

# Hackney Carriage and Private Hire, Driver, Vehicle and Operator Licence Conditions



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## Combined Hackney Carriage & Private Hire/Restricted Private Hire Drivers Licence Conditions

### 1 Introduction

- 1.1 These conditions form the pre-licensing and licensing conditions for combined hackney carriage & private hire and restricted private hire driver's licences. Failure to comply with any of these conditions could result in a combined hackney carriage & private hire or restricted private hire driver's licence being refused, suspended or revoked.
- 1.2 The Council may attach to the grant of a licence any such conditions as it may consider reasonable or necessary and accordingly may at any time vary, amend or impose new conditions.
- 1.3 In order that combined hackney carriage & private hire and restricted private hire licensed drivers are reliable and of a good standard, a person being considered for a combined hackney carriage & private hire or restricted private hire driver's licence shall satisfy all aspects of the Council's Licensing Conditions.

**In all cases, it will be at the discretion of the Council to grant, refuse the grant, of a licence.**

### 2 Requirements

- 2.1 Any person being considered as a fit and proper person to hold a combined hackney carriage & private hire or restricted private hire driver's licence shall:
  - Be over 21 years of age.
  - Produce a valid full DVLA drivers licence to drive a motorcar, held for not less than three years, the DVLA licence shall be in good condition and must show the applicant's current address.
  - Provide a signed consent form for a DVLA Disclosure check to verify the accuracy of the applicants driving record with DVLA.
  - Provide passport size photographs.
  - Provide two referees for character references who are not related to the applicant and who are known to them personally in a professional capacity.
  - Be vetted by the Disclosure and Barring Service. Applicants are provided with the relevant form which must be completed and returned with the appropriate original documentation and fee to the Council. Once the applicant receives the DBS certificate it must be produced at this office within 3 months of the date on the document. Or if the applicant has applied for an enhanced check and has paid for the DBS update service, the council must have access to this service at all times to check their status when the applicant applies for a new, renewal of a licence or for enforcement purposes.

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- Pass a medical examination of Group 2 Standard, and produce a medical report in the form signed by the examining Doctor provided by the Council.
- Pass a suitability and knowledge test designed to ensure that applicants have sufficient knowledge to provide a safe and reliable service to the travelling public.
- If the applicant fails their knowledge test they will be able to re-take it a further 3 times provided a period of 28 days elapses between tests. This is to ensure that the applicant has sufficient time to revise.
- If the applicant is unsuccessful on their fourth attempt their application will be refused as the applicant has not been able to evidence that they have the appropriate skills and attributes to satisfy the Council that they are fit and proper to be a licensed driver.
- A new application can be made but a period of 12 months is required to elapse before another attempt can be made to enable the applicant to develop the necessary skills. The Council believes that this condition is necessary to ensure that applicants do not continue to take the knowledge test to their own financial detriment when they do not have the necessary knowledge to pass.
- Be the holder of an advanced driving certificate from a Council approved officially recognised body pass certificate for hackney carriage and private hire driver's assessment or a holder of an advanced driving certificate from an officially recognised body.
- Provide a valid Disability Awareness and Passenger Assistance Training (PATs) qualification certificate by a Training Provider approved by the council.
- Provide a valid qualification certificate by a Training Provider approved by the council for any additional mandatory training packages introduced by Rochford Council to ensure public safety.
- Original documents must be provided, copies of documents will not be accepted unless legally verified, stamped and dated. Insurance certificates will be accepted if emailed to the licensing department direct from the insurance company/Broker.

### 3 Convictions

- 3.1 In assessing the applicant as a fit a proper person, all spent convictions, fixed penalty notices and cautions may be taken into consideration to promote public safety. Since 1 April 2003 taxi drivers are included within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 SI 300 no 965 all previous convictions therefore remain to be considered in respect of taxi drivers fitness and character. This may be important in respect of patterns of behaviour, driving records, violence, sexual offences, and likelihood of taking advantage of passengers.

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- 3.2 The applicant must declare any other relevant information that may effect the granting of a licence (e.g. previously held a hackney carriage or private hire drivers licence that was revoked by a Licensing Authority).
- 3.3 The applicant must present, in person, the application form together with all relevant Original documentation and fees to Rochford District Council.
- 3.4 All relevant facts will be taken into account when consideration is given to an application for a combined hackney carriage & private hire or restricted private hire driver's licence and it may be that additional or higher standards will be imposed.

## **4 Equality Act 2010**

### **Drivers Responsibilities**

Section 165 of the Act sets out the duties placed on drivers of designated wheelchair accessible taxis and PHVs.

- 4.1 The duties are:
  - (a) to carry the passenger while in the wheelchair;
  - (b) not to make any additional charge for doing so;
  - (c) if the passenger chooses to sit in a passenger seat to carry the wheelchair;
  - (d) to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
  - (e) to give the passenger such mobility assistance as is reasonably required.
- 4.2 The Act then goes on to define mobility assistance as assistance:
  - (a) To enable the passenger to get into or out of the vehicle;
  - (b) If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
  - (c) To load the passenger's luggage into or out of the vehicle;
  - (d) If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.
- 4.3 It is an offence for the driver (unless exempt) of a taxi or PHV which is on the licensing authority's designated list to fail to comply with them.
- 4.4 Drivers are expected to provide assistance such as folding manual wheelchairs and placing them in the luggage compartment, installing the boarding ramp, or securing a wheelchair within the passenger compartment.

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- 4.5 Depending on the weight of the wheelchair and the capability of the driver, reasonable mobility assistance could also include pushing a manual wheelchair or light electric wheelchair up a ramp, or stowing a light electric wheelchair in the luggage compartment.
- 4.6 A meter should not be left running whilst the driver performs duties required by the Act, or the passenger enters, leaves or secures their wheelchair within the passenger compartment.

### **Applying for and issuing exemptions**

- 4.7 Section 166 allows Rochford Council to exempt drivers from the duties to assist passengers in wheelchairs if the council are satisfied that it is appropriate to do so on medical or physical grounds. The exemption can be valid for as short or long a time period as the council feels appropriate, bearing in mind the nature of the medical issue. If exempt, the driver will not be required to perform any of the duties.
- 4.8 An application form should be submitted by the driver along with a letter from an independent medical assessor. Rochford Council insist only approved assessors who hold appropriate professional qualifications and who are not open to bias because of a personal or commercial connection to the applicant will be used.
- 4.9 If the exemption application is successful then Rochford Council will issue an exemption certificate and provide an exemption notice for the driver to display on their vehicle's windscreen.
- 4.10 If the exemption application is unsuccessful Rochford Council will notify the applicant in writing within a reasonable timescale and with a clear explanation of the reasons for the decision.

### **Appeals**

- 4.11 Section 172 of the Act enables drivers to appeal against the decision of Rochford Council not to issue an exemption certificate. The appeal should be made to the Magistrate's Court and must be made within 28 days beginning with the date of the refusal.

## **5 Right to work in the UK**

- 5.1 All applicants must provide evidence of their right to work in the UK. This is required for the first application and all renewals.
- 5.2 Below is a list of evidence that can be provided to prove the applicant has a right to work in the UK, this list is not exhaustive and other original documents may be accepted, however this must be discussed with the licensing authority in advance of the application being submitted.
- A UK passport confirming that the holder is a British Citizen (or citizen of another EEA country – including Switzerland),

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- Passport or other travel document endorsed to show that the holder is allowed to stay in the United Kingdom and undertake paid employment,
- Full UK Birth / Adoption Certificate,
- An Immigration Document issued by the UK Visas and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment,
- A work permit or other approval to take employment issued by the Home Office or the UK Visas and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment.

5.3 Where an applicant is subject to immigration controls the licence will be issued in line with the work permit restrictions.

### **6 Restricted Private Hire Driver's Licence**

6.1 A restricted private hire driver's licence may only be issued for the purpose of carrying out the following journeys in a private hire vehicle:

- Local Authority contracts (e.g. school or social care) where the same regular journey is undertaken.
- Where the vehicle is not operated from a taxi or private hire circuit.

6.2 A restricted private hire driver will be limited to private hire vehicles, not carrying taximeters.

6.3 The driver must pass a knowledge test in respect of the Council's Licence Conditions and Highway Code.

6.4 If the applicant fails their knowledge test they will be able to re-take it a further 3 times provided a period of 28 days elapses between tests. This is to ensure that the applicant has sufficient time to revise.

6.5 If the applicant is unsuccessful on their fourth attempt their application will be refused as the applicant has not been able to evidence that they have the appropriate skills and attributes to satisfy the Council that they are fit and proper to be a licensed driver.

6.6 A new application can be made but a period of 12 months is required to elapse before another attempt can be made to enable the applicant to develop the necessary skills. The Council believes that this condition is necessary to ensure that applicants do not continue to take the knowledge test to their own financial detriment when they do not have the necessary knowledge to pass.

6.7 The driver must meet the Licensing Conditions in all other respects.

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- 6.8 A driver issued with a restricted private hire drivers licence wishing to drive a private hire vehicle other than for restricted journeys, must submit themselves for a full knowledge test.
- 6.9 Action will be taken against any driver with a restricted private hire driver's licence found driving a private hire vehicle for general use within the District.

### 7 Renewals

- 7.1 A person wishing to renew their combined hackney carriage & private hire or restricted private hire driver's licence must do so on or before the expiry of their current licence. Driver's badges will be issued for a period of up to 3 years. Those who fail to do so will be considered a new applicant after two weeks and be required to meet the pre-licensing conditions.
- 7.2 On renewal, the licensed driver must:
- Present to the Council the application form duly signed and declaring any unspent convictions.
  - Produce their current DVLA driving licence showing their current address.
  - Produce a new photograph one month prior to expiry of the licence.
  - Provide a signed consent form for a DVLA Disclosure check to verify the accuracy of the licence holders driving record with DVLA.
  - Provide a valid Disability Awareness and Passenger Assistance Training (PATs) qualification certificate by a Training Provider approved by the council.
  - Provide a valid qualification certificate by a Training Provider approved by the council for any additional mandatory training packages introduced by Rochford Council to ensure public safety.
  - Original documents must be provided, copies of documents will not be accepted unless legally verified stamped and dated. Insurance certificates will be accepted if emailed to the licensing department direct from the insurance company/Broker
  - Produce documentation to confirm their immigration status and right to work.
  - A driver is required to be vetted by the Disclosure and Barring Service (DBS) every three years at the time of the renewal of the combined hackney carriage & private hire or restricted private hire driver's licence. A driver must book an appointment to attend the Council within seven days of receiving notice that a DBS check is required. The DBS application form must be completed and produced to the Council with the relevant original documentation and fee. Once the applicant receives the DBS certificate it must be produced at this office within 3 months of the date on the document. Or if the applicant has applied for an enhanced check and has paid for the DBS update service, the council must



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have access to this service at all times to check their status when the applicant applies for a new, renewal of a licence or for enforcement purposes

### **8 Medical Evidence**

- 8.1 A driver shall submit themselves for a medical examination of Group 2 standard and produce to the Council a satisfactory medical report, on first application and thereafter every five years until the age of 65 years and thereafter every year.
- 8.2 Medicals must be taken on or before their due date and the medical report signed by the examining Doctor produced to the Council within seven days of that date.
- 8.3 The driver shall, during the period of the licence report to the Council either in writing or by electronic means, as soon as practicable, any disability, physical or mental condition, which develops or worsens and may affect their ability to carry passengers for hire and reward safely.

### **9 Conduct of a Driver**

- 9.1 A person is not permitted to drive a hackney carriage vehicle licensed by Rochford District Council without first obtaining a combined hackney carriage & private hire driver's licence issued by this Council.
- 9.2 A person is not permitted to drive a private hire vehicle licensed by Rochford District Council without first obtaining a private hire drivers licence or a restricted private hire driver's licence issued by this Council.
- 9.3 The person authorised by the proprietor of a hackney carriage or private hire vehicle to act as the driver shall not permit any other person to act as driver of the vehicle without consent of the proprietor.
- 9.4 No licensed driver shall act as a hackney carriage or private hire driver without the consent of the proprietor.
- 9.5 The driver shall comply with the Council's Hackney Carriage and Private Hire Vehicle Licence Conditions at all times when driving the licensed vehicle.
- 9.6 The driver of a hackney carriage or private hire vehicle shall make themselves aware of their responsibilities under the Disability Discrimination Act and Equality Act.
- 9.7 The driver shall ensure that the hackney carriage or private hire vehicle is well maintained, clean inside and out and free from damage and in every respect fit for public service.
- 9.8 A driver shall not use threatening, abusive or insulting words or behaviour, or disorderly behaviour or display any writing, sign or other visible representation which is threatening abusive or insulting within the hearing or sight of a person likely to be caused harassment, alarm or distress.

## **10 Personal Appearance and Hygiene**

- 10.1 The driver shall before commencing work ensure they are clean and smartly dressed as not to offend a passenger.
- 10.2 Clothing should be freshly laundered at the start of the working day.
- 10.3 The wearing of Vest or Singlet's is prohibited.
- 10.4 Shorts may be worn only if properly tailored and of sufficient length when the driver is seated as not to offend against decency.

## **11 Wearing of Badge**

- 11.1 A driver shall, when available for hire, wear the badge on their person so that it is clearly visible at all times.
- 11.2 No person shall damage, deface, mutilate or obscure a driver's badge or any part of it.
- 11.3 The driver shall upon expiry of their driver's badge, return it to the Council.
- 11.4 The driver shall produce their combined hackney carriage & private hire or restricted private hire licence and badge on request, for inspection, by any Authorised Officer of the Council or any Police Officer.

## **12 Mobile Phones and Smoking**

- 12.1 The driver shall not at any time, whilst driving use a hand held device unless hands free.
- 12.2 Hackney carriage and private hire vehicles are smoke free vehicles at all times.
- 12.3 No driver is permitted to smoke tobacco or any other substance or an electronic cigarette in a hackney carriage/private hire vehicle at anytime.
- 12.4 No driver shall allow a passenger to smoke in their vehicle.
- 12.5 Drivers must ensure that the current Smoke Free Legislation is complied with at all times.

## **13 Rank Etiquette**

- 13.1 A driver is expected to observe the rank etiquette of first on; first off, this does not affect the choice of the customer to use a particular driver, vehicle or company.
- 13.2 Drivers must move up the rank when space becomes available. If a driver does not move within a reasonable time the next driver in line may move into the vacant space.
- 13.3 Vehicles will not be left unattended at any time on the ranks or feeder ranks.

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- 13.4 If a driver is approached or hailed by a passenger requiring to be carried seated in a wheelchair which their vehicle cannot accommodate they must either:
- Divert the passenger to a wheelchair accessible vehicle on the rank if one is available or,
  - Where possible use their phone or radio to contact an operator of a wheelchair accessible vehicle to arrange to collect the passenger as soon as possible.
- 13.5 A driver shall not obstruct or hinder another hackney carriage driver in any way.
- 13.6 The driver of a private hire vehicle may not stop on a taxi rank at anytime or ply for hire, all journeys must be pre-booked through the operator.
- 13.7 The driver of a hackney carriage or private hire vehicle shall not by calling out or otherwise importune any person to hire the vehicle and shall not make use of the service of any other person for the purpose.

### **14 Passengers**

- 14.1 The driver shall not convey or permit to be conveyed a greater number of passengers than specified on the licence, in any hackney carriage or private hire vehicle, even if that person is carried by another.
- 14.2 No person shall be carried in a hackney carriage or private hire vehicle when already hired, without the express consent of the hirer.

### **15 Assisting Passengers**

- 15.1 The driver of a hackney carriage or private hire vehicle shall assist any person who may require support getting in or out of the vehicle. The driver will ask the passenger how they can assist and act only as requested.
- 15.2 The driver when hired shall:
- Convey a reasonable quantity of luggage.
  - Afford reasonable assistance in loading and unloading such luggage.
  - Afford reasonable assistance in removing such luggage from the vehicle to or from the entrance of any building, station or place at which they pick up or set down passengers.
  - Proceed to the passengers' destination by the shortest possible route, unless the hirer has expressed a preferred route.
  - Take all reasonable precautions to ensure the safety of passengers travelling in or alighting from the vehicle.
  - Be respectable and act with civility towards every person travelling in the vehicle and comply with any reasonable requirements

## **16 Prompt Attendance**

- 16.1 The driver of a hackney carriage or private hire vehicle shall punctually attend a hiring at the appointed time and place unless unavoidably delayed or prevented.
- 16.2 When attending to collect a pre booked passenger, the driver shall make their presence known in person and shall not attract the hirer's attention by sounding the horn or shouting.

## **17 Use of Taximeter and Fare to be demanded**

NB The conditions relating to taximeters will also apply to private hire vehicles if fitted with a meter.

- 17.1 A driver may not refuse a fare without reasonable excuse. Details of the refusal and grounds of the refusal should be recorded within an incident book. The incident book will be available for inspection, by any authorised officer of the council.
- 17.2 A driver will ensure that the taximeter displays the correct time and is sealed by the Council.
- 17.3 A licensed hackney carriage or private hire vehicle may not be used for hire and reward with an unsealed taximeter.
- 17.4 The driver of a hackney carriage or private hire vehicle shall not tamper with or permit any person to tamper with the taximeter.
- 17.5 A taximeter must be used for all journeys that start and finish within the District of Rochford.
- 17.6 A driver will ensure that during the time the vehicle is hired the digital display of the taximeter is plainly visible to any person travelling in the vehicle and is properly illuminated.
- 17.7 A Licensed Hackney Carriage driver will be entitled to demand and take from the hirer the displayed rate of fare approved by the Council or by negotiating a lesser fare.
- 17.8 If a driver agrees beforehand to carry a person for less than the authorised fare, he shall not at the end of the journey demand more than the agreed sum.
- 17.9 The meter must be activated at the commencement of the journey.
- 17.10 'Commencement of the journey 'means either:
- When the hirer enters the vehicle.
  - When the driver has attended at an appointed place and has made his presence known to the hirer.
  - When the driver has presented themselves at an appointed place at a specified time.

17.11 It is an offence for a Licensed Hackney Carriage driver to demand more than the authorised fare tariff.

## **18 Written Receipts**

18.1 The driver shall if requested by the hirer of a hackney carriage or private hire vehicle, provide the passenger with a written receipt for the fare paid.

## **19 Lost / Found Property**

19.1 The driver of a hackney carriage or private hire vehicle shall immediately after termination of the hiring carefully search the vehicle for any property that may have been accidentally left in the vehicle.

19.2 The driver shall on finding such property carry it as soon as possible and in any event within 48 hours to the Council.

19.3 The driver shall be entitled to receive from any person to whom the property shall be re-delivered, an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the Office of the Council, whichever be the greater) but not more than £5.

## **20 Assistant Dogs**

20.1 A driver of hackney carriage or private hire vehicle is required to carry a guide, hearing or assistance dog free of charge on request.

20.2 A driver who has a proven medical condition that prevents them from carrying a guide, hearing or assistance dog when driving a hackney carriage or private hire vehicle must obtain a Driver Exemption Certificate from the licensing authority and display it clearly at all times when driving the vehicle. A driver is responsible for informing the council and circuit owner of such a condition when first employed or if such condition occurs subsequently, at that time.

## **21 Display of Plate**

21.1 The driver shall ensure that:

- The hackney carriage or private hire vehicle licence plate is securely fixed and displayed in the correct position and is clear and legible at all times.
- The Council door stickers are displayed on the upper panel of each rear passenger door.
- The windscreen display relating to the vehicle licence number is clearly visible.
- The authorised fare tariff is displayed and clearly visible to passengers travelling in the vehicle.

## **22 Documents**

- 22.1 The driver shall at all times when driving a licensed vehicle, carry with them a copy of the Council's Conditions for Hackney Carriage and Private Hire, Driver, Vehicle and Operator Licences and make them available for inspection by the hirer, any other passenger or Council Licensing Officer on request.
- 22.2 The driver will ensure that any vehicle in their charge is insured for use as a hackney carriage or private hire vehicle and that they are personally covered to drive such vehicle. The conditions relating to the insurance of motor vehicles are contained in Part 6 of the Road Traffic Act 1988.

## **23 Change of Address**

- 23.1 If a driver changes their address, they must notify the Council in writing or by electronic means within seven days.
- 23.2 A driver must produce to the Council their DVLA drivers licence and vehicle log book showing the change of address within 21 days of moving.

## **24 Convictions**

- 24.1 In the event that a licensed driver is arrested, charged or summonsed for any alleged criminal offence, they shall within seven days of being charged or on receipt of the summons, report the facts, in writing or by electronic means, to the Council. Particulars of each alleged offence must be supplied and in which Court the proceedings are pending.
- 24.2 In the event that a licensed driver is cautioned or convicted of any criminal offence, they shall, within seven days, report such caution or conviction in writing or by electronic means to the Council. Particulars of each caution or conviction, and any penalty imposed must be supplied.
- 24.3 In the event that a licensed driver is issued a fixed penalty notice for an offence, other than a driving conviction, in lieu of receiving a caution or charge they shall within seven days report such fixed penalty, in writing or by electronic means to the Council. Particulars of the fixed penalty imposed must be supplied.
- 24.4 Any conviction or the issue of a fixed penalty notice, which results in penalty points being endorsed on the DVLA licence, must notify the Council within seven days of the Court appearance or fixed penalty notice.
- 24.5 In the event of a conviction before a Court resulting in disqualification from driving, the licensed driver shall inform the Council and surrender their driver's badge immediately.

## **25 Accidents**

- 25.1 The driver shall report to the Council as soon as reasonably practicable and in any case within 72 hours any accident to the vehicle causing any damage, whether or not

it materially affects the comfort, safety, performance or appearance of the vehicle. The vehicle must be presented to the Council for inspection following the accident.

## **26 Penalties**

- 26.1 The Council may suspend or revoke a combined hackney carriage & private hire or restricted private hire driver's licence if any of the above conditions are not complied with.

## **27 Appeals**

- 27.1 An Appeal may be brought against the Licensing Conditions within 21 days from the date on which Notice of the Condition is served on the Applicant to the Magistrates Court.
- 27.2 A licensed driver disappointed by the decision of the Authority in respect of their combined hackney carriage & private hire or restricted private hire driver's licence has a right of Appeal to the Magistrates Court within 21 days.

## **28 Penalty Points Scheme**

- 28.1 The penalty point's scheme covers all holders of Hackney Carriage and Private Hire Vehicle Drivers and Proprietors and Private Hire Operators.
- 28.2 The scheme has been developed to provide the Appeals Committee and Licensing Officers with more options when dealing with breaches to licence conditions or when an offence has been committed. Under the legislation, the only options available to the Committee are to issue a warning, suspend or revoke a licence, while officers can either prosecute or refer the licence holder to the Appeals Committee.
- 28.3 The points scheme will allow Licensing Officers and Members of the Appeals Committee to attach points, thus bridging the gap between a warning and suspension or revocation.
- 28.4 Officers will be able to attach points for minor breaches of conditions or offences which on their own would not merit a review of the licence or a prosecution. Licence holders who attain more than 12 points within the 3 years of the driver licence validity will be referred to the Appeals Committee, who would determine the licence under "Any other reasonable cause", in accordance with sections 60, 61 or 62 of the Local Government (Miscellaneous Provisions) Act 1976.
- 28.5 A copy of the penalty points scheme is attached as Appendix A to these conditions.
- 28.6 Nothing within this section of the conditions shall prejudice the Councils or Officers ability to refer an applicant or licence holder to the Licensing Committee where there is a doubt as to whether they are a "fit and proper" person or for any other reasonable cause.
- 28.7 The Council will not fetter its discretion when dealing with such matters. Points will only be attached to a licence following an investigation by a Licensing Officer or a

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Hearing by the Appeals Committee. Each case will be determined on its own merits and both the Members of the Appeals Committee and Officers will have discretion to take into account all the circumstances in each case. The points are for administration purposes only and will be taken into account when determining if a person is fit and proper or for any other reasonable cause.

- 28.8 Where a licensed driver has been referred to the Appeals Committee following a complaint or when information has been received which raises the question if the person is “fit and proper” or for any other reasonable cause; then the members of the committee may award points or suspend or revoke the licence.



## **Hackney Carriage Vehicle Licence Conditions**

### **29 Introduction**

- 29.1 These conditions form the pre-licensing and licensing conditions for hackney carriage vehicles. Failure to comply with any of these conditions could result in a hackney carriage vehicle licence being refused, suspended or revoked.
- 29.2 The Council may attach to the grant of a hackney carriage vehicle licence any such conditions as it may consider reasonable or necessary and accordingly may, at any time, vary, alter or impose new conditions.
- 29.3 A person being considered for a hackney carriage vehicle licence shall be over 21 years of age and be vetted by the Disclosure and Barring Service, provide two character references who are not related to the applicant and are known to them personally in a professional capacity.
- 29.4 A proprietor's requisition form must be completed for any application for a hackney carriage vehicle licence and must state the forename, surname, and place of abode of the applicant applying for such a licence and all persons with an interest in the vehicle. A company will not be accepted as a proprietor for a licensed vehicle.
- 29.5 On initial application if the vehicle is more than one year old, a current Vehicle Inspectorate MOT Test Certificate is required of no more than 10 days old.
- 29.6 Proof of ownership of the vehicle is required by way of a bill of sale, hire purchase agreement or lease agreement.
- 29.7 Vehicle owners who rent/lease vehicles must produce the original rental/lease agreement.
- 29.8 An original vehicle registration document must be produced showing the applicants current name and address, or a pdf version emailed from the DVLA.
- 29.9 A valid original certificate of insurance is required for hackney carriage use (public hire). These can be in the form of a pdf document direct from the insurance company/broker.
- 29.10 All vehicles submitted for licensing must be right-hand drive.
- 29.11 The vehicle specifications are dependent on the classification of the vehicle and are headed under standard vehicle, minibus and MPV or wheelchair accessible vehicle. All vehicles must comply with the general vehicle specifications.
- 29.12 Since October 2005 new hackney carriage vehicle licences are granted to wheelchair accessible vehicles only. These vehicles may only be replaced with a wheelchair accessible vehicles and are identified by the vehicle licence number of HC500 and above.

- 29.13 Following the issue of the hackney carriage vehicle licence, only a driver holding a current combined hackney carriage & private hire driver's licence with this Authority is permitted to drive that vehicle.
- 29.14 In all cases, it will be at the discretion of the Council to grant, refuse the grant, of a hackney carriage vehicle.

### **30 General Conditions**

**This section applies to all licensed hackney carriage vehicles regardless of their classification**

- 30.1 A hackney carriage vehicle must be kept clean inside and out and in a well-maintained condition at all times.

### **31 Renewing the Licence**

- 31.1 The vehicle must be presented for licensing at renewal on or before the expiry of the licence.

### **32 Metered Fares**

- 32.1 The vehicle must be fitted with a taxi meter visibly recording the approved authorised fare tariff.
- 32.2 The position of the meter shall be agreed by the Council's Inspecting Officer and shall be maintained at all times so that the fare displayed can readily be seen by the passenger.
- 32.3 The meter shall be tested for accuracy when first fitted in the vehicle and following any changes to the authorised fare tariff or as required. The meter will be sealed by a Council Officer after each inspection.
- 32.4 Use of an unsealed meter is not permitted at anytime.
- 32.5 The current authorised fare tariff approved by the Council shall be clearly displayed in the vehicle.

### **33 Glass Light Transmission**

- 33.1 The front windscreen must allow 75% of light transmission.
- 33.2 The driver's window and front passenger window must allow 70% of light transmission.
- 33.3 In other windows, only tinted glass supplied as an original fitment at the time of manufacturer of the vehicle will be acceptable and this must allow adequate light transmission to provide a clear view into the vehicle to see any passengers. Any subsequent replacement windows shall conform to the original manufactures specification. Any variation on these restrictions will be at the discretion of the Licensing Authority. No tinted films or other adhesive materials will be accepted on

any part of the windows of the vehicle without written consent from the Licensing Authority.

### **34 Interior Markings**

- 34.1 The Proprietor shall ensure that the following are clearly displayed inside the vehicle:
- The windscreen identification sticker showing the licence plate, registration number and number of passengers the vehicle is licensed to carry.
  - The current authorised fare tariff card.

### **35 Electronic Security System - Forward Facing Cameras**

- 35.1 The Licence holder shall not install forward facing cameras in a licensed vehicle unless the details of the system have first been considered and approved by the Council and meet the following requirements and conditions:
- 35.2 Forward facing cameras are only to be used for motor insurance purposes;
- 35.3 All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations, and the Council's Conditions of Fitness;
- 35.4 All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision, or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear;
- 35.5 All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions;
- 35.6 The installed system must not weaken the structure or any component part of the vehicle, or interfere with the integrity of the manufacturer's original equipment;
- 35.7 All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers;
- 35.8 Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, e.g. not mounted on or adjacent to air bags/air curtains, or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems;
- 35.9 No equipment may interfere with the driver's view;
- 35.10 Viewing screens within the vehicle for the purposes of viewing captured images are not permitted;

## **Rochford District Council – Hackney Carriage and Private Hire, Driver, Vehicle and Operator Licence Conditions**

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- 35.11 All wiring must be fused as set out in the manufacturer's technical specification, and be appropriately routed;
- 35.12 Any sound recording must comply with the Data Protection Act 1998 and the Information Commissioner's Office CCTV Code of Practice (Revised edition 2008) and any guidance on this topic, which is subsequently published;
- 35.13 The equipment must be mounted and used so as to record only views outside the vehicle;
- 35.14 If the equipment is later removed, there is no requirement to notify the council of its removal, but any damage to the vehicle caused by removal must be remedied to an acceptable standard;
- 35.15 The licence holder shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions by a suitably qualified person. Written records of all maintenance and servicing shall be made and retained by the licence holder for a minimum of 12 months and will be made available on demand to a Police or Licensing Officer
- 35.16 Upon request for image retrieval by a Police or Licensing Officer the licence holder shall ensure that the CCTV system is made available to the system administrator as soon as reasonably possible and, in any event, within 7 days of the request;
- 35.17 The image from any camera must not be used for any commercial purpose or circulated on any social media website etc
- 35.18 The appropriate warning stickers or signs which are required by the Data Protection Act 1998 must be displayed. Such signs or stickers must be of a reasonable size, should not obscure views through the windows, and cannot contain advertising.
- 35.19 If forward facing cameras are fitted to a licensed vehicle, it is possible that the pictures held in the camera would be 'data' that has to be held in accordance with the terms of the Data Protection Act 1998. If the Act applies, the person who is regarded as the 'Data Controller' for these pictures must be registered with the Information Commissioner and the Data Controller shall ensure compliance with the terms of the Act. A 'Data Controller' is defined as the person who determines the purposes for which, and the manner in which, any data are processed.
- 35.20 It is the responsibility of any person having control or access to the stored pictures to ensure that the terms of the Data Protection Act 1998 are complied with

### **36 Electronic Security System - Safety Cameras**

- 36.1 The Licence holder shall not install safety cameras in a licensed vehicle unless the details of the system have first been considered and approved by the Council and meet the following requirements and conditions:
  - 36.2 Safety cameras are only to be used for the purposes of driver safety. This may also benefit passengers;
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- 36.3 All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations, and the Council's Conditions of Fitness;
- 36.4 All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision, or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear;
- 36.5 All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers;
- 36.6 Any sound recording must comply with the Data Protection Act 1998 and the Information Commissioner's Office CCTV Code of Practice (Revised edition 2008) and any guidance on this topic, which is subsequently published;
- 36.7 The image from any camera must not be used for any commercial purpose or circulated on any social media website etc.
- 36.8 The appropriate warning stickers or signs which are required by the Data Protection Act 1998 must be displayed. Such signs or stickers must be of a reasonable size, should not obscure views through the windows, and cannot contain advertising.
- 36.9 If safety cameras are fitted to licensed vehicle, it is possible that the pictures held in the camera would be 'data' that has to be held in accordance with the terms of the Data Protection Act 1998. If the Act applies, the person who is regarded as the 'Data Controller' for these pictures must be registered with the Information Commissioner and the Data Controller shall ensure compliance with the terms of the Act. A 'Data Controller' is defined as the person who determines the purposes for which, and the manner in which, any data are processed.
- 36.10 It is the responsibility of any person having control or access to the stored pictures to ensure that the terms of the Data Protection Act 1998 are complied with.

### **37 Exterior Signs**

- 37.1 The Proprietor shall ensure that the following are clearly displayed on the vehicle:
- The licence plate bearing the number of the licence granted shall be securely fixed as not to be readily removable and be displayed adjacent to the rear number plate.
  - Rochford District Council's door stickers must be permanently fixed on the upper panels of the rear passenger doors or for minibuses or MPV's on the upper section of the first panel after the front doors. No other markings shall be displayed on these panels.
- 37.2 The vehicle may display the Flag of St George or the Union Flag at any time. It shall not exceed in size 45 cm x 30 cm (18 in x 12 in) and not obscure the driver's vision.
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## **38 Safety Equipment**

- 38.1 A fire extinguisher shall be carried in the vehicle of a type conforming to BS5423 1997, 98, 99 with a minimum rating of 8A – 21B (type AFFF two litre minimum capacity recommended)..to allow drivers to extinguish small fires. The extinguisher should not be located where it may cause injury or roll under the pedals, but be kept secure in the vehicle.

NB in the event of a fire the drivers priority is to get the passengers out of the vehicle.

## **39 Advertising**

- 39.1 Any advertising must be approved by the Council prior to being displayed on the vehicle, by completing an adverting application approval request.
- 39.2 Rochford District Council door stickers are the only signs permitted on the rear passenger doors.
- 39.3 Wheelchair accessible vehicles may display a maximum of four disability signs anywhere on the vehicle.
- 39.4 No unnecessary stickers or advertising material is permitted.
- 39.5 Product or service advertising may be displayed but should not conflict with any local business, the advert and the wording is subject to prior approval by the Council and is restricted to no more than three.
- 39.6 Advertising promoting alcohol or smoking will not be permitted.
- 39.7 Advertising that may cause offence or is of a sexual nature will not be permitted.
- 39.8 All adverts must be maintained to an acceptable standard, the Council reserves the right to remove any adverts that do not meet the conditions of licence.
- 39.9 Advertising is permitted on the whole of the rear windscreen subject to it meeting the conditions and the following restrictions:-
- If the advert is displayed on the full rear screen then no other adverts to the rear of the vehicle will be permitted, including boot and bumper.
  - Adverts must not compromise the drivers or passengers view from inside the vehicle.
  - Adverts must be maintained to an acceptable standard.
- 39.10 Inscriptions that identify the hackney carriage circuit or vehicle operator may be displayed in the positions as prescribed, provided they comply with the restrictions below

## **40 For Saloon Vehicles and Estate**

- **Rear Doors**
  - Rochford District Council door stickers permanently fixed to the upper panels of the doors, no other signs are permitted.
- **Front Doors**
  - Hackney carriage company name or logo, telephone number, email address.
- **Rear Panel**
  - No signs are permitted.
- **Boot or Hatchback**
  - Hackney carriage company name or logo, telephone number, email address are permitted. Product advertising, local business name and service wording is permitted subject to prior written approval.
- **Bonnet**
  - Hackney carriage company name or logo.
- **Rear Screen**
  - Hackney carriage company name or logo, sign not to exceed 10.2 cm x 45 cm (4 in high x 18 in) wide.
- **Rear Bumper**
  - Hackney carriage company telephone number. Product advertising requires written approval.

## **41 For Multi Passenger Vehicles Only (Five seater and above)**

- **Rear Doors**
  - Rochford District Council door stickers permanently fixed to the upper panels of the doors, no other signs are permitted.
- **Front Doors**
  - Hackney carriage company name or logo, telephone number, email address.
- **Rear Panel**

- Hackney carriage company name or logo, telephone number, email address.
- **Tail Gate/Rear Doors**
  - Hackney carriage company name or logo, telephone number, email address are permitted. Product advertising, local business name and service wording is permitted subject to prior written approval.
- **Bonnet**
  - Hackney carriage company name or logo.
- **Rear Screen**
  - Hackney carriage company name or logo, sign not to exceed 10.2 cm x 45 cm (4 in high x 18 in) wide.
- **Rear Bumper**
  - Hackney carriage company telephone number. Product advertising requires written approval.
- **Rear facing fold down seats**
  - Product advertising, local business name and service wording is permitted subject to prior written approval.

## **42 Roof Signs**

- 42.1 Hackney carriage vehicles must display a taxi roof sign when plying for hire.
- 42.2 The taxi roof sign must not exceed 75.5 cm x 16 cm x 16.5 cm (36 in x 6¼ in x 6½ in).
- 42.3 The word TAXI must appear on the front of the roof sign and to the rear it may display the word TAXI or the hackney carriage company name or telephone number.
- 42.4 The roof sign may be illuminated when plying for hire in a controlled area and work in conjunction with the meter fitted to the vehicle.
- 42.5 The roof sign must not be illuminated under any circumstances when outside the Rochford District a separate switch must be fitted to turn the roof sign off.
- 42.6 The roof sign when illuminated must show a white light to the front and red light to the rear and comply with the Road Vehicles Lighting Regulations.

## **43 Spare Wheels**

- 43.1 Where the vehicle has a factory fitted spare wheel it must be in a serviceable condition at all times.



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- 43.2 Where a space saver tyre is supplied as the vehicles only spare wheel, the vehicle must comply with the conditions set by the manufacturer whilst it is fitted to the vehicle.
- 43.3 Where a space saver tyre has been fitted to a hackney carriage vehicle, the vehicle cannot be used other than to complete a single journey. .
- 43.4 Where a run flat tyre is supplied as the vehicles only spare wheel the vehicle must comply the condition's set by the manufacture of the tyre whilst fitted to the vehicle.
- 43.5 Where the vehicle is only supplied with a run flat tyre, a hackney carriage vehicle must not be used other than to complete a single journey when the tyre has suffered a deflation

### **44 Inspection**

- 44.1 A proprietor shall submit the vehicle for a compliance inspection when requested and at least:
- On first application for a licence.
  - For any change of vehicle.
  - Annually in respect of vehicles up to six years old.
  - Six monthly in respect of vehicles over six years old.
  - On any other occasion at the request of an Authorised Officer.
  - After any repair made necessary by an accident affecting the safety and comfort of passengers or the performance or appearance of the vehicle.
- 44.2 The proprietor shall at the annual renewal or interim inspections, produce a current Vehicle Inspectorate MOT Test Certificate of no more than 10 days old.
- 44.3 The vehicle must pass the Council vehicle inspection in order for the licence to be granted, renewed or retained.
- 44.4 Vehicles submitted for inspection that do not meet the requirements, as set out in the Rochford District Council Hackney Carriage and Private Hire, Driver, Vehicle and Operator Licence Conditions, will be treated as failed and where there is a current vehicle licence in place, the vehicle will be suspended immediately until such time as it is represented for a further inspection and passes.
- 44.5 Proprietors of vehicles, which fail to attend for any inspection, during the life of the vehicle licence, may be suspended immediately until such time as they attend and pass the inspection.

## **45 Usage**

- 45.1 Whilst the vehicle is licensed as a hackney carriage, it shall not be driven by any person other than the holder of a combined hackney carriage/private hire driver's licence issued by Rochford District Council.
- 45.2 If the proprietor permits or controls any other person to drive the vehicle, that person must deposit a copy of their hackney carriage driver's licence with the proprietor, before they commence to drive the vehicle. The proprietor will record the details of the licence in a register for that purpose. A copy of the combined hackney carriage & private hire driver's licence will be retained until the driver ceases to be permitted or controlled to drive the vehicle.

## **46 Use by Unlicensed Drivers**

- 46.1 The use of an unlicensed driver to drive a licensed vehicle is strictly forbidden.
- 46.2 With the only exception made under the Transport Act 1985 Schedule 7–3 Section 46 of the Town Police Clauses Act 1847 (drivers not to act without first obtaining a licence) shall not apply to a person driving a hackney carriage licensed under that Act for the purpose of or in connection with:
- Any test of the compliance condition or fitness of the hackney carriage vehicle or its equipment carried out for the purposes of section 45 of the Road Traffic Act 1988 (tests of satisfactory condition of vehicles other than goods vehicles) or for the purposes of any requirements with respect to such condition or fitness imposed by or under any other enactment; or
  - Any test of that person's competence to drive a hackney carriage, carried out for the purposes of any application made by him for a licence to drive a hackney carriage.

## **47 Mobile Phones and Smoking in Vehicles**

- 47.1 Hackney carriage vehicles are smoke free vehicles at all times.
- 47.2 The driver shall not at any time, whilst driving use a hand held device unless hands free.
- 47.3 No passengers or drivers are permitted to smoke any substance or any form of electronic cigarette in a hackney carriage vehicle at any time.
- 47.4 No smoking signs must be displayed on all hackney carriage vehicles.
- 47.5 The proprietor of the vehicle must ensure that the current Smoke Free Legislation is complied with at all times.

## **48 Notifying Change of Personal Circumstances**

- 48.1 A proprietor, who changes the place at which they live, shall notify the Council of such change of address within seven days of the date of the event, in writing or by electronic means.
- 48.2 The proprietor of a hackney carriage vehicle will immediately or within seven days notify the Council in writing or by electronic means of any change in circumstances in relation to:
- Any other person having an interest in the vehicle.
  - The transfer of interest of the vehicle licence to another person.
  - A change to the taxi company from which they operate.
- 48.3 Transfers of vehicles will be made within 14 days of the sale of the vehicle. Original documents or a pdf version emailed from the DVLA and insurance broker will be produced during application to the council.
- 48.4 Plates licence numbers will not be transferred without a vehicle or be retained by a licence holder without a replacement vehicle being licensed to that licence number.

## **49 Grant and Duration of Vehicle Licences**

- 49.1 Proprietors replacing a saloon type vehicle will be able to replace it with a similar type of vehicle subject to the outlined provisions. Vehicles licensed as wheelchair accessible vehicles (WAV) can only be replaced with another WAV (subject to conditions).
- 49.2 To assist owners who wish to be able to change vehicles during the period of an existing licence, the Council will operate a 'replacement vehicle process'. For licensed vehicles this will allow the existing licence holders to replace a vehicle with another vehicle (subject to the conditions) to replace another vehicle onto the remainder of the existing vehicle licence.
- 49.3 Once a date of expiry of an existing licence has passed and a valid renewal application form and fee has not been received, the licence automatically expires.

## **50 Temporary Replacement Vehicles**

- 50.1 These vehicles are temporarily licensed by the Licensing Authority in order that a proprietor can continue to work while their vehicle is being repaired. In all cases the following conditions apply:
- 50.2 Any temporary replacement vehicle would have to meet all the suitability criteria and conditions of the licence requirements as outlined above in the same way as if for a permanent change of vehicle. The temporary replacement vehicle would also have to be mechanically tested prior to it becoming licensed and the meter tested and sealed where appropriate. All other suitability criteria and conditions of licence such as door signs would also have to be met.

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- 50.3 A temporary replacement vehicle would be permitted for use for a period of not exceeding 31 days. In exceptional circumstances, this period may be extended by further periods of 14 days at the discretion of the Licensing Authority.
- 50.4 As soon as the proprietor's vehicle is repaired, the vehicle will be presented for inspection, the magnetic door stickers and the temporary vehicle plate will be returned to the Hackney Carriage office.

### **51 Production of Documentation**

- 51.1 When requested, a proprietor shall within seven days:
- Produce the current original Vehicle Inspectorate MOT Test Certificate.
  - Produce such original insurance documents or a pdf version by email from the insurance company/broker as may be required, specifying that the vehicle has continuous insurance cover for public hire. The certificate/cover note must be produced before the expiry of the previous certificate/cover note or as soon as practicable.
- 51.2 Produce the original vehicle registration documents showing the proprietors current name and address or any other evidence of proprietorship of the vehicle, or a pdf version emailed from the DVLA.

### **52 Road Accidents**

- 52.1 The proprietor must report to the Council, in writing or by electronic means as soon as reasonably practicable and in any case within 72 hours of any accident to the hackney carriage vehicle, causing any damage whether or not it materially affects the safety, performance or appearance of the vehicle or the comfort or convenience of passengers.
- 52.2 The hackney carriage vehicle must be presented at the Council at the first available opportunity for inspection.
- 52.3 Where it is not possible for the vehicle to be inspected at the Council Offices due to the damage caused by the accident, the hackney carriage vehicle licence plate and screen identification sticker must be returned to the Council.

### **53 Regulations**

- 53.1 The proprietor shall ensure that any driver complies with the Council's Hackney Carriage Licence Conditions.
- 53.2 The proprietor should make themselves familiar with the statutory requirements relating to hackney carriage vehicle licensing.

## **54 Surrender of Licence**

- 54.1 If the proprietor ceases to use the vehicle for the purpose for which it is licensed they shall within seven days, surrender the licence and return the plate, which remains the property of Rochford District Council,
- 54.2 If the vehicle is unfit for use as a hackney carriage for any reason, the vehicle licence plate must be returned to the Council and will be held for a maximum of eight weeks or until the licence expires if less than the eight weeks. If a suitable vehicle is not presented for inspection in this time, the licence plate will be deemed revoked.
- 54.3 The vehicle licence may be suspended, revoked or refused to be renewed if the proprietor fails to comply with the conditions of their licence.

## **55 Suspension of Vehicle Licence**

- 55.1 An Authorised Officer may suspend a hackney carriage vehicle licence until such time as they are satisfied that the condition of the vehicle is such that it is not a danger to the public or other road users. In such circumstances, a statutory vehicle suspension notice will be issued stating the reasons the vehicle has been suspended. There is no right of appeal in these circumstances.

## **56 Appeals**

- 56.1 An appeal may be brought against the licensing conditions within 21 days from the date on which notice of the condition is served on the applicant, to the Magistrates' Court.
- 56.2 A proprietor disappointed by a decision of the Authority in respect of a licensed vehicle has a right of appeal to the Magistrates Court within 21 days.

## **57 Standard Vehicles**

- 57.1 A standard vehicle is a saloon, hatchback or estate vehicle produced by a recognised vehicle manufacturer for appeal to the mass market and has EC Whole Vehicle Type Approval and complies with the current Construction and Use Regulations.
- 57.2 The vehicle must be suitable in type, size and design for use as a hackney carriage and according to the manufacturer's unaltered specification.
- 57.3 The vehicle must be in good mechanical order and body condition and in full and proper operational order in every respect.
- 57.4 The interior must be clean and the upholstery and flooring free from holes splits and other damage.
- 57.5 A Hackney Carriage Saloon vehicle must not be more than six years old when first licensed (or displaying more than 70,000 miles if older than 6 years from the date of registration) and will not be re-licensed if more than 12 years old from the date of registration.

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57.6 Licences for standard vehicles are issued on 'Grandfather Rights' and therefore new applications for hackney carriage vehicle licences will not be accepted. (Please refer to wheelchair accessible vehicles).

### **58 Height**

58.1 The vehicle must have an overall height of no less than 135 cm (53 in).

### **59 Seating**

59.1 The vehicle must have seating accommodation for at least three passengers, with a minimum width of 41 cm (16 in) per seat.

59.2 Have a separate front seat from the driver to accommodate a passenger.

59.3 The vehicle shall not carry more than the prescribed number of passengers it is licensed to carry, even if that person is carried by another.

### **60 Doors**

60.1 The vehicle must have no less than three doors in addition to any door provided for the driver, each adjacent to and allowing direct access to and from the passenger seats.

### **61 Luggage**

61.1 Be capable of carrying a reasonable quantity of luggage in a safe and secure manner with suitable restraints to prevent items in non-saloon vehicles becoming insecure.

61.2 As outlined within the Equality Act 2010, all vehicles must be capable of accommodating a wheelchair either constructed or dismantled, in a reasonable manner with suitable restraints to prevent it in non-saloon vehicles becoming insecure.

### **62 Minibuses and MPV'S**

62.1 A minibus or MPV is a vehicle produced by a recognised vehicle manufacturer for appeal to the mass market, has EC Whole Vehicle Type Approval, and complies with the current Construction and Use Regulations.

62.2 The vehicle must be suitable in type, size and design for use as a hackney carriage and according to the manufacturer's unaltered specification.

62.3 The vehicle must be in good mechanical order and body condition and in full and proper operational order in every respect.

62.4 The interior must be clean and the upholstery and flooring free from holes splits and other damage.

62.5 The vehicle must not be more than six years old when first licensed and will not be re-licensed if more than 10 years old from the date registration.

- 62.6 Licences for minibuses and MPV's are issued on 'Grandfather Rights' and therefore new applications for hackney carriage vehicle licences will not be accepted. (Please refer to wheelchair accessible vehicles)

### **63 Height**

- 63.1 The vehicle must have an overall height of no less than 135 cm (53 in).

### **64 Seating**

- 64.1 The vehicle must have seating accommodation with a minimum width of 41 cm (16 in) per seat.
- 64.2 Have separate front seats from the driver to accommodate a maximum of two passengers.
- 64.3 Have a gear change area that does not encroach into the passengers seating space and have unobstructed legroom of at least 60.6 cm (26 in) measured from the back of the front seat(s) to the closest point of the fascia.
- 64.4 If the seating configuration in the passenger area behind the driver is such that no person for the purpose of ingress or egress shall be required to move or dismantle any seat or other obstruction or manoeuvre over or round any other passenger or article carried in the vehicle.

To be suitable for 8 passengers, an internal device for the rear hatch (a quick release button) to be opened from the inside or window emergency hammer by both rear windows with instruction signage. This can be operated by passengers in order to allow access/egress in the event of an accident and the side passenger door being inaccessible.

- 64.5 The vehicle shall not carry more than the prescribed number of passengers the vehicle is licensed to carry even if that person is carried by another.

### **65 Doors**

- 65.1 The vehicle must have no less than three doors in addition to any door provided for the driver, each adjacent to and allowing direct access to and from the passenger seats.

### **66 Luggage**

- 66.1 Be capable of carrying a reasonable quantity of luggage in a safe and secure manner with suitable restraints to prevent items in vehicles becoming insecure.
- 66.2 Be capable of accommodating a wheelchair either constructed or dismantled in a reasonable manner with suitable restraints to prevent it becoming insecure.

## **67 Wheelchair Accessible Vehicles**

For the purposes of these conditions in this section all references to a vehicle shall mean a wheelchair accessible vehicle being one manufactured or converted for the purposes of transporting a person in a wheelchair.

All vehicles shall comply with the following requirements

### **Equality Act 2010**

- 67.1 Rochford Council want to ensure that passengers in wheelchairs are better informed about the accessibility of the taxi and PHV fleet in the district, confident of receiving the assistance they need to travel safely, and not charged more than a non-wheelchair user for the same journey.
- 67.2 The Equality Act states that wheelchair accessible vehicles will be included on a licensing authority's list of designated vehicles if it conforms to such accessibility requirements.
- 67.3 Some types of wheelchair, particularly some powered wheelchairs, may be unable to access some of the vehicles included in the list. The Act recognises this possibility, and section 165(9) provides a defence for the driver if it would not have been possible for the wheelchair to be carried safely in the vehicle.
- 67.4 Rochford Council will publish on the Rochford Council website a list of all Wheelchair Accessible Vehicles and will highlight those vehicles capable of accommodating users of larger wheelchairs providing additional information about the vehicles allowing them to make informed choices about their journeys.

### **Appeals**

- 67.5 Section 172 of the Act enables vehicle owners to appeal against the decision of Rochford Council to include their vehicles on the designated list. The appeal should be made to the Magistrate's Court and must be made within 28 days of the vehicle in question being included on the Rochford Council published list.
- 67.6 Permit loading of wheelchairs ONLY through the side door(s) of the vehicle. Vehicles that load the wheelchairs through the tailgate will not be accepted for licensing unless a mechanical lift is present with rear side doors. Those Hackney Carriage proprietors whose vehicles are rear loading shall replace their vehicle with a vehicle that is side loading if the vehicle is changed or when the licence is renewed after the vehicle reaches 12 years of age.
- 67.7 Shall be equipped with properly mounted fittings for the safe securing of a wheelchair and the passenger seated in it when carried inside the vehicle, in accordance with European Directive 76/115 EEC (as amended).
- 67.8 If the vehicle was manufactured initially as a wheelchair accessible vehicle it must have a EC Whole Vehicle Type Approval

**Or**

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- 67.9 If the vehicle has been converted after initial manufacture it must have been issued with a Low Volume Approval Certificate (LVA also known as a SubMac) or a National Small Series Type Approval (NSSTA)
- 67.10 And the applicant/licence holder must furnish all original approval/certification paperwork to the Licensing Authority on request.
- 67.11 The vehicle must be suitable in type, size and design for use as a hackney carriage vehicle and according to the manufacturer's unaltered specification.
- 67.12 The vehicle must be in good mechanical order and body condition and in full and proper operational order in every respect.
- 67.13 The licence holder shall ensure that the licensed vehicle is to transport mobility impaired passengers at their request whenever not already hired by another person. They must also present the vehicle at the council offices for the initial inspection and upon its annual renewal.
- 67.14 A safety audit by the inspecting officer will be followed by a written report, with any recommendation that may require addressing, to meet the standards required by the regulating bodies.
- 67.15 All vehicles are required to meet the minimum standard of construction and use and may be required to make reasonable adjustments to bring the safety standard up to date requirements to comply with best practice, Equality Act
- 67.16 The interior must be clean and the upholstery and or the flooring free from holes, splits and other damage.
- 67.17 A Hackney Carriage Wheelchair Accessible vehicle (WAV) must not be more than six years old when first licensed (or displaying more than 70,000 miles if older than 6 years from the date of registration) and will not be re-licensed if more than 14 years old from the date of registration.
- 67.18 To have adequate luggage accommodation and suitable restraints to prevent items in non-saloon vehicles becoming unsecured. All vehicles must be capable of carrying a wheelchair, as luggage, in a reasonable manner.
- 67.19 Vehicles that have been fitted with a cant rail must as from October 2014 use a three point anchorage to secure the wheelchair user.
- 67.20 Must have a minimum of 300mm of clear gangway throughout from the rear exit door to side exit door.
- 67.21 Vehicles must have a exit direction signage displayed on the interior and exterior of the doors i.e. pull to open.
- 67.22 To ensure all equipment is in good order and fit for purpose.

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67.23 To ensure good knowledge and the ability to demonstrate on request the manufactures instructions in using all equipment when securing a wheelchair in a vehicle.

### **68 Height**

68.1 The vehicle must have an interior overall height suitable of accommodating a person sitting in a wheelchair. It is recommended that this is a minimum of 162.5 cm (63.9 in).

### **69 Seating**

69.1 The vehicle must have seating accommodation with a minimum width of 41 cm (16 in) per seat.

69.2 Have separate front seats from the driver to accommodate a maximum of two passengers.

69.3 Have a gear change area that does not encroach into the passengers seating space and have unobstructed legroom of at least 60.6 cm (26 in) measured from the back of the front seat(s) to the closest point of the fascia.

69.4 If seating configuration in the passenger area behind the driver is such that no person for the purpose of ingress or egress shall be required to move or dismantle any seat or other obstruction or manoeuvre over or round any other passenger or article carried in the vehicle.

To be suitable for 8 passengers, an internal device for the rear hatch (a quick release button) to be opened from the inside or window emergency hammer by both rear windows with instruction signage. This can be operated by passengers in order to allow access/egress in the event of an accident and the side passenger door being inaccessible

69.5 A person seated in a wheelchair must be carried according to the vehicle manufacturer's specifications.

69.6 A child must not be carried in a vehicle while seated in a pushchair.

69.7 The vehicle shall not carry more than the prescribed number of passengers the vehicle is licensed to carry, even if that person is carried by another.

### **70 Doors**

70.1 Have no less than three doors in addition to any door provided for the driver, each adjacent to and allowing direct access to and from the passenger seats.

### **71 Luggage**

71.1 Be capable of carrying a reasonable quantity of luggage in a safe and secure manner with suitable restraints to prevent items becoming insecure.

## **72 Ramps, Lifts and Straps**

- 72.1 The ramp(s) and straps required to secure a wheelchair must be carried on the vehicle at all times.
- 72.2 The vehicle must be provided, at all times, with a ramp or other mechanism to permit the safe entry and egress of passengers seated in a wheelchair.
- 72.3 The ramp or other mechanism must be capable of transporting a combined wheelchair and occupant mass of 300kg, 660lbs or 46 stone minimum between the road and vehicle interior without the assistance of any person other than the driver of the vehicle. A ramp, where used, must be such as to provide at least 3.6 units of length for each unity of height, measured at its highest point.
- 72.4 A vehicle capable of carrying a wheelchair must do so in a reasonable manner.
- 72.5 In the interest of passenger safety and comfort, should any vehicle be capable of carrying a person who remains in the wheelchair, or where the seating layout may be varied to accommodate a wheelchair, such vehicle must have adequate provisions to enable the wheelchair to be fixed securely to the floor of the vehicle during transit
- 72.6 The ramp(s) must be suitable in size, type and design and securely fitted to the vehicle when in use.
- 72.7 The ramp(s) must be maintained in good working order at all times.
- 72.8 All straps required for securing a wheelchair must be free from any defects.
- 72.9 Vehicles with mechanical passenger lifts, fall within the lifting operations and lifting equipment regulations 1998 (LOLOR) and requires an inspection by a competent person on a contractual basis.
- 72.10 There must be a minimum of at least two inspections yearly, and more if required by the manufacturers. One of these inspections must be a full weight test certificated and a copy of that certificate given to the licensing department
- 72.11 A lap and diagonal seat belt to further secure the safety of passengers must be carried in the vehicle at all times.
- 72.12 No wheelchair and user can be transported side facing. Mobility Scooters cannot be transported with the passenger seated on the vehicle. The scooter must be transported as luggage and be safely secured.
- 72.13 Wheelchairs and users must be secured with 4 point webbing forward facing unless the vehicle has been adapted for rear facing travel. All wheelchair users must be furthered secured with a minimum 2 point lab and diagonal seat belt restraint.

## **73 Trailers and Roof Boxes**

- 73.1 A hackney carriage vehicle shall not, without the consent of the Council be used whilst towing a trailer.
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## **Rochford District Council – Hackney Carriage and Private Hire, Driver, Vehicle and Operator Licence Conditions**

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- 73.2 A trailer authorised by the Council for use with a licensed vehicle will be, at all times, equipped with a spare wheel maintained and suitable for use with that trailer.
- 73.3 A trailer authorised by the Council will be maintained in a roadworthy condition.
- 73.4 A hackney carriage vehicle that has been authorised by the Council to tow a trailer shall not exceed the vehicle specifications for towing a trailer.
- 73.5 A hackney carriage vehicle shall not, without the consent of the Council be used whilst fitted with a roof box.

### **74 Tow Bars**

- 74.1 A tow bar fitted to a hackney carriage vehicle shall be covered at all times when not in use.

## **Private Hire Vehicle Licence Conditions**

### **75 Introduction General**

**This section applies to all licensed Private Hire Vehicles regardless of their classification**

- 75.1 These conditions form the pre-licensing and licensing conditions for private hire vehicles. Failure to comply with any of these conditions could result in a private hire vehicle licence being refused, suspended or revoked.
- 75.2 The Council may attach to the grant of a private hire vehicle licence any such conditions as it may consider reasonable or necessary and accordingly may at any time vary, alter or impose new conditions.
- 75.3 A person being considered for a private hire vehicle licence shall be over 21 years of age and be vetted by the Disclosure and Barring Service, provide two character referees who are not related to the applicant and who are known to them personally.
- 75.4 On initial application if the vehicle is more than three year old, a current original Vehicle Inspectorate MOT Test Certificate is required of no more than 10 days old.
- 75.5 Proof of ownership of the vehicle is required by way of a bill of sale, hire purchase agreement or lease/rental agreement.
- 75.6 Vehicle owners of rented or leased vehicles must produce the original lease or rental agreement.
- 75.7 A original vehicle registration documents must be produced showing the applicants current name and address, or a pdf version emailed from the DVLA.
- 75.8 A original valid certificate of insurance is required for private hire use. These can be in form of a pdf document direct from the insurance company/broker.
- 75.9 Vehicle specifications are dependent on classification and come under the headings of standard vehicle, minibus and MPV's, wheelchair accessible, limousines or special events vehicles.
- 75.10 Following the issue of a private hire vehicle licence, only a driver holding a current combined hackney carriage & private hire or restricted private hire driver's licence with this Authority is permitted to drive that vehicle.
- 75.11 In all cases it will be at the discretion of the Council to grant, refuse the grant of a private hire vehicle licence.
- 75.12 A private hire vehicle must be kept clean inside and out, and in a well-maintained condition at all times.

## **76 Renewing the Licence**

- 76.1 The vehicle must be presented for licensing at renewal on or before the expiry of that licence.

## **77 Metered Fares**

Private hire vehicles are exempt from statutory charging and do not by law have to carry a fare charging meter. They are free to charge a similar amount for a journey as would be charged by a Hackney Carriage (Taxi).

However, the majority of Private Hire Vehicles in the Rochford District are actually equipped with fare charging meters and their charges are similar to Hackney Carriage charges.

- 77.1 The position of the meter shall be agreed by the Council's Inspecting Officer and shall be maintained at all times so that the fare displayed can readily be seen by the passenger.
- 77.2 Use of an unsealed meter is not permitted at anytime.

## **78 Interior Markings**

- 78.1 The proprietor shall ensure that the following are clearly displayed inside the vehicle:
- The windscreen identification sticker showing the licence plate, registration number and the number of passengers the vehicle is licensed to carry.
  - The current approved fare tariff card (if applicable).
  - Where in-car video surveillance is installed a notice to this effect must be clearly displayed inside the vehicle, the wording of which shall be approved by the Council.

## **79 Electronic Security System - Forward Facing Cameras**

- 79.1 The Licence holder shall not install forward facing cameras in a licensed vehicle unless the details of the system have first been considered and approved by the Council and meet the following requirements and conditions:
- 79.2 Forward facing camera are only to be used for motor insurance purposes;
- 79.3 All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations, and the Council's Conditions of Fitness;
- 79.4 All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision, or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear;

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- 79.5 All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions;
- 79.6 The installed system must not weaken the structure or any component part of the vehicle, or interfere with the integrity of the manufacturer's original equipment;
- 79.7 All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers;
- 79.8 Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, e.g. not mounted on or adjacent to air bags/air curtains, or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems;
- 79.9 No equipment may interfere with the driver's view;
- 79.10 Viewing screens within the vehicle for the purposes of viewing captured images are not permitted;
- 79.11 All wiring must be fused as set out in the manufacturer's technical specification, and be appropriately routed;
- 79.12 Any sound recording must comply with the Data Protection Act 1998 and the Information Commissioner's Office CCTV Code of Practice (Revised edition 2008) and any guidance on this topic, which is subsequently published;
- 79.13 The equipment must be mounted and used so as to record only views outside the vehicle;
- 79.14 If the equipment is later removed, there is no requirement to notify the council of its removal, but any damage to the vehicle caused by removal must be remedied to an acceptable standard;
- 79.15 The licence holder shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions by a suitably qualified person. Written records of all maintenance and servicing shall be made and retained by the licence holder for a minimum of 12 months and will be made available on demand to a Police or Licensing Officer
- 79.16 Upon request for image retrieval by a Police or Licensing Officer the licence holder shall ensure that the CCTV system is made available to the system administrator as soon as reasonably practicable and, in any event, within 7 days of the request;
- 79.17 The image from any camera must not be used for any commercial purpose or circulated on any social media website etc.

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- 79.18 The appropriate warning stickers or signs which are required by the Data Protection Act 1998 must be displayed. Such signs or stickers must be of a reasonable size, should not obscure views through the windows, and cannot contain advertising.
- 79.19 If forward facing cameras are fitted to a licensed vehicle, it is possible that the pictures held in the camera would be 'data' that has to be held in accordance with the terms of the Data Protection Act 1998. If the Act applies, the person who is regarded as the 'Data Controller' for these pictures must be registered with the Information Commissioner and the Data Controller shall ensure compliance with the terms of the Act. A 'Data Controller' is defined as the person who determines the purposes for which, and the manner in which, any data are processed.
- 79.20 It is the responsibility of any person having control or access to the stored pictures to ensure that the terms of the Data Protection Act 1998 are complied with

### **80 Electronic Security System - Safety Cameras**

- 80.1 The Licence holder shall not install safety cameras in a licensed vehicle unless the details of the system have first been considered and approved by the Council and meet the following requirements and conditions:
- 80.2 Safety cameras are only to be used for the purposes of driver safety. This may also benefit passengers;
- 80.3 All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations, and the Council's Conditions of Fitness;
- 80.4 All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or driver, including impact with the equipment in the event of a collision, or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear;
- 80.5 All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers;
- 80.6 Any sound recording must comply with the Data Protection Act 1998 and the Information Commissioner's Office CCTV Code of Practice (Revised edition 2008) and any guidance on this topic, which is subsequently published;
- 80.7 The image from any camera must not be used for any commercial purpose or circulated on any social media website etc.
- 80.8 The appropriate warning stickers or signs which are required by the Data Protection Act 1998 must be displayed. Such signs or stickers must be of a reasonable size, should not obscure views through the windows, and cannot contain advertising.
- 80.9 If safety cameras are fitted to licensed vehicle, it is possible that the pictures held in the camera would be 'data' that has to be held in accordance with the terms of the



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Data Protection Act 1998. If the Act applies, the person who is regarded as the 'Data Controller' for these pictures must be registered with the Information Commissioner and the Data Controller shall ensure compliance with the terms of the Act. A 'Data Controller' is defined as the person who determines the purposes for which, and the manner in which, any data are processed.

80.10 It is the responsibility of any person having control or access to the stored pictures to ensure that the terms of the Data Protection Act 1998 are complied with.

### **81 Exterior Signs**

81.1 The proprietor shall ensure that the following are clearly displayed on the vehicle:

- The licence plate bearing the number of the licence granted shall be securely fixed as not to be readily removable and be displayed on the outside of the vehicle adjacent to the rear number plate.
- Rochford District Council's door stickers must be permanently fixed on the upper panels of the rear passenger doors or for minibuses or MPV's on the upper section of the first panel after the front doors. No other markings shall be displayed on these panels.

81.2 Where an inscription, which identifies the proprietor of the vehicle, is to be displayed, it shall not imply that the vehicle is a hackney carriage by using the words taxi or cab, the content and layout of the inscription shall be approved by the Council.

81.3 Vehicles may display the Flag of St George or the Union Flag at any time. It shall not exceed in size 45 cm x 30 cm (18 in x 12 in) and not obscure the driver's vision.

### **82 Glass Light Transmission**

82.1 The front windscreen must allow 75% of light transmission.

82.2 The driver's window and front passenger window must allow 70% of light transmission.

82.3 In other windows, only tinted glass supplied as an original fitment at the time of manufacturer of the vehicle will be acceptable and this must allow adequate light transmission to provide a clear view into the vehicle to see any passengers. Any subsequent replacement windows shall conform to the original manufactures specification. Any variation on these restrictions will be at the discretion of the Licensing Authority. No tinted films or other adhesive materials will be accepted on any part of the windows of the vehicle without written consent from the Licensing Authority.

### **83 Safety Equipment**

83.1 82.1 A fire extinguisher shall be securely carried in the vehicle at all times of a type conforming to BS5423 1997 98, 99 with a minimum rating of 8A – 21 A (type AFFF

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two litre minimum capacity recommended). It must be readily available for use in case of emergency and have an external device to show that it is fully charged.

NB in the event of a vehicle fire your priority is to get the passenger out of the vehicle.

### 84 Advertising

- 84.1 Any advertising must be approved by the Council prior to being displayed on the vehicle by completing an advertising application approval request.
- 84.2 Rochford District Council door stickers are the only signs permitted on the rear passenger doors.
- 84.3 Wheelchair accessible vehicles may display a maximum of four disability signs anywhere on the vehicle.
- 84.4 No unnecessary stickers or advertising material is permitted.
- 84.5 No advertising shall be displayed to imply that a private hire vehicle is a hackney carriage, the use of the words taxi or cab on a private hire vehicle are not permitted.
- 84.6 No advertising shall be displayed on the private hire vehicle whilst an exemption certificate is in operation.
- 84.7 Product advertising of a local business may be displayed, the advert and the wording is subject to approval by the Council and is restricted to no more than three.
- 84.8 Advertising promoting alcohol or smoking will not be permitted.
- 84.9 Advertising that may cause offence or is of a sexual nature will not be permitted.
- 84.10 All adverts must be maintained to an acceptable standard, the Council reserves the right to remove any adverts that do not meet the conditions of licence.
- 84.11 Advertising is permitted on the whole of the rear windscreen subject to it meeting the conditions and the following restrictions:
- If the advert is displayed on the full screen then no other adverts to the rear of the vehicle will be permitted, including boot and bumper.
  - Adverts must not compromise the drivers or passengers view from inside the vehicle.
  - Adverts must be maintained to an acceptable standard.
- 84.12 Inscriptions that identify the private hire circuit or vehicle operator may be displayed in the positions as prescribed.

### For Saloon Cars and Estates

- **Rear Doors**

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- Rochford District Council door stickers permanently fixed to the upper panels of the doors, no other signs are permitted.
- **Front Doors**
  - Private hire company name or logo, telephone number, email address.
- **Rear Panel**
  - No signs are permitted.
- **Boot or Hatchback**
  - Product advertising, local business name and service wording is permitted subject to prior approval or private hire company name or logo, telephone number, email address.
- **Bonnet**
  - Private Hire company name or logo.
- **Rear Screen**
  - Private hire company name or logo, sign not to exceed 10.2 cm x 45 cm (4 in high x 18 in) wide.
- **Rear Bumper**
  - Product advertising or private hire company telephone number.

### For Multi Passenger Vehicles Only (Five seater and above)

- **Rear Doors**
  - Rochford District Council door stickers permanently fixed to the upper panels of the doors, no other signs are permitted.
- **Front Doors**
  - Private hire company name or logo, telephone number, email address.
- **Rear Panel**
  - Private hire company name or logo, telephone number, email address.
- **Tail Gate/Rear Doors**
  - Product advertising, local business name and service wording is permitted subject to prior approval or private hire company name or logo, telephone number, email address.

- **Bonnet**
  - Private Hire company name or logo.
- **Rear Screen**
  - Private hire company name or logo, sign not to exceed 10.2 cm x 45 cm (4 in high x 18 in) wide.
- **Rear Bumper**
  - Product advertising or private hire company telephone number.

## **85 Exemption Certificates to Signage**

- 85.1 An exemption certificate may be applied for to the Council, for a higher class private hire vehicle, used exclusively for executive hire, subject to there being a contract/agreement in writing between the private hire operator and the hirer that specifically stipulates that the hirer requires the vehicle not to display a licence plate or any signage.
- 85.2 At all times when the exemption granted by this certificate applies, the proprietor shall ensure the private hire vehicle licence plate is carried within the vehicle and readily available for inspection.
- 85.3 A copy of the exemption certificate specifying non-display of signage should be available for production to any Police Officer or Authorised Person.
- 85.4 Whilst an exemption certificate is in force no advertising, company name or logo may be displayed on the vehicle.

## **86 Roof Signs**

- 86.1 Private hire vehicles are not permitted to display a roof sign of any type.

## **87 Spare Wheels**

- 87.1 Where the vehicle has a factory fitted spare wheel it must be in a serviceable condition at all times.
- 87.2 Where a space saver tyre is supplied as the vehicles only spare wheel, the vehicle must comply with the conditions set by the manufacturer of the tyre whilst it is fitted to the vehicle.
- 87.3 Where a space saver tyre has been fitted to a private hire vehicle, the vehicle cannot be used for private hire use other than to complete a single journey.
- 87.4 Where a run flat tyre is supplied as the vehicles only spare wheel the vehicle must comply the conditions set by the manufacture of the tyre whilst if is fitted to the vehicle.

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87.5 Where the vehicle is only supplied with a run flat tyre, a hackney carriage vehicle must not be used other than to complete a single journey when the tyre has suffered a deflation

### 88 Inspection

88.1 The proprietor will submit the vehicle for a compliance inspection when requested and at least:

- On first application for a licence.
- For any change of vehicle.
- Annually in respect of vehicles up to six years old.
- Six monthly in respect of vehicles over six years old.
- At annual renewal (if over 3 years old) or interim inspections, produce an original current Vehicle Inspectorate MOT Test Certificate, of no more than 10 days old.
- On any other occasion at the request of a Licensing Officer.
- After any repair made necessary by an accident affecting the safety, comfort of passengers, performance or appearance of the vehicle.

88.2 The vehicle must pass the Council vehicle compliance inspection in order for the licence to be issued or retained.

88.3 The proprietor shall at the annual renewal or interim inspections, produce a current original Vehicle Inspectorate MOT Test Certificate of no more than 10 days old.

88.4 In all cases, it will be at the discretion of the Council to grant, refuse to grant of a Private Hire Vehicle Licence.

### 89 Usage

89.1 Whilst a private hire vehicle is licensed it shall not be driven by any person other than a private hire driver licensed by Rochford District Council.

89.2 If the proprietor permits or controls any other person to drive the vehicle, that person must deposit a copy of their restricted private hire drivers' licence with the proprietor, before they commence to drive the vehicle. The proprietor will record the details of the licence in a register for that purpose. A copy of the restricted private hire drivers' licence will be retained until the driver ceases to be permitted or controlled to drive the vehicle.

89.3 A private hire vehicle may only carry out pre-booked journeys and bookings, these must be recorded in writing, or by electronic means and must comply with the current Private Hire Operators Licence Conditions.

89.4 A private hire vehicle shall not be used to ply for hire at anytime.

89.5 A private hire vehicle shall not be used to stop or wait on a taxi rank at any time.

89.6 A private hire vehicle shall not without reasonable excuse be used in the vicinity of a taxi rank.

## **90 Use by Unlicensed Drivers**

90.1 The use of an unlicensed driver to drive a licensed private hire vehicle is strictly forbidden.

## **91 Mobile Phones and Smoking in Vehicles**

91.1 Private hire vehicles are smoke free vehicles at all times.

91.2 The driver shall not at any time, whilst driving use a hand held device unless hands free.

91.3 No persons are permitted to smoke any substance or any form of electronic cigarette in a private hire vehicle at any time.

91.4 No smoking signs must be displayed on all private hire vehicles.

91.5 The proprietor of the vehicle must ensure that the current Smoke Free Legislation is complied with at all times.

## **92 Notifying Change of Personal Circumstances**

92.1 A proprietor, who changes the place at which they live, shall notify the Council of such change of address within seven days of the date of the event in writing or by electronic means.

92.2 The proprietor of a private hire vehicle will immediately or within seven days notify the Council in writing or by electronic means of any change in circumstances in relation to:

- The private hire operator or circuit.
- Any other person having an interest in the vehicle.
- The transfer of interest of the Vehicle Licence to another Person.

92.3 Transfers of vehicles will be made within 14 days of the sale of the vehicle. Original documents will be produced during application to the council.

92.4 Plates licence numbers will not be transferred without a vehicle or be retained by a licence holder without a replacement vehicle being licensed to that licence number.

## **93 Grant and Duration of Vehicle Licences**

- 93.1 .To assist owners who wish to be able to change vehicles during the period of an existing licence, the Council will operate a ‘replacement vehicle process’. For licensed vehicles this will allow the existing licence holders to replace a vehicle with another vehicle (subject to the conditions) to replace another vehicle onto the remainder of the existing vehicle licence.
- 93.2 94.2 Once a date of expiry of an existing licence has passed and a valid renewal application form and fee has not been received, the licence automatically expires.

## **94 Temporary Replacement Vehicles**

- 94.1 These vehicles are temporarily licensed by the Licensing Authority in order that a proprietor can continue to work while their vehicle is being repaired. In all cases the following conditions apply:
- 94.2 Any temporary replacement vehicle would have to meet all the suitability criteria and conditions of the licence requirements as outlined above in the same way as if for a permanent change of vehicle. The temporary replacement vehicle would also have to be mechanically tested prior to it becoming licensed and the meter tested and seal where this is appropriate. All other suitability criteria and conditions of licence such as door signs would also have to be met.
- 94.3 A temporary replacement vehicle would be permitted for use for a period of not exceeding 31 days. In exceptional circumstances, this period may be extended by further periods of 14 days at the discretion of Licensing Officers.
- 94.4 As soon as the proprietor’s vehicle is repaired, the vehicle will be presented for inspection, the magnetic door stickers and the temporary vehicle badges will be returned to the Hackney Carriage office.

## **95 Road Accidents**

- 95.1 The proprietor must report to the Council, in writing or by electronic means as soon as reasonably practicable and in any case within 72 hours of any accident to the private hire vehicle causing any damage, whether or not it materially affects the safety, performance or appearance of the vehicle or the comfort or convenience of passengers.
- 95.2 The private hire vehicle must be presented at the Council at the first available opportunity for inspection.
- 95.3 Where it is not possible for the vehicle to be inspected at the Council Offices due to the damage caused by the accident, the private hire vehicle licence plate and screen identification sticker must be returned to the Council.

## **96 Regulations**

- 96.1 The proprietor shall ensure that any driver complies with the Council's Private Hire Licence Conditions.
- 96.2 The proprietor should make themselves familiar with statutory requirements relating to private hire vehicle licensing.

## **97 Surrender of Licence**

- 97.1 If the proprietor ceases to use the vehicle for the purpose for which it is licensed they shall with seven days, surrender the licence and return the plate, which remains the property of Rochford District Council.
- 97.2 If the vehicle is unfit for use as a private hire vehicle for any reason the vehicle licence plate must be returned to the Council within seven days.
- 97.3 The vehicle licence may be suspended, revoked or refused to be renewed if the proprietor fails to comply with the conditions of the licence.

## **98 Appeals**

- 98.1 An appeal may be brought against the licensing conditions within 21 days from the date on which notice of the condition is served on the applicant, to the Magistrates' Court.
- 98.2 A proprietor disappointed by a decision of the Authority in respect of a private hire vehicle licence has a right of appeal to the Magistrates Court within 21 days.

## **99 Standard Vehicles**

- 99.1 A standard vehicle is a saloon, hatchback or estate vehicle produced by a recognised vehicle manufacturer for appeal to the mass market and has EC Whole Vehicle Type Approval and complies with the current Construction and Use Regulations.
- 99.2 The vehicle must be suitable in type, size and design for use as a private hire vehicle and according to the manufacturer's unaltered specification.
- 99.3 The vehicle must be in good mechanical order and body condition and in full and proper operational order in every respect.
- 99.4 The interior must be clean and the upholstery and flooring free from holes splits and other damage.
- 99.5 A Private Hire Saloon vehicle must not be more than six years old when first licensed (or displaying more than 70,000 miles if older than 6 years from the date of registration) and will not be re-licensed if more than 12 years old from the date of registration.
- 99.6 The vehicles must be right hand drive.



**Height**

99.7 The vehicle must have an overall height of no less than 135 cm (53 in).

**Seating**

99.8 The vehicle must have seating accommodation for at least three passengers, with a minimum width of 41 cm (16 in) per seat.

99.9 Have a separate front seat from the driver to accommodate a passenger.

99.10 The vehicle shall not carry more than the prescribed number of passengers it is licensed to carry, even if that person is carried by another.

**Doors**

99.11 The vehicle must have no less than three doors in addition to any door provided for the driver, each adjacent to and allowing direct access to and from the passenger seats.

**Luggage**

99.12 Be capable of carrying a reasonable quantity of luggage in a safe and secure manner with suitable restraints to prevent items in non-saloon vehicles becoming insecure.

99.13 Be capable of accommodating a wheelchair either constructed or dismantled in a reasonable manner with suitable restraints to prevent it becoming insecure in a non-saloon vehicle.

**100 Minibuses and MPV'S**

100.1 A minibus or MPV is a vehicle produced by a recognised vehicle manufacturer for appeal to the mass market, has EC Whole Vehicle Type Approval, and complies with the current Construction and Use Regulations.

100.2 The vehicle must be suitable in type, size and design for use as a private hire vehicle and according to the manufacturer's unaltered specification.

100.3 The vehicle must be in good mechanical order and body condition and in full and proper operational order in every respect.

100.4 The interior must be clean and the upholstery and flooring free from holes splits and other damage.

100.5 The vehicle must not be more than six years old when first licensed and will not be re-licensed if more than 10 years old.

100.6 The vehicles must be right hand drive.

**Height**

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100.7 The vehicle must have an overall height of not less than 135 cm (53 in).

### **Seating**

- 100.8 The vehicle must have seating accommodation with a minimum width of 41 cm (16 in) per seat.
- 100.9 Have separate front seats from the driver to accommodate a maximum of two passengers.
- 100.10 Have a gear change area that does not encroach into the passengers seating space and have unobstructed legroom of at least 60.6 cm (26 in) measured from the back of the front seat(s) to the closest point of the fascia.
- 100.11 If the seating configuration in the passenger area behind the driver is such that no person for the purpose of ingress or egress shall be required to move or dismantle any seat or other obstruction or manoeuvre over or round any other passenger or article carried in the vehicle.

To be suitable for 8 passengers, an internal device for the rear hatch (a quick release button) to be opened from the inside or window emergency hammer by both rear windows with instruction signage. This can be operated by passengers in order to allow access/egress in the event of an accident and the side passenger door being inaccessible.

100.12 The vehicle shall not carry more than the prescribed number of passengers it is licensed to carry, even if that person is carried by another.

### **Doors**

100.13 The vehicle must have no less than three doors in addition to any door provided for the driver, each adjacent to and allowing direct access to and from the passenger seats.

### **Luggage**

- 100.14 As outlined within the Equality Act 2010, all vehicles must be capable of carrying a reasonable quantity of luggage in a safe and secure manner with suitable restraints to prevent items becoming insecure.
- 100.15 Be capable of accommodating a wheelchair either constructed or dismantled in a reasonable manner with suitable restraints to prevent it from becoming insecure.

## **101 Safety Equipment**

101.1 A fire extinguisher shall be carried in the vehicle of a type conforming to BS5423 1997, 98, 99 with a minimum rating of 8A – 21B (type AFFF two litre minimum capacity recommended). To allow drivers to extinguish small fires. The extinguisher should not be located where it may cause injury or roll under the pedals, but be kept secure in the vehicle.

101.2 NB in the event of a fire the drivers priority is to get the passengers out of the vehicle.

## **102 Wheelchair Accessible Vehicles**

102.1 For the purposes of these conditions all references to a vehicle shall mean a wheelchair accessible vehicle being one manufactured or converted for the purposes of transporting a person in a wheelchair

## **103 Equality Act 2010**

### **Vehicles**

- 103.1 Rochford Council want to ensure that passengers in wheelchairs are better informed about the accessibility of the taxi and PHV fleet in the district, confident of receiving the assistance they need to travel safely, and not charged more than a non-wheelchair user for the same journey.
- 103.2 The Equality Act states that wheelchair accessible vehicles will be included on a licensing authority's list of designated vehicles if it conforms to such accessibility requirements.
- 103.3 Some types of wheelchair, particularly some powered wheelchairs, may be unable to access some of the vehicles included in the list. The Act recognises this possibility, and section 165(9) provides a defence for the driver if it would not have been possible for the wheelchair to be carried safely in the vehicle.
- 103.4 Rochford Council will publish on the Rochford Council website a list of all Wheelchair Accessible Vehicles and will highlight those vehicles capable of accommodating users of larger wheelchairs providing additional information about the vehicles allowing them to make informed choices about their journeys

### **Appeals**

- 103.5 Section 172 of the Act enables vehicle owners to appeal against the decision of Rochford Council to include their vehicles on the designated list. The appeal should be made to the Magistrate's Court and must be made within 28 days of the vehicle in question being included on the Rochford Council published list.
- 103.6 Permit loading of wheelchairs ONLY through the side door(s) of the vehicle. Vehicles that load wheelchairs through the tailgate will not be accepted for licensing unless a mechanical lift is present with rear side doors. Those proprietors whose vehicles are rear loading shall replace their vehicle with a vehicle that is side loading, if the vehicle is changed or when the licence is renewed after the vehicle reaches 12 years of age.
- 103.7 Shall be equipped with properly mounted fittings for the safe securing of a wheelchair and the passenger seated in it when carried inside the vehicle, in accordance with European Directive 76/115 EEC (as amended
- 103.8 If the vehicle was manufactured initially as a wheelchair accessible vehicle it must have a EC Whole Vehicle Type Approval

## Rochford District Council – Hackney Carriage and Private Hire, Driver, Vehicle and Operator Licence Conditions

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Or

- 103.9 If the vehicle has been converted after initial manufacture it must have been issued with a Low Volume Approval Certificate (LVA also known as a SubMac) or a National Small Series Type Approval (NSSTA)
- 103.10 And the applicant/licence holder must furnish all original approval/certification paperwork to the Licensing Authority on request.
- 103.11 The vehicle must be suitable in type, size and design for use as a private hire vehicle and according to the manufacturer's unaltered specification.
- 103.12 The licence holder shall ensure that the licensed vehicle is ready to transport mobility impaired passengers at their request whenever not already being hired by another person.
- 103.13 They must also present the vehicle at the council offices for the initial inspection and upon its annual renewal.
- 103.14 All vehicles are required to meet the minimum standard of construction and use and may be required to make reasonable adjustments to bring the safety standard up to date requirements to comply with best practice, Equality Act and Disability Discrimination Act.
- 103.15 A safety audit by the inspecting officer will be followed by a written report, with any recommendation that may require addressing, to meet the standards required by the regulating bodies.
- 103.16 The vehicle must be in good mechanical order and body condition and in full and proper operational order in every respect.
- 103.17 The interior must be clean and the upholstery and flooring free from holes, splits and other damage.
- 103.18 A Private Hire Wheelchair Accessible vehicle (WAV) must not be more than six years old when first licensed (or displaying more than 70,000 miles if older than 6 years from the date of registration) and will not be re-licensed if more than 14 years old from the date of registration
- 103.19 The vehicle must be right hand drive.
- 103.20 Wheelchair users cannot be charged more than the normal metered fare unless specific tailored contract is agreed in advance.

### 104 Safety Equipment

- 104.1 A fire extinguisher shall be carried in the vehicle of a type conforming to BS5423 1997, 98, 99 with a minimum rating of 8A – 21B (type AFFF two litre minimum capacity recommended) .to allow drivers to extinguish small fires. The extinguisher should not be located where it may cause injury or roll under the pedals, but be kept secure in the vehicle.

**NB in the event of a fire the driver's priority is to get the passengers out of the vehicle.**

## **105 Height**

105.1 The vehicle must have an interior overall height suitable of accommodating a person sitting in a wheelchair. It is recommended that this is a minimum of 162.5 cm (63.9 in).

## **106 Seating**

106.1 The vehicle must have seating accommodation with a minimum width of 41 cm (16 in) per seat.

106.2 Have separate front seats from the driver to accommodate a maximum of two passengers.

106.3 Have a gear change area that does not encroach into the passengers seating space and have unobstructed legroom of at least 60.6 cm (26 in) measured from the back of the front seat(s) to the closest point of the fascia.

106.4 If the seating configuration in the passenger area behind the driver is such that no person for the purpose of ingress or egress shall be required to move or dismantle any seat or other obstruction or manoeuvre over or round any other passenger or article carried in the vehicle.

To be suitable for 8 passengers, an internal device for the rear hatch (a quick release button) to be opened from the inside or window emergency hammer by both rear windows with instruction signage. This can be operated by passengers in order to allow access/egress in the event of an accident and the side passenger door being inaccessible.

106.5 A person seated in a wheelchair must be carried according to the vehicle manufactures specifications.

106.6 A child must not be carried in the vehicle while seated in a pushchair.

106.7 The vehicle shall not carry more than the prescribed number of passengers it is licensed to carry, even if that person is carried by another.

## **107 Doors**

107.1 Have no less than three doors in addition to any door provided for the driver, each adjacent to and allowing direct access to and from the passenger seats.

## **108 Luggage**

108.1 Be capable of carrying a reasonable quantity of luggage in a safe and secure manner with suitable restraints to prevent items becoming insecure.

## **109 Ramps, Lifts and Straps**

- 109.1 The appropriate ramp(s) and straps required to secure a wheelchair must be carried on the vehicle at all times. These must be stored securely in the vehicle when not in use.
- 109.2 The ramps and straps must be used and maintained in accordance with the Manufactures instructions.
- 109.3 The ramp(s) must be suitable in design, size and type and securely fitted to the vehicle when in use.
- 109.4 The ramp(s) must be maintained in good working order at all times.
- 109.5 All straps required for securing a wheelchair must be free from any defects.
- 109.6 A lap and diagonal seat belt to further secure the safety of passengers must be carried in the vehicle at all times.
- 109.7 No wheelchair and user can be transported side facing. Mobility Scooters cannot be transported with the passenger seated on the vehicle. The scooter must be transported as luggage and be safely secured.
- 109.8 Wheelchairs and users must be secured with 4 point webbing forward facing unless the vehicle has been adapted for rear facing travel. All wheelchair users must be furthered secured with a minimum 2 point lab and diagonal seat belt restraint.

## **110 Minibuses and MPV**

- 110.1 1 Passenger lifts are required by the LOLLOR regulations that a passenger lift working parts are inspected a minimum of twice a year which one of these tests must be a weight test. Current certificates must be produced at each Council inspection.
- 110.2 114.2 Minibuses with a passenger lift requires a 1ltr AFFF extinguisher in the front of the vehicle and a second extinguisher at the rear of the vehicle which needs to be a 2ltr AFFF extinguisher with signage. Both extinguishers must be secured in the vehicle. The extinguishers must be serviced annually and stamped showing the date of service.

**NB in the event of a fire the driver's priority is to get the passengers out of the vehicle.**

- 110.3 Vehicles that have been fitted with a cant rail must as from October 2014 use a three point anchorage to secure the wheelchair user.
- 110.4 Must have a minimum of 300mm clear gangway throughout from rear exit door to side exit door.
- 110.5 Vehicles must have a direction displayed on the interior and exterior of the doors i.e. pull to open.

## **111 Special Event Vehicle**

- 111.1 This is a vehicle that does not meet the criteria in relation to age or design that can be classified as a vintage vehicle or a single event vehicle. Due to the nature of these types of vehicles, requirements can vary and any licence issued in this category is vehicle specific and will not automatically allow a similar vehicle to be licensed.
- 111.2 The vehicle must be in good mechanical order and body condition and in full and proper operational order in every respect.
- 111.3 The interior must be clean and the upholstery and flooring free from holes, splits and other damage.
- 111.4 The vehicle must comply with Construction and Use Regulations pertaining to the type of vehicle submitted for licensing.
- 111.5 The vehicle will only be licensed whilst it is sound in both body and mechanical condition.
- 111.6 The vehicle will be designed to carry a maximum of eight passengers only. For calculating seating capacity, the measurement of a single seat width shall be a minimum of 41 cm (16 in) per person.
- 111.7 On inspection, a current original Vehicle Inspectorate MOT Test Certificate of no more than 10 days old must be produced.
- 111.8 Produce a valid original certificate of insurance for private hire use. These can be in the form of a pdf document direct from the insurance company/consultant

## **112 Seating**

- 112.1 If front seats are of bench type design, they must have an armrest to separate the passenger and driver. The seat accommodation should be a minimum width of 41 cm (16 in) per seat.
- 112.2 The rear seating accommodation must have a minimum width of 41 cm (16 in) per seat.

## **113 Doors**

- 113.1 If doors are fitted, there will be at least one in addition to the drivers' door. Other conditions may be applied to ensure the comfort and safety of passengers.

## **114 Luggage**

- 114.1 If luggage accommodation is provided, it must be capable of carrying a reasonable quantity of luggage in a safe and secure manner with suitable restraints to prevent items becoming insecure.

### **115 Stretched Limousine**

- 115.1 Any stretched limousine submitted for licensing, which does not comply with the requirements of the standard vehicle specification shall have a valid Single Vehicle Approved Certificate (SVA) or an Individual Vehicle Approved Certificate (IVA)
- 115.2 The vehicle must be suitable in type, size and design for use as a private hire vehicle and according to the manufactures specification.
- 115.3 The vehicle must be in good mechanical order and body condition and in full and proper operational order in every respect.
- 115.4 The interior must be clean and the upholstery and flooring free from holes, splits and other damage.
- 115.5 The vehicle will only be licensed whilst it is sound in both body and mechanical condition.
- 115.6 The vehicle may not be more than six years old when first licensed and may not be re-licensed if more than 12 years old.

### **116 Seating**

- 116.1 The vehicle will be designed to carry a maximum of eight passengers only. For calculating seating capacity, the measurement of a single seat width shall be a minimum of 41 cm (16 in) per person. The seating area cannot exceed 325 centimetres (128 inches).
- 116.2 If a front seat is fitted, it must be separate from the driver to accommodate a maximum of two passengers.

### **117 Doors**

- 117.1 In addition to the driver's front doors, two doors shall be provided in the rear passenger compartment on the near and offside of the vehicle. Other conditions may be applied to ensure the comfort and safety of passengers.

### **118 Luggage**

- 118.1 If luggage accommodation is provided, it must be capable of carrying a reasonable quantity of luggage in a safe and secure manner with suitable restraints to prevent items becoming insecure.

### **119 Trailers and Roof Boxes**

- 119.1 A private hire vehicle shall not, without the consent of the Council be used to tow a trailer.
- 119.2 A trailer authorised by the Council for use with a licensed vehicle will be, at all times, equipped with a spare wheel maintained and suitable for use with that trailer.



## **Rochford District Council – Hackney Carriage and Private Hire, Driver, Vehicle and Operator Licence Conditions**

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119.3 A trailer authorised by the Council for use with a licensed vehicle will be, maintained in a roadworthy condition.

119.4 A private hire vehicle that has been authorised by the Council to tow a trailer shall not exceed the towing vehicle specifications for a trailer.

119.5 A private hire vehicle shall not, without the consent of the Council use a roof box.

### **120 Tow Bars**

120.1 A tow bar fitted to a private hire vehicle shall be covered at all times when not in use with an appropriate cover.

## **Private Hire Vehicle Operator Licence Conditions**

### **121 A Person or Company, who accepts a booking directly from a hirer for the use of a private hire vehicle, requires a private hire vehicle operator's licence.**

A person being considered for a private hire operator's licence shall:

- Produce an original current passport or birth certificate.
- Provide two passport size photographs
- Provide two character referees.
- Produce a list of vehicles used under the operators licence.
- Be vetted by the Disclosure and Barring Service. Applicants are provided with the relevant form which must be completed and returned with the appropriate original documentation and fee to the council. Once the applicant receives the DBS certificate it must be produced at this office within 3 months of the date on the document. Or if the applicant has applied for an enhanced check and has paid for the DBS update service, the council must have access to this service at all times to check their status when the applicant applied for a new, renewal of a licence or for enforcement purposes.

### **122 Right to work in the UK**

122.1 All applicants must provide evidence of their right to work in the UK. This is required for the first application and all renewals.

122.2 The below is a list of evidence that can be provided to prove the applicant has a right to work in the UK, this list is not exhaustive and other original documents may be accepted, however this must be discussed with the licensing authority in advance of the application being submitted..

- A UK passport confirming that the holder is a British Citizen (or citizen of another EEA country – including Switzerland),
- Passport or other travel document endorsed to show that the holder is allowed to stay in the United Kingdom and undertake paid employment,
- Full UK Birth / Adoption Certificate,
- An Immigration Document issued by the UK Visas and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment,
- A work permit or other approval to take employment issued by the Home Office or the UK Visas and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is

## Rochford District Council – Hackney Carriage and Private Hire, Driver, Vehicle and Operator Licence Conditions

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allowed to stay in the United Kingdom and is allowed to undertake paid employment.

122.3 Where an applicant is subject to immigration controls the licence will be issued in line with the work permit restrictions

122.4 An applicant must not:

- Have been convicted of a criminal offence (e.g. theft) during the previous three years.
- Have been convicted of a serious criminal offence e.g. causing grievous bodily harm or sexual offence during the previous seven years.
- Have been convicted of a criminal offence which is not otherwise "spent" under the terms of the Rehabilitation of Offenders Act 1974.
- Have received a police caution for a criminal offence within the previous 12 months.
- Have previously had a private hire operator licence refused, suspended or revoked by another Authority.

122.5 Planning permission needs to be sought to ensure that the proprietor complies with all Planning Regulations.

122.6 Operators are required to operate from premises located within the Rochford District. The address specified in the licence must be located within the Rochford District

122.7 The application form together with all relevant documentation must be presented by the applicant, in person, to the Transportation Department at Rochford District Council.

122.8 An operator's licence is granted to the person named on the application form and is not transferable.

122.9 Any person aggrieved by a decision of the Council to refuse to grant a licence, has a right of appeal to the Magistrates' Court within 21 days of that decision.

In all cases, it will be at the discretion of the Council to grant, refuse the grant, of a licence.

## 123 Introduction

123.1 The operator of a private hire vehicle(s) must ensure that they comply with the licence conditions, which may be amended or varied by the Council at any time.

## **124 Vehicles**

124.1 The operator shall keep records in written or electronic form of all private hire vehicles operating under their licence, in a register which shall contain the following information:

- Private hire vehicle licence number.
- Vehicle registration number.
- Make and type of vehicle.
- Proprietors name and address.
- Name and address of all private hire drivers controlled by them.
- A current copy of each vehicles MOT and insurance.

## **125 Bookings**

125.1 An operator shall keep in written or in electronic form a record of every booking of a private hire vehicle, invited or accepted on his behalf. Details will be recorded in a register which will contain the following information:

- Time and date of booking.
- Time and date of hiring.
- Name of hirer.
- Details of journey, e.g. from and to.
- Name of driver allocated to booking.
- Details of vehicle allocated to booking.
- Fare quoted if not a metered rate.

## **126 Production of Documentation**

126.1 The operator shall produce the records specified in the conditions on request to an Authorised Officer of the Council or to any Police Officer for inspection. These records must be retained for a minimum period of 12 months.

126.2 At the renewal of the licence an operator must produce to the Council their records of a minimum of 10 days for the period immediately prior to the renewal.

## **127 Advertising**

127.1 Advertising material used by the operator should not imply that a private hire vehicle is a hackney carriage by the use of the words Taxi or Cab in any form.

## **128 Change of Address**

- 128.1 An operator must notify the Council in writing or by electronic means within seven days of any change of address or premises during the period of the licence.
- 128.2 The premises must be located within the Rochford district

## **129 Convictions**

- 129.1 The operator shall within seven days disclose in writing or by electronic means to the Council, details of any charges, convictions or police cautions imposed on them during the period of the licence.
- 129.2 In the event that the licence holder is charged or summonsed for any alleged criminal offence, they shall within seven days of being charged, or on receipt of the summons, report the fact, in writing or by electronic means, to the Council. Particulars of each alleged offence and in which Court the proceedings are pending must be supplied.
- 129.3 In the event that the licence holder is cautioned or convicted of any criminal offence, they shall, within seven days, report such caution or conviction in writing or by electronic means to the Council. Particulars of each caution or conviction, and any penalty imposed must be supplied.

## **130 Operational Considerations**

- 130.1 The operator shall not employ or otherwise engage whether directly or indirectly any driver to drive any private hire vehicle for which the operator accepts bookings unless the driver holds a private hire drivers licence with Rochford District Council.
- 130.2 The operator shall provide a prompt and efficient service to all members of the public at all reasonable times.
- 130.3 The operator shall ensure that when a private hire vehicle has been hired that it arrives at an appointed time and place punctually, unless delayed or prevented by sufficient cause.
- 130.4 The operator must keep clean, adequately lit and heated premises to which the public have access, whether for the purpose of booking or waiting for a vehicle and ensure that any waiting area provided has adequate seating facilities.
- 130.5 The operator must ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
- 130.6 The operators licence must be clearly displayed at the operator's premises.
- 130.7 The operator must ensure that the current Smoke Free Legislation is complied with at all times.

### **131 Complaints**

131.1 The operator shall immediately upon receipt of a complaint made against them or one of their operatives, notify the Council in writing within seven days of receiving the complaint.

### **132 Appeals**

132.1 An Appeal may be brought against the licensing conditions within 21 days from the date on which notice of the condition is served on the applicant, to the Magistrates' Court.

132.2 A proprietor disappointed by a decision of the Authority in respect of a private hire vehicle operator's licence has a right of appeal to the Magistrates Court within 21 days

**Appendix A**  
**PENALTY POINTS SYSTEM**  
**HACKNEY CARRIAGE/PRIVATE HIRE - VEHICLES, PROPRIETORS,**  
**OPERATORS**

The penalty points system for recording non compliance with Hackney Carriage or Private Hire requirements will operate as follows:-

1. Rochford Council's Enforcement Policies will be fully considered by the enforcing officer when determining the manner in which any breach of the legislation or the requirements of this policy are dealt with. Where it is decided that the use of penalty points is appropriate they will be issued in accordance with the rate in the attached schedule.
2. Before penalty points are issued there must be sufficient evidence to prove the offence or breach of conditions.
3. Each case will be considered on its merits
4. When points are issued the proprietor or driver will be sent written confirmation within 10 working days. There is a right of appeal to the Head of Legal Services.
5. Points issued remain live for a period of 2 years from date of issue. Points will be deleted after this two year period.
6. The Appeals committee may take into account previous penalty points if a trend is identified or considered relevant by the members.
7. Any driver, proprietor or operator accumulating 12 points in a two year period will be required to appear before a panel of the appeals committee.
8. When a driver, proprietor or operator is brought before the appeals committee, the panel may exercise one of the following options:-
  - a. Suspend the licence
  - b. Revoke the licence;
  - c. Issue written warning;
  - d. Extend the two year period in which points remain live;
  - e. Take no further action.
  - f. Any other action the panel feels appropriate (including Penalty Points)
9. Any driver, operator or proprietor required to appear before the appeals committee having accumulated 12 points shall be entitled to make representations to the panel or be legally represented at the hearing.
10. Nothing in this penalty points system will stop the council from taking action under any appropriate legislation.
11. This penalty points system will be reviewed two years after implementation and as necessary thereafter.

# PENALTY POINTS SYSTEM

## HACKNEY CARRIAGE/PRIVATE HIRE - VEHICLES, PROPRIETORS, OPERATORS

### LEGISLATION

Code	Imposition of points by LO or Ctte	Section and Offence	Penalty Points or Action	Operator	Proprietor	Drivers
LEG1	LO / CTTE	GIVING FALSE INFORMATION ON A HACKNEY CARRIAGE LICENCE APPLICATION.	6 – 12*		✓	✓
LEG2	LO	FAILURE TO NOTIFY CHANGE OF ADDRESS ON A HACKNEY CARRIAGE LICENCE.	2		✓	✓
LEG3	CTTE	PLYING FOR HIRE WITHOUT A HACKNEY CARRIAGE LICENCE.	12			✓
LEG4	CTTE	DRIVING A HACKNEY CARRIAGE WITHOUT A HACKNEY CARRIAGE DRIVER'S LICENCE.	12			✓
LEG5	CTTE	LENDING OR PARTING WITH A HACKNEY CARRIAGE DRIVER'S LICENCE.	12			✓
LEG6	LO	FAILURE OF A PROPRIETOR TO RETAIN IN HIS/HER POSSESSION COPIES OF ANY HACKNEY CARRIAGE DRIVER'S LICENCE THAT PERMITS THEM TO DRIVE THEIR VEHICLE.	3		✓	
LEG7	LO	FAILURE OF A PROPRIETOR TO PRODUCE ON REQUEST BY AN AUTHORISED OFFICER ANY HACKNEY CARRIAGE DRIVER'S LICENCE FOR WHOM HE HAS PERMITTED TO DRIVE HIS/HER VEHICLE.	3		✓	
LEG8	LO / CTTE	REFUSAL TO TAKE A FARE WITHOUT A REASONABLE EXCUSE.	8 – 12*			✓
LEG9	CTTE	FAILURE TO WAIT AFTER A DEPOSIT TO WAIT HAS BEEN PAID.	12			✓
LEG10	LO	CARRYING PERSONS OTHER THAN WITH THE CONSENT OF THE HIRER.	6			✓
LEG11	LO	DRIVER LEAVING A HACKNEY CARRIAGE UNATTENDED.	2			✓
LEG12	LO	HACKNEY CARRIAGE DRIVER OBSTRUCTING OTHER HACKNEY CARRIAGES.	2			✓



**Appendix A**  
**PENALTY POINTS SYSTEM**  
**HACKNEY CARRIAGE/PRIVATE HIRE - VEHICLES, PROPRIETORS, OPERATORS**

LEG13	LO / CTTE	BREECH OF BYELAWS	3 - 6		✓	✓
LEG14	CTTE	A LICENSED DRIVER USING AN UNLICENSED VEHICLE FOR PRIVATE HIRE PURPOSES.	12			✓
LEG15	CTTE	DRIVING A PRIVATE HIRE VEHICLE WITHOUT A PRIVATE HIRE DRIVER'S LICENCE.	12			✓
LEG 16	CTTE	OPERATOR / PROPRIETOR OF A VEHICLE PERMITTING OR EMPLOYING AN UNLICENSED DRIVER TO DRIVE A VEHICLE.	8-12		✓	
LEG17	LO / CTTE	OPERATING A PRIVATE HIRE VEHICLE WITHOUT A PRIVATE HIRE OPERATORS' LICENCE.	8-12	✓		
LEG18	LO	FAILURE TO NOTIFY THE TRANSFER OF A VEHICLE LICENCE.	4		✓	✓
LEG19	LO	FAILURE TO PRESENT A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE FOR INSPECTION UPON REQUEST.	3		✓	
LEG20	LO	FAILURE TO INFORM THE LICENSING AUTHORITY WHERE A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE IS STORED, IF REQUESTED.	6		✓	
LEG21	LO	FAILURE TO PRODUCE THE VEHICLE AND/OR INSURANCE UPON REQUEST.	6		✓	✓
LEG22	LO	FAILURE TO WEAR A PRIVATE HIRE DRIVER'S BADGE.	3-6*			✓
LEG23	LO / CTTE	FAILURE OF A PRIVATE HIRE OPERATOR TO KEEP PROPER RECORDS, OR FAILURE TO PRODUCE THEM UPON REQUEST OF AN AUTHORISED OFFICER OF THE LICENSING AUTHORITY OR A POLICE OFFICER WITHIN REASONABLE TIME / OR TIME SPECIFIED.	3-8*	✓		
LEG24	CTTE	MAKING A FALSE STATEMENT OR WITHHOLDING INFORMATION TO OBTAIN A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE.	12			✓
LEG25	CTTE	FAILURE TO RETURN A PLATE / LICENCE AFTER NOTICE HAS BEEN GIVEN FOLLOWING EXPIRY, REVOCATION, OR SUSPENSION OF A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE LICENCE.	6-12*		✓	
LEG26	CTTE	PERMITTING A PRIVATE HIRE VEHICLE TO WAIT ON A HACKNEY CARRIAGE RANK.	6-12*			✓

**Appendix A**  
**PENALTY POINTS SYSTEM**  
**HACKNEY CARRIAGE/PRIVATE HIRE - VEHICLES, PROPRIETORS, OPERATORS**

LEG27	LO / CTTE	CHARGING MORE THAN THE METER FARE FOR A JOURNEY ENDING OUTSIDE THE DISTRICT, WITHOUT PRIOR AGREEMENT.	8			✓
LEG28	LO / CTTE	UNNECESSARILY PROLONGING A JOURNEY.	8			✓
LEG29	CTTE	INTERFERING WITH A TAXIMETER WITH INTENT TO MISLEAD.	12		✓	✓
LEG30	CTTE	OBSTRUCTION OF AN AUTHORISED OFFICER OF THE LICENSING AUTHORITY OR A POLICE OFFICER.	6-12*	✓	✓	✓
LEG31	LO / CTTE	FAILURE TO COMPLY WITH A REQUIREMENT OF AN AUTHORISED OFFICER OF THE LICENSING AUTHORITY OR A POLICE OFFICER.	3-12*	✓	✓	✓
LEG32	LO / CTTE	FAILURE TO GIVE INFORMATION OR ASSISTANCE TO AN AUTHORISED OFFICER OF THE LICENSING AUTHORITY OR POLICE OFFICER.	3-12*	✓	✓	✓

# PENALTY POINTS SYSTEM

## HACKNEY CARRIAGE/PRIVATE HIRE - VEHICLES, PROPRIETORS, OPERATORS

### LEGISLATION

Code	Imposition of points by LO or Ctte	Section and Offence	Penalty Points or Action	Operator	Proprietor	Drivers
POL 1	LO / CTTE	FAILURE TO ENSURE THE SAFETY OF PASSENGERS.	3-12*	✓	✓	✓
POL2	LO / CTTE	CONCEALING OR DEFACING A VEHICLE LICENCE PLATE.	6	✓	✓	✓
POL3	LO	FAILURE TO ATTEND ON TIME FOR A PREARRANGED APPOINTMENT AT THE REQUEST OF THE LICENSING AUTHORITY FOR INTERVIEW WITHOUT REASONABLE CAUSE.	2	✓	✓	✓
POL4	LO	CONVEYING A GREATER NUMBER OF PASSENGERS THAN PERMITTED.	6-12*			✓
POL5	LO	FAILURE TO GIVE REASONABLE ASSISTANCE WITH PASSENGER'S LUGGAGE.	2			✓
POL6	LO / CTTE	PRIVATE HIRE SOLICITING FOR HIRE OR ACCEPTING A FARE THAT IS NOT PRE-BOOKED.	6			✓
POL7	LO	OPERATING/USING A VEHICLE THAT IS NOT CLEAN AND TIDY INTERNALLY OR EXTERNALLY.	2-4		✓	✓
POL8	LO / CTTE	OPERATING/USING A VEHICLE THAT IS NOT IN A SAFE CONDITION INTERNALLY OR EXTERNALLY.	6-12*		✓	✓
POL9	CTTE	DRIVING WITHOUT THE CONSENT OF THE PROPRIETOR.	12			✓
POL10	LO	DRINKING OR EATING IN THE VEHICLE WHILST CARRYING PASSENGERS.	2			✓
POL11	LO	SMOKING IN THE VEHICLE AT ANY TIME.	4-8*			✓

# PENALTY POINTS SYSTEM

## HACKNEY CARRIAGE/PRIVATE HIRE - VEHICLES, PROPRIETORS, OPERATORS

### LEGISLATION

Code	Imposition of points by LO or Ctte	Section and Offence	Penalty Points or Action	Operator	Proprietor	Drivers
POL12	LO	CAUSING EXCESSIVE NOISE FROM ANY RADIO OR SOUND-REPRODUCING EQUIPMENT.	2			✓
POL13	LO	SOUNDING THE HORN TO SIGNAL THAT THE VEHICLE HAS ARRIVED. DISTURBING RESIDENTS	2			✓
POL14	LO	ALLOWING A PRIVATE HIRE VEHICLE TO STAND IN SUCH A POSITION AS TO SUGGEST THAT IT IS PLYING FOR HIRE OR USING A HACKNEY CARRIAGE STAND.	6			✓
POL15	LO	ALLOWING A HACKNEY CARRIAGE VEHICLE TO STAND IN A POSITION, NOT BEING A HACKNEY CARRIAGE STAND, TO SUGGEST THAT IS PLYING FOR HIRE.	6			✓
POL16	LO	PARKING A HACKNEY CARRIAGE VEHICLE OR PRIVATE HIRE VEHICLE ILLEGALLY SO AS TO CAUSE AN OBSTRUCTION TO OTHER ROAD USERS.	3			✓
POL17	LO / CTTE	USING A NON-HANDS FREE MOBILE TELEPHONE WHILST DRIVING/ENGINE RUNNING.	6-12*			✓
POL18	CTTE	FAILURE TO ADVISE OF A RELEVANT MEDICAL CONDITION.	12			✓
POL19	LO	FAILURE TO PROVIDE A RECEIPT FOR A FARE WHEN REQUESTED.	2			✓
POL20	LO / CTTE	FAILURE TO OPERATE THE METER FROM THE COMMENCEMENT OF THE JOURNEY AND /OR CHARGING MORE THAT THE FIXED CHARGE FOR HIRE OF A HACKNEY CARRIAGE.	8 – 12*			✓
POL21	LO	FAILURE TO NOTIFY THE LICENSING AUTHORITY OF RELEVANT CHANGE TO LICENCE DETAILS WITHIN THE TIME	2	✓	✓	✓

# PENALTY POINTS SYSTEM

## HACKNEY CARRIAGE/PRIVATE HIRE - VEHICLES, PROPRIETORS, OPERATORS

### LEGISLATION

Code	Imposition of points by LO or Ctte	Section and Offence	Penalty Points or Action	Operator	Proprietor	Drivers
		SPECIFIED IN THE ASSOCIATED LICENCE CONDITIONS.				
POL22	LO	FAILURE TO PRODUCE A HACKNEY CARRIAGE OR PRIVATE HIRE LICENCE UPON REQUEST.	3	✓	✓	✓
POL23	LO	FAILURE TO SHOW A PRIVATE HIRE DRIVER'S LICENCE TO THE PRIVATE HIRE OPERATOR AT THE COMMENCEMENT OF EMPLOYMENT.	2			✓
POL24	LO	FAILURE OF A PRIVATE HIRE OPERATOR TO REQUEST AND KEEP A COPY ALL DRIVER'S LICENCE IN HIS EMPLOY AT THE BEGINNING OF EMPLOYMENT.	2	✓		
POL25	CTTE	FAILURE OF A LICENCE HOLDER TO DISCLOSE CONVICTIONS WITHIN SEVEN DAYS OF CONVICTION.	12	✓	✓	✓
POL26	CTTE	DRIVER OR PROPRIETOR OF HACKNEY CARRIAGE REFUSING TO CONVEY AN ASSISTANCE DOG FOR THE DISABLED OR VISUALLY IMPAIRED WHEN REQUESTED BY THE DOG'S OWNER. (DISABILITY DISCRIMINATION ACT)	12			✓
POL27	LO	FAILURE TO SEARCH A VEHICLE AFTER A JOURNEY OR FAILURE TO TAKE FOUND PROPERTY TO THE POLICE WITHIN FORTY EIGHT HOURS OF FINDING.	3			✓
POL28	LO	FAILURE TO REPORT AN ACCIDENT WITHIN SEVENTY TWO HOURS.	6			✓
POL29	LO / CTTE	FAILURE TO COMPLY WITH REQUIREMENTS FOR THE SAFE CARRYING OF A WHEELCHAIR (DISABILITY DISCRIMINATION ACT)	6-12*		✓	✓
POL30	LO / CTTE	OPERATING A VEHICLE THAT DOES NOT COMPLY WITH THE LICENSING AUTHORITY'S LICENSING POLICY OR	3-12*		✓	✓

# PENALTY POINTS SYSTEM

## HACKNEY CARRIAGE/PRIVATE HIRE - VEHICLES, PROPRIETORS, OPERATORS

### LEGISLATION

Code	Imposition of points by LO or Ctte	Section and Offence	Penalty Points or Action	Operator	Proprietor	Drivers
		RELEVANT LEGISLATION WHERE SUCH A BREACH OF POLICY/LEGISLATION IS NOT OTHERWISE SPECIFIED HEREIN.				
POL31	CTTE	A PRIVATE HIRE DRIVER USING A HACKNEY CARRIAGE VEHICLE WITHOUT A HACKNEY CARRIAGE DRIVER LICENCE.	12			✓
POL32	LO	FAILURE TO CARRY AN APPROVED FIRE EXTINGUISHER.	2-4		✓	✓
POL33	LO / CTTE	MODIFYING A LICENSED VEHICLE WITHOUT THE CONSENT OF THE LICENSING AUTHORITY.	6-12*		✓	✓
POL34	LO	FAILURE TO DISPLAY OR MAINTAIN EXTERNAL PLATES AS ISSUED BY THE LICENSING AUTHORITY OR DISPLAYING THEM INCORRECTLY E.G. IN THE WINDOW OF A VEHICLE.	4		✓	✓
POL35	LO	AFFIXING OR DISPLAYING A ROOF SIGN ON A PRIVATE HIRE VEHICLE OR FAILURE TO AFFIX A ROOF SIGN TO A HACKNEY CARRIAGE VEHICLE.	4-6		✓	✓
POL36	LO	DISPLAYING A SIGN OR ADVERTISEMENT ON A LICENSED VEHICLE THAT DOES NOT SATISFY THE POLICY REQUIREMENTS OR HAS NOT BEEN APPROVED BY THE LICENSING AUTHORITY.	2-4		✓	✓
POL37	LO / CTTE	USING A TAXI-METER THAT DOES NOT CONFORM TO LICENSING AUTHORITY REQUIREMENTS.	6-12*	✓	✓	✓
POL38	CTTE	DRIVING WITH NO INSURANCE OR INADEQUATE INSURANCE FOR THE VEHICLE.	12		✓	✓
POL39	CTTE	PERMITTING THE VEHICLE TO BE USED FOR ANY ILLEGAL OR IMMORAL PURPOSES.	12	✓	✓	✓
POL40	LO	FAILURE OF A PRIVATE HIRE OPERATOR TO ENSURE THAT OFFICE STAFF ACT IN A CIVIL AND COURTEOUS MANNER	2	✓		

# PENALTY POINTS SYSTEM

## HACKNEY CARRIAGE/PRIVATE HIRE - VEHICLES, PROPRIETORS, OPERATORS

### LEGISLATION

Code	Imposition of points by LO or Ctte	Section and Offence	Penalty Points or Action	Operator	Proprietor	Drivers
		AT ALL TIMES.				
POL41	LO / CTTE	FAILURE OF A PRIVATE HIRE OPERATOR TO KEEP THE OPERATING PREMISES IN ACCORDANCE WITH LICENSING AUTHORITY REQUIREMENTS.	3-12*	✓		
POL42	CTTE	FAILURE OF A PRIVATE HIRE OPERATOR TO ENSURE THAT ALL VEHICLES OPERATED BY HIM ARE ADEQUATELY INSURED.	12	✓		
POL43	LO / CTTE	FAILURE OF A PRIVATE HIRE OPERATOR TO OBTAIN PUBLIC LIABILITY INSURANCE FOR THE OPERATING PREMISES IF THE PUBLIC ARE ALLOWED ACCESS.	6	✓		
POL44	LO	DRIVING OR ALLOWING A HACKNEY CARRIAGE VEHICLE TO BE DRIVEN WITH TINTED WINDOWS WHICH DO NOT CONFORM TO LICENCE CONDITIONS.	2		✓	✓
POL45	LO / CTTE	DRIVING OR ALLOWING A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE TO BE DRIVEN WITHOUT DISPLAYING THE DOOR SIGNS OR ATTACHING THE SIGNS OTHER THAN IN ACCORDANCE WITH THE COUNCILS POLICY.	2		✓	✓
POL46	LO	ALLOWING A HACKNEY CARRIAGE VEHICLE TO BE DRIVEN WITH A TOP SIGN THAT IS IN BREACH OF THE LICENCE CONDITIONS.	2		✓	



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