

## Hackney Carriage Proprietors (vehicle) Licence Conditions

A hackney carriage proprietor is an owner or part/co owner of a vehicle, or where a vehicle is subject to a leasing contract, hiring agreement or hire purchase, a proprietor is the person in possession of the vehicle under the agreement. See Guidance Note Section C 1. In each case the proprietor requires a Hackney Carriage Proprietors Licence from West Berkshire District Council (the Council), before he/she is legally entitled to use the vehicle for plying for hire.

The holder of every Hackney Carriage licence (the Proprietor) shall comply with the provisions relating to hackney carriages contained in the following legislation:

- Town Police Clauses Act 1847 (the 1847 Act)
- Part II Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act)
- West Berkshire District Council Byelaws Relating to Hackney Carriages
- Road Traffic Act 1988 Part 11 (a) Construction and Use of Vehicles and Equipment
- Motor Vehicles (Tests) Regulations 1981
- The Disability Discrimination Act 1995 (Taxis) (Carrying of Guide Dogs etc.) (England and Wales) Regulations 2000
- The West Berkshire Council Hackney Carriage Proprietors (Vehicle) Licence Conditions

Every person holding such a licence should be aware and become familiar with the provisions of this and any other relevant legislation and if necessary seek their own legal guidance on the statutory requirements of the above Acts.

### General Duties

1. The Proprietor shall:
  - a) inform the Council's Licensing Officers of any change of permanent address within 10 days of such change, in writing.
  - b) only permit drivers who hold a hackney carriage driver's licence for the relevant zone, where appropriate, to drive his/her vehicles, within the zone for which the vehicle is licensed. The area (zone) in which a vehicle licensed by the Council shall be permitted to ply for hire shall be determined by the Council and is currently within the area which is legally administered by West Berkshire District Council.
  - c) retain the hackney carriage driver's licence of any person he/she permits or employs to drive a hackney carriage whilst that person is in their employment and shall return the licence to the driver, once that contract has ceased, or to the Council if the licence has expired.
  - d) shall ensure that any arrest, caution, charge or conviction for criminal offences, including driving offences, of him/herself or any driver employed by them, where known, shall be notified to the Council's Licensing Officers, in writing, within 7 days.

### The Vehicle

2. The Proprietor shall:
  - a) ensure that a fully charged and serviced fire extinguisher which contains either dry-powder or aqueous film forming foam (AFFF) is available in the vehicle. It must comply with 'BS.5423' "British Standard Specification for Portable Fire Extinguishers," have a minimum test rating of 8A or 21B (this should be marked on the side of the extinguisher) and be of a suitable size (minimum sizes of 1kg for dry powder and 0.9kg for AFFF would be satisfactory).

The fire extinguisher must be kept secure in the vehicle (for example, in a quick release bracket, where practicable) and must be positioned so that it is readily available for use. However, it is necessary to ensure that its position does not interfere with the proper driving of the vehicle, and does not encourage mischievous use of the extinguisher.

b) ensure that a first aid kit is provided and contains the following:

ITEM	NUMBER REQUIRED
No. 16 Dressing	2
No.2 Ambulance Dressing	3
No.3 Ambulance Dressing	2
Airstrip Handy (Pack of 12)	2
Antiseptic Wipes	10
Crepe Bandage 7.5cm by 4.5m	2
Triangular Bandage - Calico	2
First Aid Scissors	1
Large Safety Pins	6
Small Safety Pins	6
First Aid Kit Carried Sticker	1
First Aid Guidance Leaflet	1

The kit shall be kept on the vehicle and be located in a position which is easily accessible to the driver.

c) ensure that all passenger/s are able to easily communicate with the driver at all times.

d) provide adequate windows as detailed in the specification of the vehicle and ensure that the means of opening those works efficiently at all times. Where a vehicle has been modified such modifications shall be notified to the Council's Licensing Officers who reserve the right to refuse a licence or apply conditions as appropriate.

e) ensure that vehicle's are not fitted with one or more blacked out windows nor shall they be so modified. Exceptions for those vehicles which have darkened windows as standard specification for the vehicle from manufacture and that are in accordance with the current VOSA standards will be made at the discretion of the Council's Licensing Officers.

f) cause the seats to be properly covered and cushioned and be in good repair at all times.

g) cause the floor to be covered with carpet or matting as specified by the manufacturers of the vehicle or to the approval of the Council's Licensing Officers.

h) ensure that within reason, the exterior of the vehicle is kept clean and presentable.

i) if the vehicle is an estate car, ensure that the provisions for the safe securing of luggage are provided and used.

j) ensure that all seat belts or restraints are securely fixed to the vehicle, other than those used for the securing of wheelchairs, that all are in good condition and operate correctly at all times.

k) ensure that no material alteration or change in the vehicle's specification, design, condition or appearance is made without prior approval, in writing, from the Council's Licensing Officers. This includes any proposed advertising material.

l) ensure that the vehicle is presented promptly for test and or inspection at the request of the Council, at such times and places as the Council's Licensing Officers may reasonably require during the period of the licence.

m) ensure that the vehicle is roadworthy at all times whilst licensed. Where a vehicle becomes temporarily unroadworthy the proprietor shall inform the Council's Licensing Officers of the nature of the defect and the period during which it is anticipated the vehicle will be off the road. Temporary suspensions may be placed upon the vehicle at the discretion of the Senior Licensing Officer or any other officer delegated for this purpose, at the time.

n) ensure that any damage to the vehicle which affects its roadworthiness, or could cause injury to passengers or pedestrians is reported to the Council's Licensing Officers immediately upon being discovered.

o) Ensure that, notwithstanding the above, all damage which materially affects the safety, performance or appearance of the hackney carriage, or which affects the comfort or convenience of persons carried therein, if not immediately rectified, shall be reported to the Council's Licensing Officers as soon as reasonably practicable and, in any case within 72 hours of any damage occurring.

p) Where any vehicle is being purchased with the intention of applying for a licence and such vehicle has been adapted for the transportation of a passenger seated in a wheelchair, the owner must provide such certification as is necessary to prove that the adaptation was carried out by persons qualified to carry out such works. Certification of the works must be provided as being in accordance with such guidance, legislation or best practice relevant at the time of the adaptation being carried out. Failure to provide this information may mean that the vehicle is not deemed suitably safe to hold a licence. This decision shall be at the discretion of the Senior Licensing Officer or such other officer delegated at the time.

q) All wheelchair accessible vehicles must have available and in working order, on the vehicle, at all times, appropriate ramps, lifts or other devices for allowing access to the vehicle of, a passenger in a wheelchair.

### **Vehicle Age and Testing**

3. Vehicles of any age may be presented for initial licensing, or re - licensing. However, the Council will only consider vehicles which are safe and suitable for the purpose of becoming or remaining a hackney carriage. The Council therefore reserves the right to consider the age of a vehicle, along with any other material factors that it may consider relevant at the time.

4. 4x4's such as land rovers and other similar vehicles and three door vehicles will not normally be considered for licensing.

5. Each hackney carriage vehicle presented for licensing must have a valid MOT if over 1 year from first registration. A valid MOT must be presented for each renewal of the vehicle licence.

6. Where a vehicle is up to 6 years old, the MOT is all that is required for renewal.

7. Vehicles from 6 to 8 years old will require an interim test certificate at the 6 month stage and those over 8 will require the test three times per year. Each test will be required to be to the same standard of a VOSA MOT and certification will be required to be produced. This may not always be a standard MOT certificate as some garages are refusing to supply them, however a statement from the garage certifying that a valid test has been carried out to VOSA MOT standard will be acceptable.

8. The MOT can be carried out by any garage or person qualified and certified by VOSA.

9. All vehicles failing the inspection will be refused a licence until such time as defects identified are remedied and the vehicle has been re - inspected and passed as suitable to operate as a taxi.

10. The age of imported vehicles will be considered to be from the date of first registration of the vehicle whether registered in this country or abroad, with the same criteria, a) and c) above, applying.

### **Vehicle identification marks and livery**

11. The identification plate issued and owned by the Council bearing the number and vehicle details, granted in respect of the vehicle, shall be clearly visible and be securely fixed to the rear exterior surface of the vehicle, at all times, in a position which is not higher than the lower edge of the rear window. This plate remains the property of the Council at all times. It should be noted that the plate is not the licence, but is a legal requirement to indicate the number of passengers carried within the vehicle.

12. The identification plate shall at no time be wilfully defaced or obstructed from public view.

13. The licence/plate cannot be transferred without the permission of the Council and can only be transferred with the vehicle to which it currently applies.

14. The licence/plate cannot under any circumstances be sold or leased.

15. The proprietor shall ensure that the number of his/her licences and the number of persons permitted to be carried, is displayed prominently in the vehicle, in the form of the identification badge or sticker provided by the Council. This will be in a position within the vehicle, which all passengers can read easily. This notice must not be obscured.

16. The proprietor shall ensure that tables or scales of charges, as determined by the Council, are displayed inside the vehicle in such position as to be clearly visible to the hirer and passengers. These must be permanently displayed in the front of the vehicle and readily available to passengers in the rear, at all times.

17. No advertising material or signage other than "no smoking" signs or a sign advertising that a first aid kit is carried on the vehicle, shall be displayed, either in or outside the vehicle, unless specifically approved, in writing, by the Council's Licensing Officers, or as required by the livery standard.

18. The proprietor shall ensure that any system of communications, including mobile phones, installed or used in the vehicle, are capable of being operated on a hands free basis and does not hinder the drivers ability to drive safely and in accordance with road traffic law.

19. A single roof sign shall be fitted to each taxi and meet the following conditions and specification:

- a) Roof signs shall be kept clean and in good repair and at all times be securely mounted on the vehicle roof, with the main face showing the Council logo facing forward. The sign is to be positioned forward of the pillar between the front and rear doors, wherever possible. Vehicles with glass or fibreglass roofs or similar must attach the sign at the foremost point on the roof, where suitable magnetic adhesion is possible.
- b) The proprietor shall provide a roof sign to the following specification: (unless the vehicle is a London Cab or other similar vehicle which was manufactured as a taxi and produced with a built in sign).

#### **Saloon Cars, Minibuses, Galaxy's and similar:**

- c) The roof sign will have dimensions of:  
60.5 centimetres long, 17.5 centimetres wide at the middle point. 11 centimetres high at the rear middle point and 3 centimetres high at the front middle point. These dimensions will not include any raised lip or edging. Reference should also be made to any illustrative art work, or model signs, provided by the Council to show the approved design. See enclosed photograph.
- d) The roof sign shall be white in background colour. When lit, the sign must show red to the rear but not red to the front and sides.
- e) The roof sign must be connected to the taximeter to be automatically controlled. The roof sign must be lit when the taximeter is not active and not lit when the taximeter is in use.
- f) The front face of the roof sign shall show the words "TAXI", **LICENSED BY** followed by the West Berkshire Council Corporate Logo. The licence number shall be shown, within a circle, on both sides of this wording. TAXI shall be in capitals, in Ariel font and approximately 2.5 inches (65mm) in height. The circles shall be approximately 5.5 inches (135mm) in diameter and have the number cut out, 2.5 inches (45mm) high in Ariel font. The front face will not show anything else.

The words and the circles will be in Kelly Green (pantone 335c) See attached photograph.

#### **Wheelchair Accessible Taxis**

- g) Vehicles with raised roofs which are licensed as wheelchair accessible taxis shall have a roof sign of the same dimensions and design as k) to n) above:
- h) In the case of wheelchair accessible vehicles, the front face of the roof sign will show the words "TAXI" **LICENSED BY** followed by the West Berkshire Council Corporate Logo. The licence number shall be shown, within a circle, on the off side of the sign. The sign specification shall be that as o) above. The rear side of the sign will show a wheelchair logo in white on a blue background. The wheelchair logo will be in reflex blue. The logo shall be 4 inches (100mm) square.
- i) The rear face of the roof sign on all vehicles shall show the licence number (once only) to the same specifications as on the front. The number may be positioned anywhere on the rear face at the discretion of the licensee. The licensee may use the remaining space for any reasonable use. Examples of reasonable use include the word "TAXI", the name of the proprietor and the telephone number of the proprietor. This text does not have to be green, (although the number does). All inappropriate or unauthorised signage will be required to be removed.
- j) It may be necessary for some wheelchair accessible taxis to display the sign on the front bulkhead of the vehicle due to height restrictions. Other than this variation, there shall be no other variations from the specification.

- k) In the event of the Council's Licensing Officers not being satisfied that a roof sign meets the specification, the conditions of the vehicle licence will be deemed to have been breached and the proprietor requested to remedy the defect. The licence holder of the vehicle may then be subject to a penalty within any point's scheme should one be in existence at the time and if not suitably rectified may have the sanction of law imposed.
  - l) Vehicles which are purchased as custom constructed taxis that have a sign provided by the manufacturer, which is not a sign fitted into the fabric of the vehicle, must comply with the above specification.
20. The proprietor shall provide door signs to the following specification:
- a) the door sign will be manufactured, designed and maintained for the intended purpose.
  - b) door signs will be kept clean, in good repair and permanently mounted and will be positioned on the top part of both front doors of the vehicle.
  - c) the door sign will be white and show the words "West Berkshire Council in the form of the Council's logo" below the word "TAXI", in green, as specified above for roof signs. The licence number will also be shown within a circle, as specified for the front of the roof sign, but only once and to the left of the wording.
  - d) the sign will be a minimum of 15 inches (380mm) by 6 inches (150mm) and must not be smaller in area than any approved advertising signs on the vehicle. If the door signs are larger, the text size must increase proportionately.
  - e) the sign will be made of self adhesive vinyl or similar and be permanently displayed. It cannot be of magnetic type.
  - f) all vehicles, including "London Cabs" or other similar types, will display these door signs. Vehicles which have a council approved, "all over" advertising livery, may be exempt of this requirement. (These would normally only be "London Cabs" or other similar vehicles).
  - g) minor variations from the specification may be permitted at the discretion of the Council's Licensing Officers. Any variations granted will be confirmed in writing and may be subject to conditions.
  - h) in the event of the Council's Licensing Officers not being satisfied that a door sign meets the specification, the conditions of the vehicle licence will be deemed to have been breached. The licence holder of the vehicle may be subject to a penalty within any point's scheme should one be in existence at the time and if not suitably rectified may have the sanction of law imposed.

### **Taximeters**

- 21. The proprietor shall ensure that all vehicles, of which they are the proprietor, have taxis meters fitted which have been sealed by an authorised representative of the Council.
- 22. The proprietor shall ensure that the driver of any vehicle fitted with a sealed taximeter, charges a fare calculated from the point in the District from which the hirer commences the journey and shall not charge a fare which exceeds that displayed upon the taximeter at the completion of the journey, except for any additional charges as specified in the scale of fares approved by the Council.
- 23. The proprietor shall notify the Council's Licensing Officers immediately upon becoming aware that the taximeter seal is broken.
- 24. The proprietor shall ensure that a vehicle fitted with a taximeter shall not operate unless the meter is working correctly and has been checked and sealed by an authorised representative of the Council.

### **Disabled Accessibility**

- 25. Those taxis licensed before April 2001, the group presently not subject to conditions requiring disabled access, will continue to be free from conditions relating to disabled access, subject to any national legislation which might be introduced at a later date.
- 26. Applicants who were granted licences subject to disabled conditions and who met those conditions by providing either wheelchair access or a swivel seat shall remain subject to those conditions.
- 27. All taxis first licensed from 15th March 2005 will be granted on the condition that vehicles provide full wheelchair accessibility.

28. If a taxi proprietor transfers whole or in part his/her interest in a hackney carriage proprietor's licence, that transfer shall, subject to the family exemption, be treated as a grant of a new licence for the purpose of applicability of the disabled access condition. Therefore, the disabled access condition requiring the provision of a fully wheelchair accessible vehicle will be applied to that licence with immediate effect from the date that licence is transferred.

29. Any vehicle that has been modified to accommodate disabled passengers shall have been retested, after modification, to meet European Vehicle Type Approval standards in the M1 category (or the low volume standard for UK vehicles) in respect of all such modifications. The relevant certificate will be required before such a vehicle can be licensed.

### **The Family Exemption**

30. Any transfer by a hackney carriage proprietor of an interest in his/her licence, in whole or in part, which is limited to a transfer of such interest to a member of the proprietors immediate family as defined below, shall not be affected by the disabled access condition to any greater extent than the licence would have been affected had the transfer not occurred. Therefore, upon a transfer to a family member of an interest in a hackney carriage proprietor's licence, the relevant disabled access condition applicable to that licence immediately before the transfer was effected will remain in force.

31. For the purposes of the above condition, "immediate family" shall mean the:-

- Mother or Father
- Spouse or Partner
- Children
- Brothers or Sisters
- Step-Mother or Step-Father
- Step-Children
- Step-Brothers or Step-Sisters of the hackney carriage proprietor, but shall not extend to any additional family member.

32. Where it is claimed upon the transfer of an interest in a hackney carriage proprietors licence that the family exemption applies, it shall in every case be for the proprietor of the licence to prove that a family relationship exists within the above definitions.

Please note that any other condition may be attached to a licence which is considered reasonably necessary by the Council. Local Government (Miscellaneous Provisions) Act 1976 section 47.

Any person aggrieved by any conditions attached to their licence may appeal to a Magistrates Court within 21 days of a licence being issued.