.

1.11 New hackney carriage vehicle licences are granted to wheelchair accessible vehicles only. These vehicles may only be replaced with wheelchair accessible vehicles . Hackney carriage wheelchair accessible vehicles can only be side loading only, Rear loading vehicles are not allowed.

1.12 Following the issue of the hackney carriage vehicle licence, only a driver holding a current hackney carriage drivers licence with this Authority is permitted to drive that vehicle.

## 2 STANDARD VEHICLES

2.1 A standard vehicle is a saloon, hatchback or estate vehicle produced by a recognised vehicle manufacturer for appeal to the mass market and has EC Whole Vehicle Type Approval and complies with the current Construction and Use Regulations.

2.2 The vehicle must be suitable in type, size and design for use as a hackney carriage and according to the manufacturer's unaltered specification.

2.3 The vehicle must be in good mechanical order and body condition and in full and proper operational order in every respect.

2.4 The interior must be clean and the upholstery and flooring free from holes splits and other damage.

2.5 The vehicle must not be more than six years old when first licensed and will not be re-licensed if more than 10 years old

2.6 Licences for standard vehicles are issued on 'Grandfather Rights' and therefore new applications for hackney carriage vehicle licences will not be accepted.

(Please refer to wheelchair accessible vehicles).

## 3 HEIGHT

3.1 The vehicle must have an overall height of no less than 135 cm (53 in)

#### 4 SEATING

4.1 The vehicle must have seating accommodation for at least four passengers, with a minimum width of 41 cm (16 in) per seat.

4.2 Have a separate front seat from the driver to accommodate a passenger.

4.3 The vehicle shall not carry more than the prescribed number of passengers it is licensed to carry, even if that person is carried by another.

#### 5 DOORS

5.1 The vehicle must have no less than three doors in addition to any door provided for the driver, each adjacent to and allowing direct access to and from the passenger seats.

#### 6 LUGGAGE

6.1 Be capable of carrying a reasonable quantity of luggage in a safe and secure manner with suitable restraints to prevent items in non-saloon vehicles becoming insecure.

6.2 Be capable of accommodating a wheelchair either constructed or dismantled, in a reasonable manner with suitable restraints to prevent it in non-saloon vehicles becoming insecure.

#### 7 MINIBUSES AND MPV'S

7.1 A minibus or MPV is a vehicle produced by a recognised vehicle manufacturer for appeal to the mass market, has EC Whole Vehicle Type Approval, and complies with the current Construction and Use Regulations.

7.2 The vehicle must be suitable in type, size and design for use as a hackney

C carriage and according to the manufacturer's unaltered specification.

7.3 The vehicle must be in good mechanical order and body condition and in full and proper operational order in every respect.

7.4 The interior must be clean and the upholstery and flooring free from holes splits and other damage.

7.5 The vehicle must not be more than six years old when first licensed and will not be re-licensed if more than 10 years old.

7.6 Licences for minibuses and MPV's are issued on 'Grandfather Rights' and therefore new applications for hackney carriage vehicle licences will not be accepted. (Please refer to wheelchair accessible vehicles)

## 8 HEIGHT

8.1 The vehicle must have an overall height of no less than 135 cm (53 in)

## 9 SEATING

9.1 The vehicle must have seating accommodation with a minimum width of 41 cm (16 in) per seat. 9.2 Have separate front seats from the driver to accommodate a maximum of two passengers.

9.3 Have a gear change area that does not encroach into the passengers seating space and have unobstructed legroom of at least 60.6 cm (26 in) measured from the back of the front seat(s) to the closest point of the fascia.

9.4 The seating configuration in the passenger area behind the driver shall be such that no person for the purpose of ingress or egress shall be required to move or dismantle any seat or other obstruction or manoeuvre over or round any other passenger or article carried in the vehicle.

9.5 The vehicle shall not carry more than the prescribed number of passengers the vehicle is licensed to carry even if that person is carried by another.

## 10 DOORS

10.1 The vehicle must have no less than three doors in addition to any door provided for the driver, each adjacent to and allowing direct access to and from the passenger seats.

## 11 LUGGAGE

11.1 Be capable of carrying a reasonable quantity of luggage in a safe and secure manner with suitable restraints to prevent items in vehicles becoming insecure.

11.2 Be capable of accommodating a wheelchair either constructed or dismantled in a reasonable manner with suitable restraints to prevent it becoming insecure.

## 12 WHEELCHAIR ACCESSIBLE VEHICLES

12.1 A wheelchair accessible vehicle is a vehicle produced by a recognised vehicle Manufacturer or approved and licensed converter for the purpose of transporting a person in a wheelchair. It must have EC Whole Vehicle Type Approval and comply with the current Construction and Use Regulations or be a vehicle produced by a recognised manufacturer and issued with a Low Volume Approval Certificate. It must have the word Taxi written as the vehicle description in the registration document.

12.2 The vehicle must be suitable in type, size and design for use as a hackney carriage vehicle and according to the manufacturer's unaltered specification.

12.3 The vehicle must be in good mechanical order and body condition and in full and proper operational order in every respect. 12.4 The interior must be clean and the upholstery and flooring free from holes, splits and other damage.

12.5 The vehicle must not be more than six years old when first licensed and will not be re-licensed if more than 20 years old .

### 13 HEIGHT

13.1 The vehicle must have an interior overall height suitable of accommodating a person sitting in a wheelchair. It is recommended that this is a minimum of 162.5 cm (63.9 in)

### 14 SEATING

14.1 The vehicle must have seating accommodation with a minimum width of 41 cm (16 in) per seat.

14.2 Have separate front seats from the driver to accommodate a maximum of two passengers.

14.3 Have a gear change area that does not encroach into the passengers seating space and have unobstructed legroom of at least 60.6 cm (26 in) measured from the back of the front seat(s) to the closest point of the fascia.

14.4 The seating configuration in the passenger area behind the driver shall be such that no person for the purpose of ingress or egress shall be required to move or dismantle any seat or other obstruction or manoeuvre over or round any other passenger or article carried in the vehicle.

14.5 A person seated in a wheelchair must be carried according to the vehicle manufacturer's specifications.

14.7 The vehicle shall not carry more than the prescribed number of passengers the vehicle is licensed to carry, even if that person is carried by another.

### 15 DOORS

15.1 Have no less than three doors in addition to any door provided for the driver, each adjacent to and allowing direct access to and from the passenger seats.

## 16 LUGGAGE

16.1 Be capable of carrying a reasonable quantity of luggage in a safe and secure manner with suitable restraints to prevent items becoming insecure.

## 17 RAMPS AND STRAPS

17.1 The ramp(s) and straps required to secure a wheelchair must be carried on the vehicle at all times. 17.2 The ramp(s) must be suitable in size, type and design and securely fitted to the vehicle when in use.

17.3 The ramp(s) must be maintained in good working order at all times.

17.4 All straps required for securing a wheelchair must be free from any defects.

17.5 Where mechanically assisted ramps or lifts are fitted, a current certificate of compliance must be produced at each Council vehicle inspection.

## 18 GENERAL

This section applies to all licensed hackney carriage vehicles regardless of their classification

18.1 A hackney carriage vehicle must be kept clean inside and out and in a well maintained condition at all times.

## 19 RENEWING THE LICENCE

19.1 The vehicle must be presented for licensing at renewal on or before the expiry of the licence.

## 20 METERED FARES

20.1 The vehicle must be fitted with a taxi meter visibly recording the approved

authorised fare tariff.

20.2 The position of the meter shall be agreed by the Council's Inspecting Officer and shall be maintained at all times so that the fare displayed can readily be seen by the passenger.

20.3 The meter shall be tested for accuracy when first fitted in the vehicle and following any changes to the authorised table of fares or as required. The meters will be sealed by a Council Officer after each inspection.

20.4 Use of an unsealed meter is not permitted at anytime.

20.5 The current authorised fare tariff approved by the Council, shall be clearly displayed in the vehicle.

## 21 GLASS LIGHT TRANSMISSION

21.1 The front windscreen must allow 75% of light transmission.

21.2 The drivers window and front passenger window must allow 70% of light transmission.

21.3 In other windows, only tinted glass supplied as an original fitment at the time of manufacturer of the vehicle will be acceptable and this must allow adequate light transmission to provide a clear view into the vehicle to see any passengers. Any subsequent replacement windows shall conform to the original manufactures specification. Any variation on these restrictions will be at the discretion of the Licensing Authority. No tinted films or other adhesive materials will be accepted on any part of the windows of the vehicle –

## 22 INTERIOR MARKINGS

22.1 The Proprietor shall ensure that the following are clearly displayed inside the vehicle:

- The windscreen identification sticker showing the licence plate.
- The current authorised fare tariff card.



22.2 Where in-car video surveillance is installed, a notice to this effect must be clearly displayed inside the vehicle, the wording of which shall be approved by the Council.

## 23 EXTERIOR SIGNS

23.1 The Proprietor shall ensure that the following are clearly displayed on the vehicle:

- The licence plate bearing the number of the licence granted shall be securely fixed as not to be readily removable and be displayed adjacent to the rear number plate.
- Southend District Council's door stickers must be permanently fixed on the upper panels of the rear passenger doors

No other markings shall be displayed on these panels.

23.2 The vehicle may display the Flag of St George or the Union Flag at any time.

It shall not exceed in size 45 cm x 30 cm (18 in x 12 in) and not obscure the driver's vision.

## 24 SAFETY EQUIPMENT

24.1 An efficient fire extinguisher shall be carried of a type conforming to BSEN3:1996 (type AFFF two litre minimum capacity recommended). It must be readily available for use in case of emergency and have an external device to show that it is fully charged.

24.2 A seatbelt cutter and emergency window hammer must be carried at all times.

## 25 ADVERTISING

25.1 Full livery is allowed on all hackney carriages, subject to prior approval by the council, as per all metropolitan areas.

25.2 When full livery is used Southend District Council door stickers must be placed in the

appropriate position.

25.3 Wheelchair accessible vehicles may display a maximum of four disability signs anywhere on the vehicle.

25.4 When full livery is not used product advertising of a local business may be displayed, the advert and the wording is subject to prior approval by the Council .

25.5 Inscriptions that identify the hackney carriage circuit or the company of the vehicle, may be displayed in the positions as prescribed.

25.6 For Saloon Vehicles and Estate

- Rear Doors – Southend District Council door stickers permanently fixed to the upper panels of the doors, no other signs are permitted.
- Front Doors – Hackney carriage company name or logo, telephone number, email address.
- Rear Panel – No signs are permitted.
- Boot or Hatchback – Product advertising, local business name and service, wording is permitted subject to prior approval or hackney carriage,
- Bonnet – Nothing
- Rear Screen – Product advertising, local business name and service, wording is permitted subject to prior approval or hackney carriage,
- Rear Bumper – Product advertising or hackney carriage company telephone number only.

25.7 For Multi Passenger Vehicles Only (Five Seater and Above)

- Rear Doors – Southend District Council door stickers permanently fixed to the upper panels of the doors, no other signs are permitted.
- Front Doors – Hackney carriage company name or logo, telephone number, email address.
- Rear Panel – No signs are permitted.
- Tail Gate/Rear Doors – Product advertising, local business name and

service wording is permitted subject to prior approval or Hackney carriage .

- Bonnet – Nothing

- Rear Screen — Product advertising, local business name and service,

wording is permitted subject to prior approval or hackney carriage.

- Rear Bumper – Product advertising, local business name and service wording is permitted subject to prior approval or Hackney carriage .  
or hackney carriage company telephone number.

## 26 ROOF SIGNS

26.1 Hackney carriage vehicles must display a taxi roof sign when plying for hire.

26.2 The taxi roof sign must not exceed 75.5 cm x 16 cm x 16.5 cm (36 in x 6¼ in x 6½ in).

26.3 The word TAXI must appear on the front of the roof sign and to the rear it may display the word TAXI or the hackney carriage company name or telephone number.

26.4 The roof sign must be capable of being illuminated when plying for hire in a controlled area and work in conjunction with the meter fitted to the vehicle.

26.5 The roof sign must not be illuminated under any circumstances when outside the Southend District, a separate switch must be fitted to turn the roof sign off.

26.6 The roof sign when illuminated must show a yellow or white light to the front and red light to the rear and comply with the Road Vehicles Lighting Regulations.

## 27 SPARE WHEELS

27.1 The vehicle must be fitted with a spare wheel that is in a serviceable condition at all times.

27.2 Where a space saver tyre is supplied as the vehicles only spare wheel, the vehicle

must comply with the conditions of use from the tyre manufacturer whilst fitted to the vehicle.

27.3 Where a space saver tyre has been fitted to a hackney carriage vehicle, the vehicle cannot be used other than to complete the single journey. And cannot be used for any further hire and reward work of any description.

27.4 Where a run flat tyre is fitted, all manufacturer's conditions must be complied with at all times.

27.5 Where a run flat tyre warning device has indicated a tyre failure, a hackney carriage vehicle must not be used other than to complete the single journey. And cannot be used for any further hire and reward work of any description.

### 30 INSPECTION

30.1 A proprietor shall submit the vehicle for mechanical inspection when requested and at least:

- On first application for a licence of any change of vehicle.
- Annually at requested specific time.
- On any other occasion at the request of an Authorised Officer.
- After any repair made necessary by an accident affecting the safety and comfort of passengers or the performance or appearance of the vehicle.

30.2 The proprietor shall at the annual renewal or interim inspections, produce a current Vehicle Inspectorate MOT Test Certificate of no more than four weeks old

30.3 The vehicle must pass the Council's Transportation Departments vehicle inspection in order for the licence to be granted, renewed or retained.

31.1 Whilst the vehicle is licensed as a hackney carriage, it shall not be driven by any person other than a hackney carriage driver licensed by Southend District Council.

31.2 If the proprietor permits or controls any other person to drive the vehicle, that

person must deposit a copy of their hackney carriage driver's licence with the proprietor, before they commence to drive the vehicle. The proprietor will record the details of the licence in a register for that purpose. A copy of the hackney carriage driver's licence will be retained until the driver ceases to be permitted or controlled to drive the vehicle.

### 32 USE BY UNLICENSED DRIVERS

32.1 The use of an unlicensed driver to drive a licensed vehicle is strictly forbidden.

32.2 With the only exception made under the Transport Act 1985 Schedule 7–3 Section 46 of the Town Police Clauses Act 1847 (drivers not to act without first obtaining a licence) shall not apply to a person driving a hackney carriage licensed under that Act for the purpose of or in connection with:

- any test of the mechanical condition or fitness of the hackney carriage vehicle or its equipment carried out for the purposes of section 45 of the Road Traffic Act 1988 (tests of satisfactory condition of vehicles other than goods vehicles) or for the purposes of any requirements with respect to such condition or fitness imposed by or under any other enactment; or
- any test of that person's competence to drive a hackney carriage, carried out for the purposes of any application made by him for a licence to drive a hackney carriage.

### 33 CARRIAGE OF ASSISTANCE DOGS

33.1 The proprietor shall ensure the driver of the vehicle complies with the requirement to carry a guide, hearing or assistance dog when requested, unless the driver is a holder of an exemption certificate issued by the Council.

### 34 SMOKING IN VEHICLES

34.1 Hackney carriage vehicles are smoke free vehicles at all times.

34.2 No persons are permitted to smoke in a hackney carriage vehicle.

34.3 No smoking signs must be displayed on all hackney carriage vehicles.

34.4 The proprietor of the vehicle must ensure that the current Smoke Free Legislation is complied with at all times.

### 35 NOTIFYING CHANGE OF PERSONAL CIRCUMSTANCES

35.1 A proprietor, who changes the place at which they live, shall notify the Council of such change of address within seven days of the date of the event, in writing or by electronic means.

35.2 The proprietor of a hackney carriage vehicle will immediately or within seven days notify the Council in writing or by electronic means of any change in circumstances in relation to:

- Any other person having an interest in the vehicle.
- The transfer of interest of the vehicle licence to another person.

### 36 PRODUCTION OF DOCUMENTATION

36.1 When requested, a proprietor shall within seven days:

- Produce the current Vehicle Inspectorate MOT Test Certificate.
- Produce such insurance documents as may be required, specifying that the vehicle has continuous insurance cover for public hire. The certificate/cover note must be produced before the expiry of the previous certificate/cover note or as soon as practicable.
- Produce the vehicle registration documents showing the proprietors current name and address or any other evidence of proprietorship of the vehicle.

### 37 ROAD ACCIDENTS

37.1 The proprietor must report to the Council, in writing or by electronic means as

soon as reasonably practicable and in any case within 72 hours of any accident to the hackney carriage vehicle, causing any damage whether or not it materially affects the safety, performance or appearance of the vehicle or the comfort or convenience of passengers.

37.2 The hackney carriage vehicle must be presented at the Council at the first available opportunity for inspection.

37.3 Where it is not possible for the vehicle to be inspected at the Council Offices due to the damage caused by the accident, the hackney carriage vehicle licence plate and screen identification sticker must be returned to the Council.

## 38 REGULATIONS

38.1 The proprietor shall ensure that any driver complies with the Council's Hackney Carriage Licence Conditions.

38.2 The proprietor should make themselves familiar with the statutory requirements relating to hackney carriage vehicle licensing.

## 39 SURRENDER OF LICENCE

39.1 If the proprietor ceases to use the vehicle for the purpose for which it is licensed they shall within seven days, surrender the licence and return the plate, which remains the property of Southend District Council,

39.2 If the vehicle is unfit for use as a hackney carriage for any reason, the vehicle licence plate must be returned to the Council and will be held for a maximum of eight weeks. If a suitable vehicle is not presented for inspection in this time, the licence plate will be deemed revoked. Unless reasonable circumstances exist and are made aware to the council.

39.3 The vehicle licence may be suspended, revoked or refused to be renewed if the proprietor fails to comply with the conditions of their licence.

## 40 SUSPENSION OF VEHICLE LICENCE

40.1 An Authorised Officer may suspend a hackney carriage vehicle licence until such time as they are satisfied that the condition of the vehicle is such that it is not a danger to the public or other road users. In such circumstances, a statutory vehicle suspension notice will be issued stating the reasons the vehicle has been suspended. There is no right of appeal in these circumstances.

## 41 APPEALS

41.1 An appeal may be brought against the licensing conditions within 21 days from the date on which notice of the condition is served on the applicant to the Magistrates' Court.

41.2 A proprietor disappointed by a decision of the Authority in respect of a licensed vehicle has a right of appeal to the Magistrates Court within 21 days.

### **Transfer of license to remain the same**

### **Southend councils conditions relating to conviction and cautions to remain the same**