

LICENCE CONDITIONS

HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE CONDITIONS

Throughout these conditions:

- 'The Council' means the North Wiltshire District Council
- 'The District' means the District of North Wiltshire
- 'Vehicle' means both Hackney Carriage and Private Hire Vehicle
- 'Taxi' means Hackney Carriage
- 'PHV' means Private Hire Vehicle

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

No vehicle will be licensed as a Taxi or Private Hire Vehicle unless it has first been inspected by an officer of the Council and found to comply with these conditions. Although Council Officers will offer guidance and assistance to applicants for a vehicle licence, no approval can be issued until the vehicle is inspected. Applicants are, therefore, advised to discuss any proposed acquisition of a vehicle for use as a Taxi or PHV with Council Licensing Officers prior to any such acquisition.

1. Vehicle Requirements for Taxis and Private Hire Vehicles

- (a) Where vehicles over 7 years old are being considered for licensing, the Council will have regard to current Construction and Use Regulations which materially affect the safety of the passengers. The Council may require the vehicle to be modified to meet the current construction standards before licensing or any license renewal. Where a vehicle cannot be modified the application for licensing or re-licensing may be refused.

All vehicles licensed for use as a Taxi or PHV must comply with Construction and Use Regulations in force at the time the vehicle was first registered in the UK. Any modifications to the vehicle must comply with the Construction and Use Regulations in force at the time the modification was carried out.

Should the Council have any concerns regarding the condition of any vehicle, they may request that the vehicle be inspected by an independent motor engineer specified by the Council. The costs incurred by any such inspection shall be borne by the operator of the vehicle.

NOTE: this will only be used to bring about significant benefits to passengers relating to the likelihood of accidents, and the consequences of such accidents. An example of this would be that all vehicles more than 7 years old will be required to be fitted with seat belts for all seats.

- (b) The age of the vehicle will be calculated from the date of first registration given in the vehicle registration document. Where a vehicle has been previously registered overseas, the age of the vehicle will be calculated from the date of first registration in that country or date of manufacture. If the vehicle has previously been registered elsewhere this must be disclosed in writing on the application form.
- (c) The licence may be for 12 months or any period as deemed appropriate by the Council.

2. Vehicle Suitability for Taxis and Private Hire Vehicles

Any vehicle that has not been licensed before must be presented for inspection to the authorised officer prior to Licensing.

Any vehicle licensed as a Taxi or PHV will be inspected by an officer of the Council within 7 days of the renewal date of any Taxi or PHV licence and a licence will only be renewed if the vehicle continues to comply with current licence conditions. It is the responsibility of the licence holder to present the vehicle for inspection at the notified time, date and location. Failure to do so will result in no licence being issued until a new inspection can be arranged.

The Council will expect the vehicle to comply with the following at all times:

- (a) MOT Standard.
- (b) It should have no damage affecting the structural safety of the vehicle.
- (c) Has not been written off for insurance purposes at any time.
- (d) No vehicle must be fitted with 'bull bars' or other modification that increases the risk to passengers, pedestrians or other road users.
- (e) The vehicle has at least two doors for the use of passengers in addition to the driver's door. Where passenger doors are on only one side of the vehicle they must be on the near or left side.
- (f) All passenger seats must be easily accessible to passengers without the need for more than one passenger to move. If access to one or more of the passenger seats requires the folding or moving of the other seats, the release mechanism for the adjustable seat must be clearly marked and visible to passengers and the adjustment should take place in one movement.
- (g) All internal door handles must be clearly visible to passengers and, if necessary, marked with signs or identification tape.
- (h) All passenger seats must face forward or rearward to the direction of travel, except in the case of Limousine type vehicles where sideward facing seats may be provided along with appropriate seating restraints.
- (i) Passenger seats must be at least 400mm wide per passenger with no significant intrusion by wheel arches, armrests or other parts of the vehicle. There must be a minimum of 860mm headroom for all passenger seats measured from the rear of the seat cushion to the roof lining. There must be a minimum of 180mm legroom for all passenger seats measured from the front edge of the seat to the rear of any seat, dashboard or internal panel in front.
- (j) All seat belts fitted to the vehicle must be either a 3 point inertia belt, 2 point lap belt or 3 point disabled persons belt. They must comply with current seatbelt standards and be fully functional at all times.
- (k) Any steps at passenger door entrances must have clearly marked edges and be lit when the passenger door is open.

- (l) Adequate storage for passenger luggage separated from the passenger compartment must be available. Luggage carried must be suitably secured in place.
- (m) All swivel seats must be fitted in accordance with manufacturer's recommendations.
- (n) A proprietor of a hackney carriage or private hire vehicle shall provide sufficient means by which any person in the vehicle may communicate with the driver.
- (o) All passengers must have access to an openable window or other form of natural ventilation whilst being carried in the vehicle.

Wheelchair Accessible Vehicles

- (p) In the case of vehicles which make provision for the carriage of passengers whilst occupying a wheelchair, there must be separate means of securing the wheelchair and passenger. Access to, and exit from, the wheelchair position must not be obstructed in any manner at anytime except by wheelchair- loading apparatus and the Council recommend that the wheelchair be loaded and unloaded from the nearside of the vehicle (loading from the rear doors of the vehicle is permitted).
- (q) Where the vehicle is used for the carriage of passengers seated in a wheelchair, the owner must ensure that all vehicles, which are constructed or adapted to carry seated passengers, are suitably adapted to allow secure carriage of all wheelchairs and any other equipment. Any such adaptations should take into account the latest guidance.
- (r) All vehicles used to carry passengers in wheelchairs must be fitted with a ramp or power operated lifting mechanism and this must be used to move the wheelchair-seated passenger into and out of the vehicle.

Accessory Requirements

- (s) All vehicles must carry at all times a minimum of one 2kg dry powder fire extinguisher conforming to BS EN 3, securely fixed in a position readily accessible to the driver and visible to passengers.
- (t) All vehicles shall have in the vehicle a first aid kit. The container is to be of suitable design to protect the contents and clearly identifiable as a first aid kit. The first aid kit must contain:
 - 6 individually wrapped sterile adhesive dressings
 - 1 large sterile unmedicated dressing (approximately 18cm x 18cm)
 - 2 Triangular bandages
 - 2 Safety pins
 - 1 pack of individually moist cleaning wipes
 - 1 pair of disposable gloves.

Hackney Carriage Vehicles Only

- (u) A vehicle to be licensed as a Hackney carriage must be fitted with an illuminated roof sign on which the word 'TAXI' must appear and be clearly visible from in front of the vehicle. The roof sign should be securely fitted and fully functional at all times.
- (v) A fare meter must be fitted and correctly calibrated, sealed and fully functional in accordance with the current Council approved fare structure and easily visible to passengers.

Private Hire Vehicle Only

- (w) A PHV must not carry any roof sign or any markings, which might give the impression that it is a Hackney Carriage.

3. **Condition of Vehicle**

The vehicle must be kept in good condition and in particular meet the following criteria at all times:

(a) **Rust**

Vehicles should be free of significant areas of visible rusting. Minor blemishes are acceptable but should be regularly treated and painted to match existing paperwork.

(b) **Dents**

Vehicles should not have more than three minor dents to the bodywork where such dents are more than 5cm in length or diameter. The vehicle must not have any dents greater than 20cm in length or diameter.

(c) **Scratches**

Vehicles should have no scratches down to the metal of more than 5 cm in length and no scratches down to base coat longer than 20cm.

(d) **Paintwork**

All panels on all vehicles shall be painted in a uniform colour and all original panels and trim shall be in place.

(e) **Seats**

In all licensed vehicles the seats, including the drivers, must be free from cuts, holes, stains or burns, except of a very minor nature. Any repairs must have been carried out in a professional manner. (Seat covers are acceptable provided that they meet the above standard).

(f) **Carpets / Floor Coverings**

All carpets and floor coverings shall be complete and free from all major cuts, tears or obvious stains.

(g) **Interior Trim**

All interior trim, including headlining, shall be clean, complete, properly fitted and free from serious cuts, tears or staining.

4. **Inspection Frequency**

(a) Every vehicle will be inspected yearly at the renewal stage of the licence coming up for expiry. It is the proprietor's responsibility for ensuring that the vehicle is inspected at the appropriate time.

(b) A duly authorised officer of the Council may, at any time, direct that a vehicle be presented for immediate inspection at a location within two miles of the location of the vehicle when the direction was issued. No vehicle which is carrying passengers or actively proceeding to collect passengers will be so directed, but may be required to be presented for inspection as soon as practicable thereafter. No vehicle will be directed to immediate inspection on more than three occasions in any rolling twelve-month period.

5. **Documentation and Fees**

On application to the Council for a new licence or renewal of a licence, the applicant shall provide to the Council:

(a) The Vehicle Registration Form or other proof of ownership or right to use the vehicle

- (b) A valid Certificate of Insurance that covers the vehicle for use as a Taxi or PHV by the applicant or his or her servants.
- (c) A current MOT Certificate if the vehicle is more than 12 months old.

Any vehicle more than 12 months old must have an MOT Test Certificate. The MOT test Certificate must not be more than 6 months old at any time and a copy of the current MOT Test Certificate must be given to The Council within 14 days of the test being carried out. The Licence holder shall notify The Council of any failure of an MOT Test within 2 working days of that failure.

- (d) The current fee applicable to the licence.

Original documentation must be supplied. Photocopies are not acceptable.

6. Licence Plates

On being granted a vehicle licence or on renewal of an existing licence, the Council will issue to the applicant an external licence plate and an internal licence plate, which will be valid for one year from the date of issue.

- (a) The external licence plate must be securely affixed externally to the rear of the vehicle in a position, which is clearly visible and remain in that position for the duration of the licence.
- (b) The internal licence plate must be securely affixed within the vehicle in a position clearly visible to passengers in the vehicle.

7. Change of Vehicle or Proprietor on Existing Licence

If a licence is still in force and any changes to the Licensee or Vehicle occur, the following should take place:

- (a) If a vehicle is transferred from one proprietor to another, details of such a transfer, specifying the name and address of the person to whom the vehicle has been transferred, shall be given in writing to the Council within 14 days of the transfer and a fee will be payable.
- (b) If the current licensed vehicle is changed, subject to the new vehicle passing the Council's inspection and all relevant documents being supplied. A fee is also payable.

Wheelchair Accessible Vehicle Compliance

- (c) One in five taxis, operated by owners of more than five taxis, licensed for the first time on or after 1/10/2005 must be capable of carrying a minimum of one wheelchair. After the tenth vehicle, the requirement would be one in ten, thus purchases for wheelchair accessible vehicles being at 5, 10, 20, 30 and so on.

8. Garaging

Every proprietor of a licensed vehicle shall, on request, notify the Council in writing of the place where the vehicle is kept when not in use.

9. Taxi meters and Fares

Taxis must be fitted with an efficient taxi meter which shall be so constructed, attached and maintained as to comply with the following requirements (note these conditions also apply to

Private Hire Vehicles fitted with a taxi meter):

- (a) The fare meter shall be maintained in proper working order and condition.
- (b) The fare meter shall be fitted with a key, flag or other device which will bring the machinery of the fare meter into action and cause the word "HIRED" to appear on the face of the meter;
- (c) Such key, flag or other device shall be capable of being locked in such position that the machinery of the fare meter is not in action and that no fare is recorded on the face of the fare meter.
- (d) When the machinery of the fare meter is in action there shall be recorded on the face of the meter in clearly legible figures the fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the vehicle by distance and time in accordance with the current Table of Fares;
- (e) The taxi meter shall be positioned so that all letters and figures on its face are at all times plainly visible to any person being conveyed in the vehicle even during darkness;
- (f) A copy of the table of fares (the Fare Card), provided by the Council, must be displayed on the inside of the taxi in a conspicuous position so as to be readily visible to any person carried in the taxi.
- (g) The proprietor or driver of a Taxi bearing a table of fares shall not conceal or deface the letters or figures in the table at any time.
- (h) Private Hire Vehicles may be fitted with a Fare Meter, but are not required to be so. Any Fare Meter fitted to a PHV must comply with all of the conditions above for Fare Meters fitted to Hackney Carriages.

10. Advertising on Vehicles

A Taxi or Private Hire Vehicle may carry advertising on the bodywork that provides information about the services provided by the vehicle operator and contact details for that operator. It may also carry advertisements on a maximum of two main body panels advertising goods or services not provided by the vehicle operator. No sign or advertisement shall obliterate or be confused with the Taxi or PHV licence plate or number plates of the vehicle.

Termination or Surrender of Licence

On surrender of the Licence, or on expiry, suspension or revocation of the licence, the licence holder must return the external and internal licence plates to the Council without delay.

HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS

All Drivers of Hackney Carriages or Private Hire Vehicles are subject to higher standards than that of car drivers. Once a licence has been issued, specific conditions which are bar to obtaining or holding this licence are as follows:

Fitness of Driver

- (a) The driver must at any time, or at such intervals as the Council may reasonably require, produce a certificate in the form prescribed by the Council by a Registered Medical

Practitioner to the effect that he/she is, or continues to be, physically fit to be a driver of a licensed vehicle.

- (b) Whether or not such a Certificate is produced, the person must, if required by the Council at any time, undergo a medical examination by a Registered Medical Practitioner selected by the Council.
- (c) A driver is asked to cease driving a licensed vehicle and contact the Council immediately if they know of any medical condition, which may affect their driving ability and the health and safety of themselves and any passengers.

Conduct of Driver and Providing Assistance

A driver of a licensed vehicle shall:

- (a) When standing, plying or driving for hire a licensed vehicle conduct themselves in a civil and orderly manner.
- (b) Shall be respectably dressed and clean and tidy in appearance.
- (c) When standing or plying for hire in a licensed vehicle, shall not, by calling out or otherwise, importune any person to hire such a vehicle and shall not make use of the services of any other person for such a purpose.
- (d) Take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting the vehicle.
- (e) Provide such assistance as is requested by a disabled person, whether travelling in a wheelchair or not, to access the vehicle and to leave it safely.

Driver Identification

A driver of a licensed vehicle shall:

- (a) If a badge has been provided by the Council, wear that badge in a position and manner as to be plainly visible.
- (b) Not lend the badge to any other person or cause or permit any other person to wear it.
- (c) On termination or surrender of a Driver's licence, return the badge to the Council that immediately.

Fares and Journeys

The driver of a licensed vehicle shall:

- (a) When standing or plying for hire, keep the key, flag or other device fitted for that purpose locked in the position in which no fare is recorded on the face of the meter.
- (b) Before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taxi meter into action by moving the said key, flag or other device, so that the word 'HIRED' is legible on the face of the taximeter, and keep the machinery of the taximeter in action until the termination of the hiring.

- (c) Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972, and also at any other time at the request of the hirer.

Fare to be Demanded

Not demand from any hirer of a licensed vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a fare meter, the fare shown on the face of the meter.

Punctual Attendance

On agreement or hiring to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such a vehicle at such appointed time and place.

Driver to take Direct Route

When hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route and for this purpose shall comply with any Road Traffic Orders in force.

Number of Persons to be Carried in a Vehicle

Shall not convey, or permit to be conveyed in such a vehicle any greater number of persons than the number of persons specified on the plate provided by the Council and affixed to the outside of the vehicle.

Luggage

The driver of a licensed vehicle so constructed as to carry luggage shall when requested by any person hiring or seeking to hire a vehicle:

- (a) Convey a reasonable quantity of luggage.
- (b) Give reasonable assistance in loading and unloading.
- (c) Give reasonable assistance in removing it to or from the entrance of any building, station, or place at which they may take up or set down a person.

Lost Property

The driver of a licensed vehicle shall:

- (a) Immediately after the termination of any hiring, or as soon as is practicable, carefully search the vehicle for any property, which may have been accidentally left in the vehicle.
- (b) Deliver any left property to the Licensing Department at North Wiltshire District Council as soon as possible.

Ranks and Stands

The driver of a Hackney Carriage shall, when plying for hire in any event and not actually hired:

- (a) If a stand, at the time of arrival, is occupied by the full number of vehicles authorised to occupy it, proceed to another stand.

- (b) On arriving at a stand not already occupied by the full number of vehicles authorised to occupy it, station the vehicle immediately behind the vehicle or vehicles on the stand and facing in the same direction.
- (c) From time to time, when any other vehicle immediately in front is driven off or moved forward shall move their vehicle forward to fill the space previously occupied by the vehicle that has driven off or moved forward.

Wheelchair Accessible Vehicles

All drivers of wheelchair accessible vehicles:

- (a) Must be fully conversant with the correct method of operation of all ramps, lifts and wheelchair restraints fitted to the vehicle.
- (b) Must, before any movement of the vehicle takes place, ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and the brakes of the wheelchair have been applied and electric motor switched off.
- (c) Must ensure that any wheelchairs, equipment and passengers are carried in such a manner that no danger is likely to be caused to those passengers or to anyone else, in accordance with regulations, S.100 of the Road Vehicles Construction and Use Regulations 1986.
- (d) Should take the passenger without discriminating against a passenger who is disabled.
- (e) Shall, in the event of a passenger, who requires to be carried, seated in a wheelchair presenting themselves at a taxi rank or hailing a hackney carriage on the street and the hackney carriage, which the passenger has presented themselves to or hailed is not wheelchair accessible either:
 - divert the passenger to a wheelchair accessible vehicle on the rank if one is available or
 - Use their phone or radio to contact an operator of a wheelchair accessible hackney carriage to arrange to collect the passenger as soon as possible.

Driver and Vehicle Documentation

The driver of a licensed vehicle shall:

- (a) Produce their Council Driver's badge, current personal driving licence and the certificate of insurance to any authorised officer of the Council or police officer on request.

The driver shall within 7 days supply the Council with written details of any:

- (a) Change of Address
- (b) Change of employment with a taxi company
- (c) Conviction or caution (including traffic offences) being recorded against the driver personally, or any company of which the driver is a director or secretary or any person with whom the driver is in partnership.

Assistance Dogs – including Guide Dogs and Hearing Dogs

The driver of a licensed vehicle must carry a guide dog or assistance dog belonging to a passenger free of charge, unless the driver has a proven medical condition in respect of drivers of Private Hire vehicles or in respect of Hackney Carriage Vehicles, holds a valid exemption certificate under the Disability Discrimination Act 1995.

Accident Reporting

A Proprietor or Driver of a licensed vehicle shall report to the Council as soon as is reasonably practicable and in any case within 72 hours of the occurrence, any accident to a licensed vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons using the vehicle or rendering the vehicle in contravention of Section 3 of these conditions.

Mobile Phones

Drivers of licensed vehicles **must not** use a mobile phone whilst driving unless it is designed for handsfree operation.

No Smoking Policy

- The driver of any licensed Hackney Carriage Vehicle/Private Hire vehicle shall not smoke inside the vehicle at any time: and
- The driver of any licensed Hackney Carriage/Private Hire Vehicle shall not permit any other person or fare paying passenger to smoke in a licensed vehicle.

Termination or Surrender of a Licence

All badges issued remain the property of the Council at all times and must be returned forthwith when the Licence expires and is not renewed or where the Licence is suspended or revoked.

PRIVATE HIRE OPERATORS

Records

(a) The record required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept on a suitable form or forms and the operator shall enter or cause to be entered therein, before the commencement of each journey, the following particulars of every booking of a Private Hire or Hackney Carriage Vehicle invited or accepted by them.

- The time and date of the booking.
- The name and address of hirer.
- Number of persons to be carried.
- How the booking was made (i.e. by telephone, personal call etc.)
- The time of pick up.
- The point of pick up.
- The destination.
- Name and licence number of driver.
- Vehicle to be used, registration and plate number.
- Remarks (including details of any sub contract).
- Details of any complaint received in respect of any driver, vehicle or operator.

(b) The operator shall also keep records of the particulars of all private hire vehicles and hackney carriage vehicles operated by him, which particulars shall include details of the owners, registration numbers and drivers of such vehicles together with any radio call sign used.

- (c) All records kept by the operator shall be preserved for a period of not less than 12 months following the date of the last entry.
 - (d) Operators shall ensure that any necessary planning permission has been obtained from the premises from which they are operating.
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Revocation or Modification of Conditions

The Council reserves the right to waive any requirements of these conditions at its absolute discretion. The Council reserves the right to amend, or add any of the foregoing conditions and notice thereof will be served on all Licensees.

HACKNEY CARRIAGE AND PRIVATE HIRE PENALTY POINTS SCHEME

OFFENCE/BREACH OF CONDITIONS	POINTS
1. Providing false or misleading information on licence application form. Or failing to provide relevant information.	1 TO 5
2. Failure to notify the Council of change of address.	3
3. Failure to display the number of passengers for which the vehicle is licensed.	6
4. Refusal to accept hiring or to carry the number of passengers for which the vehicle is licensed without reasonable excuse.	6
5. Unreasonable obstruction of other Hackney Carriage drivers or other road users.	3
6. Failure to display correct charge or tariff, or displaying unauthorised tariff.	4
7. Failure to wear driver's badge in accordance with stated condition.	3
8. Failure to observe rank discipline, including waiting in unauthorised area or failure to move up in line.	4
9. Failure to display licence plates as required.	4
10. Unsatisfactory appearance or conduct of driver.	1 TO 6
11. Unsatisfactory condition of vehicle, interior or exterior.	1 TO 6
12. Failure to have a fire extinguisher in the vehicle in accordance with the conditions.	4
13. Failure to have a first aid kit in the vehicle.	3
14. Failure to display current vehicle excise licence.	4
15. Unreasonable prolongation of journeys or any misconduct regarding the changing of fares.	3 TO 6
16. Failure to deal appropriately with items accidentally left in the vehicle by person conveyed in it.	4
17. Failure to attend hiring.	4
18. Failure to provide appropriate reasonable assistance with luggage.	3
19. Displaying unauthorised signs or advertisements in or on the vehicle.	3
20. Failure to display address of Council to which any complaints should be made.	3
21. Any other breach or unsatisfactory behaviour.	1 TO 5

Note: That when any licence holder has been issued at least 12 penalty points within any 12 month period the matter will be reported to the appropriate Committee to determine whether or not to suspend, revoke or refuse to renew any license application.

The implication of the revised penalty point scheme does not restrict the Council in any decision in respect of any breach of condition of legislation.

*North
Wiltshire
District
Council*

**HACKNEY CARRIAGE
&
PRIVATE HIRE CONDITIONS**

**FOR
DRIVER'S, VEHICLES &
OPERATOR'S**