

HACKNEY CARRIAGE VEHICLE (PROPRIETORS) LICENCE GENERAL CONDITIONS

These conditions are based on the legislation, regulations and byelaws currently in force.

Hackney Carriages are subject to byelaws made by the Council

Copies of the byelaws are available from the B&NES Taxi Licensing Office, Locksbrook Road, Bath BA1 3EL

INTERPRETATION:

In these conditions:

"The Council" means Bath & North East Somerset Council.

"Authorised Officer" means an officer of the Council authorised in writing by the Council for the purpose of these conditions.

"Hackney Carriage" has the same meaning as in section 38 of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 Part II.

"Licence Plate" means the plate issued by the Council for the purpose of identifying the vehicle as a Hackney Carriage duly licensed by the Council.

"Proprietor" includes a part-proprietor and, in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement, means the person in possession of the vehicle under that agreement.

"Vehicle" means the Hackney Carriage vehicle in respect of which this licence is issued.

VEHICLE SPECIFICATIONS:

During the life of this policy one or more Clean Air Zones may be introduced. A Clean Air Zone will impose charges for all vehicles driving within it which do not meet specified emission standards. All vehicles licensed by the Council must be (as a minimum) compliant with the terms of the Clean Air Zone and meet with its emission standards.

Hybrid, plug-in hybrid or fully electric vehicles should have a minimum power output of 77 Kilowatts or the equivalent BHP of a 1400cc petrol or diesel engine.

The vehicle shall normally be less than 4 years old when first licensed by the Council. Any vehicle presented for licensing, which is older than 4 years at the date of application will be referred to the relevant Council Licensing Sub-Committee for determination.

Vehicles that have dented or damaged bodywork are unsuitable for licensing as a Hackney Carriage.

A licensed vehicle which becomes 10 years old may be subject to a review of its suitability to continue in service. Vehicles that are considered to be unfit for service will be referred to the

Licensing Sub Committee for a final decision as to suitability to continue to be licenced as a Hackney Carriage. Factors that may render a licensed vehicle unfit may include (but not be limited to) general condition of exterior and interior, such as accident damage, rust, poor paintwork; ripped, torn or stained interior carpets, seats and trims; a history of failing an MOT test or Council Vehicle Inspection. The Vehicle Operator Services Agency (VOSA) MOT database and the individual vehicle licensing file will be used to ascertain this data for individual vehicles.

A current MOT certificate is required on all vehicles over 1 year old at the time of application for a Hackney Carriage vehicle licence. This is in addition to the Council Vehicle Inspection Test carried out as part of the application process. The proprietor shall produce to the Council's Licensing Team a new M.O.T certificate within seven working days of the expiry of the current certificate.

Vehicles that are less than 1 year old on the first application for a licence will be required to obtain an M.O.T certificate on the first anniversary of the date of registration of the vehicle and to produce the certificate to the Licensing Team.

The vehicle must be fitted with a right-hand drive and shall have a minimum of four doors. At least three of these doors must be accessible for passengers to enter and exit the vehicle without the need to move, adjust, or climb over any seating.

All passenger seats must allow not less than 406mm (16in) per passenger along the narrowest part of the seat. In addition the leg room between rows of seats should allow for a minimum 255mm (10in).

TYPE APPROVAL:

Vehicles shall comply with the European Community M1 type approval for passenger carrying vehicles. The definition of category M1 type approval is any motor vehicle with at least four wheels designed and constructed for the carriage of passengers.

Vehicles that have been originally classified as complying with M1 type approval but have undergone modifications or conversions since original manufacture will be considered suitable provided they are presented with the relevant Individual Vehicle Approval (IVA) or Single Vehicle Approval (SVA) certificate (or equivalent) issued by the DVSA.

Any vehicle submitted for licensing originally given European Community N type approval will be considered unfit for the purpose and will not be licensable as a Hackney Carriage vehicle. The definition of category N type approval is any motor vehicle with at least four wheels designed and constructed for the carriage of goods.

ALTERNATIVE FUELS:

Any conversion of a Hackney Carriage to run on Liquid Petroleum Gas, **any other alternative fuel or combination of fuels** must be carried out by a fully qualified and certified installation engineer. A certificate of installation must be produced to the Licensing Section before the vehicle can be used for the purpose of hire and reward.

WINDSCREEN OBSTRUCTIONS:

At no time shall any satellite navigation system, image recording equipment or other equipment be situated within the swept area of the windscreen of a licensed vehicle so as to obstruct the driver's view of the road.

ACCESSIBLE VEHICLES:

Accessible vehicles will be classed as those vehicles capable of allowing a passenger seated in a wheelchair to enter and exit the vehicle from the pavement through a side entry door. The vehicle must allow the hirer to remain seated in the wheelchair during the journey.

Accessible vehicles should cater for a range of disabilities including visual, audible and ambulant.

TINTED GLASS WINDOWS:

DIY window tint film kits are not permissible.

Tinted glass windows are permissible provided that they are only those supplied as standard by the original vehicle manufacturer and comply with current vehicle Construction and Use Regulations.

LICENCE RENEWALS:

Hackney carriage vehicle licences must be renewed annually and the renewal applied for prior to the expiration of the current licence. A licence will only be issued following a satisfactory vehicle inspection and measured mile taximeter test.

Where the licence cannot be renewed before the expiry of the current licence due to mechanical failure of the vehicle, the proprietor shall notify the Licensing Team in writing that the renewal application will be delayed. With the consent of an Authorised Officer an application for renewal of that licence may be submitted after the expiry date together with the renewal fee in force at that time.

WORK ASSURANCE:

The Hackney Carriage licence must be used on a full-time basis for a reasonable working week, at least 25 hours of which shall be during the period Monday to Thursday inclusive.

THIRD PARTY ADVERTISING:

Discreet third party advertising will be permitted on the front door panels of vehicles, subject to the written consent of the Council.

Where the vehicle is constructed or adapted for use by wheelchair users, applications for full livery third party advertising will be considered. Such applications to be made in writing to the Council's Licensing Team. Where such approval is withheld by the Licensing Team, the applicant may appeal to the Licensing Sub Committee.

Where the vehicle is constructed or adapted for use by wheelchair users, discreet third party advertising will be permitted in the interior passenger compartment of the vehicle.

COMPANY LIVERIES:

Company liveries will be permitted provided that the only lettering displayed on the vehicle is the name, telephone number and website address of the Hackney Carriage or Private Hire Company. No other wording is permitted.

Applications for company liveries must be submitted in writing to the Council's Licensing Team and the design must be approved by an authorised officer of the Council's Licensing Team before the livery is used. Any liveries which are considered unacceptable by an Authorised Officer of the Council's Licensing Team will be referred to the Licensing Sub Committee for determination.

Liveries are not permitted on any of the vehicles side or rear windows.

No reflective materials should be used in the lettering, graphics or background materials.

The name of the operating company and telephone number may be displayed on the windscreen of the vehicle. Such sign must be of the "sunvisor" type, and must not exceed 330mm x 228mm (13in x 9in) in size.

At all times when available for private hire work vehicles must display the name of the Private Hire Operator they are working for. In the absence of a full vehicle livery then magnetic door signs displaying the name and telephone number of the Operator must be displayed.

HACKNEY CARRIAGE PLATES:

When a Hackney Carriage Licence is issued and on payment of a 'plate deposit,' the Council will issue a Hackney Carriage plate. There shall be marked on that Hackney Carriage plate the number of the licence for the hackney carriage, the registration number of the vehicle, manufacturer and model of vehicle, date of expiry of licence and the number of persons that may be carried. The number of passengers that may be carried by a Hackney Carriage vehicle is determined by the type of vehicle and is stated on the licence plates. In any event the maximum number of passengers allowed is eight.

At all times when plying for hire, or hired, there shall be affixed to the rear of the exterior of the vehicle and the front exterior of the vehicle, the Hackney Carriage plates provided by the Council,

An interior plate provided by the Council shall be fixed inside the hackney carriage so as to be plainly visible to any passenger.

In the case of a 'London' style Hackney Carriage the exterior rear Hackney Carriage plate shall be mounted upon the rear luggage compartment door and the front exterior plate shall be mounted on the front grill of the vehicle. The interior plate shall be mounted on the interior glass compartment partition in such a position as to be plainly visible to any passenger.

The Hackney Carriage licence plates shall be at all times clearly visible and maintained in a clean, tidy and legible condition. It is not permissible to alter the size of the issued licence plate by trimming or cutting.

No other plates, fittings, signs or printed matter shall be displayed on the exterior or interior of the vehicle without the approval of the Council or unless required by these conditions.

The licence plates shall remain the property of the Council and shall be returned to the Council on expiry, or within seven days of a notice of suspension, revocation or refusal to renew the licence having been served on the vehicle proprietor. The plate deposit shall be refunded upon the plate being returned to the Council.

SELLING, SUBSTITUTING OR DISPOSAL OF A VEHICLE:

Any vehicle substituted for the vehicle in respect of which this licence is issued must be authorised by the Council. There will be no fee for the first vehicle substitution required during the term of an existing licence. A vehicle substitution fee will be payable for any subsequent substitutions during the term of the existing licence.

Any vehicle proprietor who sells or otherwise disposes of a licensed Hackney Carriage must notify the Council in writing within fourteen days of the sale or disposal specifying the name and address of the new owner and the date of sale.

ROOF SIGNS:

At all times when a saloon or estate type vehicle is in use as a Hackney Carriage vehicle there shall be affixed to the roof of the vehicle a magnetic roof sign which is capable of being illuminated and is of a type supplied by the Council. There shall be marked on the roof sign the logo of the Council. The roof sign should be capable of indicating whether or not the vehicle is for hire and shall be fitted across the width of the vehicle's roof.

The roof sign must be kept illuminated at all times when the Hackney Carriage is available for hire. The sign should be connected to the taximeter and the illumination should automatically extinguish when the Hackney Carriage vehicle is hired and the taximeter is set to hired.

TAXIMETERS:

At all times when the vehicle is in use as a Hackney Carriage vehicle it shall be fitted with a clock calendar controlled taximeter approved by the Council.

All taximeters must be programmed with the current authorised tariff. Taximeters must be re-programmed with the current tariff within one month of the proprietor being notified of the new tariff.

Only one tariff shall be allowed at any one time and once set the taximeter shall be sealed by the Authorised Officer of the Council. The vehicle shall not be used for hire and reward unless the taximeter is sealed.

In the event of an emergency requiring an authorised taximeter dealer to break the taximeter seal, the vehicle may be used for hire and reward providing the driver is in possession of a certificate from the dealer indicating why the seal was broken and the date the seal was broken. In any event the taximeter is to be re-sealed within three working days of the date of the notice.

The taximeter shall be sealed in such a way that it shall not be practicable for any person to tamper with the taximeter except by breaking, damaging or permanently displacing the seals.

All taximeters must be capable of being sealed by permanent lead or plastic seals. Paper seals are not suitable for use. Existing meters that are not capable of authorised sealing methods should be replaced no later than twelve months from the date these conditions come into force.

RATE OF FARES TO BE CHARGED IF A HACKNEY CARRIAGE VEHICLE IS USED FOR PRIVATE HIRE WORK:

Only the authorised tariff as set by the Council can be charged. No other rate of fares is permissible and travelling time cannot be charged for. The taximeter can only be started when the hirer is seated safely inside the vehicle at the point of pick up within the area of the Council.

FARECARD:

At all times when the vehicle is in use as a Hackney Carriage a current statement of fares which may be lawfully charged shall be carried in the interior of the vehicle, and shall be made available to any person being conveyed in the Hackney Carriage on request.

EXTERIOR AND INTERIOR VEHICLE CAMERA RECORDING SYSTEMS:

Image recording equipment will only be permitted for installation in a licensed vehicle subject to the written consent of an Authorised Officer of the Council's Licensing Team. All applications for internal or external recording equipment must supply a valid certificate of registration with the Information Commissioners Officer (ICO). The certificate should be renewed annually and submitted to the Licensing Office.

If an approved image recording system is fitted a sign must be displayed in the interior of the vehicle, plainly visible to passengers that complies with the Data Protection Act, informing passengers that such equipment is in use. Similar signs shall be displayed to the exterior of the vehicle to warn prospective customers of the use of Internal and/or external image recording equipment.

Dummy image recording equipment is permissible subject to the written consent of the Council.

Any signs indicating that image recording equipment is in operation must comply with the Data Protection Act.

It shall be the vehicle proprietor's responsibility to ensure that he/she is fully aware of the provisions of the Data Protection Act 1988 and fully complies with the relevant requirements of the Act and the CCTV Code of Practice published by the Information Commissioners Office.

SMOKING:

The Smoke free legislation under the Health Act 2006 which came into effect on 1st July 2007, makes smoking a criminal offence in a licensed Hackney Carriage. Smoking is prohibited at all times including when the vehicle is not being used for hire and reward or the driver is off duty. It is the vehicle proprietors' responsibility to ensure that the legislation is complied with at all times and any licensed drivers permitted to drive the vehicle are fully aware of the law.

Vaping or e-cigarettes are not permitted to be used in licensed vehicles.

PROPRIETOR'S RESPONSIBILITIES:

Every proprietor of a Hackney Carriage vehicle shall:

- (a) ensure that all windows and window handles are maintained in good repair and condition and operate correctly
- (b) keep the seats properly cushioned and covered, the seats should be kept free from unsightly repairs stains and burns.
- (c) provide proper and sufficient accommodation for luggage and a means of securing such luggage
- (d) provide and maintain an electric light in the interior of the vehicle for use of any person entering or alighting from the vehicle
- (e) carry a spare wheel, tyre, and suitable tools for the replacement of damaged or punctured tyres. If the vehicle is fitted with an **LPG or alternative fuel conversion** and there is no room for a spare wheel then an alternative method of re inflating a punctured tyre must be carried. (It is acceptable not to carry a spare wheel if the vehicle is not fitted with a spare wheel as standard and manufacturers' equipment and is provided as an with a suitable alternative means of emergency puncture repair).
- (f) carry a fire extinguisher with a valid expiration date readily available for use. The fire extinguisher must comply with the requirements relating to fire extinguishing appliances for use in public service vehicles, which may include dry powder type.
- (g) keep the vehicle properly painted in one of the manufacturer's standard range of colours
- (h) keep the interior and exterior of the vehicle in a clean and tidy condition and all body work should be sound and reasonably well maintained, free from major dents and other distortions/damage. Any repairs and cosmetic improvements must be of professional quality and a good paint match achieved.
- (i) carry a full set of replacement bulbs, to include headlight, taillights, sidelights and indicators. (vehicles fitted with Xenon and LED lighting systems are excluded from this requirement, but should carry standard replacement bulbs if appropriate)

The vehicle shall display discreet signs advising passengers that seatbelts should be worn.

The vehicle shall display a “No Smoking” sign so as to be plainly visible to anyone entering the vehicle.

The vehicle shall be fitted with sufficient seat belts to correspond with the seating capacity of the vehicle.

Where the vehicle is an estate car, a rack must be fitted to prevent luggage entering the passenger compartment in an emergency stop.

INSURANCE:

The vehicle proprietor shall ensure that a valid certificate of insurance which complies with the requirements of the road traffic legislation is kept in force in respect of each driver of the Hackney Carriage and in relation to its use as a Hackney Carriage. On being required to do so by an Authorised Officer of the Council or constable the certificate of insurance shall be produced for examination.

Named drivers included on the insurance certificate must hold a Hackney Carriage drivers licence issued by the Council. Certificates will not be accepted if they include named drivers that are not the holder of a Hackney Carriage drivers licence issued by the Council.

The proprietor shall produce to the Licensing Section a new insurance certificate or cover note within seven working days of the expiry of the current certificate or cover note.

VEHICLE INSPECTIONS:

The proprietor shall permit an Authorised Officer of the Council or constable to inspect the vehicle at all reasonable times, and where an Authorised Officer or constable is not satisfied with the condition of the vehicle for use as a Hackney Carriage the vehicle licence may be suspended until such time as an Authorised Officer or constable is so satisfied.

Without prejudice to the conditions set out above the proprietor of a Hackney Carriage vehicle shall present the vehicle for inspection at such time and at such place within the area of Bath and North East Somerset Council as specified in written notice served on the proprietor by the Council.

ACCIDENTS & ALTERATIONS:

The Hackney Carriage proprietor shall report to the Licensing Team as soon as reasonably practicable, and in any case within 72 hours of the accident's occurrence in accordance with the Local Government (Miscellaneous Provisions) Act 1976. Any damage to the Hackney Carriage vehicle must be repaired as soon as is practicable. An Authorised Officer of the Council may require the Hackney Carriage vehicle to be presented for a formal mechanical inspection (at the licensees' expense) after completion of the repairs.

The proprietor of a vehicle shall report any material alteration in the design of the vehicle (either to the machinery or construction of the body) to the Licensing Team of the Council, as soon as practicable, and the Authorised Officer of the Council may require the vehicle to be presented for an inspection.

CHANGE OF ADDRESS:

The proprietor or part proprietor of the vehicle shall within seven days of any change of address during the period of the licence provide the details of the change to the Council's Licensing Team in writing on a form provided by the Council.

PENALTY POINT SCHEME:

Breach of any of these conditions may be enforced by the Penalty Point scheme as shown on the attached table.

SUSPENSION, REVOCATION OR REFUSAL TO RENEW LICENCE:

The Hackney Carriage licence may be suspended, revoked or not renewed by the Council on any of the following grounds:

- a) that the hackney carriage vehicle is unfit for use as a hackney carriage vehicle
- b) any offence under or non-compliance with the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976, on the part of the vehicle proprietor or driver
- c) any other reasonable cause.

The Licence may be immediately suspended where an Authorised Officer is not satisfied as to the fitness of the vehicle or its taximeter where the provisions of section 68 of the Local Government (Miscellaneous Provisions) Act 1976 apply.

MISCELLANEOUS:

The vehicle proprietor is required to be familiar with the Council's requirements for Hackney Carriage vehicles, and to ensure that these are complied with and that any driver of the vehicle is made aware of his/her responsibilities thereunder.

If the vehicle proprietor permits or employs any other person to drive the vehicle as a Hackney Carriage vehicle he shall, before that person commences to drive the vehicle, cause the driver to deliver to the vehicle proprietor, the Hackney Carriage drivers licence for retention, until such time as the driver ceases to be permitted or employed to drive the vehicle, or any other vehicle of his.

SERVICE OF NOTICES:

Any notice required to be served by the Council under this licence, or under any of the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976, shall be deemed to have been properly served if served personally on him/her, or sent by pre-paid post to or left at the last known address of the holder of the licence.

GENERAL:

A person who,

- (a) wilfully obstructs an Authorised Officer or constable acting, in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or the Town Police Clauses Act 1847;
- (b) without reasonable excuse fails to comply with any of the requirements properly made to him by such officer or constable in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or the Town Police Clauses Act 1847;
- (c) without reasonable cause fails to give such an officer or constable any other assistance or information which he may require for the performance of his functions in pursuance of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or the Town Police Clauses Act 1847;

shall be guilty of an offence.

These conditions shall apply to Hackney Carriages licensed by Bath & North East Somerset Council.

The Council reserves the right to waive any requirements of these conditions as it sees fit.

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 to any of the foregoing conditions and notice thereof will be served on all licensees.

December 2018

Penalty Points System Relating to Hackney Carriage Vehicles

Offence	Points	Person Responsible
Carrying more passengers than specified in licence for vehicle	6	Driver
Licensed vehicle failing to display exterior plates	6/Stop Notice	Driver/Proprietor
Failing to have current insurance certificate	6/Stop Notice	Proprietor
Failing to have current MOT certificate	6/Stop Notice	Proprietor
Tyres, windscreen wipers/washers, exhaust, lights, reflectors, spare wheel and tyre, brakes, not maintained in good condition	6 Stop Notice	Driver/Proprietor
No tools to change spare wheel and tyre, or defective or unsuitable tools / no spare bulbs	4/Stop Notice	Driver/Proprietor
No fire extinguisher/fire extinguisher not in good working order/not of correct type	4/Stop Notice	Driver/Proprietor
Vehicle displaying signs not authorised	4/Stop Notice	Proprietor
Dirty interior/exterior of vehicle	4/Stop Notice	Driver/Proprietor
Failing to report accident within 72 hours	4	Proprietor
Failing to produce insurance or MOT certificate on expiry of certificate.	4	Proprietor
Interior comment plate missing/not visible to passengers	4	Driver/Proprietor
Unauthorised CCTV System	Stop Notice	Proprietor
Any breach of condition not specified above	4	Driver/Proprietor

<u>METERS</u>	Points	Person Responsible
Taximeter not sealed or seal broken	6/Stop Notice	Driver/Proprietor
<u>Taximeter not displaying current tariff</u>	4/Stop Notice	Proprietor
<u>Taximeter obscured or not visible to passengers</u>	4 Stop Notice	Driver/Proprietor

Where 12 or more points are issued to a Driver/Proprietor/Operator within any twelve month period, a report will be submitted to the relevant Council Sub Committee with a view to the suspension, revocation or refusal to renew such a licence.

I, the undersigned certify that the preceding conditions and penalty points scheme have been fully explained to me and that I fully understand them. I further certify that I agree to abide by and be bound by the conditions and penalty point scheme.

Signed

Full Name

Date

Witness signed

Full Name.....

Date