



**Guidance Notes and Conditions for Hackney Carriage and Private Hire
Owners, Operators and Drivers**

INDEX

1. General
 2. Types of Licence
 3. How to Apply
 4. Hackney Carriage and Private Hire Drivers Licences
 5. Hackney Carriage and Private Hire Vehicle Licences
 6. Private Hire Operator's Licences
- Appendix A – Advice for drivers when dealing with people with disabilities
- Appendix B - Private hire/hackney drivers' licence conditions of licence
- Appendix C – Private hire vehicle conditions of licence
- Appendix D – Hackney Carriage (taxi) vehicle conditions of licence
- Appendix E – Private hire operator conditions of licence
- Appendix F – List of approved wheelchair access vehicles

1. General

The legislation relating to Hackney Carriages and Private Hire licensing is contained in the Town Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976, as amended by the Transport Act 1985.

This legislation applies throughout the whole of Warwick District In these Guidelines the following abbreviations have been used: -

1847 Act - The Town Police Clauses Act 1847

1976 Act - The Local Government (Miscellaneous Provisions) Act 1976 (Part II)

1985 Act - The Transport Act 1985

1991 Act - The Road Traffic Act 1991

These notes are issued to define and offer guidance on the legislation in relation to the provision of hackney carriages and private hire vehicles within the area of Warwick District Council. They also contain details of conditions which are attached to licences.

2. Types of Licence

A licence is required:-

- By any person who makes provision for the invitation or acceptance of bookings for a private hire vehicle or vehicles (private hire operators licence).
- For any vehicle being used in the District as a private hire vehicle (private hire vehicle licence).
- For any vehicle which plies for hire in the District (hackney carriage (taxi)) vehicle licence
- By any person acting as a driver of a private hire vehicle or hackney carriage vehicle in the District (Combined hackney carriage and private hire driver licence)

3. How to Apply

Application forms for all licences can be obtained from the Reception at the Council Offices at Riverside House or by post by telephoning 01926 412496 or e mailing licensing@warwickdc.gov.uk

4. Hackney Carriage and Private Hire Drivers Licences

Requirements

Before a licence is issued to them, all new applicants are required to:

(a) have passed the Driving Standards Agency (DSA) driving test for hackney carriage/private hire drivers. Applicants must make their own arrangements with the DSA to sit the test and pay the fee direct to them.

(b) have completed a Criminal Records Bureau's full disclosure application form to enable checks to be made for any criminal convictions recorded against them. Existing drivers will be

required to complete such a form every 3 years or as required by the Council. There is a fee to be paid for checks made by the Criminal Records Bureau.

(c) have completed a DVLA driver's licence mandate form

(d) have held a full DVLA driving licence for at least two years prior to application. DVLA driving licences and photo-cards (if applicable) must be produced on initial application and renewal of driver licences. Photocopies will not be accepted.

(e) have taken and passed a medical examination at one of the three places shown below (a medical is then required at three year intervals or when requested to do so by officers, except when the driver reaches 65 years of age when an annual medical is required)

- Applicant's own doctor; or
- Croft Medical Centre, Sydenham, Leamington Spa (Tel: 01926 310404); or
- Driver's Medicals, Coventry (Tel: 0870 609 1540).

(f) have passed a written knowledge test. A fee will be payable for the test.

The test will include an English and numeracy test and questions on the geographical make up of the local area. If the applicant fails this test it may be taken twice more in the next 12 months. A charge will be made for the subsequent tests. Cancelling the test on two subsequent occasions, for any reason, will result in the loss of the fee and any new test will be charged for.

(g) in addition to the above, if not resident in UK for the past 5 years, an officially translated CRB equivalent from each country of residence over the last five years and, if the country was not in the European Union, a document showing permission to work in the UK

All drivers must take, within 12 months of obtaining a licence from the Council, a disability awareness course, nominated by the council and paid for directly by the applicant.

One a driver reaches the age of 65, should he decide to surrender his hackney carriage/private hire driver's licence as he/she wishes to retire, any unused period remaining on the licence may be refunded in 6 month blocks.

Relevance of convictions

The Council have adopted guidelines relating to the relevance of convictions when considering applications for drivers licences or considering whether to take action against existing drivers who are convicted during the period of their licence. These are guidelines only and each application will be considered on its own individual merits with the overriding consideration being the protection of the public.

Use of Mobile Phones

It is contrary to road traffic law to use a mobile telephone when the vehicle is in motion. Drivers should only use the telephone when in motion using a hands free kit attached to the car or a voice actuated hard wired or Bluetooth connection. To maintain maximum concentration on the road, the Council advise drivers to offer to call the person when the vehicle is stationary.

Guide and Assistance Dogs

It is an offence for a hackney carriage or private hire driver to refuse to carry guide and assistance dogs unless they have a medical exemption certificate. These certificates are issued by the Council and a fee is payable. (See appendix A). Drivers making an application will need to provide medical evidence in support. This must be provided by a medical practitioner other than the applicant's general practitioner. If the exemption is being applied for on the grounds of a chronic phobia to dogs the report must be provided by a psychiatrist or clinical psychologist.

Suspension/revocation of licences

The Council may suspend, revoke or refuse to renew a driver's licence on any of the following grounds: -

That he/she has since the granting of the licence –

- (a) Has been convicted of a road traffic offence or an offence involving dishonesty, indecency or violence; or
- (b) Has been convicted of an offence under or has failed to comply with the provisions of the 1847, 1976 and 1991 Acts as amended; or
- (c) Any other reasonable cause.

Any one who has a licence suspended or revoked by the Council can appeal against the decision to the magistrates within 21 days of being notified of the decision

On the suspension, revocation or expiry of a driver's licence, the driver must return the badge and licence to the Council within 7 days of receipt of notice. The badge and licence remains the property of the Council at all times.

Wearing of Seat Belts

With effect from 18 September 2006, the Motor Vehicles (Wearing of Seat Belts) Regulations 1993 and associated legislation will include particular requirements, and exemptions, relating to both adults and children wearing seat belts and/or appropriate restraints. The following is a summary of the new rules as they relate to passengers in taxis and private hire vehicles.

Child restraint regulations

The regulations state that if a child is under 12 years old and under 1.35m [4ft 5ins] in height (a small child) they must either be in a child restraint appropriate for the weight and height of the child with that restraint marked as complying with the relevant British or European Standard, or in a child restraint that would be legal for that child in another EU member state. If the child is 12 or 13 years old or over 1.35m in height (a large child) they must either be in a child restraint appropriate for the weight and height of the child with that restraint marked as complying with the relevant British or European Standard, or use an adult seat belt. However, taxis and private hire vehicles are not required to provide child restraints and there are qualified exemptions allowing children to travel unrestrained in those vehicles:

(i) Child passengers aged under 3 years of age

Front seat – an appropriate child restraint must be used. No rear facing child restraint can be used in the front seat if the vehicle is fitted with a front passenger air bag unless it has been deactivated (or is designed or adapted so it cannot inflate in a way that poses a risk to a child in a rear facing child seat).

Rear seat - an appropriate child restraint must be used if available but a child may travel unrestrained if an appropriate restraint is not available.

Responsibility for compliance rests with the driver.

(ii) Child passengers aged 3 to 11 and under 1.35 metres [4ft 5ins] in height

Front seat - an appropriate child restraint must be used.

Rear seat - an appropriate child restraint must be used if available where seat belts are fitted. In addition, a child must use an adult belt if:-

- a) the appropriate child restraint is not available
- b) two occupied child restraints prevent the fitting of a third.

Responsibility for compliance rests with the driver.

(iii) Child passengers aged 12 or 13, or over 1.35 metres [4ft 5 in] in height

Front seat - appropriate child restraint or adult seat belt must be used

Rear seat - if a seat belt is fitted the child must use either an appropriate child restraint or an adult seat belt

Responsibility for compliance rests with the driver.

(iv) Adult passengers

Front seats - adult seat belt must be worn if fitted

Rear seats - adult seat belt must be worn if fitted

Responsibility for compliance rests with the passenger.

(v) Drivers

The driver of a licensed hackney carriage is required to wear a seatbelt when not plying for hire, answering a call for hire or carrying passengers.

The driver of a licensed private hire vehicle is required to wear a seatbelt when not carrying passengers for hire.

Responsibility for compliance rests with the driver

The information contained above does not present the full requirements of this complex legislation but attempts to focus on the elements relevant to the taxi and private hire trade.

The legislation that this notice relates to is:

Sections 14 – 15B of the Road Traffic Act 1998;
The Motor Vehicles (Wearing of Seat Belts) Regulations 1993, as amended; and,
The Motor Vehicles (Wearing of Seat Belts by Children in Front Seats) Regulations 1993, as amended.

Further information on the regulations may be found on the following
Website:<http://www.thinkroadsafety.gov.uk/campaigns/childcarseats/childcarseats.htm>

Complaints against Drivers

The Council has a responsibility to investigate all complaint received against a driver. On completion of the investigation the officer will decide whether to take no further action, recommend prosecution or refer the matter to the Council's Regulatory Committee.

Carriage of Goods or Packages

The driver of a licensed vehicle is under a duty of care to the passengers to ensure that they travel safely. The carriage of goods or packages in the interior of the vehicle can put passengers at risk, and, in some instances, drivers, if they are not properly secured. Ideally they should be located in an area outside the passenger compartment, i.e. the boot or in a vehicle with a separate driver area, in the foot well adjacent to the driver. Drivers are strongly advised to avoid carrying any loose goods in the passenger compartment, and to clearly make known to passengers the risk they face in having such goods in the compartment.

Conditions

All drivers licences will be issued subject to the conditions set out in Appendix B and any driver who breaches the conditions will be subject to prosecution

5. Hackney Carriage and Private Hire Vehicle Licences

Fitness of vehicles

All vehicles must be passed as fit by one of the nominated MOT testing stations. Vehicles submitted for inspection must be in a clean condition throughout including the underside and engine compartments. Applicants for vehicle licences should make their own arrangements with one of the designated testing stations and pay the fee direct to the station

Once a vehicle is licensed it must be inspected once a year before the licence will be renewed. Existing licensed vehicles over 5 years old will be issued with a 6 months licence and will need to be inspected before each licence renewal.

Age of vehicles

A vehicle submitted for initial private hire licensing must be less than 5 years old from date of first registration. In the case of hackney carriages, vehicles must be new and be wheelchair accessible, chosen from the list of acceptable wheelchair accessible vehicles set out in Appendix F. Any replacement vehicle must be newer than the vehicle it replaces, but no older

than 5 years. The age of the vehicle is taken as the ***date of first registration***, not just the year of registration.

In the case of the first application for a hackney carriage vehicle licence the vehicle must always be new and wheelchair accessible.

Type of Vehicle

Private hire vehicles must be right hand drive and of the four-door saloon, five door estate type, or mini people carrier and must be capable of carrying not less than four nor more than 8 passengers and their luggage. (If they carry more than eight passengers they will need to be licensed as a PCV). There must be a driver's door, a front passenger door and two other doors. Vehicles with rear opening passenger entrance doors for disabled passengers will not be permitted.

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

A private hire vehicle must not be of such design or appearance as to lead any person to believe it is a hackney carriage, such as having a roof sign, for example.

Insurance and Test Certificate

All vehicles must be fully insured to carry out the activity in which they are involved, including full passenger liability. Proof of adequate insurance must be provided with applications for new licences and for renewals.

All vehicles must have a current MOT certificate, if required which must be produced to the Council's Officers when it is issued and upon the vehicle licence renewal. Failure to do so will result in suspension of the licence until such time as a current test certificate is produced. (NOTE: Hackney carriages require a MOT test certificate when the vehicle is 12 months old)

Private Hire Vehicle Dispensation

The Council may grant dispensation to certain executive vehicles, licensed as private hire, but engaged solely on chauffeur/corporate work. A rear licence plate will not be required to be fixed to the vehicle. However, the licence and dispensation certificate must be carried at all times.

The vehicle shall be of the four door Executive class with an engine capacity of not less than 1950cc and be approved by the Council as being eligible for dispensation. The internal measurement must not be less than 52" (132cm) across the narrowest part of the rear seat.

The screen sticker must still be displayed in the windscreen at all times. Failure to comply with all of these conditions will result in the loss of the dispensation.

Unauthorised Drivers

It is an offence to allow an unlicensed driver to drive a hackney carriage or a private hire vehicle. A licensed vehicle is licensed for 365 days of the year and can only be driven by a licensed driver at ***any time***.

Authorised Table of Fares – Hackney Carriages

In the case of longer journeys **ending outside the Council's area**, a prior agreement must be reached either to use the meter or pay an agreed fare. This agreement must be made prior to the commencement of the journey. If no prior agreement is made, the meter must be used and the amount shown charged.

If a hackney carriage is used under a contract for private hire, it must still use the meter and not charge more than the fixed rate in the authorised fare table.

The charge is to be calculated from the point in the controlled district where the hirer commences his / her journey.

Plying for hire

“Plying for Hire” means standing at a duly authorised rank in a street, railway station or on railway premises, on private property or driving within the area exhibiting to the public that the vehicle is available for hire.

Only licensed hackney carriages may “ply for hire”. It is an offence for private hire vehicles to “ply for hire”.

It is illegal for anyone to take private hire bookings from a vehicle. All bookings should be made through an operator with a fixed base holding the required Private Hire Operator's licence.

Supervision

An authorised officer of the Council has the power at all reasonable times to inspect and test for fitness, any hackney carriage or private hire vehicle licensed by the Council or any taximeter affixed to the vehicle.

If he/she is not satisfied as to the fitness of the vehicle or as to the accuracy of the taximeter he/she may, by notice, require the proprietor or driver to make the vehicle or taximeter available for further inspection and testing and may suspend the vehicle licence until such time as he/she is satisfied as to its fitness.

If the vehicle is not made fit within two months from the date of the suspension, the vehicle licence will be automatically revoked. (S.68 of the 1976 Act).

A licensed vehicle hailed by a duly authorised Officer shall stop to allow such examination but account will be taken of a fare being carried.

It is an offence to obstruct an authorised Officer or fail to give such assistance or information as may be required or to comply with any reasonable requirement. It is also an offence to give false information.

Suspension, Revocation or Refusal to Renew licences Vehicle Licences

The Council may suspend, revoke or refuse to renew a vehicle licence on any of the following grounds:

- (a) That the licensed vehicle is unfit for use as a hackney carriage or private hire vehicle.
- (b) Any offence under, or non-compliance with, the provisions of the 1847 or 1976 Acts by the proprietor, operator or driver; or
- (c) Any other reasonable cause.

Exemptions to vehicle licensing

These licensing provisions do not apply to: -

Vehicles used **solely** in connection with weddings or funerals.

Complaints

All complaints received against a proprietor of a vehicle will be investigated by an authorised officer of the council. On completion of the investigation a decision will be made whether to take either no further action, recommend prosecution or refer the matter to the Council's Regulatory Committee

Conditions

All vehicle licences will be issued subject to the conditions set out in Appendices 'C' and 'D' and any proprietor or operator who breaches the conditions will be subject to prosecution

6. Private Hire Operator Licences

All new applicants for private hire operator licences will be required to submit a Criminal Records Bureau basic disclosure with their application together with evidence of public liability insurance. They will also be required to state on the application form where their vehicles will normally be parked when not in use.

Details of all applications for private hire operator licences will be supplied to the Council's Planning Department to ensure that the relevant planning permission is in place for the premises.

An Operator may commit an offence if they:

- Do not accept bookings made by or on behalf of a disabled person who is accompanied by a guide, hearing or other assistance dog.
- Make an additional charge for the carrying of the dog.

If found guilty of these offences a fine of up to £1000 may be imposed.

The Council may suspend, revoke or refuse to renew an operator's licence on any of the following grounds: -

- (a) Any offence misconduct under, or non-compliance with, the provisions of Part II of the 1976 Act as amended;

(b) Any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or

(c) Any other reasonable cause.

Complaints

All complaints received against an operator will be investigated by an authorised officer of the Council. On completion of the investigation a decision will be made whether to take no further action, recommend prosecution or refer the matter to the Council's Regulatory Committee.

Conditions

All operator licences will be issued subject to the conditions set out in Appendix 'E' and any operator who breaches these conditions will be subject to prosecution

APPENDIX A

ADVICE FOR DRIVERS WHEN DEALING WITH PEOPLE WITH DISABILITIES

Taxis are an important, and sometimes the only, means of transportation for many people with disabilities. It may be that you drive or operate a vehicle designed to make travelling easier for disabled people, but an accessible vehicle is only part of the answer. Your attitude and understanding of the problems that may be faced by people with disabilities is very important.

Disability comes in many forms – not always visible. Never make assumptions, always ask what help (if any) a passenger may need from you.

Make sure that you are familiar with any access and safety equipment in your vehicle.

The following is some basic advice to assist you in giving the best service to your passenger.

Wheelchair Users

If you drive a saloon car, you may still be able to take wheelchair users provided that the passenger is able and willing to transfer. In those circumstances, you should ask the passenger what help they require, listen to their response, and act only as advised.

Take care when loading the wheelchair into the boot. Wheelchairs can be expensive to repair or replace and without it the passenger may be totally immobile. Some wheelchairs are collapsible and some parts, such as handles and plates may come away easily, so care needs to be taken when folding or loading collapsible wheelchairs.

Ambulant Disabled

Whilst some ambulant disabled may use crutches or sticks, many disabled people who have mobility difficulties will not. For example, people, with arthritis in particular, may be unable to walk using a stick or crutches due to painful upper limbs. If the passenger appears to have walking difficulties, or is frail or elderly, always: -

- Offer to fit the additional step if there is one – this reduces the first step and makes it easier to get into vehicles. If in a MPV ask whether pulling up as close as possible to the kerb would be helpful. For saloon cars this may not be useful because it increases the height the passenger has to drop down to the seat and may make it more difficult for them to get out of the seat at the end of the journey;
- Be ready to help but do not insist on helping. If you are asked to help, listen carefully to the information given, or ask what is the best way to assist;
- Always ask the customer to make sure that the brakes of the wheelchair are on;
- Secure the wheelchair and suggest that the passenger use the seat belt provided;
- Avoid sudden braking or acceleration;
- Leave the passenger in a safe and convenient place which enables them to move away independently.

Visually Impaired Passengers

If a passenger is blind or partially sighted, ask what assistance they require and always: -

- Look out for the “TAXI” sign which may be held out by some visually impaired people in order to hail a cab;
- If your customer would like to be accompanied to or from the entrance of a building, offer them your arm (gripping just above the elbow will enable them to be guided more easily);
- Tell your passenger whether they are entering a saloon car or purpose-built cab;
- Demonstrate which way the doors open where appropriate;
- If possible, place a visually impaired person’s hand on the open door and indicate the position of the roof;
- Make sure the passengers know which way the vehicle is facing;
- Make sure the passengers are seated and have secured the seat belt (where applicable) before you move off. They may require assistance with the belt;
- Tell passenger(s) if you are taking a different route from that which they might expect, or if there is a hold-up or diversion;
- Tell passenger(s) the fare and count out the change;
- Set the passenger(s) down in a safe place and make sure they know where they are going;
- Remember guide dogs are trained to remain on the floor of a vehicle and will not abuse your vehicle. Refusal to carry a guide dog without a medical exemption is an offence under the Disability Discrimination Act and is in contravention of the conditions of your licence. In saloon cars, there is more room for the dog on the floor in the front of the vehicle.

Hearing Impaired Passengers

If a passenger’s hearing is impaired, always: -

- Look at them when you are speaking. Speak clearly – but do not shout and do not use your hands to gesticulate in front of your face;
- Have a pad of paper and pen handy, as it is sometimes easier to communicate in writing;
- Make sure that they are aware that you have understood their instructions and that you know where you are going.

APPENDIX B

PRIVATE HIRE/HACKNEY DRIVERS' LICENCE CONDITIONS OF LICENCE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976; and TOWN POLICE CLAUSES ACT 1847

1. General Conduct of Driver

The driver must:-

- (a) convey a reasonable quantity of luggage and afford all reasonable assistance with such luggage;
- (b) at all times be clean and respectable in his dress and person and behave in a civil and orderly manner;
- (c) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him;
- (d) not without the express consent of the hirer drink or eat in the vehicle;
- (e) not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
- (f) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment on the vehicle which he is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle;

2. Condition of vehicle

The driver must ensure that any licensed vehicle to be driven by him is in a roadworthy condition, and thoroughly cleaned before the commencement of his journey;

3. Wearing of badges

The driver must wear the badge supplied by the Council in a prominent position at all times

4. Safety Equipment

The driver must ensure that every vehicle he drives is fitted with a 1kg BC Dry Power type fire extinguisher, which must be kept full and ready for immediate use and easily accessed by the driver of the vehicle.

NOTE: Extinguisher must comply with BSEN3 (European Standard). It must be serviced in accordance with BS5306 on an annual basis, and a record kept for inspection..

The driver must ensure that every vehicle he drives carries a first aid kit in such a position as to be readily visible and available for immediate use in an emergency.

The following list details the minimum contents that will be regarded as suitable by the Council.

- 20 individual wrapped sterile adhesive dressings (assorted sizes).
- Two sterile eye pads.
- Two individually wrapped triangular bandages (preferably sterile).
- 4 safety pins.

Six medium sized (approx. 12cm x 12cm) individually wrapped sterile unmedicated wound dressings.

Two large (approx. 18cm x 18cm) individually wrapped sterile unmedicated wound dressings.

One pair of disposable gloves.

Drivers have a legal requirement to keep such equipment within their vehicles, in order for them to render first aid upon themselves whilst at work under the guidelines of the Health and Safety (First Aid) Regulations 1981 and that it is an offence under Section 33(1) of the Health and Safety at Work Act, 1974 not to do so. Licensed drivers should be made aware that they may incur liability in rendering first aid to others and are advised that, if in doubt, they should seek their own professional advice, which may include insurance issues.

5. **Shortest Possible Route**

The driver must, when hired to drive to a destination, subject to any directions given by the hirer, proceed to that destination by the shortest available route

6. **Hackney carriage driver plying for Hire**

(a) The driver of a hackney carriage must, when plying for hire in any street and not actually hired:-

- (i) proceed with reasonable speed to one of the stands appointed by the Council;
 - if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; and
 - from time to time, when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

(b) The driver of a hackney carriage, when standing or plying for hire, must not make use of the services of any other person for the purpose of importuning any person to hire such carriage.

7. **Passengers**

(a) The driver must not convey or permit to be conveyed in a licensed vehicle a greater number of persons than that prescribed in the licence for the vehicle.

(b) The driver must not without the consent of the hirer of a licensed vehicle convey or permit to be conveyed any other person in that vehicle.

8. **Lost Property**

(a) The driver must immediately after the termination of any hiring of a licensed vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there.

(b) If any property accidentally left in the vehicle by any person who may have hired the vehicle is found by, or handed to the driver, the driver must hand the property into a police station and obtain a receipt for it.

9. **Smoking**

From 1st July 2007, it is an offence for the driver of a licensed vehicle to smoke, or permit anyone else to smoke in the vehicle. This is at any time.

Once licensed, the vehicle is always licensed. This included holidays, days off etc.

In other words, from the moment the vehicle becomes licensed, no one, driver or passenger, ***must ever smoke in the vehicle.***

9. **Written Receipts**

The driver must if requested by the hirer of a licensed vehicle provide him with a written receipt for the fare paid.

10. **Prompt Attendance**

The driver of a licensed vehicle must, if he is aware that the vehicle has been hired to be in attendance at an appointed time and place or he has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.

11. **Use of meter**

The driver of a hackney carriage shall -

(a) when standing or plying for hire, keep the key, flag or other device locked in the position in which no fare is recorded on the face of the taximeter;

(b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter 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

(c) keep the machinery of the taximeter in action until the termination of the hiring; and

(d) ensure that the dial of the taximeter is kept properly illuminated throughout any part of a hiring which is between half-an-hour after sunset and half-an-hour before sunrise, and also at any other time at the request of the hirer.

The driver must not tamper with or permit any person to tamper with any taximeter fitted in the vehicle.

12. **Fare to be demanded**

(a) The driver must not demand from any hirer of a private hire 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 taximeter and there has been no previous agreement as to the fare, the fare shown on the face of the taximeter.

(b) The driver must not demand from any hirer of a hackney carriage vehicle any fare in excess of that shown on the meter plus any legitimate extra. (The meter must be set in accordance with the table of fares set by the Council.)

13. **Change of Address**

The driver must notify Licensing Services at Riverside House, Milverton Hill, Leamington Spa, in writing, of any change of his address during the period of the licence within seven days of such change taking place.

14. **Accidents and Convictions**

The proprietor shall within seven days disclose to the Council in writing details of any accidents convictions or cautions imposed on him (or, if the proprietor is a company or partnership, on any of the directions or partners) during the period of the licence.

15. **Plate Number and details**

The driver of a licensed vehicle must not allow the details on any plate provided by the Council and displayed on the vehicle to be concealed from public view and must ensure that the information on any plates are legible at all times.

It must not be displayed in the rear window of the vehicle.

16. **Farecard**

The driver of a hackney carriage must ensure that the farecard is exhibited in the vehicle at all times

17. **Return of Badge**

The driver must upon the expiry (without immediate renewal), revocation or suspension of this licence immediately return to the Council the driver's badge issued to him by the Council when granting this licence.

APPENDIX C

PRIVATE HIRE VEHICLE LICENCE CONDITIONS

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

1. **Maintenance of Vehicle**

The proprietor shall keep the licensed private hire vehicle in an efficient, safe, tidy and clean condition at all times.

A regular maintenance regime **MUST** be carried out at a reputable garage, or at their own workshops, provided it is suitable, and records and receipts kept for inspection by an authorised officer. Suitability would include a ramp and other equipment necessary for essential maintenance and repairs. Maintenance **may not** be carried out at the operator's base, unless it is suitable as described above.

2. **Alteration of Vehicle**

No material alteration of change in the specification, design, condition or appearance of the vehicle may be made without the approval of the Council at any time while the licence is in force.

3. **Safety Equipment**

Every licensed vehicle must be fitted with a 1kg BC Dry Power type fire extinguisher, which must be kept full and ready for immediate use and easily accessed by the driver of the vehicle.

NOTE: Extinguisher must comply with BSEN3 (European Standard). It must be serviced in accordance with BS5306 on an annual basis, and a record kept for inspection.

Every licensed vehicle must carry a first aid kit in such a position as to be readily visible and available for immediate use in an emergency.

The following list details the minimum contents that will be regarded as suitable by the Council.

- 20 individual wrapped sterile adhesive dressings (assorted sizes).
- Two sterile eye pads.
- Two individually wrapped triangular bandages (preferably sterile).
- 4 safety pins.
- Six medium sized (approx. 12cm x 12cm) individually wrapped sterile unmedicated wound dressings.
- Two large (approx. 18cm x 18cm) individually wrapped sterile unmedicated wound dressings.
- One pair of disposable gloves.

Drivers have a legal requirement to keep such equipment within their vehicles, in order for them to render first aid upon themselves whilst at work under the guidelines of the Health and Safety (First Aid) Regulations 1981 and that it is an offence under Section 33(1) of the Health and Safety at Work Act, 1974 not to do so. Licensed drivers should be made aware that they may incur liability in rendering first aid to others and are

advised that, if in doubt, they should seek their own professional advice, which may include insurance issues.

4. **Signs, Notices, etc**

Under no circumstances may the vehicle be fitted with a roof sign

5. **Identification Plates/Screen Stickers**

The licence plate supplied by the Council must be securely fixed to the rear of the vehicle as near as possible to vertical **but not on any rear window** and must remain legible at all times

The front screen stickers must be displayed in the windscreen, preferably in the lower, nearside corner of the windscreen. (It is an offence, under section 48(6) Of the Local Government Act 1976, not to exhibit the licence plate and screen sticker).

6. **Change of Address**

The proprietor shall notify the Council in writing of any change of his address during the period of the licence within seven days of such change taking place.

7. **Accidents and Convictions**

The proprietor shall within seven days disclose to the Council in writing details of any accidents, convictions or cautions imposed on him (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence.

8. **Transfers**

In the event of an application for the transfer of this licence to another vehicle a fee as may from time to time be approved by the Council shall be payable.

9. **Radios**

Only one two-way radio with a single frequency may be operational at any one time and this shall be an approved radio used exclusively for the hackney carriage/private hire trade and properly licensed with an effective radio power (ERP) NOT exceeding 25 watts.

The operator shall not allow the use of citizen band radios in the licensed private hire vehicle.

APPENDIX D

HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS

TOWN POLICE CLAUSES ACT 1847 AND 1899 and LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

1. **Maintenance of Vehicle**

The proprietor must keep the licensed hackney carriage in an efficient, safe, tidy and clean condition at all times.

A regular maintenance regime **MUST** be carried out at a reputable garage, or at their own workshops, provided it is suitable, and records and receipts kept for inspection by an authorised officer. Suitability would include a ramp and other equipment necessary for essential maintenance and repairs.

2. **Alteration of Vehicle**

No material alteration or change in the specification, design, condition or appearance of the vehicle may be made without the approval of the Council, at any time, while the licence is in force.

3. **Signs, Notices, Etc**

The vehicle **must** display a **fixed** roof sign with the word "TAXI", **which must be illuminated only when plying for hire.**

THE TAXI ROOF SIGN MAY ONLY BE REMOVED WITH PERMISSION OF THE COUNCIL.

4. **Meters**

The proprietor of the vehicle must ensure that the it is fitted with a taximeter so constructed, attached and maintained as to comply with the following requirements:

- (a) the taximeter must be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word "HIRED" to appear on the face of the taximeter;
- (b) such key, flag or other device must be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- (c) when the machinery of the taximeter is in action there must be recorded on the face of the taximeter in clearly legible figures, a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by time as well as for distance in pursuance of the tariff fixed by the Council;
- (d) the word "FARE" must be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- (e) the taximeter must be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that

purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and

- (f) the taximeter and all the fittings thereof must be so affixed to the carriage with seals or other appliances that it must not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances

The proprietor of the vehicle must not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.

All meters must be programmed where technologically possible to change tariff by time and date and not by manual operation.

5. **Fare card**

The proprietor of the vehicle must exhibit inside the carriage at all times a current statement of the fares in clearly distinguishable letters and figures

6. **Accidents and Convictions**

The proprietor shall within seven days disclose to the Council in writing details of any accidents or conviction imposed on him (or, if the proprietor is a company or partnership, on any of the directors or partners) during the period of the licence.

7. **Transfers**

In the event of an application for the transfer of this licence to another vehicle, a fee as may be from time to time approved by the Council, will be payable.

6. **Safety Equipment**

Every licensed vehicle must be fitted with a 1kg BC Dry Power type fire extinguisher, which must be kept full and ready for immediate use and **easily accessed by the driver of the vehicle.**

NOTE: Extinguisher must comply with BSEN3 (European Standard). It must be serviced in accordance with BS5306 on an annual basis, and a record kept for inspection.

Every licensed vehicle must carry a first aid kit in such a position as to be readily visible and available for immediate use in an emergency.

The following list details the minimum contents that will be regarded as suitable by the Council.

- 20 individual wrapped sterile adhesive dressings (assorted sizes).
- Two sterile eye pads.
- Two individually wrapped triangular bandages (preferably sterile).
- 4 safety pins.
- Six medium sized (approx. 12cm x 12cm) individually wrapped sterile unmedicated wound dressings.
- Two large (approx. 18cm x 18cm) individually wrapped sterile unmedicated wound dressings.

- One pair of disposable gloves.

Drivers have a legal requirement to keep such equipment within their vehicles, in order for them to render first aid upon themselves whilst at work under the guidelines of the Health and Safety (First Aid) Regulations 1981 and that it is an offence under Section 33(1) of the Health and Safety at Work Act, 1974 not to do so. Licensed drivers should be made aware that they may incur liability in rendering first aid to others and are advised that, if in doubt, they should seek their own professional advice, which may include insurance issues.

7. Radios

Only one two-way radio with a single frequency may be operational at any one time and this shall be an approved radio used exclusively for the hackney carriage/private hire trade and properly licensed with an effective radio power (ERP) NOT exceeding 25 watts.

The operator must not allow the use of citizen band radios in licensed private hire vehicle.

8 Business names

Any hackney carriage proprietor who, together with other proprietors, sets up a named business must inform the Council of the name of the business and list the names of the persons involved, together with their contact telephone numbers.

Any hackney carriage proprietor who names his business by any other name than his own must notify the Council of his intention.

9 Change of Address

The driver must notify Licensing Services at Riverside House, Milverton Hill, Leamington Spa, in writing, of any change of his address during the period of the licence within seven days of such change taking place.

APPENDIX E

PRIVATE HIRE OPERATORS LICENCES – CONDITIONS OF LICENCE

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

1. **RECORDS**

The records required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 must be in a manner, whether written or on a computer, which enables them to be examined or audited. The operator must record, before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him:

- a) The time and date of booking.
- b) The name, address and telephone number of the hirer.
- c) How the booking was made (i.e. telephone, personal call, etc).
- d) Price quoted for booking
- e) The time of pick-up
- f) The point of pick-up
- g) The destination
- h) The time at which a driver was allocated to the booking.
- i) The registration and plate number of the vehicle allocated for the booking
- j) The drivers badge number of the driver allocated to the booking
- k) Remarks (including full details of any sub-contract)

The operator must also keep the following records of the particulars of all private hire vehicles operated by him:

- a) Owner and all drivers of vehicle
- b) Registration and plate number
- c) Licence expiry date
- d) Insurance cert./cover note (copy to be held at operating base)
- e) MOT expiry date (copy to be held at operating base)
- f) Road fund expiry date
- g) Inspection date
- h) Radio call sign used

All records kept by the operator must be preserved for a period of not less than 6 months following the date of the last entry.

2. **STANDARDS OF SERVICE**

The operator must provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose in particular:-

- (a) Ensure that, when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually arrive at that appointed time and place.

- (b) Keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
- (c) Ensure that any waiting area provided by the operator has adequate seating facilities.
- (d) Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

3. **CHANGE OF ADDRESS**

The operator must notify the Council in writing of any change of his address (including any address from which he operates or otherwise conducts his business as an operator) during the period of the licence within seven days of such change taking place.

4. **DRIVERS EMPLOYED**

The operator must provide the Council with a list of drivers and vehicles employed or used by him. Any changes to the list must be notified to the Council immediately.

The operator must keep the paper part of the hackney carriage/private hire driver's licence in his possession whilst employing a driver

5. **CONVICTIONS**

The operator must within seven days disclose to the Council in writing details of any convictions imposed on him (or if the operator is a company or partnership, on any of the Directors or Partners) during the period of the licence.

5. **TRANFERS**

An operators licence is not transferrable

APPENDIX F

**CURRENTLY APPROVED WHEELCHAIR ACCESSIBLE HACKNEY
CARRIAGE VEHICLES**

FXII (London Type Cab)

Metro Cab

Mercedes Vito - Provided by Co Trim

Mercedes Eurocab – Provided by Jubilee Group

Fiat Eurocab – Provided Jubilee Group

Peugeot EuroTaxi – Provided by Cab Direct

Peugeot E7 – Provided by Cab Direct

Citroen Le Cab Noir HDI – Provided by Voyager
(Provided that strapping system allows wheelchair to face forward)

Fiat Freedom – Provided by Cab Direct

Mercedes Unique Cab – Provided by Bernard Mansell

Peugeot Expert Eurobus – Provided by Cab Direct

Citroen Sentinel – Provided by Specialist Vehicle Assemblies Ltd.

Nissan Voyager – Provided by Voyager Multi Purpose Vehicles Ltd

VW City7 tdi - Provided by Bernard Mansell

NB. If seats have to be removed to allow the wheel chair to be carried, the seat MUST remain permanently out of the vehicle. A licence will only be granted for a seating capacity EXCLUDING the removed seat.

For example, if the vehicle is designed to carry 6 passengers, but only 5 with the seat removed for the wheelchair, then a plate for 5 seats only will be issued.

New or replacement vehicles that load wheelchairs from the rear are not permitted