

APPENDIX 9 – PROPOSED HC VEHICLE LICENCE CONDITIONS
SOUTHEND BOROUGH COUNCIL
APPLICATION FOR ISSUE/RE-ISSUE OF HACKNEY CARRIAGE LICENCE

1. DETAILS OF APPLICANT

SURNAME (BLOCK LETTERS):

OTHER NAMES:

ADDRESS:

.....

TEL NO: DATE OF BIRTH:

FOR OFFICIAL USE ONLY	
DIRECT DEBIT/CASH/CHEQUE FEE £	REC NO
ACCOUNT NO: U-DR-3100936	
REPLACEMENT/RENEWAL	

2. DETAILS OF VEHICLE TO BE LICENSED

Registration No	Date First Registered	Engine Rating	Make and Type	Plate No.
		cc's		

3. DETAILS OF PROPRIETORSHIP

I declare that listed below is a true and complete record of the names and addresses of all the persons having any interest in the ownership, use or letting for hire of the vehicle:-

Name	Address	Nature of Interest

CAUTION

ANY PERSON GIVING FALSE INFORMATION OR WITHHOLDING INFORMATION IN THIS PART OF THE APPLICATION MAY COMMIT A CRIMINAL OFFENCE

4. DETAILS OF CONVICTIONS

Have you been convicted of any offence in any Court?

Have you received a Police caution or other formal caution?

Have you received a Fixed Penalty Notice for any traffic offence?

If "Yes", details of all convictions, cautions and Fixed Penalty Notices must be shown below.

NAME	OFFENCE	COURT	DATE	PENALTY

Convictions, Police cautions or other formal cautions or Fixed Penalty Notices recorded since the completion of this form must be reported immediately to: The Hackney Carriage Office, Southend on Sea Borough Council, Civic Centre, Southend on Sea, and may render the licence liable to suspension.

I declare that my answers to the above questions are true to the best of my knowledge. I understand that if there are any omissions or incorrect statements of a serious nature my application may be refused without further consideration, or if a licence has been issued, it will be liable to immediate suspension. I have read the Conditions printed overleaf and understand them.

Signature Date

This form to be returned to the Hackney Carriage Office, Southend on Sea Borough Council, Civic Centre, Southend on Sea, Essex SS2 6ZG.

Hackney Carriage Vehicle Licence Conditions

1. Introduction

- 1.1 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 to a higher or lower standard.
- 1.2 In addition to these licensing conditions, licence holders must comply with the associated legislation in respect of hackney carriages, including provisions of the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1846, the Southend on Sea Byelaws relating to hackney carriages and all other relevant legislation.

2. Hackney Carriage Vehicle Conditions

- 2.1 A person being considered for a Hackney Carriage Vehicle Licence on the first and any subsequent occasion, shall:
- 2.1.1 To the satisfaction of an authorised officer have possession of a suitable vehicle, being a saloon car, hatchback, estate car or a Multi-Purpose Vehicle (MPV).
 - 2.1.2 Have a vehicle not more than 5 years old when first licensed (Wheelchair Accessible Vehicles 6 years), and not more than 10 years old when subsequently licensed (Wheelchair Accessible Vehicles 20 years). Any limousine or specially approved vehicle shall have no specific age limit, and will be reviewed annually. The 10 year maximum is based on the condition of the vehicle which is considered at 8 years and can be extended by 6 month intervals to a maximum of 10 years.
 - 2.1.3 All vehicles submitted as a Hackney Carriage must be right hand drive.
 - 2.1.4 Have been a licensed Hackney Carriage / Private Hire professionally experienced driver for a period of at least 3 years and must not be a person who would be refused a Hackney Carriage / Private Hire Drivers Licence.
 - 2.1.5 Submit the vehicle for mechanical inspection when requested by an authorised officer, including at first and subsequent licensing.
 - 2.1.6 Submit appropriate insurance or other requested documents within 7 days when requested by an authorised officer.
 - 2.1.7 Produce to the satisfaction of an Authorised Officer such documents detailing any arrangements for the use of, letting or hiring of the vehicle.
 - 2.1.8 A company shall not be accepted as a proprietor of a licence.
- 2.2 Any vehicle shall, according to the manufacturer's specification, have the following:
- 2.2.1 Rear Seat accommodation for at least three persons with a minimum of 43.18cm (17 inches) per person.
 - 2.2.2 Separate front seat/s to accommodate passengers in addition to the driver with minimum 43.18cm (17 inches) per passenger.
 - 2.2.3 A minimum of four doors unless specially approved.
 - 2.2.4 No seat shall need to be moved or tilted before a passenger can enter or exit the vehicle.
 - 2.2.5 An overall height of not less than 135cm (53 inches).
 - 2.2.6 A length of not less than 432cm (170 inches), unless specially approved.
 - 2.2.7 An engine performance with a suitable power output.
 - 2.2.8 Manufacturer's specification tinted glass windows are permitted, however no privacy glass shall be permitted in any vehicle which, in the Council's opinion, obscures the view of any passenger inside the vehicle.
 - 2.2.9 If the vehicle is an estate car, a substantial protective shield shall be fitted to the rear interior section.
OR
 - 2.2.10 Be a purpose built cab or be a vehicle conversion to wheelchair accessible or multi-seat capacity vehicle, provided the vehicle conforms to EU whole vehicle type approval or UK low volume approval, provided that the vehicle is no more than 6 years of age when first licensed and not more than 20 years old when subsequently licensed.

3. Wheelchair Accessible Vehicles

- 3.1 All ramps, straps and restraints, designed to secure a wheelchair in a vehicle must be carried on the vehicle at all times.
- 3.2 Any wheelchair must be secured in accordance with the manufacturers requirements and shall not be carried in a sideways position.
- 3.3 Children shall not be conveyed in prams or pushchairs.

4. Transfer of a Hackney Carriage Vehicle Licence

- 4.1 On application for renewal of a licence after the transfer of a licensed vehicle from the person to whom the licence was granted, the application will only be granted if:
 - 4.1.1. The person to whom it was granted had carried on business satisfactorily during the previous five years
 - AND**
 - 4.1.2. The person to whom it was transferred complies with the pre-licensing standards applicable to the issue of a Hackney Carriage Vehicle Licence and is not the holder of any other Hackney Carriage Vehicle Licence.
- 4.2 The above conditions apply to a person entering into a partnership with the person to whom the licence was granted and to a partner applying for a licence in his own name after a partnership has been dissolved.

5. Vehicle Markings / Advertising

- 5.1 Except as hereby required or permitted or otherwise required by law, no advertisement, sign or light shall be placed either on the inside or outside of the vehicle.
- 5.2 The plate bearing the number of the licence granted shall be displayed on the outside of the vehicle adjacent to the rear number plate and the number of the licence shall be displayed on the inside of the vehicle in such a position as to be plainly visible to persons travelling in the vehicle.
- 5.3 A sign provided by the Council for the purposes of indicating that the vehicle is a licensed Hackney Carriage Vehicle shall be securely attached to each rear door panel of the vehicle.
- 5.4 A taxi roof sign not exceeding 91.5cm (36 inches) x 16cm (6 1/4 inches) x 16.5cm (6 1/2 inches) **OR** of an acceptable size to the Council shall be secured to the roof of the vehicle.
- 5.5 The licensee shall obtain the approval of the Council to the type and content of any advertisement hereby permitted, before it is permitted to be displayed.
- 5.6 Full advertising livery is not permitted on Hackney Carriage Vehicles.
- 5.7 Advertising will otherwise be permitted on the bonnet of the vehicle, on the outside of the front doors, and on the boot lid or hatchback door or rear window, provided it does not obscure the view to the rear. Additionally, advertising is permitted on the inside of the vehicle subject to the approval of the Council.
- 5.8 Roof advertisements will only be permitted with special approval of the Council and shall not exceed the height of a taxi roof sign.

6. CCTV in Hackney Carriage Vehicles

- 6.1 Where in-car CCTV is installed in any vehicle, the system must be encrypted in order that images can only be downloaded by the Police or Authorised Officer of the Council, and not directly accessible to drivers or proprietors.
- 6.2 Any vehicle proprietor who installs in-car CCTV equipment shall notify the Council.
- 6.3 Where any in-car CCTV equipment is installed, a notice to this effect must be clearly displayed in the vehicle, the wording of which shall be approved by the Council.

7. Miscellaneous Conditions

- 7.1 The outside of the vehicle shall remain clean and free from damage. The inside of the vehicle shall remain clean, well maintained and free from damage.

- 7.2 Vehicles failing a mechanical examination for serious body or mechanical defects shall be subject to prohibition by written notice from use as a Hackney Carriage until such time as the defect is rectified to the satisfaction of the Council.
- 7.3 An efficient 1kg dry powder fire extinguisher conforming to BSEN3: 1996 shall be firmly fixed in the driver's compartment or boot of the vehicle and shall be readily accessible. Any other safety equipment carried shall be maintained in good order and shall conform with to relevant British Standard requirements.
- 7.4 Where carried, any spare tyre must comply with the Motor Vehicle (Construction and Use) Regulations 1986. Where it is necessary to utilise any 'run-flat' tyre or to re-inflate any damaged tyre with a temporary fix using foam or gel etc, or to apply any other temporary fix, this shall only be to ensure the completion of the journey at the time and the tyre must be replaced before further work is accepted and undertaken.
- 7.5 The Licensee shall be a full time Hackney Carriage Driver, earning a living entirely or mainly in the taxi trade.
- 7.6 The Licensee shall be in direct control of the day to day running of the vehicle.
- 7.7 A Licensee who changes the place at which he/she lives shall notify the Council of such change within 7 days.
- 7.8 Convictions, Police Cautions or other formal cautions or Fixed Penalty Notices recorded since the completion of the application form shall be reported to the Council within 7 days.
- 7.9 The Licensee shall, throughout the period of the licence, comply with the Licence Conditions and shall, within 7 days of a written request by the Council, provide such documents and other information as may be required to show compliance with the Licence Conditions.
- 7.10 If, during the licence period, a Licensee is unable to provide a suitable vehicle for the continued use as a Hackney Carriage Vehicle, the Council may revoke the licence and may issue a new licence to a person who can so provide.
- 7.11 Where any Hackney Carriage Stand is designated for horse drawn carriages only, no motor powered vehicle shall wait on, or ply for hire, on the Stand.
- 7.12 The licence may be revoked upon the breach by a Licensee of any of the terms and conditions of the licence.

8. The Councils Hackney Carriage Conditions relating to convictions and cautions are as follows:

- 8.1 Not have accrued more than 12 penalty points during the previous three years;
- 8.2 Not have been convicted or received a Police caution or other formal caution for a serious motoring offence during the previous three years;
- 8.3 Not have been convicted or received a Police caution or other formal caution for a criminal offence, e.g. dishonesty/public order offence/criminal damage/racially aggravated offence/common assault/actual bodily harm during the previous four years;
- 8.4 Not have been convicted or received a Police caution or other formal caution for a sexual offence during the previous five years;
- 8.5 Not have been convicted or received a Police caution or other formal caution for a serious assault (eg grievous bodily harm, wounding) during the previous seven years;
- 8.6 Not have been convicted or received a Police caution or other formal caution for a drugs related offence during the previous three years;
- 8.7 Not have been convicted or received a police caution or other formal caution for any other offence, or followed a course of behaviour which the Licensing Authority does not consider fit and proper during the previous four years.
- 8.8 The Licensing Authority may use its discretion over previous convictions or any new convictions and may refuse to issue a licence or revoke an existing licence accordingly.
- 8.9 Previous convictions, Police cautions or other formal cautions or Fixed Penalty Notices for driving offences are applied to all vehicle licences issued or applied for, provided that if the licensee does not drive the licensed vehicle, convictions/cautions or Fixed Penalty Notices relating to driving offences only may be disregarded.

9. Consideration of application and appeal procedure

- 9.1 All relevant facts will be taken into account when consideration is given to an application for a Hackney Carriage licence and it may be that additional or higher standards will be imposed. The standards may be relaxed in exceptional cases.

- 9.2 An appeal may be brought against the Licensing Conditions and must be made to Southend on Sea Magistrates Court within 21 days from the date on which notice of the Conditions is served on the applicant.