



**HACKNEY CARRIAGE
and
PRIVATE HIRE LICENSING**

Statement of Policy, including information, specifications, licence conditions and Byelaws for Hackney Carriage and Private Hire proprietors, Operators, and Drivers

HART DISTRICT COUNCIL
POLICY STATEMENT
September 2017

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

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1. The Purpose of this Policy document

- 1.1 To set out how Hart District Council intends to carry out the licensing and control of the Hackney Carriage and Private Hire trade within its district and the Council's expectations of applicants and licensees.
- 1.2 It is not intended to be an exhaustive or definitive statement of the law and all drivers, operators and proprietors should familiarise themselves with the provisions of the relevant Acts, local byelaws and conditions.
- 1.3 Any reference to working days within this policy document relates to the days for which the council is open. The Council's services are normally available from Monday to Friday during the course of the standard working week. The Council is closed at weekends, for public holidays and between Christmas and New Year. Full details of opening times are available on the council web site.

2. Policy Aims

- 2.1 The aim of the Council's licensing function is to ensure, promote and protect the safety of the public.

3. Relevant legislation

- 3.1 The Licensing of hackney carriage vehicles and drivers is primarily regulated under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 3.2 The Licensing of private hire vehicles, drivers and operators is primarily regulated under the Local Government (Miscellaneous Provisions) Act 1976
- 3.2 Bylaws which apply to the district of Hart in respect of the regulation of Hackney carriage drivers and vehicles have been made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875.

4. Enforcement

- 4.1 The Council shall ensure that there is sufficient staff time to ensure compliance with licence conditions so that the legitimate aims of the Council are achieved.
- 4.2 Enforcement will be carried out in accordance with the Council's Enforcement Policy, which in turn adopts the principles of the Cabinet Office's Enforcement Concordat of 1998, to which the Council is a signatory.
- 4.3 The Council shall carry out enforcement duties openly and impartially. The Council recognise that the need for enforcement action to be taken against those who deliberately flout or ignore statutory requirements has to be balanced against a lighter touch for those that do comply with the burdens imposed upon them.
- 4.4 In the event of enforcement action being considered the licence holder will:
- a) receive clear explanations of what he needs to do;
 - b) be given opportunities to resolve differences before enforcement action is taken;
 - c) be informed about how to appeal against any decisions; and
 - d) be informed of a particular decision which may affect them.
- 4.5 The Council may revoke, suspend, refuse to renew or refuse to grant a licence to an applicant who:
- a) has, since the grant of the licence, been convicted of an offence involving dishonesty, indecency or violence; or
 - b) commits an offence or otherwise fails to comply with the provisions of the Town Police Clauses Act 1847, The Local Government (Miscellaneous Provisions) Act 1976 or the Transport Act 1985 or any re-enactments thereof;
 - c) has accrued 9 or more penalty points for convictions within the last three years. This may merit refusal. More than one conviction for more

major traffic offences (reckless, careless driving etc, as defined in Endorsements and Disqualification Guide from DVLA) within the last two years should merit refusal and no further applications should be considered until a period of two years free from conviction has elapsed.

- d) becomes disqualified from driving,;
- e) suffers, or has suffered, from any illness or disability and medical opinion has been received advising the Council he unfit to continue to act as a licensed driver;
- f) for any other reasonable grounds

4.6 In certain instances therefore the vehicle proprietor or operator may be subject to enforcement action as a result of an offence committed by their driver. The council will however take into account the circumstances of such offence and how far the proprietor has carried out his obligations in deciding whether to take any action.

4.7 The following persons are responsible for the enforcement of the policy:

- a) Officers employed to deal with the licensing process and enforcement;
and
- b) A licensing sub committee of three elected Members who will hear some appeals against officers' decisions and decide on the outcome.

4.8 The Involvement of other parties in the process

4.9 We will consult with interested parties where appropriate on any issue encompassed by this policy. Interested Parties include the "taxi trade", the Police, Highways Department and others as thought appropriate.

4.10 This consultation will be an ongoing process and will help form our future decisions.

5. Vehicle Licence Application Criteria

5.1 All vehicles being considered for licensing as a hackney carriage or private hire vehicle must meet the appropriate vehicle specification detailed at Appendix1.

5.2 Purpose built vehicles

At present in Hart purpose-built vehicles i.e. London style taxis, are **not** compulsory.

5.3 Where purpose-built vehicles are licensed, a different vehicle age policy will be considered because of their construction and design. This is detailed at paragraph 6.3.

5.4 Vehicle Age policies

Any new application or replacement vehicle for a hackney carriage or private hire vehicle will only be considered if the vehicle is less than three years old from the date of first registration for non purpose built vehicles, or less than four years from the date of first registration for a purpose built vehicle at the date of application. In rare exceptional circumstances, discretion may be exercised for vehicles outside this range providing that safety is not prejudiced, and licences may be issued but only following a vehicle examination being carried out by a Hart District Council Licensing Enforcement Officer.

5.5 The vehicle may usually only continue to be licensed until it is seven years from its date of first registration for non purpose built vehicles and ten years from the date of registration for a purpose built vehicle. In exceptional circumstances, discretion may be exercised for vehicles outside this range providing that safety is not prejudiced, and licences may be issued but only following a vehicle examination being carried out by a Hart District Council Licensing Officer.

5.6 Subject to the requirements of paragraph 5.3, vehicles which are wheelchair accessible may continue to be licensed for ten years from the date of first registration subject to the vehicle meeting the council's testing specification and appearance requirements. In considering an application to licence a

vehicle for ten years, consideration will be given to the requirements of the Equality Act 2010.

- 5.7 Applications for an older vehicle to be considered within the exceptional circumstance clause must be made in writing by the applicant giving reasons as to why the vehicle should be considered for relicensing. The vehicle must also have a full service history or documentary evidence to prove the vehicle has been maintained in accordance with the manufacturer's servicing schedule. It must meet the cosmetic vehicle standard detailed at Appendix 5.
- 5.8 Guidance concerning the assessment of vehicles for licensing outside the age policy is given at Appendix 1. During the examination of the vehicle the Taxi Licensing Officer will complete the examination report shown at Appendix 6.
- 5.9 The age of imported vehicles will be judged from the date of manufacture.
- 5.10 The exception to the above being private hire vehicles in exceptional condition used exclusively for executive type chauffeur work. 'Exceptional condition' is defined as a vehicle which is without damage or wear to the interior and the exterior. The age limit for new application or replacement vehicle will be less than five years old from the date of manufacture. The vehicle may continue to be licensed until eight years from its date of manufacture.
- 5.11 Purpose built hackney carriages will normally only be licensed if they are less than four years old at the time the licence is issued and they have no material exterior or interior defects. The purpose built hackney carriage may be licensed up to 10 years of age.
- 5.12 Vehicle Safety checks
All vehicles are required to be examined at an MOT issuing garage and comply with the standard for the Hart District Council vehicle inspection report (also known as the 'Tick Test'). This is required to ensure the vehicle is safe and in a road worthy condition to operate as a Hackney Carriage or

Private Hire vehicle. The annual MOT test is not sufficiently detailed for this purpose.

5.13 MOT 'advisories'

Occasionally vehicles pass the MOT but are subject to advisory comments. These are defects which in the personal opinion of the tester do not warrant a notification of failure. These may include:

- a) Testable items which only just attain the required standard and may soon require attention;
- b) Items which are not within the scope of the MOT and may soon require attention; and
- c) Any peculiarity of the vehicle.

5.14 In the interests of the safety of the public, Hart Council requires that all works suggested as an MOT advisory will be undertaken within six months of the date of the MOT and the vehicle returned to the MOT issuing garage for a further inspection. Written confirmation by the MOT examiner as to the satisfactory state of the items will be required. Failure to comply with this procedure will result in the suspension of the vehicle licence.

5.15 An annual Hackney Carriage/Private Hire Hart District Council vehicle inspection report test will be required in addition to the annual MOT test. Any vehicle aged more than seven years from the date of first registration which continues to be licensed shall require two Hart District Council examinations a year. This test will be carried out by an MOT registered garage within the Hart District Council area and shall comprise of the Hart District Council inspection report, together with an emissions test.

Insurance requirements

5.16 Part VI Basic Road Traffic Act 1998 is the minimum requirement but fully comprehensive insurance is recommended. Insurance cover documentation shall clearly state that cover is provided for the carriage of passengers for hire or reward.

5.17 Additional requirements for wheelchair accessible vehicles

There must be sufficient space for a wheel chair to be safely secured facing forward or rearward.

No wheel chair shall be carried facing sideways.

There must be a separate means of securing the wheelchair and the passenger.

Wheel chair ramps must be carried in the vehicle at all times.

6 Driver licence application criteria

6.1 Applicants and holders of driver's licences must be fit and proper to hold a licence. The assessment of fit and proper is achieved by requiring applicants to undergo a series of checks and tests on application and in some cases, such as for medical fitness and criminal history, further regular checks are required.

6.2 Knowledge test-

Applicants will need to display a thorough knowledge of the area within the borders of Hart District Council and knowledge of rules and regulations required to be granted a licence. This is a verbal test.

6.3 Satellite Navigation and other similar aids will not be considered as a suitable substitute for this knowledge, as they can malfunction or breakdown.

6.4 Golden Rules

Applicants will need to display an understanding of the law and regulations under which their licence is granted. This is a verbal test. The cost of the test will be included in the initial fee paid for a driver's licence. There will be a separate fee to re-take the test

6.5 Communication skills

It is important that drivers can communicate effectively with their customers and others. Applicants will be expected to show good a command of the English language. This will be tested during the knowledge test.

6.6 Medical Fitness

A medical examination will be required before the initial grant of a licence and thereafter at 5 year intervals.

6.7 From July 2015 Hart council requires all applicants and existing licence holders to be examined against the DVLA Group 2 Standard. Further information on this standard can be found at <https://www.gov.uk/government/publications/at-a-glance>. Medical examinations must be undertaken at the GP practice that holds the applicant's/licence holder's medical records. If medical examinations are carried out elsewhere they will not be accepted. The medical report is forwarded to an independent medical advisor who will determine an applicant's fitness in line with the DVLA Group 2 standard. The examining GP will NOT make that decision.

6.8 Only the councils prescribed medical form must be used and this will be provided to all applicants.

6.9 Any fee charged by the GP for the medical assessment must be paid by the applicant/licence holder.

6.10 All drivers are required to carry assistance dogs and to provide necessary assistance with loading and unloading luggage. Drivers seeking an exemption from these requirements for medical reasons must provide a certificate from their GP or consultant with the reasons why an exemption is sought and the time period for the requested exemption.

6.11 Medicals are required every five years, unless a greater frequency is indicated by the Medical Advisor in which case this will become a condition of issuing the licence.

6.12 Annual medicals are required for drivers from the age of 65 years and for those with medical conditions that require increased monitoring to ensure compliance with the DVLA Group 2 standard. Depending upon the medical condition, medicals may be required more frequently than annually.

6.13 Enhanced Criminal Record checks

All applicants for hackney carriage, private hire or dual drivers licences are required to supply an enhanced criminal history record from the Disclosure and Barring Service (DBS). There is a separate fee for this service which is collected by the council on behalf of the DBS. The council is entitled to have regard to unspent and spent convictions when determining a driver's licence application. The council will have regards to its Guidelines to Convictions when considering an application. The guidelines to convictions can be found at Appendix 2.

6.14 Driving Tests

All new driver applicants are required to pass the DSA taxi driving test or authorised equivalent such as the Blue Lamp Trust driver training equivalent before a licence will be issued.

6.15 Existing drivers who obtain 9 points on their D.V.L.A. driving licence will also be required to pass the DSA or Blue Lamp Trust driver training assessment and attend the Driver Awareness Course. This will also apply to any driver where deemed appropriate by the licensing department.

6.16 Licence duration

The Council will issue hackney carriage and private hire driver licences for a period 3 years. In exceptional circumstances a licence may be issued for one year. Applicants or existing licence holders wishing to apply for a one year licence must provide their reasons in writing.

7. Administration Procedures – All Licences

7.1 The Council shall review its administrative procedures to improve the record keeping and administration of the issuance of licences. Service levels will be agreed and published by means of a Service Charter.

7.2 Applications for licence renewals must be submitted complete with all supporting documentation at least 14 days prior to the expiry date. Incomplete applications will be returned by 2nd class post or left in reception for pre – arranged collection.

- 7.3 Reminders will be sent out to applicants one month before the expiry of the licence. Where renewal applications are not received before the expiry of a licence the application will be treated as a new application
- 7.4 This policy will be reviewed every three years or sooner if a major change is required.
- 7.5 Licence conditions and Byelaws - Licences are issued with a range of licence conditions depending on the licence type. These conditions set out the conduct required by a licensee in respect of that licence.
- 7.6 All licences apart from Hackney Carriage driver's licences are issued with standard conditions. Some additional non standard conditions may be added on a case by case basis. For example additional conditions in respect of medical requirements such as the need to wear glasses when driving may be added to private hire drivers licences. NB – Hackney carriage drivers authorised to drive private hire vehicles from 1st March 2015 will be issued with private hire driver licence conditions.
- 7.7 Hackney carriage drivers licences are issued in accordance with the Byelaws made under section 68 of the Town Police Clauses Act 1847. The Byelaws set out the expected conduct for drivers whilst carrying out hackney carriage work in a licensed hackney carriage.
- 7.8 Dual licensed drivers who are licensed to drive hackney carriage and private hire vehicles are required to adhere to the licence conditions or byelaws appropriate to the licence being used at the time and the vehicle being driven. Failure to comply with licence conditions or byelaws can lead to warnings, or suspension or revocation of a licence.
- 7.10 Where new licence conditions are being considered the council will look to discuss these with the taxi trade through the annual trade meetings. Where conditions are revised in line with new legislation, every effort will be made to advise the trade through the same meetings or through direct mailing.

- 7.11 Where a new condition is applied to a licence, the licence holder is entitled to appeal to either a Magistrates' Court or Crown Court, as appropriate, within 21 days of the imposition of the condition.

8 Other Considerations

- 8.1 Fees and charges - Fees and charges are set with the intention of covering the Council's costs in administering the whole service. They will generally be reviewed as part of the normal budget process and come into force from the 1st April each year. Any additional increases required mid year will only be introduced following full consultation with the trade. If the demands on the service make it necessary, then fees may be amended during the financial year. All amendments to fees and charges are approved by the Licensing Committee.

8.2 Legislative changes

Full consultation with the trade will take place concerning any other legislative changes imposed by Government.

8.3 Commencement and expiry dates

New licences will commence on the date of issue. Existing licences being renewed will commence on the current renewal date.

8.4 Taxi rank provision

The provision of taxi-rank space will be reviewed throughout the District every three years in line with the policy review. Consideration will be given to new areas where necessary and appropriate. Consultation with interested parties will take place.

9 Appeals Procedures

- 9.1 The Licensing Manager has delegated powers in the matter of the revocation, suspension or refusal of a licence.

- 9.2 A Licence may be suspended, revoked, or not renewed by the Council:-

- a. if the driver has, since the grant of the Licence, been convicted of an offence involving dishonesty, indecency or violence;

- b. if the driver commits an offence or otherwise fails to comply with the provisions of the Local Government (Miscellaneous Provisions) Act 1876 or any re-enactment;
- c. if the driver has been found legally culpable of deceit.
- d. Any other reasonable cause

9.3 Appeals – Driver’s Licences

The applicant or licence holder shall have a right of appeal to the Magistrates Court which must be lodged within 21 days of notification of the Council’s decision. Appeal rights will be provided in writing at the time of refusal, suspension or revocation.

9.4 Appeals - Vehicle Licences

9.4.1 Private Hire vehicle licence - An appeal against the refusal to grant or renew a private hire vehicle licence must be made to the Magistrates Court within 21 days of receipt of notification of the Council’s decision.

9.4.2 Hackney Carriage vehicle licence - An appeal against the refusal to grant or renew a hackney carriage vehicle (proprietors) licence must be made to the Crown Court within 21 days of receipts of notification of the council’s decision.

10 Supervision/inspection by licensing officers

10.1 The Licensing Enforcement Officer or other 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 is not satisfied as to the fitness of the vehicle or as to the accuracy of the taximeter he 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 is satisfied as to its fitness .

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

11 Assistance Dogs

11.1 Legislation under The Disability Discrimination Act 1995, Section 37 is now in force concerning the carriage of Assistance Dogs in Hackney Carriages and Private Hire Vehicles. It is an offence for a licensed driver to refuse to carry assistance dogs unless they have a medical exemption certificate. The dog should be carried in the foot well of the vehicle. Drivers must not refuse to carry guide dogs unless they are in possession of a suitable exemption certificate. Drivers with relevant medical grounds must apply to the Licensing Team for an exemption certificate. Evidence of the relevant condition will be required to be supplied from the driver's doctor.

11.2 Operators of private hire vehicles also have a duty in respect of bookings made for persons with assistance dogs. An operator may also commit an offence if he:

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

If found guilty of these offences, a fine of up to £1000 can be imposed by the courts.

12 Private Hire Operator's Licence

12.1 The grant of a private hire operator's licence is dependent on the location of the operating centre at which all bookings of private hire vehicles will be received and recorded. The operating centre must be within the Controlled District (that is the Hart District). Consideration will be given to the issue of an Operator's licence outside the Council's area provided the address of the premises is not more than 1 mile from the Council's District borders and only where this is a secondary operating base for a business already located and licensed within the Hart Controlled District. Officers must be satisfied the

primary operator base is located within Hart's district and this is the primary base of the operation.

- 12.2 The council will request all relevant information on application to enable it to determine an applicant's fitness to hold an operator's licence.
- 12.3 Licence holders who fail to renew their licences prior to the expiry of the existing licence will be treated for all purposes as a new applicant.
- 12.4 The licensed operator shall submit to the Licensing Officer a decision notice from the Planning Officer that he approves and is aware of the use of the premises for the purpose of private hire at the address shown on the application for an operators licence.
- 12.5 Before a private hire operator's licence may be granted, the applicant must:-
- a) Complete and give to the Council an application form ;
 - b) Satisfy the Council that the applicant is a fit and proper person to hold a private hire operator's licence; and
 - c) Pay to the Council the current fee.
- 12.6 Licensed private hire operators must ensure that they are fully aware of and comply with the Data Protection requirements under the Data Protection Act 1998 in respect of the personal customer information held within their business. Operators should obtain a copy of the relevant codes of practice in respect of personal data at <https://ico.org.uk/>.
- 12.7 Enforcement of Operators licences - The Council may suspend, revoke or refuse to renew an operator's licence for any reasonable cause.

APPENDIX 1

HART DISTRICT COUNCIL

General Specifications of Fitness and Design for both Hackney Carriage And Private Hire Vehicles

1 General

- 1.1 All Licensed Vehicles must comply in all respects with the requirements of any Acts and Regulations relating to motor vehicles in general or in particular and in force at the time of licensing, and with any retrospective changes introduced during the life of the licence.
- 1.2 The proprietor shall not use the vehicle, nor permit it to be used when there is not in force for the vehicle a policy of insurance or such security which complies with the requirements of Part VI of the Road Traffic Act 1998 for hire and reward.

2 Wheels

- 2.1 All Licensed Vehicles must have a minimum of four road wheels. In addition, at all times, the Licensed Vehicles must carry a spare wheel or other substitutes for a spare wheel as recommended by the manufacturer. Any spare wheel must be fitted with a tyre in accordance with the manufacturers' specification for road wheels. Space saver spare wheels should only be used in an emergency.

3 Doors

- 3.1 All vehicles must have at least four doors that can be opened from inside the vehicle (designed for the purpose of permitting persons access to and from the interior). Tailgates are excluded unless they are full width and height.

4 Seating Capacities

- 4.1 Vehicles shall have seating capacities of not less than four passengers and the number of seat belts fixed therein or calculated on the basis of a passenger unit seat width of 400mm (16 Inches) measured laterally across the middle of any continuous seat, whichever is the least. No seat may be side facing.
- 4.2 Subject to the further considerations of vehicle wheelbase and engine size as follows:-
 - a) Any vehicle with a wheelbase of 2.438m (96") or more shall be licensed to carry 4 (or more to a maximum of 8) passengers subject to engine

size of 1.6 litres and seat measurement criteria as at paragraph 8. Discretion may be exercised for vehicles driven by alternative or additional power sources, providing the range and performance of the vehicle is sufficient for the carriage of passengers and their luggage.

5 Steering

5.1 The steering wheel must be on the offside (right hand drive only) of the vehicle.

6 Tyres

6.1 All tyres must be kept at the correct pressure and be suitable for use on the vehicle.

7 Suspension

7.1 Every vehicle must be fitted with an efficient suspension system so designed and constructed that there is no excessive roll or pitch.

8 Transmission

8.1 Vehicles using automatic or semi-automatic transmission must be fitted with a device to prevent the engine starting with the transmission selector in a DRIVE or REVERSE position.

9 Fuel Tanks

9.1 In the case of any engine powered by Liquid Petroleum Gas ("LPG"), a device must be fitted by which the supply of fuel to the engine may be immediately cut off. Its situation, together with the means of operation and "OFF" position must be clearly marked on the outside of the vehicle. Prior to a licence being issued, a certificate issued by a member of the LPG Association confirming that the LPG installation conforms with the Association's Code of Practice and is therefore considered safe must be produced.

9.2 If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a

reasonable amount of luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.

10 Electrical Equipment

10.1 All electrical leads and cables must be adequately insulated and where liable to be affected by exposure to water, diesel, petrol or oil must be adequately protected.

10.2 All electrical circuits must be protected by suitable fuses.

10.3 Batteries must be placed and protected to minimise the risk

11 First Aid Kit and Fire Extinguisher

11.1 A suitable first aid kit of a type which complies with the requirements of British Standard 8599-1 2011 shall be carried in the vehicle, together with an efficient fire extinguisher. The fire extinguisher shall be kept in a safe position in the boot and both the extinguisher and the first aid kit shall have the registration number of the vehicle and the Council's licence number affixed thereon. The fire extinguisher must be a minimum of 1kg dry powder type and comply with BS EN 03 and be properly maintained.

12 Exhaust Pipes

12.1 The exhaust pipe must be so fixed or shielded so that no inflammable material can fall or be thrown upon it from any other part of the vehicle and that it is not likely to cause a fire through proximity to any inflammable material on the vehicle. The outlet must be placed at the rear of the vehicle and in such a position as to prevent fumes from entering the vehicle.

13 Body

13.1 The body must be of the fixed head type. An approved sunroof may be fitted.

14 Driver's Compartment

14.1 The driver's seat must be designed to accommodate the driver only and be adjustable for reach.

15 Windows

15.1 Windows must be provided at the sides and at the rear to enable passengers to see and be seen.

15.2 All passenger door windows must be capable of being opened easily by passengers when seated.

15.3 A windscreen that is cracked to an extent in excess of 3.5mm shall be immediately replaced.

15.3.1 Tinted windows: The front windscreen must allow at least 75% visible light transmission within the swept area of the windscreen.

15.3.2 The front side windows must allow at least 70% visible light transmission; and,

15.3.3 No after-market window tinting be permitted.

16 Heating and Ventilation

16.1 An adequate heating and ventilation system must be fitted for the driver and passengers.

17 Glass

17.1 The windscreen and all windows must be of safety glass in accordance with the latest British Standard/ENS at the time of the vehicle manufacture. Note that the use of tinted glass beyond a certain obscurity level is not allowed, as specified in section 15.3.1; 15.3.2 & 15.3.3 of this document

18 Door Fittings

18.1 Passenger doors must be capable of being readily opened from inside and outside the vehicle by one operation of the latch mechanism.

18.2 Approved central locking systems are permitted.

18.3 Double catches of approved types must be fitted to all doors.

19 Floor Coverings

19.1 The floor of the vehicle must be suitably covered and kept in good repair.

20 Luggage

20.1 Provision must be made for carrying luggage sufficient for the number of persons for which the vehicle is licensed.

20.2 If it is intended to carry luggage on the roof, the carrier must be of an approved type fitted to the roof guttering. It must not be used to carry weight in excess of the manufacturer's recommendation.

20.3 Estate cars must have sufficient luggage space for the number of passengers the vehicle is licensed to carry without having to fold any seat. A secure guard to the manufacturer's recommendation must be fitted between luggage and passengers.

20.4 Trailers may be used for the carriage of luggage in connection with private hire bookings ONLY and cannot be used for plying for hire on a rank. If a trailer is used it must at all times comply with all requirements of Road Traffic legislation in particular those laid down in the Road Vehicles (construction and use) Regulations 1986. The vehicle insurance certificate MUST include cover for towing a trailer. A suitable lid or other approved means of enclosure shall be fitted to secure and cover the contents of the trailer whenever in use.

21 Taximeter

21.1 A Taximeter must be fitted to all Hackney Carriages and must be of an approved type and tested by or on behalf of the Council and sealed by the Council. It must be clearly visible to passengers. The extra facility for charging for more than four passengers will be restricted to vehicles licensed to carry in excess of four passengers.

22 Radio Apparatus and Mobile Phones

22.1 Where apparatus for the operation of a two-way radio system is fitted no part of the apparatus may be fitted in the rear boot compartment if LPG tanks or equipment are situated therein.

22.2 Any other radio receiver fitting must be of an approved type. Mobile phones if used must be of the approved hands free device as required by legislation.

23 Registration Marks

23.1 Must comply with the latest specifications as required under the Road Vehicles (Display of Registration Marks) Regulations

24 Maintenance

24.1 Vehicles, including all fittings etc, must be well maintained and kept clean and in good working order. The vehicles will at all times be subject to test and inspection and should it be found that a vehicle is not being properly maintained or that any part or fitting is not in good working order, a notice will be served on the owner prohibiting him from using the vehicle until the defect has been remedied.

24.2 Condition of The Vehicle – The interior and exterior of the vehicle shall be maintained in a clean and proper manner to the reasonable satisfaction of the Council and without prejudice to the foregoing; in particular the exterior of the vehicle shall be free of large dents, rust or un-repaired accident damage and shall at all times have paintwork equivalent to the quality or standard applied by the manufacture. The interior shall be free of all stains, splits, tears to the same and the seats shall be required to function in accordance with the original manufacturer's specification.

25 Advertising

25.1 The Council will allow advertisements to be placed upon a vehicle subject to the following conditions:

- a) Advertising, not relating to the vehicle's proprietor or company, may, under certain circumstances be allowed on a hackney carriage vehicle on submission of a written request and details of the advertisement to the Council. Each request will be considered entirely on its own merits and if approved the written authority must be carried in the vehicle. No such advertising is permitted on a private hire vehicle;

- b) For saloons and estate cars all advertising, graphics or other images must be confined to the sides, roof, rear or bonnet and must NOT obscure the lights, windows and plates;
- c) For mini-bus and people carrier type vehicles all advertising, graphics or other images must be confined to the sides, roof, rear and bonnet and must NOT obscure the lights, windows or plates;
- d) Subject to the above a proprietor may have simple lettering and numbers on a vehicle in order to display a company name, address, telephone/fax number, e-mail address or web site or advisory notices to do with smoking, but lettering height must be a minimum of 75mm and a maximum of 150mm; but
- e) Except for the above, no graphics, artworks, images, slogans or other displays of any kind are permitted without the consent of the Council.

26 Wheelchair accessible vehicles

26.1 If a London style taxi is converted to give wheelchair accessibility then:

- a) The nearside rear door must be capable of opening as wide as the aperture;
- b) There must be sufficient space between the front of the rear seat and the partition for a wheelchair to turn;
- c) There must be sufficient space for a wheelchair to travel facing rearwards;
- d) A means to secure both the chair and the wheelchair occupant must be provided;
- e) Ramps must be carried with the vehicle;
- f) Sufficient additional handholds and an additional step must be provided for elderly and disabled people who can walk; and
- g) A side mirror shall be provided on the nearside and on the offside of any vehicle licensed as a Hackney Carriage or Private Hire Vehicle;

Additional Specifications Relating to Mini-Buses

1. Sliding Doors

1.1 A minimum of four doors is required. Side doors, whether sliding or hinged, must be fitted with an audible warning device not connected to the horn, to indicate when they are open.

2. Safety Rails

2.2 Vehicles converted or adapted for luggage storage by the removal of passenger seats must be fitted with safety rails constructed in such a manner:

- a) as to prevent passengers from entering the space in the event of an accident;
- b) so as not to obstruct the driver's view to the nearside;
- c) that any luggage loaded must not interfere with the driver's controls;
- d) so as to prevent any luggage loaded from moving into the passenger compartment in the event of an accident.

3 Number of Passengers

3.1 A mini-bus which is licensed as either a Hackney Carriage or a Private Hire Vehicle which has seating for no more than 8 passengers shall be so constructed or adapted that no additional seats can be fitted.

Additional Specification Relating To Stretched Limousines Licensed as Private Hire Vehicles.

1. All vehicles when first licensed must be aged less than 10 years since manufacture.
2. Vehicles may be either left or right hand drive and must be fitted with at least 4 doors and 4 wheels.

3. A vehicle which is registered with DVLA will have documentary confirmation that it has been examined by VOSA and found to have been designed and constructed to comply with modern safety and environmental standards.

Vehicles first registered with DVLA prior to 29th April 2009 will comply with Single Vehicle Approval. Vehicles first registered with DVLA post 29th April 2009 will comply with Individual Vehicle Approval.

Confirmation of compliance with either scheme will be found on the V5 registration document in the Notes Section on page one.

In the event that any doubt exists concerning the vehicle's compliance with either scheme the applicant will be instructed to submit the vehicle to VOSA for a Voluntary Individual Vehicle Approval Test. Vehicles found to comply with the relevant standards will be issued with a Confirmation of Compliance letter. This must be produced to the Licensing Officer.

4. The interior and exterior of the vehicle must be maintained in a clean and proper manner to the reasonable satisfaction of the council.
5. There shall be no passengers carried in the front compartment.
6. Every seat shall have fitted a suitable seat belt or restraint.
7. Every seat, including those which are side facing, shall be at least 40cm in width measured along the seat base.
8. The applicant shall confirm, by a badge or other appropriate documentation the conversion dealer.
9. A plate on the door pillar shall confirm the total weight of the vehicle.
10. Fitted tyres to the vehicle must be either 235/75R-15 108S (BF Load), 225/70R-16 107T Town Car Limo Tyre (Reinforced) or other makes subject to type approval.
11. No intoxicating liquor shall be provided by the Operator unless there is in force an appropriate licence permitting the sale or supply of the same.

12. All operators will be required to sign a declaration stating that the vehicle will not carry more than 8 passengers and at the time of booking the vehicle, this restriction shall be explained to the hirer.
13. A stretched limousine vehicle will be required to pass the Hart District Council vehicle inspection every six months.
14. Tinted glass shall conform to the legal requirements as laid down by the Vehicle Operators Services Agency (VOSA).
15. The proprietor shall not use the vehicle, nor permit it to be used when there is not in force for the vehicle a policy of insurance or such security which complies with the requirements of Part VI of the Road Traffic Act 1998 for hire and reward.

Specialist Vehicles

1. A specialist vehicle is defined as a conveyance which was not originally constructed as a passenger carrying vehicle and is now intended or has been converted or adapted to carry not more than eight passengers.
2. In the event an unusual vehicle, for example a Fire Engine, is submitted for licensing as a Private Hire vehicle, consideration will be given to the application with emphasis on the testing of the vehicle and the safety and comfort of passengers.
3. Any vehicles which have been converted from the original construction to carry passengers must be examined by VOSA and pass the IVA inspection. Vehicles found to comply with the relevant standards will be issued with a Confirmation of Compliance letter. This must be produced to the Licensing Officer.
4. On passing the IVA inspection the vehicle must be re-registered by the DVLA as a passenger carrying vehicle.
5. All vehicles must be aged less than 10 years since manufacture when first licensed.
6. Vehicles may be either left or right hand drive and must be fitted with at least 4 doors and 4 wheels.

- 7 The interior and exterior of the vehicle must be maintained in a clean and proper manner to the reasonable satisfaction of the council.
- 8 There shall be no passengers carried in the front compartment.
- 9 Every seat shall have fitted a suitable seat belt or restraint.
- 10 Every seat, including those which are side facing, shall be at least 40cm in width measured along the seat base.
- 11 A plate on the door pillar shall confirm the total weight of the vehicle.
- 12 Fitted tyres to the vehicle must be of an approved type and size suitable for the vehicle and the transportation of passengers.
- 13 DVLA V5 or equivalent shall be produced to authenticate registration.
- 14 A specialist vehicle will be required to pass the Hart District Council vehicle inspection every six months.
- 15 Tinted glass shall conform to the legal requirements as laid down by the Vehicle Operators Services Agency (VOSA)

APPENDIX 2

Licence conditions for driver, vehicle and operator licences.

1 Conditions applicable to hackney carriage vehicles only

- 1.1 Signage - The hackney carriage vehicle must carry a roof sign, capable of illumination, which must conform to a specification approved and adopted by the Council from time to time. The sign shall display "TAXI" to the front. An exception to this is purpose built vehicles fitted with permanently mounted signs.
- 1.2 The roof sign shall be illuminated when the vehicle is plying for hire.
- 1.3 Tariff Cards. Hackney Carriage vehicles are required to have the current tariff rate card displayed inside the vehicle for the guidance of passengers.

2 Conditions applicable to private hire vehicles

- 2.1 The proprietor of a licensed vehicle shall comply with the provisions of the Local Government (Miscellaneous Provisions) Act 1976 so far as the provisions thereof relate to the operation and control of Private Hire vehicles.
- 2.2 The vehicle may be required for inspection by the Council inspector at any time. If a serious fault is discovered the licence may be temporarily suspended, and the Council's Licence Plate removed in accordance with paragraph 1 above.

- 2.3 Advertising - Advertising is subject to the specific exclusion of the words "TAXI", "CAB" or "HIRE", the use of which is not permitted.
- 2.4 It is an offence under The Smoke Free (Exemptions and Vehicles) Regulations 2007 to smoke in a hackney carriage or private hire vehicle at any time.
- 2.5 Plate exempt vehicles (used exclusively for executive type work) will be exempt from the requirement to display the licence plate, but must carry the licence plate in the vehicle together with the exemption certificate issued in respect of that vehicle.

3 Conditions relevant to Hackney Carriage and Private Hire Vehicles

- 3.1 Conditions applicable to both vehicle types
- 3.2 At all times the proprietor shall during the currency of the licence keep in force in relation to the use of the vehicle a policy of insurance that complies with the requirements of the Road Traffic Act 1988 or any re-enactment thereof. The proprietor shall NOT use the vehicle without there being in force such a policy of insurance. The policy /certificate of insurance must be readily available to be inspected by one of the Licensing Enforcement Officers if required to do so.
- 3.3 Whilst a policy of comprehensive insurance is recommended, this will not be insisted upon, provided that there is in force in relation to the use of the vehicle a policy of insurance or such security as complied with the requirements of Part VI of the Road Traffic Act 1988, covering the use of the vehicle to carry passengers for hire or reward.
- 3.4 The proprietor of the Hackney Carriage or private hire Vehicle shall not convey or permit to convey in such vehicle any greater number of persons than the number of persons specified in the vehicle registration document or the number of passengers specified on the hackney carriage or private hire vehicle Licence identification plate.

3.5 Identification Plate - The identification plate provided by the Council bearing the number of the licence, the vehicle registration number, the maximum number of passengers to be carried, the make and model of the vehicle and expiry date shall be **securely** fixed, , to the outside of the rear of the vehicle. It must be incapable of being easily removed. The use of magnets, Velcro or other non secure methods is not acceptable. The plate must be located in such a position that it shall be clearly visible from the rear of the vehicle and shall not be less than 12” nor more than 30” to the bottom edge of the plate from the ground when the vehicle is fully laden. The plate must be clearly visible to the public and not obscure the vehicles registration number plate. In any event, the licence plate shall not be fixed below the level of the rear bumper. The licence plate shall remain the property of the Council and may be removed at any time by the Council’s Inspector if he is of the opinion that the vehicle contains a fault of a serious nature and that the licence should be temporarily suspended or can be retained by the Council where the vehicle is not currently licensed by the Council.

3.6 The Council shall be notified of all accidents or incidents affecting safety, performance or appearance of the vehicle or the comfort or convenience of passengers as soon as is reasonably practicable and in any event within 2 working days of the occurrence of the accident or incident.

3.7 The vehicle may be inspected by the Council Licensing Officer at any time. If a serious fault is discovered the licence may be temporarily suspended, and the Council’s Licence Plate removed in accordance with paragraph 2 above.

4 Driver’s Licence Conditions and Byelaws

4.1 Hackney carriage drivers - The licensed driver shall when driving any hackney carriage observe and comply with the requirements of the provisions of the byelaws adopted under section 68 of the Town Police clauses Act 1847, a copy of which will be supplied with every hackney carriage driver’s licence. Please see **Appendix 3**.

4.2 Private Hire drivers - The licensed driver shall, at all times when driving a private hire vehicle, wear in a conspicuous position, the driver’s badge issued to the licensee by the Council bearing the number corresponding with the number assigned to the licensee in the register maintained by the Council for

that purpose. The badge remains the property of the Council and must be returned to the Council immediately the driver ceases to be licensed by the Council.

- 4.3 On expiry, revocation or suspension of the licence, the driver shall return the licence and badge in good condition to the Council within seven days.
- 4.4 The licensed driver shall at all times be suitably attired to the satisfaction of the Council and at all times behave in a civil, courteous and orderly manner, and shall take all reasonable precautions to ensure the comfort and safety of persons conveyed in or entering or alighting from the Private Hire Vehicle.
- 4.5 The licensed driver shall not convey in a vehicle used as a private hire vehicle a greater number of persons than the number of persons specified in the vehicle registration document or the number of passengers indicated on the vehicle licence plate.
- 4.6 The driver shall notify the council of all accidents or incidents affecting safety, performance or appearance of the vehicle or the comfort or convenience of passengers as soon as is reasonably practicable and in any event within two working days of the occurrence of the accident or incident.
- 4.7 The driver of a private hire vehicle who has agreed or has been hired to be in attendance with the vehicle at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such vehicle at such appointed time and place.
- 4.8 The driver of a private hire vehicle so constructed as to carry luggage shall when requested by any person hiring the vehicle:
 - a) convey a reasonable quantity of luggage;
 - b) render reasonable assistance in loading and unloading the luggage.
- 4.9 The Council may vary any or all of the conditions herein contained at any time. Any variations of conditions will take effect on the grant or renewal of a licence.

- 4.10 The driver shall inform the council of any conviction in any court at any level within 10 working days of the court hearing taking place and failure to comply with this condition may result in any licence being suspended or revoked.
- 4.11 Drivers shall notify the council of any changes to their medical fitness that could impact on their compliance with the DVLA Group 2 standard within 7 days of a diagnosis.
- 4.12 **Dual licensed drivers** – Drivers must comply with the relevant drivers licence conditions, driver and vehicle byelaws or vehicle licence conditions in respect of the activity they are undertaking and the type of licensed vehicle they are driving.

4 IMPORTANT NOTES CONCERNING HACKNEY CARRIAGE DRIVERS

- 5.1 If the hackney carriage is standing at a rank or in a street the driver must not, without reasonable excuse, refuse to drive to any place within Hart District Council area. (Section 53 of the Town Police Clauses Act 1847).
- 5.2 The authorised fare scale must be used at all times for journeys within Hart District Council area, and may only be dispensed with for journeys ending outside Hart District Council area IF the hirer agrees BEFORE the journey commences. (Section 58 Town Police Clauses Act 1847)
- 5.3 If a hackney carriage is used for a private hire contract the fare is calculated from the point at which the hirer starts his journey. A private hire contract for this purpose is one made either with some person other than the driver, or when the hackney carriage is not at a rank or plying for hire. (Section 67 Local Government (Miscellaneous Provisions) Act 1976).
- 5.4 A hackney carriage must not be left unattended in a street or place of public resort or entertainment. (Section 62 Town Police Clauses Act 1847).
- 5.5 Drivers shall be courteous; this includes the requirement that they shall afford reasonable assistance with passengers' luggage.

6 Private hire operator licence Conditions

- 6.1 The grant of a private hire operator's licence is dependent on the location of the operating centre at which all bookings of private hire vehicles will be received and recorded. The operating centre must be within the Hart Controlled District Area. Consideration will be given to the issue of an Operator's licence outside the Council's area provided the address of the premises is not more than 1 mile from the Council's District borders and only where this is a secondary operating base for a business already located and licensed within the Hart Controlled District. Officers must be satisfied the primary operator base is located within Hart's district and this is the primary base of the operation.
- 6.2 The licensed operator shall maintain a record book in a form satisfactory to the Council and enter into it before the commencement of each journey the particulars of every booking of a private hire vehicle invited or accepted by him whether by accepting the same from the hirer or by undertaking it at the request of another operator, as the Council may prescribe and shall produce such record on request to any "authorised officer" of the Council or any Police Officer for inspection.
- 6.3 The licensed operator shall not allow a greater number of Private Hire Vehicles to operate from his premises than the number for which planning permission has been granted by the Council.
- 6.4 The licensed operator shall submit to the Licensing Officer a decision notice from the Planning Officer that he approves and is aware of the use of the premises for the purpose of Private Hire at the address shown on the application for an operators licence.
- 6.5 No advertisement on or near such premises indicating that motor vehicles can be hired at those premises shall include the words "**Taxi**" or "**Cab**" (or any corruption thereof), whether in the singular or plural and whether alone or as part of another word unless the vehicles offered for hire are Licensed Hackney Carriages or the advertisement makes it clear that they are not.
- 6.6 The operator shall not cause or permit a vehicle to be used for the purposes of private hire other than in accordance with the licence granted in respect of the

vehicle pursuant to the Local Government (Miscellaneous Provisions) Act 1976.

6.7 Licence holders who fail to renew their licences prior to the expiry of the existing licence will be treated for all purposes as a new applicant.

6.8 The Council may suspend, revoke or refuse to renew an Operator's Licence for any reasonable cause including:

- a) any offence under or non-compliance with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or the Transport Act 1985 or any re-enactments thereof;
- b) any conduct on the part of the Operator which renders him unfit to hold an Operator's Licence;
- c) a material change in the circumstances of the Operator or the basis on which the Licence was granted.
- d) Any other reasonable grounds e.g. failure to disclose on an application detail of convictions, including spent convictions.



APPENDIX 3

BYELAWS

MADE UNDER SECTION 68 OF THE TOWN POLICE CLAUSES ACT, 1847, AND SECTION 171 OF THE PUBLIC HEALTH ACT, 1875 BY THE DISTRICT COUNCIL OF HART WITH RESPECT TO HACKNEY CARRIAGES IN THE DISTRICT OF HART.

Interpretation

- 1 Throughout these byelaws 'the council' means the District Council of Hart and ' the District' means the district of Hart.

Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed

- 2 (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto,
- (b) A proprietor of a hackney carriage shall:-
- (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
- (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided

- 3 The proprietor of a hackney carriage shall:-
- (a) provide sufficient means by which any person in the carriage may communicate with the driver;
- (b) cause the roof or covering to be kept water-tight;
- (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
- (d) cause the seats to be properly cushioned or covered;
- (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
- (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;

- (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
 - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
 - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a hackney carriage shall cause any taximeter with which the carriage is provided to be so constructed, attached and maintained as to comply with the following requirements, that is to say,
- (a) the taximeter shall 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 shall 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;
 - (b) when the machinery of the taximeter is in action there should 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 distance in pursuance of the byelaw in that behalf;
 - (c) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
 - (d) the taximeter shall 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;
 - (e) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges

5. The driver of a hackney carriage provided with a taximeter shall:-
- (a) when standing or plying for hire, keep the key, flag or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
 - (b) as soon as the carriage is hired by distance, and before beginning the journey, 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 keep the machinery of the taximeter in action until the termination of the hiring;

- (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness as defined for the purposes of the Road Transport Lighting Act 1957, and also at any other time at the request of the hirer.
6. A proprietor or driver of a hackney carriage shall 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.
 7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired,
 - (a) proceed with reasonable speed to one of the stands fixed by the byelaw in that behalf;
 - (b) 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;
 - (c) 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;
 - (d) 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.
 8. A proprietor or driver of a hackney carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
 9. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
 10. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
 11. The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions being given by the hirer, proceed to that destination by the shortest available route.
 12. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
 13. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.

14. The driver of a hackney carriage so constructed as to carry luggage shall when requested by any person hiring or seeking to hire the carriage:
 - (a) convey a reasonable quantity of luggage;
 - (b) afford reasonable assistance in loading and unloading;
 - (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.
15. Each of the several places specified in the following list shall be a stand for such number of hackney carriages as is specified in the list:-

Description of stand	Number of carriages
Against the kerb on the north-east side of The Views Drive within the confines of the layby between the exit of Chernocke House car park and the public conveniences.	5

*Railway Station Stands

Fleet Main Railway Station Forecourt (down side)	3
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(*Written permission to apply for hire from these stands must first be obtained from the railway Board by individual operators).

Provisions fixing the rates or fares to be paid for hackney carriages within the district, and securing the due publication of such fares

16. The proprietor or driver of a hackney carriage shall be entitled to demand and take for hire of the carriage the rate or fare prescribed by the following table, the rate or fare being calculated by distance unless the hirer express at the commencement of the hiring his desire to engage by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the following table which it may not be possible to record on the face of the taximeter.

Local Government (Miscellaneous Provisions) Act 1976

Part II – Hackney Carriage Fares

See current fare table

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages

18. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.
19. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him,
- (a) carry it as soon as possible and in any event within 48 hours if not sooner claimed by or on behalf of its owner, to the Office of the council and leave it in the custody of the officer in charge on his giving a receipt for it.
- (b) Be entitled to receive from any person to whom the property shall be redelivered an amount equal to 5 pence in the pound of its estimated value (or the fare for the distance from the place of finding it to the office of the council, whichever be the greater) but not more than 5 pounds.

Penalties

- 20 Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding twenty pounds and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefor.
- 21 The following Byelaws are repealed

Date Made	By whom made	Date confirmed	By whom confirmed
7 February 1967	Urban District Council of Fleet	30 May 1967	One of her Majesty's principal Secretaries of State
24 May 1971	Urban District Council of Fleet	27 July 1971	One of her Majesty's principal Secretaries of State

THE COMMON SEAL OF THE DISTRICT)

COUNCIL OF HART on the first day of April one thousand nine hundred and seventy six pursuant to a Resolution of the Council passed at a meeting of the Council held on the twenty sixth day of June one thousand nine hundred and seventy five

Chairman of the Council

Director of Administration

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the 25 day of June 1976

Signed by an Authority of the Secretary of State - Home Office- Whitehall 25 June 1976

APPENDIX 4

GUIDANCE ON THE RELEVANCE OF CRIMINAL RECORDS IN RESPECT OF APPLICANTS FOR A LICENCE TO DRIVE A HACKNEY CARRIAGE, AND/OR PRIVATE HIRE VEHICLE.

1. **DBS Disclosure**

1. Unless otherwise specified, all applicants for new licences must complete a Disclosure and Barring Services (DBS) form on application. This check is repeated every 3 years after the granting of a licence. The DBS check will be conducted to the enhanced level to ensure the safety of the public, particularly children and vulnerable adults. This level of check may also include the disclosure of any other information held in Police records which is considered relevant by the Police. For example, details of minor offences, non-conviction information on the Police National Computer such as Fixed Penalty Notices and, in some cases, allegations.
2. On completing the form all convictions (whether spent or not) must be declared:
3. All past convictions will be considered against these guidelines. In every case the individual facts will be considered with the overriding consideration being the protection of the public.
4. Examples of the relevance of past convictions in relation to the issue, revocation or refusal to grant a licence are detailed below:

2. **Minor Traffic Offences**

- 2.1 Convictions for minor traffic offences e.g. obstruction, waiting in a restricted street, speeding etc should not prevent a person from proceeding with an application. However, if sufficient penalty points have been accrued to require a period of disqualification of the applicants' DVLA driving licence then a licence may be granted after its restoration but a warning will be issued as to future conduct.

3. Major Traffic Offences

- 3.1 An isolated conviction for reckless driving or driving without due care and attention etc will normally merit a warning as to future driving and advice on the standard expected of licensed drivers, together with a further driving standards test. More than one conviction for this type of offence within the previous two years should merit a refusal on application.
- 3.2. Use of a mobile telephone whilst driving. This offence is regarded as a very serious matter in view of the obvious risk to passengers and other road users. Drivers convicted of this offence will be required to attend the Driver Awareness course run by the Blue Lamp Trust or equivalent.
- 3.3 From 1st December 2003 an amendment to the Road Vehicles (Construction and Use) Regulations 1986 created the offence of driving a motor vehicle whilst using a hand-held mobile phone. Text messaging and using a hand-held mobile phone with an earpiece is also banned. From 27th February 2007 the penalty was increased to minimum fine of £60 and 3 penalty points. The fine may increase to £1000 and additional penalty points if the case is heard at court.

4 Intoxication

With a Motor Vehicle

- 4.1 A serious view is taken of convictions of driving or being in charge of a vehicle whilst under the influence of alcohol or drugs.
- 4.2 More than one conviction for this type of offence shall result in a refusal to the applicant. At least three years should elapse (after restoration of DVLA driving licence) before the applicant will be considered for a licence. Any suggestion that the applicant is an alcoholic will require a special medical which will include a depletion liver test before the application is entertained. If an applicant is found to be an alcoholic, a period of five years from

completion of treatment should elapse before further application is considered.

- 4.3 An isolated conviction for drunkenness which did not involve driving or being in charge of a motor vehicle need not bar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating a critical medical examination (see 5.2 above). In some cases, a warning may be sufficient.

5. Drugs

- 5.1 Any applicant with a history of drug misuse will be required to undergo an appropriate medical examination to provide confirmation they are no longer an habitual drug user.

6. Indecency offences

- 6.1 Applicants with convictions for indecent exposure, indecent assault, importuning or any of the more serious sexual offences will be refused a licence until they can show a substantial period (at least five years) free of such offences.

7. Violence

- 7.1 Following any convictions for violence related offences such as: grievous bodily harm, wounding or assault, a period of three years free of such convictions is required to be shown before an application can be entertained and even then a strict warning will be administered. Where more than one conviction for any other act of violence, a period of five years free from convictions is required.

8. Dishonesty

- 8.1 Single conviction for minor incident refusal for a period of one year free from conviction
- 8.2 Two convictions for minor incidents – refusal for a period of three years free from conviction.

- 8.3 More than two convictions for minor incidents or one or more convictions for significant act of dishonesty - refusal for a period of five years free from conviction.

9. Information

- 9.1 In clarification of the above, the recorded date of the court conviction is to be taken as the period to remain free of conviction from, unless a sentence of imprisonment or corrective training exceeding thirty months has been imposed, whence the period is to commence from the date of release from imprisonment.

APPENDIX 5

Vehicle Cosmetic Standards

Taxis provide a service to the public and when considering an application to continue to licence a vehicle beyond the above age policy, the council will inspect the vehicle to ensure it meets the following standard in respect of appearance.

Exterior of vehicle

1. The exterior paintwork on the vehicle should not:
 - a) show signs of rusting;
 - b) be faded or show signs of mismatched paint repairs;
 - c) have five or more stone chips greater than 2mm in length in any direction;
 - d) have 8 or more stone chips of any size;
 - e) have any scratches, cracks or abrasions where the top layer of paint has been removed.

1. The exterior bodywork of the vehicle should not:
 - a) have 2 or more dents greater than 10mm in length in any direction;
 - b) have 4 or more dents less than 10 mm in length in any direction;
 - c) have fittings which are missing, broken or damaged.

3. The Vehicle should not have wheels and wheel trims that have significant damage which detracts from the overall external condition of the vehicle.

4. The vehicle must be submitted for inspection in a clean condition. Failure to comply with this requirement will result in the application being refused.

5. The engine compartment must not be in a dirty condition or have evidence of leaks including water, oil or hydraulic fluids.

Interior of the vehicle

- 7 The seating and carpet areas of the vehicle shall not show signs of :

- a) staining;
- b) damp;
- c) fraying or ripping of the material; and
- d) seat covers that are loose or badly fitted.

7. The seats should provide sufficient support for comfortable travel and should not demonstrate excessive compression of the seating area or wear within the support mechanism.

8. Interior panels and fittings within the vehicle should not be broken, missing or damaged, nor show excessive wear or staining.

9. The interior of the vehicle should not have damp or other obnoxious smells.

APPENDIX 6 Taxi Inspection Report

Vehicle inspected by:			
Date:		Registration/ Licence No.	
Mileage:		Date of registration:	
Vehicle submitted for inspection in a clean condition.			Yes / No
Failure to comply with this requirement will result in the application being refused.			

1. The exterior paintwork:

Signs of rusting.	Yes / No
Faded or mismatched paint repairs.	Yes / No
5 or more stone chips greater than 2mm in length in any direction.	Yes / No
8 or more stone chips of any size.	Yes / No
Scratches, cracks or abrasions where the top layer of paint has been removed.	Yes / No

2. Exterior bodywork:

2 or more dents greater than 10mm in length in any direction.	Yes / No
4 or more dents less than 10 mm in length in any direction.	Yes / No
Fittings which are missing, broken or damaged.	Yes / No
Wheels and wheel trims - any significant damage with detracts from the overall excellent condition of the vehicle?	Yes / No
Engine compartment - clean condition?	Yes / No
Evidence of leaks including water, oil or hydraulic fluids?	Yes / No

3. Vehicle Interior - Seating and carpets

Staining	Yes / No
Damp	Yes / No
Fraying or ripping of the material	Yes / No
Seat covers - loose or badly fitted.	Yes / No
Seats - provide sufficient support for comfortable travel	Yes / No
Excessive compression or wear within the support mechanism	Yes / No
Interior panels and fittings - broken, missing or damaged, excessive wear.	Yes / No
Interior - damp or other obnoxious smells.	Yes / No
Fire extinguisher service and regularly rotated?	Yes / No